

RECEIVED

Apr 02 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHAN MILES GINTER,

APPELLANT.

APPELLATE CASE NO. 2024-001830

MOTION FOR REMAND FOR RECONSTRUCTION OF APPELLANT'S TRIAL

Pursuant to Rule 240, SCACR, undersigned counsel moves to remand this matter to the trial court requiring reconstruction of portions of Appellant's trial from June 10-12, 2024.

Appellant was indicted for four counts of unlawful conduct towards a child (2022-GS-40-05213, 2022-GS-40-05214, 2022-GS-40-05215, and 2022-GS-40-05216) by the Richland County grand jury on November 11, 2022. On June 10, 2024, appellant was tried for these charges *in absentia* before the Honorable Robert E. Hood and a jury. Appellant was represented by retained counsel Brett Perry. Assistant Solicitors Anna Browder, Kathryn Cavanaugh, and Gabrielle Sharp prosecuted the case. On June 12, 2024, Appellant was found guilty as indicted. On October 22,

2024, Appellant was sentenced to a term of ten (10) years' incarceration on each charge, to run consecutively. This case is now on direct appeal before this Court. Appellant has been unable to obtain a true and complete transcript of this trial, as will be discussed below.

This case was not assigned to a live court reporter but was recorded by the Digital Court Reporter Project (DCRP).

The first 378-page transcript delivered on or about October 31, 2025, by subcontractor Legal Eagle and transcribed by Jessica Antonucci¹, contained 664 instances of "inaudible" testimony and pleadings and various scrivener's errors, lacked timestamps throughout the proceedings including jury deliberations, lacked notations of entered evidence on the exhibits index, and lacked known missing audio during the state's closing argument. On December 8, 2025, the undersigned submitted a Transcript Challenge, along with a thirteen-page *errata*, to Court Administration and to Ms. Antonucci.

On December 9, 2025, Legal Eagle returned Revision A of the trial transcript to this office without the correction of various scrivener's errors, still containing 664 instances of "inaudible" testimony and pleadings, still lacking timestamps, and still lacking the known missing audio. On December 9, 2025, undersigned counsel informed Court Administration that the transcript challenge would proceed. On December 12, 2025, undersigned counsel filed a Motion for Abeyance Pending Receipt of the Corrected Trial Transcript with this Court. On December 19, 2025, this Court issued an Order holding this case in abeyance pending the corrected trial transcript and directed undersigned counsel to provide status updates to this Court every 30 days.

¹ The certificate of transcriber lacks the appropriate designation of certification listed in Section III of the Court Reporter Manual for South Carolina
<https://www.sccourts.org/courtreporter/CourtReporterManual.pdf>

On January 20, February 19, and March 23, 2026, undersigned counsel filed status updates with this Court outlining a lack of clear and prompt communication from Court Administration throughout the challenge process.

On March 23, 2026, Legal Eagle returned Revision B of the trial transcript to this office without the correction of various scrivener's errors, still containing 540 instances of "inaudible" testimony and pleadings, still lacking timestamps, and still lacking the missing audio. This transcript additionally contained an erroneous certificate of the transcriber noting "true, accurate, and complete Transcript of Record of the proceedings...introduced in the trial of the captioned case....on the 10th, 11th, and 12th of September, 2025" with date of completion listed as October 31, 2025.

Upon receipt of Revision B, undersigned counsel contacted Court Reporter Section Manager Tammie Holmes to challenge Revision B and to inquire as to the lack of time stamps in violation of Chapter XV, Section M of the South Carolina Court Reporter Manual (hereinafter "the Manual") and the still missing audio of the state's closing argument. This transcript is attached to this Motion as Exhibit A.²

On March 26, 2026, Ms. Holmes informed the undersigned for the first time that the missing audio of the state's closing argument does not exist. Ms. Holmes further inquired of the undersigned requesting a citation to the particular portion of the Manual requiring the Revision to include time stamps. This correspondence is attached to this Motion as Exhibit B.

² This exhibit is submitted under seal due to the inherently sensitive nature of the transcript and lack of time available to prudently redact the same to comply with the Supreme Court's April 15, 2014 order on personally identifying information.

On March 27, 2026, undersigned counsel directed Ms. Holmes to the Manual and inquired as to the condition of the backup tapes required under Chapter XIII, Section C of the Manual. This correspondence is also contained in Exhibit B.

The trial court has the authority to set the record for appeal. *State v. Ladson*, 373 S.C. 320, 324, 644 S.E.2d 271, 273 (Ct. App. 2007). “[T]he inability to prepare a complete verbatim transcript, in and of itself, does not necessarily present a sufficient ground for reversal.” *Id.* (internal citations omitted). “Where a trial transcript has been lost or destroyed, a court may remand to have the record reconstructed.” *Koon v. State*, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004); *see also Whitehead v. State*, 352 S.C. 215, 221, 574 S.E.2d 200, 203 (2002) (holding that when a transcript has been lost or destroyed, an appellate court may remand to have the record reconstructed).

In order for the record to be reconstructed, it must be done in a manner that provides for meaningful appellate review and complies with the constitutional guarantees of procedural due process. *Ladson*, 373 S.C. at 325, 644 S.E.2d at 273-274; *see also Adams v. H.R. Allen, Inc.*, 397 S.C. 652, 726 S.E.2d 9 (Ct. App. 2012). Moreover, a “new trial is therefore appropriate if the appellant establishes that the incomplete nature of the transcript prevents the appellate court from conducting a meaningful appellate review.” *Ladson*, 373 S.C. at 325, 644 S.E.2d at 274 (internal quotations omitted).

In *Ladson*, after the reconstruction hearing, the Court was “left with a bare bones summary of the evidence (with more remaining unknown than known) from a lengthy multi-day and fact-intensive trial that resulted in a non-parolable, twenty-five-year person term.” *Id.* at 327, 644 S.E.2d at 274. The record before the *Ladson* Court contained only “a few gratuitous references to generic motions and objections” without any information concerning “the context of the motions,

the specific nature of the motions, and whether the challenged evidence was cumulative to other unchallenged evidence.” *Id.* In concluding the record was insufficient for meaningful appellate review, this Court also noted the record “would effectively foreclose any collateral challenge through post-conviction relief or otherwise.” *Id.* at 327, 644 S.E.2d at 275. Thus, this Court concluded, Ladson had demonstrated “clear prejudice.” *Id.*

In *Deaton v. Leath*, 279 S.C. 82, 84, 302 S.E.2d 335, 336 (1983), the defendant’s convictions were set aside, and a new trial had where the court reporter’s equipment malfunctioned and there was no transcript of the trial court proceedings in the case from which to base an appeal. Citing *Deaton*, the Court of Appeals denied a request for reconstruction in *State v. Serrette*, 375 S.C. 650, 652-653, 654 S.E.2d 554, 555 (Ct. App. 2007) where the reason for the lack of transcript was due to the defendant’s absence for a ten-year period, which this Court explained was “not a situation where the court reporter’s equipment malfunctioned at trial leading to a loss of the trial transcript.”

The absence of critical portions of the trial transcript and the lack of clarity throughout in the present matter, including several instances of “inaudible” witness testimony, which renders significant portions thereof incomprehensible, the absence of a significant portion of the charge conference, including the trial court’s rulings, and the absence of a significant portion of the state’s closing argument prevents meaningful appellate review and reconstruction of the testimony of the omitted witnesses and acknowledgement of the factual and legal basis for issues surrounding the same.

WHEREFORE, undersigned counsel moves this Court to remand this matter to the trial court for the reconstruction of the missing portions of the June 2024 trial. While this motion is pending, counsel asks this Court to continue hold the timelines for filing the initial brief of appellant and designation of matter.

Respectfully submitted,



W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 2nd day of April, 2026.

RECEIVED

Apr 02 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHAN MILES GINTER,

APPELLANT.

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Reconstruct the Record of Appellant's Trial in the above-referenced case have been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 2nd day of April, 2026.



W. Chandler Norcille
Appellate Defender

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL
) SESSIONS, FIFTH JUDICIAL
) CIRCUIT
COUNTY OF RICHLAND)

The State,)
) TRANSCRIPT OF RECORD
versus) 2022-GS-40-05213-05216
)
Nathan Miles Ginter,) June 10-12, 2024
) Richland County Courthouse
Defendant.)

B E F O R E:

HONORABLE ROBERT E. HOOD, JUDGE; and a jury

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

ANNA BROWDER, ESQUIRE
KATHRYN CAVANAUGH, ESQUIRE
GABRIELLE SHARP, ESQUIRE
Attorney for the State

BRETT PERRY, ESQUIRE
Attorney for the Defendant

Jessica Antonucci
Certified Transcriber

LEGAL EAGLE

Post Office Box

Greenville, South Carolina 29606

(864) 467-1373 -- depos@legaleagleinc.com

INDEXWITNESSES

Rachel Brewster	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	87
Cross-examination by Mr. Perry	93
Alicia Benedetto	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	94
Lindsey Ott	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	100
Rayani Pressley	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	107
Cross-examination by Mr. Perry	112
Ashley Kimber	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	113
Cross-examination by Mr. Perry	118
Sharmel Miller	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	141
Kevin Smith	<u>PAGE</u>
Direct examination by Ms. Browder	145
Cross-examination by Mr. Perry	169

Kenneth Heath	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	170
Cross-examination by Mr. Perry	178
Redirect examination by Ms. Cavanaugh	179
Detective Brian Payton	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	179
Dr. Daniel Johnson	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	191
Ashley Kimbler	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	203
Cross-examination by Mr. Perry	211
Paisley Ginter	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	212
Natalia Ginter	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	213
Amber Hynes	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	226
Cross-examination by Mr. Perry	239
Tyson Hass	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	241

Mark Miramontez	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	246
Cross-examination by Mr. Perry	250
Redirect examination by Ms. Cavanaugh	251
Recross-examination by Mr. Perry	253
Mason Frier	<u>PAGE</u>
Direct examination by Ms. Cavanaugh	254
Cross-examination by Mr. Perry	267
John VanHouten	<u>PAGE</u>
Direct examination by Browder	273

Jury qualification	19
Jury sworn	123
Opening statements	135
Closing statements	338
Verdict	363
Certificate	379

EXHIBITS

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
C-1	Phone Extraction	283	
C-2	Phone Extraction	283	
C-6	Notice of Trial Date	16	
C-7	Notice of Trial Date	16	
C-8	Notice of Trial Date	16	
S-1	911 audio recording		166
S-2	Photo of Defendant		147
S-3	Photograph		159
S-4	Photograph		159
S-5	Photograph		159
S-6	Photographs		159
S-7	Photograph		159
S-8	Photograph		159
S-9	Photograph		197
S-10	Photograph		197
S-11	Photograph		197
S-12	Photograph		197
S-13	Photograph		197
S-14	Photograph		197
S-15	Photograph		197
S-16	Phone		278
S-17	Photograph		229

	<u>ID.</u>	<u>EV.</u>
S-18	Photograph	229
S-19	Photograph	229
S-20	Photograph	229
S-21	Photograph	229
S-22	Photograph	229
S-23	Photograph	229
S-24	Photograph	229
S-25	Photograph	229
S-26	Photograph	229
S-27	Photograph	229
S-28	Photograph	229
S-29	Photograph	229
S-30	Photograph	229
S-31	Photograph	229
S-32	Phone	279
S-33	Bamboo sticks	236
S-34	Video	305
S-35	Photograph	280
S-36	Photograph	280
S-37	Phone Report	281
S-38	Phone Extraction	307
S-39	Phone Report	284
S-40	Internet Searches	304

	<u>ID.</u>	<u>EV.</u>
S-41 Text Messages		287
S-42 Text Messages		287
S-43 Text Messages		287
S-44 Text Messages		287
S-45 Phone Extractions		291
S-46 Phone Extractions		291
S-47 Phone Extractions		291
S-48 Phone Extractions		291
S-49 Phone Extractions		291
S-50 Phone Extractions		291
S-51 Phone Extractions		291
S-52 Phone Extractions		291
S-53 Phone Extractions		291
S-54 Phone Extractions		291
S-55 Phone Extractions		291
S-56 Text Messages		298
S-57 Text Messages		298
S-58 Text Messages		298
S-59 Text Messages		298
S-60 Text Messages		298
S-61 Text Messages		298
S-62 Text Messages		298
S-63 Text Messages		304

	<u>ID.</u>	<u>EV.</u>
S-64	Phone Metadata	293
S-65	Text Messages	304
S-66	Text Messages	304
S-67	Text Messages	304
S-68	Text Messages	304
S-69	Text Messages	304
S-70	Text Messages	304
S-71	Text Messages	304
S-72	Text Messages	304
S-73	Text Messages	304
S-74	Text Messages	304
S-75	Text Messages	304
S-76	Text Messages	304
S-77	Text Messages	304
S-78	Text Messages	304
S-79	Text Messages	304
S-80	Text Messages	304
S-81	Text Messages	304
S-82	Text Messages	304
S-83	Text Messages	304
S-84	Text Messages	304
S-85	Photograph	296
S-86	Photograph	303

			10
S-87	Photograph	303	
S-88	DMV Record	260	
(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)			

			10
S-87	Photograph	303	
S-88	DMV Record	260	
(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)			

1 THE COURT: Okay, good morning everyone.
2 We're on the record in 2022-GS-40-05213, and 22-GS-
3 40-5214, the State of South Carolina versus Nathan
4 Miles Ginter. The State is present. You got to get
5 rid of that background. You got to get rid of that
6 echo.

7 CLERK: Are you muted?

8 THE COURT: I don't know. All right, let's try
9 it now. Okay. The State is present, represented by
10 Anna Browder and Gabby Sharp of the Solicitor's
11 Office. The Defendant, Mr. Ginter, is not present,
12 and is represented by Brett Perry of the private
13 Bar. And what do we need to take up first from the
14 State?

15 MS. BROWDER: Your Honor, just regarding this
16 trial in absence, we did send notice and we have
17 made (inaudible) court exhibits. A notice letter
18 that was sent that we have is actually to the
19 bonding company sent April 26th. However, it was
20 also sent to Mr. Perry and Mr. Ginter.

21 Apparently, when Nicholas Thompson is here,
22 Your Honor, he can testify that he sent it to Mr.
23 Ginter via (inaudible) and saved the last letter and
24 that's the one that was saved in our computer to A1
25 Bonding. It does include the language that if the

1 defendant failed to appear a bench warrant would be
2 issued upon request for his arrest and/or his bond
3 will be extracted and/or he will be tried in his or
4 her absence that is Court Exhibit Number 6, Your
5 Honor.

6 Court Exhibit 7, is the memo that I give to my
7 paralegal each time that I do a trial. It has got
8 his notes on it showing where he checked off that he
9 sent trial notice to Brett Perry and that he
10 actually put in that next to it in the mail and
11 dated 4/26/24 (inaudible) notes area for the firm --
12 I mean, for the trial.

13 In addition, Your Honor, it's our understanding
14 that the Defendant last week sold his business,
15 packed up all of his things, and moved (inaudible)
16 live with his dog. In addition, I (inaudible) from
17 Mr. Perry that he was aware of trial because we had
18 been discussing (inaudible) custody. Mr. Perry said
19 he was okay with (inaudible) client first. He later
20 got back to me and said that his client (inaudible)
21 and would have to (inaudible) here. I have my
22 Paralegal here to testify if you need to hear trial
23 notices but we are in the position, Your Honor,
24 (inaudible).

25 THE COURT: All right, let's go ahead and put

1 the paralegal under oath. Tell me your name.

2 MR. THOMPSON: Nicholas Thompson.

3 THE COURT: Okay. Do you swear or affirm
4 everything you need to tell me is to be the truth?

5 MR. THOMPSON: Yes, sir.

6 THE COURT: Okay. And can you tell me how Mr.
7 Ginter was noticed for this trial?

8 MR. THOMPSON: So, me as the paralegal, I have
9 a folder of templates that was given from another
10 paralegal when I started here back in late November.
11 The trial notice, what I did is I -- the address
12 block, put Nathan Ginter's address, which is the
13 Cleveland Street address in Columbia.

14 THE COURT: Is that the same address that's on
15 his bond form?

16 MS. BROWDER: Yes, sir, Your Honor.

17 THE COURT: Okay.

18 MR. THOMPSON: After I did his, I printed it.
19 I overrode his address block with Mr. Perry's
20 address for his firm in Camden, printed it, overrode
21 that, and then did it to the bonding company as
22 well. When I printed the bonding company's letter,
23 I saved it. It is still saved as my last saved date
24 as April 26th. I noted it on my memo, that's what
25 my (inaudible) and router had given me to prepare

1 for trial. I did not remember that I did that, I
2 did not do it. I remember explicitly putting it in
3 an envelope (inaudible) and they were sent out that
4 day.

5 THE COURT: Okay. And do you swear everything
6 that you've just told me is the truth?

7 MR. THOMPSON: Yes, Your Honor.

8 THE COURT: Okay. And Mr. Perry, would you
9 like to question this witness as to how things were
10 done?

11 MR. PERRY: No questions for this witness, Your
12 Honor.

13 THE COURT: Okay. Thank you, sir. You may be
14 seated. Okay. And Mr. Perry, your position on the
15 TIA?

16 MR. PERRY: Your Honor, we'd asked for a
17 continuance at this time. You know, the rule says
18 that the defendant can voluntarily waive his
19 presence. Notwithstanding the State's
20 representations to the Court that, you know, he sold
21 his business, emptied out the house, left and said
22 he was going to live in the woods with his dog, we
23 don't really know for sure where he's at or what
24 happened or why he is not here.

25 We just ask the Court out of an abundance of

1 caution to issue a bench warrant for his arrest,
2 continue this matter, and allow it to be tried in
3 his presence, so that he can assist me with the
4 trial of this case.

5 THE COURT: Okay. All right. Thank you, Mr.
6 Perry. Anything else in response, Ms. Browder?

7 MS. BROWDER: No, sir, Your Honor.

8 THE COURT: Okay. All right. So the
9 prevailing rule before the Court is Rule 16 of the
10 South Carolina Rules of Criminal Procedure. And
11 that rule states that except in cases where capital
12 punishment is a permissible sentence, a person
13 indicted for felonies may voluntarily waive his
14 right to be present and may be tried in his absence
15 upon a finding by the Court that such person has
16 received notice of his right to be present, and that
17 a warning was given and that the trial would proceed
18 in his absence upon a failure to attend.

19 I do find that proper notice was sent to the
20 defendant, to the bonding company, and to the
21 defense attorney on April the 26th of 2024, by the
22 Fifth Circuit Solicitor's Office, notifying the
23 defendant of his trial date, the location of his
24 trial, and that his failure to appear will cause a
25 bench warrant to be issued, and that he will be

1 tried in his absence. These are noted in Court's
2 Exhibit Number 6, Court's Exhibit Number 7, and in
3 Court's Exhibit Number 8.

4 The prevailing law surrounding the issue is
5 City of Aiken v. Koontz, Ellis v. State, State v.
6 Ferry, State v. Hough, that finds that a person can
7 voluntarily waive their right to be present at
8 trial. At this point in time based upon the facts
9 and circumstances presented to the Court, I find
10 that Mr. -- it Ginter or Jinter? How does he say
11 it, Mr. Perry?

12 MR. PERRY: Ginter, Your Honor.

13 THE COURT: Mr. Ginter has voluntarily waived
14 his rights to be present for this felony trial for
15 which he is indicted, that he's received notice of
16 his right to be present. A warning has been given
17 to him that a trial would proceed in his absence
18 upon a failure to attend court under Rule 16 of the
19 South Carolina Rules of Criminal Procedure.

20 And at this point, I will allow the trial in
21 absence to go forward. I will issue -- we do need
22 to issue a bench warrant. Go ahead and prepare one
23 of those for today for his arrest. Okay. All
24 right. And anything else from the State before we
25 move on to jury selection?

1 MS. BROWDER: Yes, sir. Indictment number
2 2022-GS-40-5216, we're asking to amend at this time.
3 There was a Scrivener's Error, all of the other --

4 THE COURT: Woah, woah, I have 213 and 214.

5 MS. BROWDER: There should be 215 and 216
6 (inaudible).

7 THE COURT: All right, 216, go ahead.

8 MS. BROWDER: Yes, sir. All the other
9 indictments were March 8th, 216 was the last one
10 that I did and I inadvertently when I was doing it I
11 put March 8th instead of January 8th. The warrant
12 was very clear (inaudible) January 8th. And the
13 discovery is very clear as to why. So, we would
14 like to change that and amend it to January 8th.

15 THE COURT: Okay. Any objection, Mr. Perry?

16 MR. PERRY: Just to protect the record, I would
17 object to the defendant not being here. He's not
18 had an opportunity to be served with any amended
19 indictment. We ask the Court not to go forward on
20 that.

21 THE COURT: All right. And so we're going to
22 amend indictment ending in 5216 to January the 8th
23 of 2022. That's the information that's contained in
24 the discovery; is that correct?

25 MS. BROWDER: Yes, sir. And the warrant.

1 THE COURT: And in the arrest warrant; is that
2 correct?

3 MS. BROWDER: Yes, sir.

4 THE COURT: Okay. So the defense has noticed
5 that there was an alleged incident that occurred in
6 January of 2022. Yes?

7 MS. BROWDER: Yes, sir.

8 THE COURT: Okay. All right. Okay. Anything
9 else before we bring up the panel from the State?

10 MS. BROWDER: No, sir.

11 THE COURT: Okay. And then have you looked at
12 the State's requested voir dire, Mr. Perry?

13 MR. PERRY: I have, Your Honor.

14 THE COURT: Okay. Any objection?

15 MR. PERRY: None, Your Honor.

16 THE COURT: Okay. I'll probably ask a broad
17 question about child abuse situations kind of like I
18 do with sexual assault situations, and we'll take
19 those people up front one at a time. And I have the
20 State's witness list; is that right?

21 MS. BROWDER: Yes, sir.

22 THE COURT: And do I need any witness list from
23 the Defense, Mr. Perry?

24 MR. PERRY: You do not, Your Honor.

25 THE COURT: Okay. Thank you, Mr. Perry. All

1 right, Molly, let's bring up the panel.

2 CLERK: Yes, Your Honor.

3 THE COURT: Okay. How long do you think
4 pretrial is going to take this afternoon?

5 MS. BROWDER: An hour, maybe 75 minutes.

6 MS. SHARP: An hour (inaudible).

7 THE COURT: Okay. You think that sounds about
8 right?

9 MR. PERRY: I think that sounds about right, if
10 it takes that long, Judge.

11 THE COURT: Okay. We'll pick two alternates.
12 What are the other strikes, five and five? Five and
13 five?

14 MR. PERRY: (Inaudible).

15 THE COURT: Okay. Hey, can you all approach
16 real quick?

17 (BENCH CONFERENCE)

18 MR. PERRY: Your Honor, may I approach?

19 THE COURT: Yeah.

20 (BENCH CONFERENCE)

21 THE COURT: Good afternoon, ladies and
22 gentlemen. I know it is almost lunchtime. Let me
23 kind of give you a roadmap. So, over about the next
24 45 minutes, we're going to pick a jury in this case.
25 If you actually make it on the jury, I'm going to

1 immediately release you for lunch. We'll take a
2 long lunch break; so, I know that we're getting
3 close to the lunch hour. We'll get through this as
4 quickly as possible. If you don't make it on the
5 jury, you're going to be done for the day and free
6 to leave and eat lunch.

7 So, I know we're close to the lunch hour. I
8 promise I'm aware of that. I promise you I haven't
9 missed many meals in my life. I don't plan on
10 missing lunch either. So, I promise you lunch is
11 coming. Just bear with me.

12 It works a lot better if I can just get a jury,
13 then I can release you for a long lunch break, and
14 then we can get driving on in the case this
15 afternoon, okay? So, we'll get through this as
16 quickly as possible.

17 All right. If I call your name, if you'll
18 please state here or present. And if I say your
19 name wrong, I'm really sorry. Amber Toler.

20 MS. TOLER: Here.

21 THE COURT: Catherine Mayberry.

22 MS. MAYBERRY: Here.

23 THE COURT: Sandra Reitz.

24 MS. REITZ: Here.

25 THE COURT: Tyshell McGuire.

1 MS. MCGUIRE: Here.

2 THE COURT: Jeffrey Blair.

3 MR. BLAIR: Here.

4 THE COURT: Tamia Estock.

5 MS. ESTOCK: Here.

6 THE COURT: William Holbrook.

7 MR. HOLBROOK: Here.

8 THE COURT: Shaquita Cannon.

9 MS. CANNON: Here.

10 THE COURT: Amanda Drennan.

11 MS. DRENNAN: Here.

12 THE COURT: David Guinn.

13 MR. GUINN: Here.

14 THE COURT: Hold on one second.

15 MS. BROWDER: Okay.

16 THE COURT: Rodney Stone.

17 MR. STONE: Here.

18 THE COURT: Marcella Baker.

19 MS. BAKER: Here.

20 THE COURT: Guy Johnson.

21 MR. JOHNSON: Here.

22 THE COURT: Jonathan Fomby.

23 MR. FOMBY: Here.

24 THE COURT: Anthony Maynard.

25 MR. MAYNARD: Here.

1 THE COURT: Crystal Briggs.
2 MS. BRIGGS: Here.
3 THE COURT: Terry Rivers.
4 MR. RIVERS: Here.
5 THE COURT: Haley Rimmel.
6 MS. RIMMEL: (Inaudible).
7 THE COURT: Seth Track.
8 MR. TRACK: Here.
9 THE COURT: Hope Jones.
10 MS. JONES: Here.
11 THE COURT: Amanda Horn.
12 MS. HORN: (Inaudible).
13 THE COURT: Kenneth Klontz.
14 MR. KLONTZ: Here.
15 THE COURT: Rebecca Walker.
16 MS. WALKER: Here.
17 THE COURT: Tamika McLemore.
18 MS. MCLEMORE: Here.
19 THE COURT: Kaylee Campbell.
20 MS. CAMPBELL: Here.
21 THE COURT: Miles Simmons.
22 MR. SIMMONS: Here.
23 THE COURT: Wesley Everhart.
24 MR. EVERHART: Here.
25 THE COURT: Chassidy Kale.

1 MS. KALE: Here.

2 THE COURT: Mary Martinez.

3 MS. MARTINEZ: Here.

4 THE COURT: April Frederick.

5 MS. FREDERICK: Here.

6 THE COURT: Brianna Serin.

7 MS. SERIN: Here.

8 THE COURT: Michelle Thomas.

9 MS. THOMAS: Here.

10 THE COURT: Madeline McKay.

11 MS. MCKAY: Here.

12 THE COURT: Shamaya Hopkins.

13 MS. HOPKINS: Here.

14 THE COURT: Benton Edwards.

15 MR. EDWARDS: Here.

16 THE COURT: Sarah Tata.

17 MS. TATA: Here.

18 THE COURT: Alice Etter.

19 MS. ETTER: Here.

20 THE COURT: April Hiscox.

21 MS. HISCOX: Here.

22 THE COURT: Sarah Addy.

23 MS. ADDY: Here.

24 THE COURT: Gulia Melvin.

25 MS. MELVIN: Here.

1 THE COURT: Alicia Gripper.

2 MS. GRIPPER: Here.

3 THE COURT: Eliza Davies.

4 MS. DAVIES: Here.

5 THE COURT: Alexandra Manley.

6 MS. MANLEY: Here.

7 THE COURT: Nicole Moore.

8 MS. MOORE: Here.

9 THE COURT: Christopher Drake.

10 MR. DRAKE: Here.

11 THE COURT: John Vassilati.

12 MR. VASSILATI: Here.

13 THE COURT: Rachel Jackson.

14 MS. JACKSON: Here.

15 THE COURT: Nathan Wise.

16 MR. WISE: Here.

17 THE COURT: Christina Chamberlain.

18 MS. CHAMBERLAIN: Here.

19 THE COURT: Patricia Fable.

20 MS. FABLE: Here.

21 THE COURT: Christian Smalls.

22 MR. SMALLS: (Inaudible).

23 THE COURT: Andrea Smith.

24 MS. SMITH: Here.

25 THE COURT: Felicia Mallory.

1 MS. MALLORY: Here.

2 THE COURT: Marilee Pace.

3 MS. PACE: Here.

4 THE COURT: Joseph Squatriglia.

5 MR. SQUATRIGLIA: Here.

6 THE COURT: Gillen Tucker.

7 MR. TUCKER: Here.

8 THE COURT: Johnny McElveen.

9 MR. MCELVEEN: Here.

10 THE COURT: Ashley Lesane.

11 MS. LESANE: Here.

12 THE COURT: Is there anyone whose name I did
13 not call? Okay, great. We got the right people in
14 the room. Okay, so we are here today, you are in
15 criminal court. This is the criminal courtroom for
16 the week. Thank you very much for being here. We
17 are ready to go forward with the first case that is
18 on the docket. Is the State ready to call their
19 case?

20 MS. BROWDER: Yes, sir, Your Honor.

21 THE COURT: You may call your case.

22 MS. BROWDER: Thank you. The State calls State
23 versus Nathan Miles Ginter, indictment number 2022-
24 GS-40-5213, unlawful neglect of a child; indictment
25 number 2022-GS-40-5214, unlawful neglect of a child;

1 indictment number 2022-GS-40-5215, unlawful neglect
2 of a child; and indictment number 2022-GS-40-5216,
3 unlawful neglect of a child.

4 THE COURT: All right, ladies and gentlemen,
5 the State has called their case. This is the State
6 of South Carolina versus Nathan Miles Ginter. Mr.
7 Ginter has been indicted by the Richland County
8 Grand Jury for four charges; these are contained in
9 indictments number 22-GS-40-5216, 5215, 5213, and
10 5214. These indictments that I hold in my hand are
11 not evidence of anything; they are not proof of
12 anything. They are simply the documents that give
13 this Court the authority to hear this case. To
14 these charges, the defendant has pled not guilty,
15 that plea -- and has requested a trial by jury.
16 That plea places the burden of proof up on the State
17 to prove his guilt to a jury beyond a reasonable
18 doubt. The indictments in no particular order read
19 as follows:

20 They allege that a unlawful conduct towards a
21 child, that Mr. Ginter did in Richland County on or
22 about March 11th of 2022, while having charge or
23 custody, or being the parent or guardian, or being
24 responsible for a minor child, whose initials are
25 SGH3, placed the child at unreasonable risk of harm,

1 affecting the child's life, physical or mental
2 health or safety, or did unlawfully or maliciously
3 cause or to be caused to be done harm to the child,
4 so that the life or health of the child was
5 endangered or likely to be endangered, or did
6 willfully abandon the child.

7 The next indictment alleges that the same type
8 of behavior occurred on or about March the 17th of
9 2022, in Richland County, involving the same child.

10 The next indictment alleges that the same or
11 similar type of behavior occurred on or about March
12 the 8th of 2022, through March the 10th of 2022, in
13 Richland County, also involving the same child.

14 And the last indictment alleges that the same
15 or similar conduct occurred on or about January the
16 8th of 2022, here in Richland County, involving the
17 same child.

18 Now, again, these indictments are not proof of
19 anything. They're not evidence of anything.
20 They're simply the documents that give this Court
21 the authority to hear this case.

22 So, what we're going to do now, ladies and
23 gentlemen, is I'm going to ask you questions about
24 this case, okay. And just like this morning, if you
25 need to answer the questions, I need you to stand up

1 right where you are, okay. Don't wave at me. Don't
2 look at me funny. Don't look at your neighbor.
3 They don't know whether or not you need to answer.
4 Just stand up right where you are.

5 Now, let me give you this kind of preview of
6 the questions. There are no wrong answers to the
7 questions, okay. The worst thing that you can do is
8 not answer, okay. So, when in doubt, you should
9 answer the question, okay. So, I have this happen
10 all the time, jurors say, well, I don't think that's
11 really what he means, or he's not really asking me
12 that. Hold on one second. I need you to turn
13 whatever that is down. I can't hear myself twice.
14 Hearing myself once is bad enough. Okay.

15 Jurors kind of put their own qualifications on
16 my questions, okay. Don't do that, okay. These are
17 not trick questions. If you think you need to
18 answer, if you might need to answer -- he's got --
19 you got to go tell him to turn it off. I can't
20 listen to it. If you might need to answer, whatever
21 you need to do, just err on the side of answering as
22 opposed to not answering. Does that make sense?
23 Because what happens is you say, well, I don't think
24 I know that witness, but I may have gone to college
25 with her, and then we're two days into trial and

1 you're like, oh, I remember her, yeah, we were
2 sorority sisters, right. And then I got to fix that
3 situation.

4 These (inaudible) okay. So there's nothing
5 wrong with knowing a witness, okay. When I try
6 cases in places like Dillon or Darlington or
7 Marlboro, everybody knows everybody, okay. There's
8 nothing wrong with that. It's just wrong if you
9 don't tell me if you know the people. Does that
10 make sense? Okay.

11 So when in doubt, just answer the question,
12 okay. It may be harmless information. That's okay.
13 We're just gathering information to try to figure
14 out who to put on the jury and who not to, okay.

15 So, if everyone will please stand and raise
16 your right hand. And Molly, if you'll swear them in
17 to tell the truth.

18 CLERK: Yes, Your Honor. Do you swear or
19 affirm that you'll tell the truth (inaudible)
20 questions (inaudible) you shall speak the truth, the
21 whole truth, and nothing but the truth, so help you
22 God.

23 JURY PANEL: (Inaudible).

24 THE COURT: If you accept that oath, you may
25 be seated. All right. So, what we're going to do

1 is we're going to start with letting the lawyers
2 introduce themselves, okay? So, we're going to
3 start with the State first. I might call them the
4 State. I might call them the Prosecution. I might
5 call them the Government. I might call them the
6 Solicitor's Office. All those things all mean the
7 same thing, okay?

8 So, if y'all would please stand up and
9 introduce yourselves, I would appreciate it.

10 MS. BROWDER: Thank you, Your Honor. My name
11 is Anna Browder, I'm an Assistant Solicitor here at
12 the Fifth Circuit Solicitor's Office. With me is
13 Kathryn Cavanaugh and Gabrielle Sharp.

14 THE COURT: All right. Thank you very much.
15 So, is anybody related by blood or marriage, close
16 personal friends with, have any connection to
17 business, personal, social, or otherwise, either Ms.
18 Browder, Ms. Cavanaugh, or Ms. Sharp? If so, please
19 stand. Okay. And so the next question will be, and
20 you two remain standing. I know who you two are. I
21 know who you two are. The next question will be --
22 so the Fifth Circuit Solicitor's Office encompasses
23 Richland County and Kershaw County. The Fifth
24 Circuit Solicitor is Byron Gibson. So, is anybody
25 related by blood or marriage, close personal friends

1 with, have any connection to business, personal,
2 social, or otherwise, anyone that works at either
3 the Richland County Solicitor's Office or the
4 Kershaw County Solicitor's Office? If so, please
5 stand. Okay. There you go. All right. Let's just
6 get those out of the way. All right. Let's start
7 right here in the flower shirt. Tell me your name.

8 MS. FABLE: Patricia Fable.

9 THE COURT: Ms. Fable. Okay, I got to find
10 you. You're all out of order now. So let me -- I
11 got to find you. Ms. Fable, who do you know?

12 MS. FABLE: JL Whitehead. I believe she goes
13 by her maiden name, Gilreath.

14 THE COURT: Okay. Oh, JL. Okay. All right. And
15 would that affect your ability to be fair and
16 impartial in this case?

17 MS. FABLE: No.

18 THE COURT: Are you willing to base your
19 decision off the evidence and the law?

20 MS. FABLE: Yes.

21 THE COURT: Is that all you know?

22 MS FABLE: Yes.

23 THE COURT: Okay, great. Thank you. All
24 right. Right here, tell me your name, please.

25 MS. ALEXANDER: (Inaudible) Alexander.

1 THE COURT: Ms. Alexander? Hold on one second.

2 MS. ALEXANDER: (Inaudible) three.

3 THE COURT: There you are. Who do you know,
4 Ms. Alexander?

5 MS. ALEXANDER: I'm not sure if it applies, but
6 Solicitor Gibson does attend my church.

7 THE COURT: Okay, perfect. Yeah, you did the
8 right thing by answering the question. So the
9 question is, will that affect your ability to be
10 fair and impartial in this case?

11 MS. ALEXANDER: No, sir.

12 THE COURT: Are you willing to base your
13 decision on the evidence and the law?

14 MS. ALEXANDER: Yes, sir.

15 THE COURT: All right. Thank you. Right behind
16 you, Ms. Addy. How are you?

17 MS. ADDY: Doing well, Your Honor.

18 THE COURT: You didn't know I knew you, did
19 you?

20 MS. ADDY: I had a suspicion.

21 THE COURT: Okay. This is juror number 351.
22 And Ms. Addy, who do you know?

23 MS. ADDY: I know the Solicitor Sharp, we
24 attended law school together.

25 THE COURT: Okay, and would that affect your

1 ability to be fair and impartial in this case?

2 MS. ADDY: It will not, Your Honor.

3 THE COURT: Are you willing to base your
4 decision off the evidence and the law?

5 MS. ADDY: I am.

6 THE COURT: And will you do so?

7 MS. ADDY: I will.

8 THE COURT: All right.

9 MR. JOHNSON: Guy Johnson.

10 THE COURT: This is Guy Johnson. How are you?

11 MR. JOHNSON: Doing well, sir. How are you?

12 THE COURT: How's your wife?

13 MR. JOHNSON: (Inaudible).

14 THE COURT: How many kids you got now?

15 MR. JOHNSON: Two.

16 THE COURT: All right. Good. You still letting
17 your wife go hunting?

18 MR. JOHNSON: Every chance she gets.

19 THE COURT: All right. This is Mr. Johnson and
20 Mr. Johnson's 168. Who all do you know, Guy?

21 MS. JOHNSON: Kathryn Cavanaugh and yourself.

22 THE COURT: Okay. And knowing me doesn't get
23 you out of anything, unfortunately. All right. And
24 would that affect your ability to be fair and
25 impartial in this case?

1 MR. JOHNSON: Absolutely not.

2 THE COURT: Are you willing to base your
3 decision off the evidence and the law?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: And are you going to claim your
6 brother-in-law?

7 MR. JOHNSON: No, sir.

8 THE COURT: You're not going to -- this is
9 Marion Moses' brother-in-law. Just I want to make
10 sure all the lawyers know that. So, all right.
11 Thank you, Mr. Johnson. Okay. All right. The next
12 question -- oh, Mr. Perry, if you'd please introduce
13 yourself.

14 MR. PERRY: I'm Brett Perry. I'm a sole
15 practitioner out of Camden, South Carolina.

16 THE COURT: All right. Thank you, Mr. Perry.
17 So is anybody related by blood or marriage, close
18 personal friends with, have any connection to
19 business, personal, social, or otherwise, Mr. Brett
20 Perry, who's out of Camden, South Carolina, have you
21 ever been represented by him or on the other side of
22 a case from him? If so, please stand. All right.

23 And the defendant in this case is Nathan
24 Ginter. Is anybody related by blood or marriage,
25 close personal friends with, have any connection to

1 business, personal, social, or otherwise, any
2 knowledge of or connection to Mr. Ginter? If so,
3 please stand. All right.

4 The next thing I'm going to do is read you a
5 list of potential witnesses. Now, these people are
6 not required to be here right now. If they are here
7 right now, I would ask that they stand when their
8 name is called. And just because all of these names
9 are called doesn't mean that they all will be
10 called. It just simply means they could be called.
11 All right?

12 Mason Frier with the Columbia Police
13 Department. Thank you, Mr. Frier. George Simpson
14 with the Columbia Police Department. Kenneth Heath
15 with the Town of Lexington Police Department. Brian
16 Payton with the Town of Lexington Police Department.
17 Joshua Salisbury with West Columbia Police
18 Department. Mark Miramontes with the Town of
19 Lexington. Charmelle Miller with Lexington County
20 9-1-1. Tyson Hass or Hass, H-A-S-S, with SLED.
21 Justin See with the Columbia Police Department.
22 Chris Odom, the Columbia Police Department. Amber
23 Hynes with SLED. John VanHouten with the U.S. Secret
24 Service. Dr. Alicia Benedetto with the Metropolitan
25 Child Advocacy Center. Skyland Ginter, Ashley

1 Kimbler, formerly Reed, Natalie Ginter, Lindsey Ott,
2 Kevin Smith, Braylon Johnson, Beatrice June Mitchum,
3 Dikemba Edwards, Chandra Smith, Dr. Daniel Johnson,
4 medical doctor, Daniel Gross, Cadence Hoffman,
5 Rachel Brewster, Rayani, R-A-Y-A-N-I, Bauman, Sierra
6 Hunter, Tiffany Britton. Is anybody related by
7 blood or marriage, close personal friends with, have
8 any connection to business, personal, social, or
9 otherwise any of the potential witnesses? If so,
10 please stand. Okay. Tell me your name. Y'all may
11 be seated. Thank you very much for standing. I
12 appreciate that. Please tell me your name, ma'am.

13 MS. MANLEY: (Inaudible).

14 THE COURT: Ms. Manley. Hold on one second,
15 okay. There she is, number 202. Who do you know,
16 Ms. Manley?

17 MS. MANLEY: Joshua Salisbury.

18 THE COURT: Okay. And would this affect your
19 ability to be fair and impartial in this case?

20 MS. MANLEY: No, sir.

21 THE COURT: Are you willing to base your
22 decision off the evidence and the law? And will you
23 do so?

24 MS. MANLEY: I will.

25 THE COURT: Thank you. Anybody else on the

1 potential witnesses? Okay. And is this one
2 incident location or multiple? And what's the
3 incident location?

4 MS. BROWDER: 1519 Cleveland Street, or
5 Cleveland Avenue.

6 THE COURT: And what part of town is that?

7 MS. BROWDER: Over near Columbia College.

8 THE COURT: Okay. All right. So one of the
9 things that you will hear me say, if you actually
10 make it on this jury, and by that I mean you're
11 seated over here, is that I'm not allowed to tell
12 you what the facts are, okay. I'm not a witness to
13 the case, obviously. So, I can't tell you what the
14 facts are. You will be in charge of the facts, but
15 I have to tell you what the allegations are to see
16 if you know anything about this case. Does that
17 make sense?

18 So, what I'm about to say is not evidence of
19 anything. It's not proof of anything. It's simply
20 the allegations in the case. So this is a case of a
21 unlawful conduct towards a child, that child
22 allegedly being Skyland Ginter, and that occurred in
23 -- between January and March of 2022 at 1519
24 Cleveland Avenue, all right. So the question is,
25 again, those are just the allegations. That's not

1 proof. That's not evidence, okay.

2 So the question is, does anybody know anything
3 about this case? Have you heard anything about the
4 case? Read anything about the case? Think you know
5 about the case? Overheard somebody talk about the
6 case? Read something about the case? I'm asking
7 this question as broadly as humanly possible to get
8 as many responses as possible.

9 Does anybody have any information about this
10 case or know anything about it in any way, shape or
11 form at all? If so, please stand. Okay, great.
12 All right.

13 So has anybody formed an opinion about this
14 case or expressed an opinion about this case? If
15 so, please stand. Is anybody aware of any bias or
16 any prejudice that you may have towards the State or
17 the Defense? If so, please stand. Is anybody a
18 member of or a contributor to any group which has as
19 its primary concern the promotion of law enforcement
20 or victims' rights? This would include things like
21 MADD or SADD or Sistercare or defendant's rights
22 such as the Innocence Project. If so, please stand.
23 All right.

24 I have a few additional questions to ask you.
25 Just one second. All right. Is anybody in the room

1 -- has anyone in the room, do you currently work or
2 have you ever worked for law enforcement or does
3 anybody in your immediate family work or have ever
4 worked in law enforcement regardless of where in the
5 country that may be? If so, please stand. Okay.
6 All right.

7 So we're going to take you one at a time, and
8 what I want to know is who is it and where do they
9 work, okay. So we'll start right here on the
10 corner. Tell me your name.

11 MS. MOORE: My name is Nicole Moore.

12 THE COURT: Okay. And who's in law
13 enforcement?

14 MS. MOORE: My boyfriend was previous law
15 enforcement.

16 THE COURT: And where is that?

17 MS. MOORE: It was in Florence County.

18 THE COURT: Wonderful. Thank you very much.
19 Right across. Your name?

20 MS. JONES: Hope Jones.

21 THE COURT: Ms. Jones? And who's in law
22 enforcement?

23 MS. JONES: My brother is a DC police officer.

24 THE COURT: DC police officer, wonderful.

25 Thank you. Right next to her, your name, please?

1 MS. ALEXANDER: (Inaudible) Alexander.

2 THE COURT: Ms. Alexander, who's in law
3 enforcement?

4 MS. ALEXANDER: My uncle is retired he was
5 captain in Charleston County.

6 THE COURT: Thank you very much. Coming right
7 across, flower shirt.

8 MS. FABLE: My husband, Josh Fable, is a Deputy
9 Sheriff for Richland County.

10 THE COURT: Okay. And does he have any
11 connection to this case, to your knowledge, Ms.
12 Browder?

13 MS. BROWDER: No, sir.

14 THE COURT: Okay. And do you have any
15 knowledge about this case from him?

16 MS. FABLE: I do not.

17 THE COURT: Okay. And thank you very much.
18 You may be seated. Right in front of her, your
19 name?

20 MS. JACKSON: My name is Rachel Jackson.

21 THE COURT: And Ms. Jackson, who's in law
22 enforcement?

23 MS. JACKSON: My dad was. He's retired now.

24 THE COURT: And where is he retired from?

25 MS. JACKSON: He was a lieutenant at -- he kind

1 of bounced around from St. Andrews and a
2 correctional facility.

3 THE COURT: Okay. Thank you very much. In the
4 brown jacket, your name?

5 MS. MCGUIRE: (inaudible)

6 THE COURT: Ms. McGuire. Who is in law
7 enforcement?

8 MS. MCGUIRE: My (inaudible).

9 THE COURT: You're who?

10 MS. MCGUIRE: My (inaudible).

11 THE COURT: And where was that?

12 MS. MCGUIRE: Kershaw County.

13 THE COURT: Okay. Thank you, ma'am. And right
14 next to her, who is -- tell me your name?

15 FEMALE VOICE: (Inaudible).

16 THE COURT: And who was in law enforcement?

17 FEMALE VOICE: (Inaudible).

18 THE COURT: And where was that?

19 FEMALE VOICE: (inaudible) it's either
20 Lexington or (inaudible).

21 THE COURT: Okay, that's fine, thank you very
22 much. And right next to her, your name?

23 MS. CANNON: (Inaudible) Cannon.

24 THE COURT: Ms. Cannon?

25 MS. CANNON: (Inaudible).

1 THE COURT: And who is in law enforcement?

2 MS. CANNON: First off (Inaudible) works at the
3 Department of Juvenile Justice my sister works at.

4 THE COURT: Okay, wonderful. Thank you very
5 much. Your name, sir?

6 MALE VOICE: (Inaudible).

7 THE COURT: Okay. And who is in law
8 enforcement, sir?

9 MALE VOICE: (Inaudible).

10 THE COURT: Okay, thank you very much, sir.
11 And Ms. Manley, who is in law enforcement?

12 MS. MANLEY: My sister.

13 THE COURT: And where was that?

14 MS. MANLEY: Richland County.

15 THE COURT: And do you know anything about this
16 case?

17 MS. MANLEY: No, sir.

18 THE COURT: Ever discussed anything about it
19 with her? Wonderful, thank you. Coming right
20 across, your name, sir?

21 MR. STONE: (Inaudible).

22 THE COURT: Last name?

23 MR. STONE: Stone.

24 THE COURT: Okay. And who is in law
25 enforcement, sir?

1 MR. STONE: (Inaudible).

2 THE COURT: Okay. And where is that?

3 MR. STONE: (Inaudible).

4 THE COURT: In -- near Charlotte?

5 MR. STONE: (Inaudible).

6 THE COURT: Wonderful.

7 MR. STONE: (Inaudible).

8 THE COURT: Got it. Perfect. Thank you. Right
9 next to him, your name, sir?

10 MR. HOLBROOK: William Holbrook.

11 THE COURT: Okay. And who is in law
12 enforcement?

13 MR. HOLBROOK: My brother (inaudible) and my
14 dad (inaudible)

15 THE COURT: Okay. And is this a CPD case?

16 MS. BROWDER: Yes, sir, Your Honor.

17 THE COURT: And do you know anything about this
18 case? Has your father ever discussed it with you?
19 Do you know any of the officers involved in the
20 case? What do you do for a living?

21 MR. HOLBROOK: I work for the City of Columbia,
22 Parks (inaudible).

23 THE COURT: Parks and Rec? Okay. Thank you,
24 Mr. Holbrook. Okay. So, does anyone in the room
25 have children who are under the age of 10 at home?

1 Let's do a show of hands. Okay. All right. So,
2 you're one group of people, you can put your hands
3 down. Okay.

4 All right. So, the next question I'm going to
5 -- we're going to take the next questions one at a
6 time up front. So everybody that just raised their
7 hands, I'm going to need you to get in line, okay.
8 And then the next people that are going to get in
9 line are going to be responding to this question.
10 What I want to know is have you or a member of your
11 immediate family ever been involved in a case where
12 the allegations involved child abuse, okay. Now I'm
13 going to give you some examples of this situation.

14 If your brother was investigated by DSS for
15 something to do with child abuse or allegations of
16 child abuse, I would want you to come tell me, okay.
17 If you were involved in a child abuse case as a
18 child, I would want you to come tell me. If your
19 spouse, partner, significant other, boyfriend,
20 girlfriend, whatever you call the person you live
21 with, was involved in a child abuse case as a child,
22 I would want you to come tell me. If your uncle or
23 your aunt were investigated for a child abuse case,
24 whether or not anybody was ever arrested, I would
25 want you to come tell me, okay. So kind of on

1 either side of the case, okay. And then don't put
2 some kind of qualifier on it, like somebody got
3 arrested or they didn't get arrested. Even if they
4 were investigated and they were cleared of whatever
5 happened, I would want you to come tell me that,
6 okay.

7 How many people need to answer that question?
8 Let's do a show of hands. Okay. All right, so I
9 need the people that have children under the age of
10 10 to get in line. And then all of those people
11 that just raised their hands to get in the same
12 line.

13 BAILIFF: Juror number 343, 343.

14 THE COURT: Come on up. Come a little closer.

15 JUROR NO. 343: I have a daughter who's seven
16 and a son who's four.

17 THE COURT: Okay. And so this case involves
18 allegations of unlawful neglect towards a child.
19 Would you having children that age affect your
20 ability to be fair and impartial in this case?

21 JUROR NO. 343: I'll try not to, sir.

22 THE COURT: Okay. I know people want to give
23 me the right answer, but I want you to reflect on it
24 for just a second. Having children at home in the
25 same age range, would that affect your ability to be

1 fair and impartial in this case?

2 JUROR NO. 343: Yes, Your Honor.

3 THE COURT: Okay. Just have a seat in the back
4 of the room.

5 JUROR NO. 343: Okay.

6 BAILIFF: Juror number 174, 174, 174.

7 THE COURT: Ms. Hope.

8 JUROR NO. 174: Yes.

9 THE COURT: Ms. Jones. And why did you come
10 forward?

11 JUROR NO. 174: My cousin was (inaudible), and
12 so they investigated all the children.

13 THE COURT: So your cousin.

14 JUROR NO. 174: (Inaudible).

15 THE COURT: Okay.

16 JUROR NO. 174: And then so the police
17 investigated all the children that were -- someone
18 at that house babysat for me.

19 THE COURT: Okay. And when you say molested,
20 do you mean like a sexual nature? Okay. And how
21 long ago was that?

22 JUROR NO. 174: It was about 10 years.

23 THE COURT: Okay. And did you have any
24 involvement in that case?

25 JUROR NO. 174: My children.

1 THE COURT: Huh?

2 JUROR NO. 174: My children were (inaudible) at
3 the time, they said no, but then later on they said
4 that they were also involved.

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

7 JUROR NO. 174: I don't think so.

8 THE COURT: Are you willing to base your
9 decision off the evidence and the law? And will you
10 do that?

11 JUROR NO. 174: Yes.

12 THE COURT: Okay. Thank you.

13 BAILIFF: Okay. Juror number 314, 314, 3-1-4.

14 THE COURT: Okay. Hey, what's up?

15 JUROR NO. 314: I have a eight and nine year
16 old at home.

17 THE COURT: Okay. So this case involves
18 (inaudible), that's the age of the alleged victim;
19 is that right?

20 MS. BROWDER: Yes.

21 THE COURT: Okay. So my question is, is you
22 having children at home kind of in the general age
23 range, would that affect your ability to be fair and
24 impartial?

25 JUROR NO. 314: (Inaudible).

1 THE COURT: Okay. So are you able to make your
2 decision off the evidence and the law, or will you
3 having children around the same age impact you too
4 much?

5 JUROR NO. 314: I think I can (inaudible).

6 THE COURT: Okay. Great. Thank you. You may
7 be seated.

8 BAILIFF: Juror number 327, 3-2-7, 327.

9 THE COURT: Ms. Walker?

10 JUROR NO. 327: Yes.

11 THE COURT: Okay. Go ahead.

12 JUROR NO. 327: My sister was (inaudible) for
13 use of drugs.

14 THE COURT: For use of drugs.

15 JUROR NO. 327: I didn't know that applied for
16 that.

17 THE COURT: That's okay. You did the right
18 thing by answering. How long ago was that?

19 JUROR NO. 327: Oh gosh. Twenty years ago.

20 THE COURT: Okay. So would that affect your
21 ability --

22 JUROR NO. 327: No.

23 THE COURT: -- for anything going on in this case?

24 JUROR NO. 327: No. I wasn't around for it.

25 THE COURT: Okay. Perfect. That's the best.

1 You did the right thing by answering. Thank you.

2 BAILIFF: Juror number 3, number 3.

3 THE COURT: Ms. Allen-Fiona?

4 JUROR NO. 3: (Inaudible) I have a cousin about
5 25 years ago (inaudible) they took him to the
6 doctor, he was seen by the doctor and (inaudible).

7 THE COURT: Did you have anything to do with
8 that?

9 JUROR NO. 3: Nope. Just wanted (inaudible).

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

12 JUROR NO. 3: No, sir.

13 BAILIFF: Juror number 202, 2-0-2, 202.

14 THE COURT: Hold on one second. I lost you. I
15 don't know where you are.

16 JUROR NO. 202: Last name Manley.

17 THE COURT: Yeah, I know. There you are.
18 Okay, go ahead.

19 JUROR NO. 202: I had child abuse case. We --
20 it wasn't reported, but my spouse and I took
21 temporary custody (inaudible).

22 THE COURT: Tell me that again (inaudible)
23 what?

24 JUROR NO. 202: We took custody of his
25 (inaudible) last year.

1 THE COURT: Okay. Because?

2 JUROR NO. 202: A child abuse from his parents.

3 THE COURT: Okay. Alright. And would that
4 affect your ability to be fair and impartial in this
5 case?

6 JUROR NO. 202: No.

7 THE COURT: How old was that brother?

8 JUROR NO. 202: Sixteen -- 14 at the time,
9 sorry.

10 THE COURT: Okay. But that -- you weren't
11 directly -- you got to get the child.

12 JUROR NO. 202: We didn't witness and we
13 weren't involved in the abuse itself.

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

16 JUROR NO. 202: No, sir.

17 THE COURT: Okay, thank you.

18 BAILIFF: Juror number 74, 7-4, juror number
19 74.

20 THE COURT: (Inaudible)?

21 JUROR NO. 74: Yes, sir.

22 THE COURT: Hold on one second.

23 JUROR NO. 74: Yes, sir.

24 THE COURT: Go ahead.

25 JUROR NO. 74: In the summer of 2018, I was

1 investigated by DSS for neglect of my children.

2 THE COURT: Okay. How old were they?

3 JUROR NO. 74: Fourteen and 10.

4 THE COURT: Okay.

5 JUROR NO. 74: It was unfounded.

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

8 JUROR NO. 74: Absolutely not.

9 THE COURT: Are you willing to base your
10 decision on the evidence and the law?

11 JUROR NO. 74: Yes, sir.

12 THE COURT: Will you do so?

13 JUROR NO. 74: Yes, sir.

14 THE COURT: Okay.

15 BAILIFF: Juror number 140, 1-4-0, 140.

16 THE COURT: What's your last name?

17 JUROR NO. 140: Hopkins.

18 THE COURT: What?

19 JUROR NO. 140: Hopkins.

20 THE COURT: 140 is your number?

21 JUROR NO. 140: Yes, sir.

22 THE COURT: There you are. Well?

23 JUROR NO. 140: (Inaudible).

24 THE COURT: Okay.

25 JUROR NO. 140: And they said that she was

1 (inaudible).

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

4 JUROR NO. 140: No, sir.

5 THE COURT: Thank you.

6 BAILIFF: Juror number 201, 2-0-1, 201.

7 JUROR NO. 201: Good morning.

8 THE COURT: Hey, hold on one second. Mr.
9 Mancini?

10 JUROR NO. 201: Yes, sir.

11 THE COURT: Okay, go ahead.

12 JUROR NO. 201: I've just got seven month old
13 at the house. I have an 8-year-old.

14 THE COURT: Okay. All right, so this case
15 involves allegations involving a 3-year-old child.
16 Would that affect your ability to be fair and
17 impartial in this case? Would that affect your
18 ability to be fair and impartial in this case?
19 (Inaudible).

20 JUROR NO. 201: No, sir.

21 THE COURT: Are you willing to base your
22 decision on the evidence and the law?

23 JUROR NO. 201: Yes, sir.

24 THE COURT: Thank you.

25 BAILIFF: Juror number 312, 3-1-2, 312.

1 THE COURT: Ms. Thomas?

2 JUROR NO. 312: Uh-huh (affirmative).

3 THE COURT: Okay.

4 JUROR NO. 312: (Inaudible).

5 THE COURT: What?

6 JUROR NO. 312: Allegation.

7 THE COURT: Speak up.

8 JUROR NO. 312: (Inaudible).

9 THE COURT: Tell me about it.

10 JUROR NO. 312: (Inaudible) allegation.

11 THE COURT: What kind of allegation?

12 JUROR NO. 312: There's a bunch of them, I
13 don't know.

14 THE COURT: Against your spouse?

15 JUROR NO. 312: Yeah.

16 THE COURT: Okay, and how long ago was that?

17 JUROR NO. 312: It's been since 2009.

18 THE COURT: And what happened with the case?

19 JUROR NO. 312: In 2017.

20 THE COURT: Okay, and are you still married to
21 the spouse?

22 JUROR NO. 312: Yes.

23 THE COURT: Okay, and how old is the child now?

24 JUROR NO. 312: She's about to be 18 this
25 September.

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

3 JUROR NO. 312: No, it would not.

4 THE COURT: Okay, thank you.

5 BAILIFF: Juror number 367, 3-6-7, 367.

6 THE COURT: Ms. Campbell?

7 JUROR NO. 367: Yes, sir.

8 THE COURT: Okay, what's up?

9 JUROR NO. 367: I'm a therapist (inaudible)
10 hospital in Texas, so I help the kids prep for
11 trials.

12 THE COURT: Okay. And do you have a specific
13 training for that?

14 JUROR NO. 367: I'm licensed (inaudible) but it
15 was more of a mental (inaudible).

16 THE COURT: Okay, and what's your licensure in?

17 JUROR NO. 367: It's in South Carolina.

18 THE COURT: Okay, LPC?

19 JUROR NO. 367: LPCA.

20 THE COURT: LPCA.

21 JUROR NO. 367: Yes, Your Honor.

22 THE COURT: Okay, do you have any training in
23 the forensic (inaudible) children?

24 JUROR NO. 367: No.

25 THE COURT: Okay, and would any of that affect

1 your ability to be fair and impartial in this case?

2 JUROR NO. 367: No.

3 THE COURT: Okay, thank you.

4 BAILIFF: Juror number 368, 3-6-8.

5 THE COURT: Okay.

6 JUROR NO. 368: (Inaudible).

7 THE COURT: How old are your kids?

8 JUROR NO. 368: I got seven and four.

9 THE COURT: Is that why (inaudible)?

10 JUROR NO. 368: Yes, sir.

11 THE COURT: Okay. So this case involves
12 allegations of unlawful neglect towards a child
13 involving a three-year-old. You have children that
14 are about in the same ballpark, right?

15 JUROR NO. 368: Yes, sir.

16 THE COURT: So my question is, are you -- does
17 the fact that you have children that age affect your
18 ability to be fair and impartial in the case?

19 JUROR NO. 368: No, sir.

20 THE COURT: Okay, are you willing to base your
21 decision off the evidence and the law?

22 JUROR NO. 368: Yes, sir.

23 THE COURT: And will you do so?

24 JUROR NO. 368: Yes, sir.

25 THE COURT: Okay, thank you.

1 JUROR NO. 368: Thank you.

2 BAILIFF: Juror number 364, 3-6-4.

3 THE COURT: Ms. Baker?

4 JUROR NO. 364: Uh-huh (affirmative).

5 THE COURT: Okay, go ahead.

6 JUROR NO. 364: When I was younger, my mother
7 was investigated for my older siblings. And also my
8 older sister was investigated for me.

9 THE COURT: Okay. And how long ago was that?

10 JUROR NO. 364: Both of them happened when I
11 was a child, so.

12 THE COURT: How old are you now?

13 JUROR NO. 364: It was like in elementary
14 school. I'm 24.

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

17 JUROR NO. 364: No, sir.

18 THE COURT: Are you willing to base your
19 decision off the evidence and the law?

20 JUROR NO. 364: Yes, sir.

21 THE COURT: And will you do so?

22 JUROR NO. 364: I will.

23 THE COURT: Okay, thank you.

24 BAILIFF: Juror number 362, 3-6-2.

25 THE COURT: Ms. Smith?

1 JUROR NO. 362: Yes, sir.

2 THE COURT: Okay. Go ahead.

3 JUROR NO. 362: I have a sister who was
4 sexually abused by a cousin who was prosecuted.

5 THE COURT: Okay. And does this case involve
6 any sexual things?

7 MS. BROWDER: No, sir.

8 THE COURT: There's no sexual nature to this
9 case.

10 JUROR NO. 362: Okay.

11 THE COURT: And would that affect your ability
12 to be fair and impartial in this case? Are you
13 willing to base your decision off the evidence and
14 the law?

15 JUROR NO. 362: Absolutely.

16 THE COURT: And will you do so?

17 JUROR NO. 362: Yes.

18 THE COURT: Okay. Thank you.

19 BAILIFF: Juror number 98, 9-8, juror number
20 98.

21 THE COURT: Hello, Ms. Frederick.

22 JUROR NO. 98: Hi.

23 THE COURT: Hey. Go ahead.

24 JUROR NO. 98: Oh, (inaudible)?

25 THE COURT: Yeah. How old are they?

1 JUROR NO. 98: Eight and 10.

2 THE COURT: Okay. And is that why you answered
3 the question?

4 JUROR NO. 98: Yes.

5 THE COURT: Okay. And so you have children
6 around the same age of the alleged victim in this
7 case. Would having those children affect your
8 ability to be fair and impartial in this case?

9 JUROR NO. 98: It won't affect it.

10 THE COURT: Okay. Are you willing to base your
11 decision off the evidence and the law?

12 JUROR NO. 98: Yes.

13 THE COURT: And will you do so?

14 JUROR NO. 98: Yes.

15 THE COURT: Okay. Thank you.

16 BAILIFF: Juror number 120, 1-2-0, 120.

17 THE COURT: Gripper?

18 JUROR NO. 120: Yes.

19 THE COURT: Okay.

20 JUROR NO. 120: Hi. I have three girls.

21 THE COURT: How old are they?

22 JUROR NO. 120: Twelve, nine, and seven.

23 THE COURT: Okay. So you have children around
24 in the ballpark at the same age as the alleged
25 victim in this case. Would having your children

1 affect your ability to be fair and impartial in this
2 case?

3 JUROR NO. 120: No.

4 THE COURT: Are you willing to base your
5 decision off the evidence and the law?

6 JUROR NO. 120: Yes.

7 THE COURT: And will you do so?

8 JUROR NO. 120: Yes.

9 BAILIFF: Juror number 365, 3-6-5, 365.

10 THE COURT: Hold on one second.

11 JUROR NO. 365: It's Jeff Blair.

12 THE COURT: There you are. Okay, go ahead.

13 JUROR NO. 365: So, again, I'm just following
14 directions, not sure how relevant it is. My father-
15 in-law was under investigation for criminal sexual
16 conduct against my niece when she was seven.

17 THE COURT: And there's no sexual nature in
18 this case.

19 JUROR NO. 365: Okay.

20 THE COURT: And so would that affect your
21 ability to be fair and impartial in this case?

22 JUROR NO. 365: No.

23 THE COURT: Are you willing to base your
24 decision off the evidence and the law?

25 JUROR NO. 365: Uh-huh (affirmative).

1 THE COURT: And where did that case occur?

2 JUROR NO. 365: Wisconsin.

3 THE COURT: Wisconsin. Okay, thank you very
4 much, Mr. Blair.

5 BAILIFF: Juror number 205, 2-0-5, 205.

6 THE COURT: Ms. Martinez?

7 JUROR NO. 205: Yes.

8 THE COURT: Okay. Go ahead.

9 JUROR NO. 205: So, my (inaudible) were
10 investigated twice over the course of like, 10 years
11 for allegations of (inaudible).

12 THE COURT: Okay. And how long ago was that?

13 JUROR NO. 205: So, the first one was, I think,
14 was 10 years ago. The second one was six years ago.

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

17 JUROR NO. 205: I'm going to say no.

18 THE COURT: No, I want you to be honest with
19 me. Don't just say what you think I want you to say.

20 JUROR NO. 205: I mean (inaudible).

21 THE COURT: Okay. So, you have some
22 information about the situation?

23 JUROR NO. 205: Yes.

24 THE COURT: Were you a witness to any of it?

25 JUROR NO. 205: Yes, one of them.

1 THE COURT: Okay. Okay. And so, I know people
2 want to give me the right answer, right? Just look
3 past that and just imagine that I'm not wearing this
4 dress, okay? Are you able to set all that aside and
5 be fair and impartial or does it impact you too much
6 to affect your ability to be fair to both sides?

7 JUROR NO. 205: It has impact me a lot.

8 THE COURT: Okay, that's fine. I wanted to
9 (inaudible) -- I figured that was the real answer.

10 JUROR NO. 205: Yeah.

11 THE COURT: Okay, so just grab a seat and don't
12 discuss it with anybody, okay? Thank you.

13 BAILIFF: Juror number 247, 2-4-7, 247.

14 THE COURT: Ms. Pace?

15 JUROR NO. 247: Yes.

16 THE COURT: Hey.

17 JUROR NO. 247: Hi (inaudible).

18 THE COURT: Okay, and that obviously has a
19 major impact on you, right?

20 JUROR NO. 247: Yes.

21 THE COURT: And I assume that that would affect
22 your ability to be fair and impartial.

23 JUROR NO. 247: As much as I would like to be
24 fair and impartial, I don't know if I can.

25 THE COURT: It's too much, right? Sometimes I

1 can see it on your face, right? Okay, all right.

2 I'm going to -- just have a seat. You don't need to
3 discuss it with anybody, okay?

4 JUROR NO. 247: Okay.

5 THE COURT: Thank you.

6 BAILIFF: Juror number 30, 3-0.

7 THE COURT: Hold on one second, 30, Ms. Briggs?

8 JUROR NO. 30: Yes, sir.

9 THE COURT: Go ahead.

10 JUROR NO. 30: My sister was involved a DSS
11 (inaudible).

12 THE COURT: How long ago was that?

13 JUROR NO. 30: About eight years ago.

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

16 JUROR NO. 30: No, sir.

17 THE COURT: Are you willing to base your
18 decision off the evidence and the law?

19 JUROR NO. 30: Yes, sir.

20 THE COURT: And will you do so?

21 JUROR NO. 30: Uh-huh (affirmative).

22 BAILIFF: (Inaudible).

23 THE COURT: Ms. Fabel?

24 JUROR NO. Yes.

25 THE COURT: Okay.

1 JUROR NO. (inaudible): I have a three-year-old
2 daughter.

3 THE COURT: Okay, so the alleged victim in this
4 case (inaudible) allegations (inaudible). The
5 question is, you having a daughter, a child about
6 the same age, does that impact you too much to be
7 fair and impartial to both sides?

8 JUROR NO.: No.

9 THE COURT: Are you willing to be fair and
10 impartial on both sides?

11 JUROR NO.: Yes.

12 THE COURT: And are you willing to follow the
13 (inaudible) without any bias or prejudice towards
14 either side?

15 JUROR NO.: Yes, sir.

16 THE COURT: And will you do so?

17 JUROR NO.: Yes, sir.

18 THE COURT: Okay, thank you.

19 BAILIFF: Juror number (inaudible) 3-5-7, 357.

20 THE COURT: Ms. Hiscox?

21 JUROR NO. 357: Yes.

22 THE COURT: Okay.

23 JUROR NO. 357: I have a 10-year-old son.

24 THE COURT: Okay, so the allegations in this
25 case involve a three-year-old child. It's kind of

1 (inaudible). Would having that child at home affect
2 your ability to be fair and impartial in this case?

3 JUROR NO. 357: No.

4 THE COURT: And are you willing to base your
5 decision off the evidence and the law?

6 JUROR NO. 357: Yes.

7 THE COURT: And will you do so?

8 JUROR NO. 357: Yes.

9 THE COURT: Okay, thank you. All right,
10 anybody else, other than those who have told me,
11 know of any reason why they can't be fair and
12 impartial to both sides? If so, please stand.
13 Okay. All right, so we'll pick two alternates.
14 Five and five on the 12, one and two on the
15 alternates. A couple minutes look over the list. A
16 couple minutes?

17 MR. PERRY: I mean, I think we got several for
18 cause.

19 THE COURT: Yeah, so 205 is out. 343 is out.
20 247 is out. We're not going to get into the
21 (inaudible) about (inaudible). What was the first
22 number?

23 MR. PERRY: 174.

24 THE COURT: Hold on.

25 MR. PERRY: My cousin sexually assaulted a

1 girl.

2 THE COURT: Hold on, I got to find. I think
3 174 is okay.

4 MS. BROWDER: Said he basically could be
5 unbiased.

6 THE COURT: I hope not. (inaudible) oh, we can
7 get (inaudible) anyway, so far down the list it's
8 not going to matter (inaudible).

9 MR. PERRY: (Inaudible).

10 THE COURT: Using the numbers on the left
11 (inaudible). Okay, ladies and gentlemen, so what
12 has happened is there are about 60 of you in the
13 room. You have all been put in a completely and
14 totally random order. You are no longer in
15 numerical order. You are no longer in alphabetical
16 order. You have been quote unquote shuffled, okay?
17 We used to do this by this big machine outside and
18 we had a blind person that would -- it was a whole
19 thing. Now we have a computer. We got one like two
20 years ago, right Molly?

21 CLERK: Yes (inaudible).

22 THE COURT: Okay. All right. At least Molly
23 got my joke. Okay. All right. And so when your
24 name is called, I want you to come forward and Mr.
25 Bowen's going to show you where to stand. Right?

1 You're going to stand right there. You're going to
2 face the audience and then we're going to ask the
3 State, do they want to keep you or excuse you. Then
4 they're going to ask the Defense, do they want to
5 keep you or excuse you. If either side says, please
6 excuse the juror; just go to the back of the
7 courtroom. If both sides say seat or swear the
8 juror, you're going to come right over here to Mr.
9 Coker, who's going to show you where to sit, all
10 right. And does the State need a few minutes or are
11 you good to go?

12 MS. BROWDER: We're ready, Your Honor.

13 THE COURT: You need a few minutes or are you
14 good?

15 MR. PERRY: Ready, Judge.

16 THE COURT: Okay. All right. You ready,
17 Molly?

18 CLERK: Yes, Your Honor.

19 THE COURT: Okay. When your name is called,
20 gather all of your belongings and come down front,
21 please.

22 CLERK: Juror number 78. What says the State?

23 MS. BROWDER: Please seat this juror.

24 CLERK: What says the Defense?

25 MR. PERRY: Swear the juror.

1 CLERK: Please have a seat in the jury box.

2 Juror 41. What says the State?

3 MS. BROWDER: Please seat this juror.

4 CLERK: What says the Defense?

5 MR. PERRY: What's the juror's name, Madam

6 Clerk?

7 THE COURT: Chasity Cail, C-A-I-L.

8 MR. PERRY: Please swear the juror.

9 CLERK: Please have a seat in the jury box.

10 Juror number 98. What says the State?

11 MS. BROWDER: Please seat this juror.

12 CLERK: What says the Defense?

13 MR. PERRY: Please swear the juror.

14 CLERK: Please have a seat in the jury box.

15 Juror 290. What says the State?

16 MS. BROWDER: Please seat this juror.

17 CLERK: What says the Defense?

18 MR. PERRY: Please swear the juror.

19 CLERK: Please have a seat in the jury box.

20 Juror 312.

21 THE COURT: 312.

22 CLERK: What says the State?

23 MS. BROWDER: Please excuse this juror.

24 CLERK: Please have a seat at the back of the
25 courtroom. Juror 216. What says the State?

1 MS. BROWDER: Please seat this juror.

2 CLERK: What says the Defense?

3 MR. PERRY: Please swear the juror.

4 CLERK: Please have a seat in the jury box.

5 Juror number 140. What says the State?

6 MS. BROWDER: Please seat this juror.

7 CLERK: What says the Defense?

8 MR. PERRY: Please swear the juror.

9 CLERK: Please have a seat in the jury box.

10 Juror number 80 Casey (inaudible).

11 THE COURT: He can come this way.

12 CLERK: What says the State?

13 MS. BROWDER: Please seat this juror.

14 CLERK: What says the Defense?

15 MR. PERRY: Please excuse this juror.

16 CLERK: Please have a seat at the back of the
17 courtroom. Juror number 305, 305. What says the
18 State?

19 MS. BROWDER: Please seat this juror.

20 CLERK: What says the Defense?

21 MR. PERRY: Please swear the juror.

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

23 Juror number 86, 86. What says the State?

24 MS. BROWDER: Please seat this juror.

25 CLERK: What says the Defense?

1 MR. PERRY: Please swear the juror.

2 CLERK: Please have a seat in the jury box.

3 Juror 357. What says the State?

4 MS. BROWDER: Please seat this juror.

5 CLERK: What says the Defense?

6 MR. PERRY: Please swear the juror.

7 CLERK: Please have a seat in the jury box.

8 Juror 351. What says the State?

9 MS. BROWDER: Please excuse this juror.

10 CLERK: Please have a seat at the back of the
11 courtroom. Juror 225. What says the State?

12 MS. BROWDER: Please seat this juror.

13 CLERK: What says the Defense?

14 MR. PERRY: Please swear the juror.

15 CLERK: Please have a seat in the jury box.

16 Juror 120. What says the State?

17 MS. BROWDER: Please seat this juror.

18 CLERK: What says the Defense?

19 MR. PERRY: Please excuse this juror.

20 CLERK: Please have a seat at the back of the
21 courtroom. Juror number 61. What says the State?

22 MS. BROWDER: Please seat this juror.

23 CLERK: What says the Defense?

24 MR. PERRY: Please swear the juror.

25 CLERK: Please have a seat in the jury box.

1 THE COURT: Was that 61?

2 CLERK: Yes.

3 THE COURT: Okay.

4 CLERK: Juror number 202. What says the State?

5 MS. BROWDER: Please seat this juror.

6 CLERK: What says the Defense?

7 MR. PERRY: Please excuse this juror.

8 CLERK: Please have a seat in the back of the
9 courtroom. Juror number 235. What says the State?

10 MS. BROWDER: Please seat this juror.

11 CLERK: What says the Defense?

12 MR. PERRY: Please excuse this juror.

13 CLERK: Please have a seat in the back of the
14 courtroom. Juror number 73. The Defense has used
15 four strikes, the State has used two. What says the
16 State?

17 MS. BROWDER: Please seat this juror.

18 CLERK: What says the Defense?

19 MR. PERRY: Please swear to the juror.

20 CLERK: Please have a seat in the jury box.

21 THE COURT: All right, we'll pick two
22 alternates. Strikes will be one and two on each
23 alternate.

24 CLERK: Juror number 322. What says the State?

25 MS. BROWDER: Please seat this juror.

1 CLERK: What says the Defense?

2 MR. PERRY: Please excuse this juror.

3 CLERK: Please have a seat at the back of the
4 courtroom. Juror number 370. What says the State?

5 MS. BROWDER: Please seat this juror.

6 CLERK: What says the Defense?

7 MR. PERRY: Please swear the juror.

8 CLERK: Please have a seat in the jury box.
9 Juror number 47.

10 THE COURT: Strikes will start over.

11 CLERK: Yes, Your Honor. What says the State?

12 MS. BROWDER: Please seat this juror.

13 CLERK: What says the Defense?

14 MR. PERRY: Please excuse the juror.

15 CLERK: Please have a seat in the back of the
16 courtroom. Juror number 88. What says the State?

17 MS. BROWDER: Please seat this juror.

18 CLERK: What says the Defense?

19 MR. PERRY: Please excuse this juror.

20 CLERK: Please have a seat in the back of the
21 courtroom. Juror number 292. The Defense
22 (inaudible) used two strikes. What says the State?

23 MS. BROWDER: Please seat this juror.

24 CLERK: Does the Defense (inaudible)?

25 MR. PERRY: No.

1 CLERK: Please have a seat in the jury box.

2 THE COURT: All right, any exception to the
3 jury selection process from the State?

4 MS. BROWDER: No, sir.

5 THE COURT: From the Defense?

6 MR. PERRY: No, sir.

7 THE COURT: Okay, if you're in the audience,
8 you did not make it on this jury, congratulations.
9 And I'm going to send you back downstairs to the
10 jury assembly room where you should be released
11 shortly and be on a call back for the rest of the
12 week. So, thank you very much and have a nice day.
13 Let me get them out of the room and then I'm going
14 to release you for lunch. Quiet down.

15 THE COURT: Molly, I need the list of what everybody
16 does for a living. The big list. There you go. Just
17 when we come back from lunch.

18 CLERK: Okay.

19 THE COURT: Yeah, I just need to run through it
20 real quick. Okay, ladies and gentlemen, let me give
21 you -- I'm gonna give you about five minutes worth
22 of information, then I'm gonna release you for
23 lunch, okay?

24 Let's kind of start with who everybody is in
25 the room, okay? Number one, my name is Robert Hood.

1 I'll be your trial judge at this point in time. I'm
2 in charge of you, and I'm gonna tell you when to
3 come back, when to leave, all those good things,
4 okay.

5 Over here to my right, this is Mr. Joseph
6 Hoskins, is that right? He is our court reporter
7 for this case. So, everything that is going on in
8 the courtroom is being recorded. You're in a fully
9 digital courtroom, one of only five that exists in
10 the state of South Carolina, and so he's the one
11 operating that machine. What that means is, if a
12 lawyer forgets to turn on their mic, or if we can't
13 hear a witness, or for some reason I start talking
14 softly, he's gonna give us some kind of sign to say
15 the system is not picking you up, and usually they
16 kind of wave at me, or they say, I can't hear that
17 person, or she needs to be closer to her mic, or he
18 does. So, the goal is that everybody can hear
19 everybody, and that we have a good, solid recording
20 of what occurs in here, okay.

21 Seated down below me is Molly. Molly wave,
22 there you go. Molly's with the clerk's office,
23 she'll be swearing in witnesses, handling the
24 exhibits, all that kind of good stuff.

25 Seated in your back corner is Mr. Coker, front

1 corner is Mr. Bowen, they're your bailiffs for the
2 week, they'll show you how to come in, they'll show
3 you how to go out. They're gonna take your phones
4 from you, they're gonna collect your phone numbers
5 from you, that's not for dissemination, that's just
6 in case we can't find you. Your phones will be
7 given back to you during your lunch break, and for
8 overnight, okay.

9 This is Matthew Faulkner, did I get that right?
10 Okay. So he is a law student. There's a program at
11 the law school called the JOE, which is Judicial
12 Observation Experience, right? And so this is his
13 JOE week, he's just observing, so they try to get
14 law students to be able to watch court, and so
15 that's, he's assigned to me this week.

16 This over here is Tiffany --

17 MS. SCOTT: Scott.

18 THE COURT: Scott, I've gotten her name wrong
19 once in 10 months and she won't let me go from it.
20 This is Tiffany Scott, so she is my law clerk, so
21 that means she's graduated from law school, passed
22 the bar exam, she's a lawyer, and she works for me.

23 While this case is going on, I'm also
24 responsible for every single criminal case in the
25 circuit, which is a number larger than you would

1 ever care to imagine. So, there are literally
2 hundreds of other things that we're working on at
3 the same exact time. Tiffany's working on those, so
4 if you see her coming and going from the courtroom,
5 that's what she's doing.

6 There's security in every courtroom in South
7 Carolina, so that has nothing to do with the case,
8 that's just standard operating procedure. If we're
9 in court, we have security in the court regardless
10 of the case or anything going on with it, that's
11 just normal operating procedure, okay.

12 From this point forward, these rules are in
13 effect, okay. So if you haven't been listening,
14 now's the time to start listening. We're going to
15 start with the most confusing rule, okay. The most
16 confusing rule is this, you, that means all 14 of
17 you, are not allowed to talk about or discuss this
18 case or discuss anything about it with anyone, and
19 that includes each other, okay.

20 You can talk about the five-hour game yesterday
21 where Florida beat Clemson. You can talk about what
22 your plans are for the summer. You can talk about
23 what you do for a living. You can talk about your
24 garden. You can talk about your beach trip. You
25 can talk about the weather. You can talk about how

1 bad the Gamecock football team's going to be this
2 year. I don't really care what you talk about,
3 okay, but you can't talk about this case, and you
4 can't let anybody talk to you about the case.

5 There will come a very specific time where you
6 all are allowed to start talking about the case,
7 that's at the very end, and I will give you a sign
8 of when that can start. Until then, you're not
9 allowed to talk about the case at all.

10 You're not allowed to do any research on the
11 case, okay. Now, contrary to what my children
12 believe, I do live in the year 2024, and I do
13 understand that we all have computers on us, okay.
14 Your computer these days is known as your phone,
15 it's more powerful than any computer I ever owned as
16 a child, right? But you are not allowed to do any
17 research about this case, you should not be
18 investigating this case, you are not the
19 investigator on the case, you are a juror. You
20 should not be looking up people, you should not be
21 looking up witnesses, you should not be trying to
22 find news articles, none of that kind of stuff about
23 the case, okay. No independent research on the
24 case, all right.

25 I am in the news all of the time, okay. More

1 than I care to remember, and 95 percent of all news
2 stories about what happens in court are actually
3 completely different than what actually happened in
4 the courtroom, so they are not a source of
5 information about this case.

6 Number two, you should not have any contact
7 with anybody involved in the case. So, kind of look
8 around, okay. You should not be having any contact
9 with these people. If they see you in the hallway,
10 they're going to ignore you. You should ignore
11 them. They're not going to say hello. They're not
12 going to say good morning. They're just going to
13 act like you're not there, okay. They're not being
14 rude, they're just following my instructions; an
15 innocent good morning or hello seen by the other
16 side is always misconstrued, okay.

17 The next thing is, there's no news media in the
18 courtroom right now, so you're free to watch the
19 local news or however you take in the news. If that
20 changes, I'll let you know to tell you not to watch
21 the news, but you shouldn't be doing any research on
22 the news into this case or whatever may have
23 happened in this case in the past.

24 The last thing is this, I need you to be on
25 time, okay. So, there are 14 of you, nothing can

1 happen until all 14 of you are here, okay. So if
2 you're one of those people that are perpetually
3 late, if you're one of those people where your
4 family says we're going to lie to her about what
5 time things start because she's always late, if
6 somebody said about you in the past, he's going to
7 be late to his own funeral, this is your week to
8 turn over a new leaf, okay. If you have an issue
9 with being on time, lie to yourself about what time
10 court starts, okay. Because if one of you is late,
11 that means the other 13 are waiting, all of the
12 courthouse staff are waiting, all of the lawyers are
13 waiting, and all of the witnesses are waiting. So
14 you're probably making somewhere between 30 and 40
15 people wait on you, okay. So, I need you to be on
16 time, okay. I will be on time.

17 I've known these lawyers for a long time. They
18 know that I don't just show up whenever I feel like
19 it, like I'm going to be here, I'm going to be on
20 time, I'm going to make the best use of your time,
21 but I can't do that unless all 14 of you are here,
22 okay.

23 My alternates always need to sit on the back
24 row, okay. And you are very important. It's very
25 rare that I don't have to seat an alternate. So you

1 need to be full-blown paying attention and engaged
2 and all the same rules apply to the both of you,
3 okay. The rest of you can sit anywhere in the front
4 three rows that you want to, okay.

5 Now it is currently 1:15, so I'm going to do
6 some math in my head real quick. Okay, I want you
7 back at 3:00, okay. At 3:00 you need to be in your
8 jury room, ready to go. We're going to run court --
9 the rules are we're going to -- we run court till
10 about 5:00. What does about 5:00 mean? If we're at
11 5:00 and the next witness is short, we're going to
12 do the next witness. If we're at 5:00 and the next
13 witness is long, we're going to stop, go home and
14 start again in the morning.

15 We will start each morning at 9:30. We will
16 take a lunch break. We will take a morning break.
17 We will take an afternoon break. The only exception
18 to stopping at 5:00 or 5:30 is if you are
19 deliberating. So, at some point in the case, you
20 will be deliberating and I will usually keep you
21 here until the evening hours to let you try to
22 finish, to avoid you coming back another day, okay.
23 Those are the basic rules. Everybody with me?
24 Okay. All right. So we're going to -- the bailiffs
25 are going to go out that back door, follow Mr. Coker

1 out of it. They're going to show you how to come in
2 and go out of the courthouse and get the information
3 from you. We'll see you back at 3:00, 3:00. Thank
4 you very much. Everyone else, stay seated.

5 (Jury exits courtroom)

6 THE COURT: Anything from the State before we
7 break for lunch?

8 MS. BROWDER: Real quick, Your Honor, we wanted
9 to bring your attention just to make sure the
10 record's clear. Mr. Faulkner, who's sitting with
11 you, does work in our office as a law clerk. We
12 purposely knew that he was going to be interning
13 with you this week, so we shielded him from this
14 case. He had no access to it, was not working on it
15 (inaudible). So we just wanted to make that clear
16 on the record.

17 THE COURT: You're good with all that, Mr.
18 Perry?

19 MR. PERRY: Of course, Your Honor.

20 THE COURT: Yeah. And I asked him this morning
21 if he had any knowledge about the case or if he'd
22 worked on it or had any connection to it, and he
23 told me that he did not. Okay. All right. Let's do
24 2:15. We'll start pretrial at 2:15 and ready to
25 roll. Okay. Thank you. Y'all, think about what

1 you want me to say about the fact that the Defendant
2 is not here, if anything. Just think about it over
3 the lunch break and think about what your thoughts
4 are on that. Okay? 2:15, 2:15.

5 (COURT IN RECESS)

6 THE COURT: Okay, what's first?

7 MS. BROWDER: Your Honor, we have a bench
8 warrant for you to sign.

9 THE COURT: Okay.

10 MS. BROWDER: (Inaudible).

11 THE COURT: Thank you. What's next?

12 MS. BROWDER: Your Honor, for purposes of the
13 State pre-trial (inaudible) regarding lay witnesses
14 rap sheets. Every one of our witnesses does not
15 have (inaudible).

16 THE COURT: Okay.

17 MS. BROWDER: We are also (inaudible) discovery
18 (inaudible) discovery material (inaudible).

19 THE COURT: Anything you need to turn over, Mr.
20 Perry?

21 MR. PERRY: No, the Defense has nothing to turn
22 over.

23 THE COURT: Thank you, Mr. Perry.

24 MS. BROWDER: There is a co-defendant, mother
25 of the child, Tiffany Britton, she has already been

1 pled (inaudible) charges and our charges, so we're
2 asking that the Defense not be able to discuss the
3 fact that she has been convicted and is doing prison
4 time. There's State vs. Brown and State vs.
5 (inaudible).

6 THE COURT: Thank you.

7 MS. BROWDER: Evidence of a co-defendant's
8 guilty plea is irrelevant and highly prejudicial,
9 whether or not the co-defendant pled guilty to a
10 charge (inaudible) on trial (inaudible) she was
11 arrested as well, but not that she was convicted,
12 plead guilty, (inaudible).

13 THE COURT: Thoughts on that, Mr. Perry?

14 MR. PERRY: Your Honor, I have no intentions of
15 bringing that up. I'm glad the State doesn't want
16 to either.

17 THE COURT: Great.

18 MS. BROWDER: And then the rest, Your Honor,
19 (inaudible) addressing.

20 THE COURT: Yes, ma'am?

21 MS. CAVANAUGH: Yes, Your Honor. First, we'd
22 like to address both States' motions to remove the
23 defendant from the courtroom when the victim,
24 Paisley Skyland Ginter, testifies, and then also the
25 witness, which is her half-sister, Natalia, Ginter,

1 who witnessed a lot of the physical abuse inflicted
2 on her sister at the hands of the defendant.

3 So, we've provided hand -- excuse me, written
4 motions to that effect. The case law that supports
5 our position, Your Honor, is -- well, first of all,
6 it's the statute 16-3-1550(e) that states the
7 Circuit Court must treat sensibly witnesses who are
8 very young, that's what we're dealing with in this
9 case, by using closed or taped sessions when
10 appropriate, the prosecution agency must notify the
11 Court when a victim or witness deserves special
12 consideration. That's the statute. And then State
13 v. Bray, which is the South Carolina Supreme Court
14 case from 342 S.C. 23, guides the trial court when
15 evaluating whether video testimony is appropriate.
16 State v. Murrell, another South Carolina Supreme
17 Court case, 302 S.C. 77, outlines the procedure that
18 the trial courts utilize when using videotaped
19 testimony. And then State v. Lopez is a South
20 Carolina court case decided in 1991 306 S.C. 362
21 that most of the cases on this aspect are specific
22 to actual victims of abuse. State v. Lopez, though,
23 deals with witnesses of abuse. (Inaudible) decided
24 in 1990. It stands for the proposition that it is
25 not (inaudible) violate the defendant's Sixth

1 Amendment rights. But we do not realize that this
2 requires testimony, so at this time we're ready to
3 proceed on the motion as it relates to the witness
4 Natalia Ginter.

5 THE COURT: Okay, so the witness is Natalia and
6 the alleged victim is (inaudible).

7 MS. CAVANAUGH: Well (inaudible) it's Paisley
8 Ginter, but Skyland Ginter.

9 MS. BROWDER: Skyland (inaudible) Ginter is her
10 legal name but they call her Paisley.

11 THE COURT: Got it. Okay, so we're going to
12 start with the witness first.

13 MS. CAVANAUGH: Yes, Your Honor.

14 THE COURT: Okay.

15 MR. PERRY: Your Honor, the only thing I would
16 raise, again, we've mentioned this in chambers, just
17 for the record, I don't believe the issue is right.

18 THE COURT: He's not here, right.

19 MR. PERRY: Exactly. And so with him not being
20 here, I don't think that it's necessary to go down
21 this road. I mean, if --

22 THE COURT: Right.

23 MR. PERRY: -- he were here --

24 THE COURT: And we talked about that this
25 morning in chambers, and kind of what I said to

1 summarize was let's go ahead and take the testimony,
2 in case he does show up, we don't have to stop
3 everything we're doing and have a whole hearing and
4 get these witnesses back up here.

5 So, I'm just going to take the testimony this
6 afternoon. I'm not going to rule on it because he's
7 not here.

8 MR. PERRY: (Inaudible).

9 THE COURT: So, at this point, it's not an
10 issue. And then if for some reason or if he -- if
11 Mr. Ginter does show up, then we can cross that
12 bridge and I can make an official ruling at that
13 point in time.

14 MR. PERRY: Thank you very much, Your Honor.

15 THE COURT: Okay. All right. And so who would
16 you like to call?

17 MS. CAVANAUGH: Your Honor, we do have -- we
18 would (inaudible) Court's exhibits.

19 THE COURT: Sure.

20 MS. CAVANAUGH: The one, as it relates to
21 Natalia Ginter, Court's Exhibit 5, and then as it
22 relates to Paisley Skyland Ginter, the actual
23 victim, Court's Exhibit 4.

24 THE COURT: Okay.

25 MS. CAVANAUGH: And we'll proceed with the

1 witnesses. (Inaudible) the State calls Rachel
2 Brewster.

3 THE COURT: All right. Come on up, ma'am.

4 MR. COMER: Your Honor, may it please the
5 Court?

6 THE COURT: Yes, sir.

7 MR. COMER: My name is Brian Comer. I'm the
8 General Counsel for the South Carolina Youth
9 Advocate Program. Ms. Brewster is one of our
10 clinicians, and I'm just here as her counsel and
11 wanted to enter it for the record. If it's okay, I
12 was just going to grab a seat here.

13 THE COURT: That's perfect. Thank you very
14 much. Thank you, Court.

15 (Witness sworn)

16 BAILIFF: State your full name for the record,
17 but make sure you spell (inaudible).

18 MS. BREWSTER: My name is Rachel Brewster.

19 THE COURT: You've got to speak up for me.

20 MS. BREWSTER: Sorry, my name is Rachel
21 Brewster.

22 THE COURT: That's okay. All right. Go ahead.

23 COURT REPORTER: How do you spell your last
24 name?

25 MS. BREWSTER: B-R-E-W-S-T-E-R.

1 RACHEL BREWSTER, HAVING BEEN DULY SWORN, TESTIFIED AS
2 FOLLOWS:

3 DIRECT EXAMINATION

4 BY MS. CAVANAUGH:

5 Q. Ms. Brewster, where are you employed?

6 A. The South Carolina Youth Advocate Program.

7 Q. And what is that?

8 A. So, we advocate for children, but we -- my role is
9 to be a therapist to Natalia Ginter. I'm sorry.

10 Q. Natalia Ginter?

11 A. Yes.

12 Q. And when did you -- you said you're her therapist.

13 A. Uh-huh (affirmative).

14 Q. And when did you begin counseling her?

15 A. May 2023.

16 Q. And before we go into that, are you -- can you
17 describe your educational background, please?

18 A. Yes. So my official title is LPCA, which is
19 Licensed Professional Counselor Associate. I have a
20 master's degree from Capella University, which requires
21 me to have over 90 credits of counseling education as
22 well as 700 supervised hours to obtain my education. And
23 then I had to go through testing to get my licensure as
24 well. And now I sit under supervision under two
25 different licensed professional counselors.

1 Q. What is your license -- do you have a license?

2 A. Yes.

3 Q. What is your license in?

4 A. It is in clinical mental health counseling.

5 Q. And what kind of testing or clinical practice do you
6 have to go through to get licensed in that field?

7 A. So I have to pass the NCE, which is a National
8 Counselor Exam. It is a four-hour test with a lot of
9 questions. But as well as I have to have the educational
10 background to even sit for the testing, which is, again,
11 anything that is required by the State.

12 Q. And so when did you obtain that license?

13 A. I obtained that license in March of 2023.

14 Q. And you said you got your master's in clinical
15 mental health?

16 A. Yes.

17 Q. And when did you obtain that degree?

18 A. 2023 as well.

19 Q. How long have you been a counselor in this
20 (inaudible)?

21 A. So I have been a LPCA for a little over a year,
22 about a year and three months. And then I worked as a
23 graduate counselor for about a year before that under a
24 direct supervisor.

25 Q. And so in the past year and (inaudible) prior to

1 obtaining your master's and your license, what area of
2 counseling have you focused on?

3 A. I focused on children. And specifically with our
4 population, we deal with a lot of trauma-informed care,
5 as well as working with strictly Medicaid clients, which
6 does bring a lot of the trauma in force as well.

7 Q. So is it fair to say that your practice has been
8 focused on children that have been through some type of
9 trauma?

10 A. Yes.

11 Q. And what types of trauma?

12 A. So we have physical abuse, sexual abuse, verbal,
13 emotional trauma, as well as with a lot of our kids that
14 are in foster care, there is some levels of trauma with
15 that as well.

16 MS. CAVANAUGH: Your Honor, at this time I'd
17 ask, for the purposes of this pre-trial hearing,
18 that she be qualified in the area of childhood
19 trauma counseling.

20 MR. PERRY: Without objection from the
21 Defense, Your Honor.

22 THE COURT: Okay.

23 BY MS. CAVANAUGH:

24 Q. Bringing your attention to this case, why we're here
25 today, have you counseled Natalia Ginter?

1 A. Yes.

2 Q. And for how long have you been counseling her?

3 A. Since May of 2023.

4 Q. So a little over a year?

5 A. Uh-huh (affirmative).

6 Q. And how frequently had you had counseling sessions
7 with her?

8 A. So I see her on a weekly basis for an hour session.

9 Q. And why was she referred to, is it SCYA?

10 A. Uh-huh (affirmative).

11 Q. Why would she refer to SCYA for counseling?

12 A. Natalia came in with a lot of self-esteem issues
13 that had stemmed from her trauma past, as well as she had
14 a difficult time coping with big emotions and would shut
15 down and not really handle those emotions well.

16 Q. And as her counselor, were you able to tell where
17 those issues came from?

18 A. So in the beginning, she did open up about her past.
19 But now, as we started to talk through it and kind of get
20 to the root of the issue, she does tend to shut down
21 anytime we bring up her biological parents.

22 Q. And who are her biological parents?

23 A. That would be Nathan, and I'm not sure of her mom's
24 name. I think it's Tiffany.

25 Q. Nathan, the father.

1 A. Yeah. Nathan.

2 Q. Nathan.

3 A. Yes.

4 Q. Ginter? Okay. And when you would bring up his name
5 in the early part of your sessions, what did you notice
6 about her behavior?

7 A. So, whenever I bring up her father, Nathan, she
8 would start to talk and then start to have like a
9 visceral reaction or behavioral reaction where she would
10 back up from the camera, because I do see her from
11 telehealth most of the time. As well as if I start to
12 dig into the case further, she will stop talking. She'll
13 just kind of put her head down and stop talking. And it
14 usually takes about 10 to 20 minutes to get her back to a
15 spot where she can talk to me again.

16 Q. And this would happen when you would bring up his
17 name?

18 A. Bring up his name or anything from her past in
19 regards to him.

20 Q. And you were talking about your self-esteem. What
21 sort of issues was she dealing with when she started
22 seeing you as a counselor?

23 A. So she talked a lot about not really knowing how to
24 dress because of her dad pushing a certain agenda on her
25 dress-wise. And when we talked about it, she said she

1 became uncomfortable any time he would talk about it, and
2 that kind of bled over into her friendships as well, not
3 really knowing where she fit in, and would people look at
4 the way she dressed or her past and use that against her
5 in a way.

6 Q. And was she dealing with any sort of issues about
7 how she felt about herself?

8 A. Yes.

9 Q. Describe that. So she felt that she wasn't good
10 enough. There were a lot of times when she would tell me
11 that she just didn't feel like she had friends and that
12 whenever she did talk about her dad would not allow her
13 to have friends in a certain way.

14 Q. And have those thought processes, those behaviors,
15 have those changed over the past year?

16 A. Yes. She has some friendships. She has one very
17 close friend that she talks about frequently, but she has
18 gained a lot more self-confidence.

19 Q. And based on your observations that you just
20 testified to about her physical reaction to you
21 mentioning his name, what do you think would happen if
22 she were to be required to testify in front of him about
23 what she believes?

24 A. I'm not sure that she would speak. Based on the
25 reactions that she's had and even just mentioning his

1 name, I'm not sure she would give her testimony.

2 Q. And again, what is that based on?

3 A. Based on the fact that even just at the mention of
4 his name, she has a physical reaction.

5 Q. And even with you, are y'all in a one-on-one
6 setting?

7 A. Uh-huh (affirmative).

8 Q. Even with you, when you bring up his name what would
9 she do?

10 A. She would back up from the camera and stop talking.
11 It would take about 10 to 20 minutes for me to be able to
12 get her to talk again.

13 Q. And when you mentioned her biological mother, but
14 besides the biological parents, would this type of
15 reaction occur when you mentioned anybody else?

16 A. No.

17 MS. CAVANAUGH: Beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 MS. CAVANAUGH: Okay. Thank you, Ms. Brewster.

20 Please answer any questions from the Defense.

21 CROSS-EXAMINATION

22 BY MR. PERRY:

23 Q. Ms. Brewster, how old is Natalia?

24 A. She is 11.

25 Q. Eleven? No further questions.

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

3 MS. CAVANAUGH: The State calls Dr. Alicia
4 Benedetto.

5 THE COURT: Okay.

6 MR. CROWDER: Your Honor, can Ms. Brewster be
7 released?

8 THE COURT: Yes.

9 MR. CROWDER: Thank you.

10 THE COURT: Are we using her in the case in
11 chief?

12 MS. CAVANAUGH: No.

13 THE COURT: No, okay got it.

14 (Witness sworn)

15 CLERK: State your full name for the record,
16 please spell your last name.

17 MS. BENEDETTO: Alicia Benedetto, B-E-N-E-D-E-
18 T-T-O.

19 ALICIA BENEDETTO, HAVING BEEN DULY SWORN, TESTIFIED AS
20 FOLLOWS:

21 DIRECT EXAMINATION

22 BY MS. CAVANAUGH:

23 Q. Dr. Benedetto, where do you work?

24 A. I work for the Department of Mental Health,
25 specifically at the Metropolitan Children's Advocacy

1 Center.

2 Q. You're a doctor; you have your doctorate degree?

3 A. I'm a psychologist, yes.

4 Q. And is that what your license is in?

5 A. That's correct.

6 Q. And how long have you had a license to practice?

7 A. Licensed in 2006.

8 Q. What is your role at the Children's Advocacy Center?

9 A. I'm the director of the program, but I also provide
10 clinical services, forensic interviews.

11 Q. And you said you have been licensed (inaudible)
12 since 2006?

13 A. Yes.

14 Q. What are your -- do you have a master's? Well, you
15 have a doctorate?

16 A. Yes.

17 Q. When did you obtain that and from where?

18 A. Oh, goodness. So my undergraduate degree is from
19 New York University, and then my master's and doctorate
20 are both from St. John's University in New York.

21 Q. And so, in your role at the Children's Advocacy
22 Center, what is your (inaudible) what are your
23 (inaudible) what's your main role there right now?

24 A. So as director, I oversee hiring and training of the
25 staff; anything to do with programmatic management. We

1 also do a good bit of training for child protection
2 workers throughout the state. We teach the ChildFirst
3 training quarterly. And in addition I provide, as I
4 said, direct clinical services in the form of forensic
5 interviews several times a week.

6 Q. Who actually who would (inaudible)?

7 A. So we see children when they are referred by law
8 enforcement or social services.

9 MS. CAVANAUGH: Your Honor, at this time I'd
10 ask that Dr. Benedetto be qualified as an expert for
11 purposes of this hearing in clinical psychology.

12 MR. PERRY: Without objection, Your Honor.

13 THE COURT: Very well.

14 BY MS. CAVANAUGH:

15 Q. Dr. Bendetto, did you have an occasion to interview
16 (inaudible) Natalia Ginter?

17 A. I did.

18 Q. And when did you interview her?

19 A. April 4, 2022.

20 Q. And (inaudible) of your interview with her?

21 A. She was referred to us by law enforcement who had
22 requested an interview of her along with her siblings.

23 Q. Was she a victim of -- well, you interviewed her?

24 A. I did.

25 Q. What did you learn from her interview?

1 A. Sure. So when we interview children, we're
2 interviewing them about a range of concerns. There was
3 the concern that brought her to us was her sister,
4 Skyland. But in the course of questioning her about
5 that, asked her as well about her own experiences in that
6 home.

7 Q. What did she indicate that she witnessed?

8 A. Natalia had witnessed a great deal that went on in
9 the home. She was very aware of sort of how punishments
10 worked in the home and how they were administered and who
11 would administer them and described in great detail the
12 process of how that took place.

13 Q. Based on (inaudible) what did she actually witness
14 to happen to her sister?

15 A. She witnessed her sister being hit with a stick
16 called a pow-pow stick, on which she had been told to
17 write -- to put smiley faces and write, "We do this
18 because we care," because her father told her that would
19 be funny. So she did that.

20 She witnessed her sister in ice baths and explained
21 to me how good girls get to take warm baths, bad girls
22 have to take ice baths, and how her sister's head would
23 get pushed back. And she clarified it wouldn't go
24 completely under the water, but talked about how
25 frightened her three-year-old sister was. She talked

1 about the taser that was used as well on her little
2 sister.

3 Q. And based on the interview with her and, I guess,
4 what did you have to review in addition to this?

5 A. Not a whole lot. The incident report, at that time
6 she had come into care about a week before, so I had the
7 incident report and possibly one of -- the interview of
8 her sister, now that I think of it, Cadence, I believe we
9 had that as well.

10 Q. Based on your interview with her, what were your
11 main concerns as it relates to her?

12 A. The witnessing of the extreme abuse of her baby
13 sister and the psychological effects, the psychological
14 abuse that that constituted.

15 Q. And based on her description of what she witnessed,
16 was that (inaudible) did she, she might not experienced
17 physical abuse, was she also a victim of other abuse?

18 A. Absolutely. She was a victim of psychological
19 maltreatment so extreme that she actually aligned herself
20 with her father and stepmother and spoke in terms of we,
21 we have to do these things, we do these things. And
22 eventually I asked her, when you say we, are you saying
23 that you did it? And she said no, she didn't do it, but
24 the culture within the home was that we have to do these
25 things.

1 She talked about her sister's very high pain
2 threshold and how they had started -- we had started,
3 with lesser punishments but had to increase them. And
4 most of those punishments were actually for crying, as
5 Natalia explained it.

6 Q. Was that a signal to you that she was (inaudible)
7 victim?

8 A. Yes, that she was in so much fear and had to have
9 some way of understanding why a parent was doing this and
10 so much in fear for herself as well, because what could
11 certainly happen to her, that she had to align herself
12 with the people who were abusing her sister.

13 MS. CAVANAUGH: Beg the Court's indulgence.

14 Thank you, Dr. Benedetto. No further questions.

15 MR. PERRY: No questions, Your Honor.

16 THE COURT: Thank you.

17 MS. CAVANAUGH: One more witness for this case,
18 Your Honor. The State calls Lindsey Ott.

19 THE COURT: Okay.

20 (Witness sworn)

21 CLERK: State your full name for the record,
22 please spell your last name.

23 MS. OTT: My name is Dr. Lindsey Ott, and it's
24 spelled O-T-T.

25 LINDSEY OTT, HAVING BEEN DULY SWORN, TESTIFIED AS

1 FOLLOWS:

2 DIRECT EXAMINATION

3 BY MS. CAVANAUGH:

4 Q. Lindsey, how do you know Natalia?

5 A. Natalia's father, Nathan Ginter, went to high school
6 with me. We're not close friends; kept in touch via
7 Facebook. I'm the principal of a charter school in
8 downtown Columbia. He brought Natalia to attend my
9 school in September of 2019 is when we first met.
10 Currently, I'm her caregiver.

11 Q. That's what I was getting at. You're her caregiver?

12 A. Yes.

13 Q. How long have you been -- when you say you're her
14 caregiver, does she live with you?

15 A. She does.

16 Q. Do you have (inaudible) are you her legal guardian?

17 A. I am.

18 Q. Is she still in the custody of DSS?

19 A. She is still in the custody of DSS. DSS has filed a
20 motion for termination of parental rights, and I have
21 filed a private action as well that have later been
22 joined in family court.

23 Q. So are you trying to adopt Natalia?

24 A. Yes.

25 Q. And how long has she lived with you?

1 A. She initially came to stay with her paternal
2 grandmother, Pamela Arnold, who is her grandmother, and
3 myself in July of -- July 1st, 2022.

4 Q. So almost two years?

5 A. Yes.

6 Q. And since Natalia was removed from the defendant
7 Nathan Ginter's home, has she had any contact with him at
8 all?

9 A. No, none.

10 Q. So she hasn't seen him?

11 A. No.

12 Q. She hasn't talked to him?

13 A. No.

14 Q. And have you observed -- well, first of all, have
15 you had any discussions with Natalia about what she
16 witnessed?

17 A. Not prior to two weeks ago.

18 Q. Okay.

19 A. Not in regards to her sister. We'd had previous
20 conversations regarding things that went on in their
21 home, but nothing relating to Skyland.

22 Q. And does she bring up her father to you at all?

23 A. Yes, but not in the context of her sister, more so
24 in the context of things that when I babysat her, she and
25 I would do at her father's home or positive interactions

1 that we had had. But she never brings him up in the
2 sense that she would like to see him or anything of that
3 nature, no.

4 Q. When Natalia first started living with you, what did
5 you -- did she have very many friends?

6 A. No, she had none.

7 Q. What did you observe about any of her (inaudible)
8 how old was she when she first came to live with you?

9 A. She would have been -- just turned 10 the day
10 before. Her birthday is June 30th.

11 Q. You met her while she was still living with the
12 defendant?

13 A. I did.

14 Q. And so what -- was she allowed to have friends over
15 when she lived with Nathan? Do you remember?

16 A. No, she was not allowed to have friends over. She
17 was not allowed to contact family. She was not allowed
18 to contact anyone without the direct supervision of her
19 father.

20 Q. And how did you know that?

21 A. I would -- it was during COVID, he would drop her
22 off to my office roughly 7:30 in the morning. She would
23 stay with me all day. I would take her home after work.
24 Nathan -- I would stay with her until he came back, which
25 was anywhere between four in the afternoon and 8:00 at

1 night. So I witnessed any -- she went to bed at 8:30, so
2 I witnessed pretty much any interaction she had with
3 anyone.

4 Q. And what other -- did any other behaviors sort of
5 (inaudible)? Did any sort of other things strike you as
6 odd when you knew her when she lived with the defendant?

7 A. At school, she was a fairly normal child. She
8 played with other children. When she was at home, if she
9 were corrected by him or anyone, really, she would
10 immediately freeze, occasionally tears, but no actual
11 crying reaction, more of a freeze. Never had any sort of
12 opinions.

13 You know, in retrospect, looking back on it, I can
14 see where I probably should have thought more about those
15 reactions. But he had convinced her, Natalia, and
16 myself, and everyone around him that the biological
17 mother was the abuser. So, I attributed a lot of those
18 behaviors to the biological mother at the time.

19 Q. You're talking about Natalia's?

20 A. Yes, Michelle Heinzelman is her biological mother.

21 Q. And was she in the picture when you were
22 (inaudible)?

23 A. Very --

24 Q. (Inaudible).

25 A. Occasionally. It may be, picked her up a total of

1 three Wednesdays. Very occasional.

2 Q. Over the past two years -- how old is she now?

3 A. She's 11; she'll be 12 at the end of the month.

4 Q. Have any other isolation (inaudible) friends?

5 A. Very much so. She is aware of her family now, which
6 she was not before. She has friends. She has healthy
7 interactions with students and adults. I actually have a
8 teacher who worked at her previous school where she
9 attended with Skyland, who just happened to come work for
10 me. It was just total happenstance. And she told me
11 recently that at her previous school, Natalia was the
12 most sullen child she had ever taught, and that her
13 growth and the change she's seen in her over this time
14 period is miraculous and that she's a completely
15 different kid.

16 She has a sense of humor. She's not afraid to ask
17 for something. If you say no, it's okay. Whereas
18 before, even the slightest change in the tone of my voice
19 would cause the similar sort of, almost like a trance
20 reaction.

21 Q. And this over the past two years that she has not
22 been around him?

23 A. Correct. Correct.

24 Q. If she were required to testify about what she
25 witnessed in front of him, what do you believe would

1 happen?

2 A. Initially, I believe she would not say anything.

3 I believe she would withdraw. I believe that she would
4 have extreme guilt based on the way that he exploited her
5 vulnerability and made her feel a part of that type of
6 abuse. I think she would revert back to the child that
7 came to stay with me in July of '22. And I don't know
8 how long it would take for her to recover from that, if
9 she ever would.

10 Q. And what are you basing that opinion on?

11 A. I'm basing that opinion on her relationship when she
12 lived with him, when I knew them in 2019 and 2020. Also
13 her -- the change in her behavior over the past two years
14 and the -- her reactions as we were explaining to her
15 that her father was going on trial would lead me to that
16 conclusion.

17 Q. And what were her reactions when she learned that?

18 A. Initially, it was fear. It was absolute terror.
19 When she understood that she may not, in fact, have to
20 see him, that she could maybe just talk without seeing
21 him, she became far more relaxed and willing to talk
22 about what happened.

23 MS. CAVANAUGH: Beg the Court's indulgence.

24 Thank you, Lindsey, please answer any questions from
25 the Defense.

1 MR. PERRY: No questions, Your Honor.

2 THE COURT: Okay, thank you, ma'am. You may
3 step down. All right, who's next?

4 MS. CAVANAUGH: Your Honor, for the purposes of
5 Natalia, the motion (inaudible) Natalia (inaudible)
6 the witnesses.

7 THE COURT: Okay.

8 MS. CAVANAUGH: I know that if you wanted to
9 you could ask questions of Natalia herself, she is
10 up there on the fourth floor (inaudible).

11 THE COURT: Okay. All right, let's move on to
12 Paisley.

13 MS. CAVANAUGH: Paisley, yes, sir. At this
14 time the State calls Rayani Bauman.

15 (Witness sworn)

16 CLERK: State your full name for the record,
17 and please spell the first and last name.

18 BAILIFF: State your full name for the record.

19 MS. PRESSLEY: My name is Rayani Pressley.
20 It's recently been changed since all of this began.

21 MS. CAVANAUGH: Used to be Bauman?

22 MS. PRESSLEY: Correct.

23 BAILIFF: (Inaudible).

24 MS. PRESSLEY: Rayani, R-A-Y-A-N-I.

25 RAYANI PRESSLEY, HAVING BEEN DULY SWORN, TESTIFIED AS

1 FOLLOWS:

2 DIRECT EXAMINATION

3 BY MS. CAVANAUGH:

4 Q. Rayani, where do you work?

5 A. I'm currently employed with Mercy. I previously
6 worked at Dickerson Children's Advocacy Center.

7 Q. And what's your profession?

8 A. I'm a licensed professional counselor associate.

9 Q. So you have -- what is your license in?

10 A. I'm --

11 Q. You're a licensed professional counselor?

12 A. Yes, professional counselor.

13 Q. And how long have you had that license? How long
14 have you been licensed in that field?

15 A. Since August of 2022.

16 Q. Do you have a master's?

17 A. I do.

18 Q. What is that in?

19 A. I received my master's from USC School of Medicine
20 in Clinical Rehabilitation Counseling. And I completed
21 that in May of 2022.

22 Q. And since you have been licensed, what type of
23 patients do you normally see?

24 A. So, I -- initially, I worked with children and
25 youths. I'm currently working with adults.

1 Q. How long did you work with children?

2 A. Let's see, I -- my focus was working with children
3 and youth, prior to completing my degrees, I think since
4 2021. And then through the end of 2023, I worked --
5 provided children's counseling.

6 Q. And you worked at Dickerson's Children's Advocacy
7 Center?

8 A. Yes.

9 Q. And then also South Carolina Youth Advocacy Program?

10 A. Correct.

11 Q. And did you counsel children at those locations?

12 A. I did, yes.

13 Q. And why would those children be seeing you?

14 A. Primarily, I worked with children who had
15 experienced some type of traumatic event or events.

16 Q. And you worked with these children over the course
17 of approximately a year and a half?

18 A. Yes, I also completed my internship with Dickerson.
19 So, from the very beginning of 2022 to December of 2023,
20 I worked providing children's counseling.

21 Q. And you said those are children who suffered some
22 type of trauma?

23 A. Correct.

24 MS. CAVANAUGH: Your Honor, at this time I
25 (inaudible) Rayani Pressley, formerly Bauman, be

1 qualified as an expert in childhood trauma
2 counseling.

3 MR. PERRY: Without objection.

4 THE COURT: Okay.

5 BY MS. CAVANAUGH:

6 Q. Did you have occasion to counsel, Paisley Ginter?

7 A. I did.

8 Q. And is that -- I mean, is she also known as Skyland
9 Ginter?

10 A. She was. I -- we initially began services calling
11 her Skyland, and it was later disclosed to us that she
12 actually goes by Paisley.

13 Q. Okay. And what did you see her for?

14 A. She was referred to clinical therapy services
15 following the allegations of abuse.

16 Q. Okay. And how long did you counsel Paisley?

17 A. So, I worked with Paisley from April of 2022 to July
18 of 2022.

19 Q. Okay. And so, for a couple of months?

20 A. Yes. So, I saw her, I believe, for 12 one-hour
21 sessions.

22 Q. Okay. And how old was she at the time?

23 A. Three.

24 Q. And did she talk to you about any sort of -- how was
25 her communication with you, considering that she was

1 three?

2 A. Yeah. So, we did have to make some adaptations just
3 to kind of modify it to be a little bit more age
4 appropriate. Her communication was limited in some ways,
5 but, you know, she was able to process some of her
6 traumatic experiences while I worked with her as her
7 therapist.

8 Q. Was she able to tell you who actually -- or what --
9 some of the things that actually happened to her?

10 A. She was, yes. She disclosed --

11 Q. (Inaudible) who did this (inaudible)?

12 A. Yes.

13 Q. And who -- what did she say happened to her?

14 A. So, part of the therapy that we provide is
15 processing some of the abuse she experienced. We call
16 that the trauma narrative component of TFEBT, which is
17 the type of therapy I provided for her. During that, she
18 disclosed that she -- at one point she said that she
19 thought she was going to die when getting pow-pow's from
20 Daddy's stick. She frequently referred to the pow-pow's
21 and said that her dad, you know, that was something that
22 she would receive as punishment from her father.

23 Q. And at one point she told you that she thought she
24 would die from some of those hits?

25 A. That is correct.

1 Q. Did you observe any changes in her mannerisms or
2 when she talked about things when her dad's name was
3 being brought up?

4 A. Yes. She -- during therapy, I observed her, she
5 had, you know, increased state of, like, sense of
6 awareness. She appeared to be very hypervigilant. Any
7 loud noises or sudden movements, she became very easily
8 startled.

9 That also carried over to, you know, in the
10 beginning she was very avoidant in terms of speaking
11 about her father or any of the things that occurred. She
12 -- her affect, you know, very visibly changed when her
13 father was brought up. She was fearful of him. You
14 know, she told me she was scared of him. She described
15 him as bad during one of our sessions.

16 She also had expressed to me, you know, just some of
17 her fear carried out in her day-to-day life. At one
18 point we had worked on a fear that she had, like, even in
19 playing outside, that she was worried that someone was
20 going to take her.

21 Q. If she were required -- how old is she now? Do you
22 have her --

23 A. She is five.

24 Q. If she were -- she's five?

25 A. Correct.

1 Q. If she were required to talk about the things that
2 happened to her in front of her dad, what do you think
3 would happen with her? Do you think she would be able to
4 talk about that in front of him?

5 A. I think she would shut down. I think it would also,
6 especially given her age, jeopardize the work that has
7 been done to provide her like a sense of safety and
8 security. She had, you know, ongoing thoughts that she
9 was going to have to go back to her father, just because
10 I don't know that she was mentally able to understand the
11 full capacity of what was going on and why she had been
12 removed from his home.

13 Q. So you think she would shut down?

14 A. Yes.

15 Q. And also, it would revert any type of forward
16 progress she made (inaudible)?

17 A. Correct.

18 MS. CAVANAUGH: Beg the Court's indulgence.

19 All right, thank you, Ms. Presley, no more
20 questions. Please answer any questions by the
21 Defense.

22 CROSS-EXAMINATION

23 BY MR. PERRY:

24 Q. Do you know how old Paisley is now?

25 A. She is five years old.

1 MR. PERRY: Thank you, no further questions.

2 THE COURT: You can step down, thank you.

3 MS. CAVANAUGH: Your Honor, we have one last
4 witness for these motions. The State calls Ashley
5 Reed.

6 (Witness sworn)

7 CLERK: State your full name for the record.

8 MS. KIMBLER: My name is Ashley Kimbler, it's
9 K-I-M-B-L-E-R.

10 ASHLEY KIMBLER, HAVING BEEN DULY SWORN, TESTIFIED AS
11 FOLLOWS:

12 DIRECT EXAMINATION

13 BY MS. CAVANAUGH:

14 Q. Was Reed your maiden name?

15 A. Reed, yes.

16 Q. It's Kimbler now?

17 A. Yes.

18 Q. Ms. Kimbler, how do you know Paisley?

19 A. She's my niece.

20 Q. And does she live with you?

21 A. She does.

22 THE COURT: Did she say niece?

23 MS. CAVANAUGH: Yes.

24 THE COURT: Can you speak up just a little bit
25 for me?

1 WITNESS: I'm sorry.

2 THE COURT: That's okay. I just want to make
3 sure I hear you clearly, that's all.

4 MS. CAVANAUGH: I'll step next to you.

5 THE COURT: I apologize, Ms. Cavanaugh.

6 MS. CAVANAUGH: That's okay.

7 THE COURT: I couldn't hear.

8 BY MS. CAVANAUGH:

9 Q. She's your niece?

10 A. Yes.

11 Q. And does she live with you?

12 A. She does.

13 Q. And how long has she lived with you?

14 A. For a little over two years now.

15 Q. And who are you? I mean, how is she your niece?

16 Who's your sister or brother?

17 A. Her mom is my sister, yeah.

18 Q. What's the mom's name?

19 A. Tiffany Britton.

20 Q. She's lived with you for two years. How did she
21 (inaudible)?

22 A. Whenever all of this come about, I brought her home
23 from the hospital that night and she's been with me
24 since.

25 Q. Okay. So the night you (inaudible) from her

1 mother's home?

2 A. Right.

3 Q. And has she -- I mean, has she talked to you at all
4 about what happened to her (inaudible) as a three-year-
5 old?

6 A. She did. In the beginning, she talked about it a
7 good bit. It died down a lot, but she did -- she does
8 still bring it up.

9 Q. And is she afraid of anyone based on what happened
10 to her when she was three?

11 A. In the beginning, she was afraid of almost every guy
12 that she's seen. Now she is -- she's good now. She's
13 not really afraid of -- she's still afraid of him, but
14 not anyone else.

15 Q. Okay. And when you say him, who are you talking
16 about?

17 A. Nathan.

18 Q. Okay.

19 A. You said she was afraid of basically any male that
20 came around her?

21 A. Right.

22 Q. And how would you be able to tell that?

23 A. Even, like, if we would go into the grocery store or
24 anywhere that she's seen any tall, bald male, she was
25 hiding behind me because she thought that it was Nathan.

1 Q. And how would you -- how do you know that she's
2 still scared of the defendant, Nathan?

3 A. She tells me that she's scared.

4 Q. Was there anything, like, for instance, when you
5 would give her a bath, like, early on, was there anything
6 -- did she have any sort of reactions back then?

7 A. Yes. She had to constantly fill the water as I was
8 running it to make sure that it was the right
9 temperature, to make sure that it wasn't cold water,
10 while I was running it. And then while she was in there,
11 in the bath, and it was still running, she was constantly
12 filling it.

13 She looked up at the showerhead a lot of the time in
14 the bath to make sure that wasn't going to come on. She
15 asked me almost every single night in the bath if I was
16 going to turn the cold water on.

17 Q. And have those reactions at bath time, have those
18 changed?

19 A. Yes. She's perfect at bath time now. She's not
20 scared to take one.

21 Q. All right. And how do you know that she is still
22 scared of him?

23 A. She tells me. She still has worries about him.

24 Q. And has she had to talk to him since she's been in
25 your care?

1 A. No.

2 Q. Been removed back in March?

3 A. No.

4 Q. And that was 2022, right?

5 A. Yes.

6 Q. And what about having to see him?

7 A. She has not seen him.

8 Q. And basically, are you her legal guardian
9 (inaudible) or like legal role in her life, what is --

10 A. Her legal guardian. Yeah, I have temporary custody
11 of her. She's still in the care of DSS, too.

12 Q. What, as her legal guardian, as a person who's been
13 her caregiver for the past over two years, what do you
14 think would -- her reaction would be if she were to see
15 the defendant?

16 A. I think that she would shut down and she's not going
17 to speak at all.

18 Q. Do you think that she would be able to talk about
19 what he did to her in front of her -- in front of him?

20 A. I don't think so, no.

21 Q. And what is that opinion based on?

22 A. She -- I mean, any time that he gets brought up, she
23 kind of shuts down a little bit. I think that if she
24 seen him that, you know, she's not going to talk.

25 MS. CAVANAUGH: All right, thank you, Ashley. No

1 further questions. Please answer any questions from Mr.
2 Perry.

3 CROSS-EXAMINATION

4 BY MR. PERRY:

5 Q. Ms. Kimbler, you indicated that Paisley would get
6 scared any time she saw any tall, bald man?

7 A. Yes.

8 Q. What do you think she's going to do whenever I ask
9 her questions?

10 A. I mean, she's good now. That was in the beginning.

11 Q. So, she could be in front of a tall, bald man, and
12 it wouldn't be a problem?

13 A. Yes. I've had to tell her that not every single
14 person is Nathan. I think that she would be fine if it
15 was you, just not in front of him.

16 Q. Fair enough.

17 MR. PERRY: No further questions.

18 THE COURT: Thank you. Any more witnesses on
19 this issue?

20 MS. CAVANAUGH: No, Your Honor.

21 THE COURT: Okay. All right. And I don't know
22 that we need to get into all the logistics of it at
23 this point. The defendant's not present. If he
24 appears, we just all know that before we call either
25 Natalia or Paisley to the witness stand, if he

1 reappears, we need to have a hearing outside the
2 presence of the jury where we could put a ruling on
3 the record and come up with some logistics if need
4 be. Okay?

5 MR. PERRY: Thank you, very much, Judge.

6 MS. CAVANAUGH: Thank you, Your Honor.

7 THE COURT: What other pretrial issues?

8 MS. CAVANAUGH: Your Honor, we do --
9 (inaudible) relatively brief statements in Jackson
10 v. Denno hearing, even though we don't necessarily
11 intend on using his statement.

12 THE COURT: Okay.

13 MS. CAVANAUGH: He did give a statement,
14 although very brief, after his arrest and then prior
15 to his arrest (inaudible).

16 THE COURT: Okay. But y'all are not using
17 those?

18 MS. CAVANAUGH: We don't intend to unless he
19 were to take the stand.

20 THE COURT: Okay.

21 MS. CAVANAUGH: I mean, they're very self-
22 serving.

23 THE COURT: All right.

24 MR. PERRY: Again, at this point, Your Honor, I
25 don't have a defendant to take the stand.

1 THE COURT: Okay.

2 MR. PERRY: I don't know if those --

3 THE COURT: Hold on, let me see -- let them
4 talk amongst themselves for a second.

5 MS. CAVANAUGH: So prior to (inaudible) the
6 statement that he made (inaudible) after being
7 advised of his rights (inaudible).

8 THE COURT: Okay.

9 MS. CAVANAUGH: There was a statement that he
10 made when he (inaudible) responded to the victim's
11 mother (inaudible). So when law enforcement
12 (inaudible) her residence she got the defendant's
13 (inaudible) on the phone in front of law enforcement
14 while they were (inaudible).

15 THE COURT: Okay. And you want to introduce
16 that statement?

17 MS. CAVANAUGH: Yes.

18 THE COURT: Okay. Thoughts on that?

19 MR. PERRY: I mean, I think he was in custody,
20 I certainly don't think he had been -- you know,
21 there was no opportunity to Mirandize him. I mean,
22 I don't know that there's anything really to be
23 raising there.

24 THE COURT: Okay.

25 MR. PERRY: He was on the phone.

1 THE COURT: All right. Good enough. Okay.
2 Anything else from the State?

3 MS. BROWDER: No, sir (inaudible).

4 THE COURT: Okay. From the Defense? Pretrial?

5 MR. PERRY: No, Your Honor.

6 THE COURT: Okay. And all right, who's doing
7 openings? Okay. All right. You want about five
8 minutes --

9 MS. CAVANAUGH: Yes, please.

10 THE COURT: -- so everybody can go to the
11 restroom, get a drink of water, and we'll start
12 openings. Okay, so if you want to be back in here
13 for opening statements, I'm more than happy to have
14 you back in here. We're going to start back at
15 3:15. So, I need you in here and seated, not
16 walking in during the middle of people's opening
17 statements, okay. So, we'll take about a five,
18 seven-minute break, get a drink of water, use the
19 restroom. We'll start back at 3:15, 3:15. Thank
20 you.

21 (COURT IN RECESS)

22 THE COURT: All right, let's bring them in.
23 Please make sure your phones on off or silent. If
24 your phones go off while you're in court then I get
25 to keep them for the rest of the day.

1 (Jury enters courtroom)

2 THE COURT: Welcome back, ladies and gentlemen.

3 Thank you very much for being on time. We were
4 working through some legal issues that we started
5 that took a couple minutes longer than I anticipated
6 them, so I thank you for being on time and being
7 ready to go.

8 So, the first thing we're gonna do this
9 afternoon is you're gonna take an oath. This
10 morning you took an oath to answer my questions
11 truthfully, this afternoon you're gonna take an oath
12 that is different than that. This oath is your
13 promise to me, to the lawyers, to the parties to the
14 witnesses, to yourselves, and to each other that you
15 will try this case fairly and impartially, without
16 any bias or any prejudice towards either side.

17 If you will, please stand, and at the end of
18 this oath if you will please state I do or I will,
19 if you accept the oath. And Madam Clerk, you may
20 swear the jury.

21 CLERK: Yes, Your Honor. Please raise your
22 right hand. Do you swear and affirm (inaudible)
23 truly try in true deliverance (inaudible) in the
24 State of South Carolina and the Defendant at bar,
25 (inaudible) have been charge, in a true verdict

1 (inaudible) so help you God?

2 JURY: I do.

3 THE COURT: All right, thank you very much. So
4 ladies and gentlemen before we begin the actual
5 trial of this case, I thought it might be helpful to
6 explain to you how a trial will work.

7 So, first the State or the Solicitor's office
8 will be allowed to make what are called opening
9 statements. And the opening statements are not
10 evidence. They're simply outlines to help you
11 understand what that party expects the evidence will
12 show. The defendant may if he chooses present an
13 opening statement, but he does not have to for
14 reasons that I'm going to explain to you in just a
15 moment.

16 Following the opening statements you will hear
17 the testimony and the evidence in the case. This
18 will consist of testimony from the State's
19 witnesses, as well as any physical exhibits which
20 will be introduced into evidence.

21 Following the completion of the testimony the
22 parties will come before you and make what are known
23 as closing arguments. And this is an opportunity
24 for the attorneys to summarize the case from their
25 respective points of view. Now remember these

1 opening statements and these closing arguments are
2 not outline -- are not evidence.

3 Following the closing statements by the
4 attorneys, I will instruct you on the law as it
5 pertains to the issues that have arisen during this
6 case. Once I have done that at the very end, you
7 will then be allowed to begin deliberating in
8 discussing the case.

9 Since you are now the jury in this case I need
10 to make sure you understand what your duty or what
11 your job is here in the courtroom. So, it's your
12 duty or your job, however you want to look at it, to
13 decide from the evidence what the facts are, okay.

14 So, let's say that again. It's your duty to
15 decide from the evidence what the facts are. You
16 and you alone are the judges of the facts. So you
17 will hear the evidence, or if it's an exhibit you
18 may see the evidence. You will then decide what the
19 facts are, and then you will apply those facts to
20 the law that I give you. And that's how you'll
21 reach a verdict. In doing so you must follow the
22 law that I give you, whether you agree with it or
23 not.

24 So what is evidence? Evidence is the testimony
25 of the witnesses, as well as any documents or

1 anything else received into evidence as an exhibit,
2 and any facts on which the lawyers agree or anything
3 that I tell you you must accept. You should not
4 take anything that I do or that I say as indicating
5 what I think of the evidence or what I think your
6 verdict should be.

7 The easiest way to illustrate this is like
8 there's a line between me and you. On my side of
9 the line sits the law. You have to follow the law
10 that I give you whether you agree with it or not.
11 On your side of the line sits the facts. I can't
12 tell you what the facts are unless everybody agrees
13 on a certain fact. So I'm gonna make up a silly
14 example. Let's say everybody says on the day in
15 question the sky was blue. So I would tell you you
16 must accept this fact that on the day in question
17 the sky was blue, but absent everybody agreeing on
18 some fact you won't hear me tell you what the facts
19 are, okay.

20 Now this is a criminal case brought by the
21 State and they've charged the Defendant with four
22 counts of unlawful conduct towards a child. Now
23 these charges are contained in the indictments,
24 which I read to you this morning. Now these
25 indictments that I read to you this morning are not

1 proof of anything. They're not evidence of anything.
2 They're simply the descriptions of the charge made
3 by the State against the Defendant.

4 To these charges the defendant has pled not
5 guilty and he is presumed innocent, unless and until
6 proven guilty beyond a reasonable doubt. So proof
7 beyond a reasonable doubt is proof that leaves you
8 firmly convinced of the defendant's guilt.

9 A Defendant in a criminal case has the right
10 not to testify. He never has to prove innocence or
11 present any evidence or even be present for the
12 trial. The burden of proving this case is upon the
13 State of South Carolina and it will remain upon the
14 State of South Carolina throughout the entire case.

15 Now there are things that you are going to see,
16 and things that you are going to hear that at first
17 glance appear to be evidence, but they are actually
18 not evidence. So, let's talk about what is not
19 evidence.

20 Number one, the statements of the attorneys in
21 the arguments that they make are not evidence, okay.
22 Number two, the questions that they ask and the
23 objections that they raise are not evidence. And
24 number three, anything that I tell you to disregard.

25 There are two types of evidence that you may

1 hear during this trial, direct evidence and
2 circumstantial evidence. Direct evidence is what
3 somebody saw, heard, did, touched, sensed by smell,
4 something of that nature. Circumstantial evidence
5 is indirect evidence. That is, it is proof of one
6 or more facts upon which you can find another fact.

7 You are allowed to give both direct evidence
8 and circumstantial evidence equal weight, and the
9 law allows you to give equal weight to both. But it
10 is your decision how much weight to give any
11 evidence.

12 All right now throughout this trial and while
13 we're in court, there are rules that govern
14 everything that we do, okay, I'm not just making
15 this up as I go.

16 So rule book number one is the purple book,
17 okay. We go nowhere without the purple book. This
18 is the Rules of Court, the Rules of Criminal
19 Procedure, they all have numbers, and when we're
20 talking about a rule the reason I keep the book is
21 because you can see that it's too much for me to
22 memorize, right?

23 Okay, rule book number two is the evidence
24 book, okay. And this is my own evidence book, okay.
25 So I've created this book and then every time I take

1 a class or go to a seminar or go to some kind of
2 training and I learn something it goes in the book,
3 okay. So these books are the rule books for what
4 happens in court.

5 So here's what happens, when a lawyer asks a
6 question of a witness or let's say they offer an
7 exhibit like a photo, and the lawyer on the other
8 side of the case says I don't think that's allowed
9 under the rules, then they're allowed to stand up
10 and say objection. Now you've all seen this on TV
11 right, in movies, in books, right. This is not a
12 foreign concept to you, okay. And so this lawyer
13 will stand up and say objection and they may call
14 out a number, because all these rules have numbers.
15 They may say 404(b) or 403 or hearsay or relevance
16 or whatever their legal objection is, okay.

17 So here's how that plays out. If I sustain the
18 objection, then the person is not allowed to answer
19 the question, or if it's an exhibit you're not
20 allowed to see it, okay. If I overrule the
21 objection, then if it's a question the person is
22 allowed to answer that question, or if it's an
23 exhibit you're allowed to see the exhibit, okay.

24 Here's what you can't do, you can't guess or
25 speculate what the answer would have been or what

1 the exhibit would have shown if I keep you from
2 hearing things, okay. Now these rules govern all
3 courts in South Carolina, okay, and we're all
4 playing under the same set of rules, and all the
5 lawyers know what the rules are, okay.

6 So, my job is just kind of like in a baseball
7 game, the guy behind the catcher is calling balls
8 and strikes, right. And there's a strike zone, and
9 we all know what the strike zone is, and when the
10 pitch comes in he calls it a ball or he calls it a
11 strike. There's rules, there's exceptions to rules,
12 and we're all playing under the same set of rules
13 that we all understand. And I'm on nobody's team,
14 just like the umpire, I'm just calling balls and
15 strikes and calling people safe or out or declaring
16 that's a foul ball or that person's out or that
17 person's safe, right. Does that make sense? That's
18 the best analogy I can kind of give you for how the
19 rules work.

20 Now, in some of the rules they require that I
21 decide there -- decide that issue with you not being
22 in the room, okay. So I told you to come back at
23 3:00, we came back at 2:15, and from about 2:15 till
24 about 3:15 we worked on issues that I have to decide
25 without you in the room, okay. And that happens in

1 every case whether it's one witness or a hundred,
2 it's gonna happen, okay. And so when it happens, a
3 lawyer will stand up and say, Your Honor I have a
4 matter of law that we need to take up outside the
5 presence of the court -- of the jury. I'll send you
6 back to your jury room. I'll decide the legal
7 issue. I'll bring you back in, we'll move forward.

8 The reason I did all those during lunch was so
9 that when we come in here things are more
10 streamlined in front of you. Sometimes they'll come
11 up front, they'll come up right here and one side
12 will argue, the other side will argue, and I'll say
13 go do this or go do that, okay. And the same kind
14 of thing is happening just on a smaller scale.

15 Here's what you need to realize, nobody's
16 trying to keep anything from you or hide anything
17 from you, but some of these rules they make -- they
18 say I have to decide without you being in the room.
19 So if I decide something up here, I'm just trying to
20 keep you from going back and forth and back and
21 forth to the jury room, okay.

22 This is a procedure used by all courtrooms in
23 the state to decide legal issues. Nobody's trying
24 to keep anything from you or hide anything from you.

25 Okay, so to decide the facts of this case you

1 have to figure out which witnesses to believe and
2 which witnesses not to believe. We call this the
3 credibility of the witnesses. Here are the rules:
4 you can believe every single thing a witness says.
5 You can believe nothing that the witness says. You
6 can believe part of what the witness says and reject
7 the remaining part, okay.

8 Here are some things you may consider. What
9 was the witness's ability to hear, see, or know what
10 he or she testified to? How good was their memory?
11 What was their demeanor like while they were
12 testifying? Do they have an interest in the outcome
13 of the case or any motive or any bias or any
14 prejudice? Were they contradicted by something they
15 said or wrote before the trial or by other evidence?
16 How reasonable was their testimony in light of the
17 other evidence that you believe?

18 Here's the bottom line, you judge people's
19 credibility all day long, okay. You do it so much
20 you don't even realize you're actually doing it
21 anymore, okay, because it just becomes kind of
22 second nature. And, you know, when I went on the
23 bench and I had a lot darker hair as opposed to gray
24 hair, and my children were little, the example that
25 I would give was, we would be getting ready to go to

1 school in the morning, right. And I would have both
2 kids lined up, backpacks on, lunch in hand, ready to
3 walk to the bus stop, and I would say did you brush
4 your teeth, right. And that male child every time
5 he gave the most resounding affirmative answer. I
6 mean he was sure of himself, big, bright smile.
7 Yes, Dad, and I could see all the cereal in his
8 teeth, right. And if you're a parent, you know
9 exactly what I'm talking about, right. And in that
10 moment, I chose not to believe that child and send
11 him back upstairs to brush his teeth, right.

12 But it's a silly example, but it's a good
13 example that you're judging people's credibility all
14 day long, and you're doing it with your common
15 sense, okay. And you didn't leave your common sense
16 downstairs at the metal detector. You brought it
17 with you when you came back, so just use your common
18 sense.

19 Now, some things I've already been over with
20 you before, but I'm gonna reiterate to you. You're
21 not allowed to talk about this case with anyone,
22 that includes friends, family members, anyone
23 involved in the case, fellow jurors, your employer,
24 your employees, your blog, your Facebook page, your
25 Instagram page, your Twitter page, some kind of app

1 that I don't even know what it is, okay. You can't
2 use it to get information or send information about
3 the case, okay. You shouldn't be discussing the
4 case with anybody.

5 You should not be doing any research on the
6 case, okay. And that's something that's kind of
7 really changed since I became a judge. You know
8 now, you know, my wife is walking around the house
9 with a set of those headphones or whatever in, she
10 can't hear me, she's not responding to me and I'm
11 like, what is so important. You know, she thinks
12 she's an investigator on a murder case in Colorado,
13 right. Okay, you know, so -- and in 2024 a lot of
14 people have kind of taken on that role with the
15 invention of podcasts and things like that, right.

16 That's not your job, okay. It's not your job
17 to go home and do a deep dive on this case to try to
18 figure out what you want to know. You're gonna hear
19 whatever they want you to hear in the courtroom, and
20 that's how you make your decision, okay. You
21 shouldn't be doing any research on the case and you
22 should be ignoring anybody involved in the case.
23 They shouldn't even be saying hello to you. And
24 again, they're not being rude they're just following
25 my instructions.

1 It's important that you keep an open mind. You
2 shouldn't be deciding any issue in this case until
3 all of the evidence has been presented, the parties
4 have made their closing arguments, and I've
5 instructed you on the law.

6 All right, where's Ms. Hiscox? You're gonna be
7 the Foreperson of this jury. Congratulations. You
8 don't get paid any extra, and your vote doesn't
9 count any more, okay. That was my joke for the
10 afternoon that no one got.

11 And not right now, but when we come back in
12 from a break you need to be seated where the
13 gentleman in the green shirt is, that'll be your
14 assigned seat. Somebody's got to be in charge of
15 communicating with me, so that's gonna be you.

16 A couple of questions I normally get from
17 jurors. The most common one is, can we take notes?
18 The answer to that question is no. Okay, you cannot
19 take notes. Let me tell you why you cannot take
20 notes. Number one your note is not the official
21 record of what occurs in here, that belongs to
22 Joseph, okay.

23 Number two, when you start taking notes, the
24 witness keeps going with their testimony, so you
25 could miss something.

1 Number three, in my life I've tried somewhere
2 between four and five three week long trials, and by
3 three weeks long I mean 21 plus days, both as a
4 judge and as a lawyer, none of those jurors ever
5 took a note and they all did just fine. You're
6 gonna do just fine, too.

7 So if you feel yourself nodding off, just stand
8 up, just stand up against the wall, okay. But I
9 want you awake and paying attention and giving the
10 attorneys the same undivided attention that you have
11 given me. All right, is the State ready to make
12 their opening statement?

13 MS. CAVANAUGH: Yes, Your Honor.

14 THE COURT: Okay, floor is yours, Ms.
15 Cavanaugh.

16 MS. CAVANAUGH: May it please the Court?

17 THE COURT: Yes, ma'am.

18 MS. CAVANAUGH: "I took no shit today. The
19 taser works well, by the way. The bath is as cold
20 as it can get. I put ice in it. It is a constant
21 misery for her." These are the defendant's own
22 words describing the fear, physical abuse that he
23 put his three-year-old daughter Skyland Paisley
24 Ginter through. He tased her. He hit her over and
25 over with hard bamboo sticks. He put her in ice

1 baths, not because she was hot, but because she was
2 doing what three-year-olds do, crying, give weird
3 looks. He thought he was going to train her
4 (inaudible) torture (inaudible). His internet
5 searches in the dates right before he was arrested.
6 "Child torture that leaves no marks. Most painful
7 child punishment. Military torture." These are the
8 defendant's internet searches prior to Kevin Smith
9 bringing this child abuse to law enforcement's
10 attention. And thank goodness for that call from
11 Kevin Smith, because based on those internet
12 searches the defendant's actions towards his
13 daughter were only going to escalate.

14 Kevin Smith was like a grandfather figure to
15 the victim in this case, and to her older sister.
16 And he received pictures of the victim's injuries
17 that were very concerning. He lived in the Myrtle
18 Beach area, so he came up to the home where the
19 victim lived with her mother, because the mother and
20 the defendant were only boyfriend and girlfriend at
21 the time, they weren't actually married.

22 So, the victim actually lived with Tiffany, her
23 mother, in Lexington County, but she would stay at
24 the defendant's house in Columbia a couple times --
25 well several times over a period of three months.

1 So, when Kevin Smith received these photos he
2 traveled up to Lexington where the victim was that
3 evening with her mom and he wanted to see the
4 injuries for himself. And he looked at little
5 Paisley who also -- she goes by Paisley, but her
6 name is Skyland, but he looked at little Paisley and
7 he was horrified and he told her mom, "You better
8 call law enforcement or I'm going to." But the mom
9 Tiffany was so in love with the defendant and wanted
10 his affection so much that she wasn't going to get
11 him in trouble. She was going to overlook all of
12 the abuse because for whatever reason she loved the
13 defendant.

14 So, the Town of Lexington Police Department
15 arrived, they saw the injuries also, they saw the
16 teaser marks, they saw the bruising, and they took
17 her to Lexington Hospital. And it's at Lexington
18 Hospital that they learned from the victim herself
19 that her dad, Nathan Ginter inflicted most of that
20 abuse at his house in Columbia.

21 So the Town of Lexington contacted CPD,
22 Columbia Police Department, and Columbia Police
23 Department began their investigation. And within 24
24 hours they had an arrest warrant, a search warrant
25 for the defendant's home, and they removed his other

1 daughter Natalia from that home.

2 They also found his phone and they got a search
3 warrant for that phone, and in that phone after the
4 search warrant, they saw all of the text messages
5 where he's referring to his daughter as Little
6 Lucifer, as Satan. They see the text messages where
7 he's talking about all this torture that he's
8 inflicting on little Paisley. They see a video that
9 he himself recorded where he's basically
10 waterboarding this child while she's
11 hyperventilating in a bathtub because it's so cold.

12 And he was arrested and that torture finally
13 stopped against Paisley. Now as a result of the
14 defendant's actions, he's charged with four counts
15 of unlawful conduct towards a child. And as Judge
16 Hood has just told you, he is the judge of the law.
17 Throughout this trial, he is going to instruct you
18 on the laws as this case and at the end of this
19 trial, he will go over that as well. I'm going to
20 briefly go over it with you.

21 But as a result of the defendant's actions,
22 he's charged with four counts of unlawful conduct
23 towards a child. January 8th, 2022 for hitting her
24 over and over with a bamboo stick, leaving bruises
25 that lasted for days. March 8th through March 10th,

1 multiple, multiple ice baths. March 11th, the ice
2 bath that included basically the waterboarding
3 technique that he (inaudible). And then finally
4 March 17th, where he tased her over and over, to the
5 point of causing severe marks on her buttocks and
6 other areas of her body.

7 Now, unlawful conduct is defined in our state,
8 you don't have to guess what it is, but it's while
9 having charge or custody or being the parent or
10 guardian of the welfare of a child, placing that
11 child at unreasonable risk of harm, affecting the
12 child's life, physical or mental health, or safety,
13 or causing -- maliciously causing bodily harm to the
14 child so that the life and the health of the child
15 was in danger.

16 Now, we have to prove each element of those
17 crimes to you beyond a reasonable doubt. Now, what
18 does beyond a reasonable doubt mean? It's not
19 (inaudible) any doubt that you might have, but it's
20 proof that leaves you firmly convinced of the
21 defendant's guilt. Now, how do you arrive at that
22 decision? Well, like Judge Hood said, we present
23 evidence to you and it mainly comes in two forms,
24 it's sworn testimony from this witness stand and
25 then it's in the form of exhibits, so like, pictures

1 of this child's injuries, or the actual text
2 messages that the defendant sent describing the
3 torture (inaudible) that he was using, or the video
4 that he recorded.

5 (Inaudible) two types of evidence that you're
6 going to hear throughout this trial. And some of
7 the witnesses you're going to hear from are Kevin
8 Smith, the man who called law enforcement because of
9 his concern for the safety of Paisley Skyland
10 Ginter.

11 You're going to hear from the law enforcement
12 agents that were involved in this case, both the
13 Town of Lexington and CPD. You're going to hear
14 from an expert, (inaudible) you're going to see what
15 (inaudible) about him. You'll also hear from family
16 members who witnessed the defendant inflicting abuse
17 on little Paisley.

18 Ladies and gentlemen, thank you so much for
19 paying attention to the evidence that we're going to
20 present to you. I'm thanking you in advance. This
21 is a very important case to everyone, and I have no
22 doubt that after this case is over you'll find him
23 guilty, guilty, guilty, guilty. Thank you.

24 THE COURT: All right, thank you very much, Ms.
25 Cavanaugh. Mr. Perry, would you like to make an

1 opening statement sir?

2 MR. PERRY: Your Honor, at this time the
3 Defense will waive opening statement.

4 THE COURT: Okay, thank you Mr. Perry. All
5 right, and is the State ready to call their first
6 witness?

7 MS. CAVANAUGH: Your Honor, may it please the
8 Court. The State calls Sharmel Miller.

9 (Witness sworn)

10 CLERK: State your full name for the record,
11 and please spell your first name.

12 MS. MILLER: Sharmel Miller, spelling, S-H-A-R-
13 M-E-L.

14 SHARMEL MILLER, HAVING BEEN DULY SWORN, TESTIFIED AS
15 FOLLOWS:

16 DIRECT EXAMINATION

17 BY MS. CAVANAUGH:

18 Q. Good afternoon, Ms. Miller, how are you?

19 A. Good, how about yourself?

20 Q. Doing well. Can you please inform the jury where
21 you're currently employed?

22 A. Lexington County Communications.

23 Q. Okay, and what is your job title?

24 A. Chief of Communications.

25 Q. How long have you been employed with the

1 Communication Center?

2 A. One year.

3 Q. Can you tell the jury kind of what your job
4 responsibilities look like?

5 A. So I oversee the operations of the Communication
6 Center, which consists of the 911 PSAP, meaning Public
7 Safety Answer Point, for the entire county of Lexington
8 County, including the municipalities.

9 Q. And let's just kind of walk through, what happens
10 when a 911 call comes in?

11 A. So when a 911 call comes in, it of course rings into
12 our PSAP, which is on 434 Ballpark Road in Lexington, and
13 the call taker answers the call and processes the call
14 and documents exactly what the caller relays over the
15 call.

16 And then of course we process that with our priority
17 dispatch software that based upon the event code, the
18 nature code, it will give the call taker the questions to
19 ask.

20 Q. And are these calls recorded?

21 A. They are.

22 Q. How are they recorded?

23 A. They are recorded -- we have recording software
24 through our replay communications, and it's a 24 x 7
25 recorder, and it's housed in our Communication Center on

1 a server that is of course backed up from our admin
2 building.

3 Q. Okay, I guess generally, when are these records
4 created?

5 A. So the recording starts the moment the 911 call is
6 answered. So the moment that it's answered, it will
7 remain recording until it's disconnected.

8 Q. Ms. Miller, do you recognize what's been pre-marked
9 as State's Exhibit 1?

10 A. Yes.

11 Q. And what is that?

12 A. This is the recording that was requested based upon
13 the case, the 911 call that come in for that particular
14 case.

15 Q. Okay, and have you had the opportunity to review the
16 contents of this disk?

17 A. Yes.

18 Q. So how do you know that this is the disk you
19 reviewed?

20 A. So it has my signature and the day that it was
21 reviewed.

22 Q. And after reviewing the contents, they are what you
23 believe them to be?

24 A. That is correct, yes.

25 Q. Is it regular practice of Lexington County, the call

1 center to make such a record?

2 A. That is correct, we get them -- requests daily.

3 Q. Okay, and these records are kept in a normal and
4 ordinary course of business?

5 A. That is correct.

6 Q. And then who do you normally provide these records
7 to?

8 A. So it goes through a FOIA, which is Freedom of
9 Information Act request, and all municipalities, you
10 know, they request those and also any citizens.

11 MS. CAVANAUGH: Beg the Court's indulgence.
12 All right, Ms. Miller, that's all the questions I
13 have for you at the moment. Please answer any the
14 Defense may have for you.

15 MS. MILLER: Okay.

16 MR. PERRY: No questions, Your Honor.

17 THE COURT: Okay. All right, thank you. Have
18 a nice day.

19 MS. MILLER: Thank you, appreciate it.

20 THE COURT: You may call your next witness.

21 MS. CAVANAUGH: State calls Kevin Smith.

22 THE COURT: Okay.

23 (Witness sworn)

24 CLERK: State your full name for the record.

25 MR. SMITH: My name is Kevin Smith.

1 KEVIN SMITH, HAVING BEEN DULY SWORN, TESTIFIED AS
2 FOLLOWS:

3 DIRECT EXAMINATION

4 BY MS. BROWDER:

5 Q. Mr. Smith, where do you currently live?

6 A. Gullivan's Ferry, which is right outside of Myrtle
7 Beach, Conway area.

8 Q. And do you currently work?

9 A. Not really. I'm retired.

10 Q. And what are you retired from? What field?

11 A. Law enforcement. I did nearly 30 years between
12 military and law enforcement.

13 Q. Can you tell the jury a little bit about your law
14 enforcement experience?

15 A. I started at a city level, worked my way through. I
16 spent several years at the Criminal Justice Academy as a
17 firearms instructor, a defensive tactics instructor, OC,
18 a certified taser instructor, along with probably a dozen
19 more. But that pretty well sums it up.

20 Q. And in addition to that (inaudible) law enforcement
21 background, tell the jury a little bit about your family
22 background. Are you married?

23 A. I am.

24 Q. Do you have any children or grandchildren?

25 A. I have three biological children. My ties to

1 Paisley and her family, Paisley's mother is not a
2 biological child of mine. I met her when they were --
3 her and her siblings were, the mother was probably five
4 years old, and I have been a part of their life ever
5 since. I ensured -- they did not have a father in their
6 life, I ensured they had Christmases and birthdays and
7 what resembled a normal life as much as I could, to the
8 point that I, you know, all through the years I've gotten
9 Father's Day cards and they refer to me as their father,
10 which would make me Paisley's grandfather. And so that's
11 what makes me Papa.

12 Q. So you go by Papa?

13 A. I'm Papa.

14 Q. And you mentioned Paisley. What is Paisley's real
15 name, legal name?

16 A. To my knowledge, only provided by this Court, is
17 apparently Skyland. And the reason I say that is I've
18 never known Paisley as Skyland. If you would have asked
19 me who that was and I had been asked, I would not have
20 been able to tell you.

21 Q. When she was born, what did you call her?

22 A. She's been Paisley from birth and I was at the
23 hospital. I wasn't there when she was born. I was there
24 very shortly afterwards.

25 Q. And who is her mother?

1 A. Tiffany --

2 Q. Tiffany?

3 A. -- Britton is her mother.

4 Q. And do you know who her father is?

5 A. As far as I know, it's Nathan Ginter.

6 Q. I'm going to show you what's been marked as State's
7 Exhibit Number 2. Do you recognize this photograph?

8 A. Yes, ma'am.

9 Q. Okay.

10 A. That would be Mr. Ginter.

11 Q. Okay. Is that a fair and accurate representation of
12 him?

13 A. It is.

14 MS. BROWDER: At this time, Your Honor, we move
15 into evidence State's 2.

16 MR. PERRY: Without objection.

17 THE COURT: State's 2 without objection.

18 (State's Exhibit 2 entered)

19 MS. BROWDER: May I publish it to the jury,
20 Your Honor?

21 THE COURT: Yes, ma'am, you may. Are we using
22 that thingamajigger?

23 MS. BROWDER: Yes, sir.

24 BY MS. BROWDER:

25 Q. Is that the picture of Nathan Ginter?

1 A. Yes, ma'am.

2 Q. He is as far as you know, Paisley's father?

3 A. That's the way it's been presented to me since
4 birth.

5 Q. I'm going to show you what's marked as State's
6 Exhibit 10. Do you recognize this photograph?

7 A. Yes, ma'am, that would be Miss Paisley.

8 Q. Okay.

9 MS. BROWDER: At this time, Your Honor, we
10 enter State's Exhibit 10.

11 THE COURT: Any objection?

12 MR. PERRY: No, Your Honor.

13 THE COURT: State's 10 admitted without
14 objection.

15 (State's Exhibit 10 entered)

16 BY MS. BROWDER:

17 Q. Okay, and at that time, was she three in that
18 picture?

19 A. Yes, ma'am.

20 Q. And as her grandfather, how often do you get to see
21 Paisley and her sisters?

22 A. All major holidays, birthdays, Christmases, 4th of
23 July. Every year they would come for, you know, vacation
24 Bible school. Since Paisley's mother was small, there's
25 been a yearly tradition we go to the mountains every

1 year. So, there's a variety of instances. And then
2 there's the just because visits, they would come and
3 spend the weekend. It's not uncommon. I would say it
4 was probably at least once a month or more on average.

5 Q. And when Paisley was born, was Nathan Ginter
6 involved in her life at all?

7 A. The short answer is no. Pre-birth, based on what I
8 saw myself, he did not like for the family to be involved
9 in Tiffany's life as she was pregnant and prohibited --
10 we were prohibited from being at the hospital when
11 Paisley was born because he didn't want anyone there but
12 he and Tiffany.

13 Q. You mentioned earlier that you ended up at the
14 hospital when Paisley was born.

15 A. We received a call from Tiffany that said that she
16 was at the hospital and that she had just given birth.
17 And --

18 Q. When you got to the hospital --

19 A. I got to the hospital within 30 or 45 minutes. And
20 at that time, I lived more locally, and he was not there.
21 And I did not see him the entire hospital stay, which was
22 brief, maybe, you know, the rest of the day, maybe -- it
23 may have extended into the next morning.

24 Q. And based on your knowledge, how long were he and
25 Tiffany together after Paisley was born?

1 A. I'm going to guess several months, maybe as much as
2 a year. But it was a very strained relationship. I
3 would hear they would have phone conversations and I
4 would be able to through speakerphone, he would put her
5 on restriction. "You're not allowed to call me. You're
6 not allowed to text me." Even threatened her with a
7 restraining order at one time. This was right after
8 Paisley was born.

9 Q. And so he wasn't around much, I guess, from the time
10 she was born?

11 A. Yes.

12 Q. Until what point did he come back into her life?

13 A. It gradually waned off to nothing. In a text
14 message that was sent to the mother that I was able to
15 see because she said -- she come to me like, "What should
16 I do with this?" And the text message said, "Tell the
17 child that I died."

18 MR. PERRY: I believe that he's going to
19 testify to what somebody else said in this text
20 message. Did he actually see that text message or
21 did she tell him?

22 THE COURT: You need some more foundation.

23 MR. PERRY: (Inaudible).

24 BY THE WITNESS:

25 A. I saw the -- I saw these -- yeah, I actually saw the

1 text message.

2 THE COURT: Let her ask the questions.

3 WITNESS: Yes.

4 BY MS. BROWDER:

5 Q. This text message that came through, did you see it
6 or did somebody tell you about it?

7 A. I saw the text message.

8 Q. And who was the text message from?

9 A. It was from Nathan Ginter.

10 Q. What did Nathan say in that text message?

11 A. He said that he didn't want to have anything to do
12 with the child. "Tell the child that I died and that
13 I'll give you \$10,000 cash just to go away and leave me
14 alone. I don't want to have anything to do with the
15 child."

16 Q. And at some point, did he come back into Paisley's
17 life?

18 A. Probably at the two and a half year mark. I'm
19 guessing she was about two and a half years old. I urged
20 -- Tiffany was struggling financially, I urged her to
21 pursue child support, and I think she took steps through
22 DSS. I wasn't privy to all of that, but my general
23 impression was that they had a court date. They
24 appeared. And it was at that point that they seemed,
25 what I found out afterwards, that they kind of rekindled

1 the relationship at that point.

2 Q. So when Paisley was about two and a half, that's
3 when Nathan came back into her life?

4 A. Probably, yes, about six months before all this
5 occurred.

6 Q. So from the time Paisley was born until Nathan came
7 back into her life, did you ever see any signs or any
8 marks on Paisley that concerned you?

9 A. No, ma'am.

10 Q. So, when Nathan comes back into her life, I'm going
11 to take you to March 2022. On March 22nd, 2022, did you
12 receive something regarding Paisley that concerned you?

13 A. I received several photographs. They were preceded
14 by a phone call that said, "Have you seen Paisley's" --
15 well, "Have you seen Paisley's butt?" And I was like,
16 "No." And, "Do you want to see it?" I'm like, that's
17 kind of an odd question, you don't call somebody. So I
18 was like, "No, not really." "Well, I think you need to
19 see it." And I received some photographs.

20 Q. I'm going to show you what's marked as State's
21 Exhibits, 3, 4, 5, 6, 7, and 8. Do you recognize these
22 photographs?

23 A. I do.

24 Q. Did you look at them earlier?

25 A. I have.

1 Q. And in general, what are those photographs?

2 A. Those are injuries. And the instant that I received
3 them --

4 Q. Well, just what are these first? Are they -- what
5 do the pictures represent?

6 A. That's Paisley's bottom with some injuries that had
7 been sustained.

8 Q. And are these the photographs that you received on
9 your phone that day on March 22nd, 2022?

10 A. They are.

11 Q. Do they fairly accurately represent the photographs
12 that you received?

13 A. They do.

14 MS. BROWDER: At this time, Your Honor, we
15 enter into evidence State's 3, 4, 5, 6, 7, 8.

16 MR. PERRY: Your Honor, I have an objection as
17 it relates to those photos.

18 THE COURT: Okay. You need to be heard outside
19 the presence of the jury?

20 MR. PERRY: Briefly, Your Honor.

21 THE COURT: Okay. All right, ladies and
22 gentlemen, step back to your jury room. Do not
23 discuss the case. We'll be back with you in a few
24 moments. Let me see them.

25 (Jury exits courtroom)

1 THE COURT: Okay, go ahead.

2 MR. PERRY: Your Honor, I don't believe he took

3 --

4 MS. BROWDER: Your Honor, I think we need to
5 shut the door.

6 THE COURT: All right, go ahead.

7 MR. PERRY: Your Honor, as I understand it,
8 somebody else (inaudible) those pictures
9 representing him that they were pictures of the
10 child's bottom.

11 THE COURT: Okay.

12 MR. PERRY: He didn't take those pictures.

13 THE COURT: Right.

14 MR. PERRY: So just simply from looking at
15 those pictures, how does he know that those pictures
16 are actually of this child's bottom versus any other
17 child? He didn't take them. So, you know, the
18 authenticity that they are, in fact, Paisley's
19 bottom.

20 THE COURT: Right. Do you want to ask him some
21 questions about that?

22 BY MS. BROWDER:

23 Q. After you received these pictures, did you make a
24 trip to Columbia (inaudible) to see the injuries for
25 yourself?

1 A. I did.

2 Q. And did the injuries that you saw (inaudible)
3 similar (inaudible) --

4 A. They were consistent with the photographs I
5 received.

6 MR. PERRY: I think I'm good, Your Honor. He
7 says he's seen it and it's consistent with the
8 photographs. I assume the photographs are an
9 accurate representation of what he saw whenever he
10 saw her bottom.

11 THE COURT: Okay. Let's go through those couple
12 of questions when they come back in. Okay, bring
13 them back in.

14 MR. PERRY: Thank you, Judge.

15 THE COURT: Yes, sir. Otherwise, no objection?

16 MR. PERRY: Otherwise, no objection. We're
17 trying to authenticate.

18 THE COURT: Understood. Okay.

19 (Jury enters courtroom)

20 THE COURT: Welcome back, ladies and gentlemen.
21 We'll continue now with Mr. Smith's testimony. Mr.
22 Smith, you're still under oath, sir.

23 WITNESS: Yes, sir.

24 THE COURT: Okay.

25 MS. BROWDER: Thank you, Your Honor.

1 BY MS. BROWDER:

2 Q. After you received those photographs, what did you
3 decide to do?

4 A. I felt like I needed to see them in person to give a
5 better of assessment as -- you know, try to figure out
6 what was going on because it was -- it was amazing
7 photographs.

8 Q. And then, so, in order to find out what was going
9 on, what did you do?

10 A. To start with, I received the photographs late one
11 evening. I'm gonna -- I'm gonna throw a wall -- a
12 ballpark about 8:00 in the evening. So, I arranged a
13 trip the next day. I knew that the children would be in
14 school or daycare and mother would be at work. So, I
15 arranged to be there, I'm gonna guess between five and
16 6:00 p.m., so I could speak with the mother and the
17 children and observe the injuries for myself.

18 Q. And what did you tell the mother as why you were
19 there?

20 A. Well, it's -- it's not uncommon for me to drop by
21 and visit. My wife and I, anytime we're in town, we want
22 to see, we call them our little people. We want to -- we
23 want to see the little people when we're in town. So, we
24 bought pizza and stopped by to -- just to visit and --

25 Q. And have dinner?

1 A. And have dinner, eat some pizza and --

2 Q. When you got there where were you going to meet with
3 them?

4 A. It was at their house, at their home.

5 Q. And when you got there, where was (inaudible).

6 A. I believe when I first arrived, I -- I beat them
7 there and we -- we waited. This will sound creepy, but
8 I'll -- as a family, we keep the Google Maps so we can
9 see where we are and it would aid -- many times Tiffany
10 would bring the children to visit and I would meet them
11 sometimes at Camden, sometimes at different exits to make
12 it convenient, so she wouldn't have to drive as far.

13 And so, being able to track each other on the map,
14 we could tell, you know, what would be the best meeting
15 place. And so, I noticed on the map, Tiffany said, I'm -
16 - I'm picking the children up, I'm on the way. So, we
17 waited and I kept checking, like, looking at the map,
18 like, well, she ought to be getting close. And I noticed
19 that she was in a part of town that was not on her way
20 from the daycare and that -- and the school -- after-
21 school program and her home.

22 Q. Did she eventually get home?

23 A. She did eventually get home.

24 Q. And when she got home, what were the children
25 (inaudible)?

1 A. They were, you know, the children seemed to be -- to
2 be normal. They were happy. They loved to see, Grandma
3 and Papa, and they -- you know, told them we had pizza
4 and I -- we had just purchased a new truck and they
5 wanted to climb around like children do and climb around
6 in the back of the truck.

7 Q. And at what point were you able to (inaudible)
8 Paisley?

9 A. It really happened a little faster than what I had
10 planned. But, while Paisley was in the back of the
11 truck, I noticed on her leg she had two marks, two
12 injuries on her leg that was not quite eye level, but
13 very close within, you know, a couple of feet. So, I got
14 a really good look at the injuries on her leg.

15 Q. At some point, did you see the injuries on her
16 bottom?

17 A. I did after we ate. I asked Mom, I said, well, tell
18 me about this doctor's visit, because she had called and
19 said that she had took Paisley to the doctor about the
20 injuries on her bottom and had explained to me that it
21 was a heating pad.

22 Q. (Inaudible) what anybody told you.

23 A. Right.

24 Q. Did you observe the injuries?

25 A. I did, I did.

1 Q. And are those the same injuries that you saw on the
2 pictures that were sent to you right?

3 A. Right, correct.

4 MS. BROWDER: At this time, Your Honor, enter
5 State's 3, 4, 5, 6, 7, and 8.

6 MR. PERRY: Without objection, Your Honor.

7 THE COURT: Okay, 3, 4, 5, 6, 7, 8 are admitted
8 without objection.

9 (State's Exhibits 3, 4, 5, 6, 7, 8 entered)

10 BY MS. BROWDER:

11 Q. I'm going to show you first what's marked as State's
12 Exhibit 3.

13 A. Okay.

14 Q. Is that the first photograph that you received?

15 A. Yes, ma'am.

16 Q. Okay, and when you received that photograph, what
17 did you see? Without -- just general, were they scabs,
18 bruises, what did you see?

19 A. To me, it looks -- you know, I was told that they
20 had been scratched and that looked okay, maybe, but what
21 caused all these scratches was my -- was my thought.

22 Q. And then as you continue to get progression
23 pictures, I'm going to show you State's Exhibit 4, is
24 that the second picture you received?

25 A. Yes, ma'am.

1 Q. And State's Exhibit 6, is that the third picture you
2 received?

3 A. Yes, ma'am.

4 Q. And did you observe these injuries on that day?

5 A. It -- they looked worse than that, but yes, as we
6 continued to go.

7 Q. State's Exhibit 7, is this what it looked like the
8 day that you saw it?

9 A. That's -- yes, ma'am. That's what I saw.

10 Q. And then State's Exhibit 8, what does that one
11 depict?

12 A. That's the photograph that -- that's an accurate
13 representation of what I saw, the first injury that I
14 observed in person while she was standing in the back of
15 the truck.

16 Q. And that's the two little dots?

17 A. Right, that's the two dots.

18 Q. Okay. Now, when you saw these injuries, what made
19 you call law enforcement?

20 A. To paint a accurate picture, I have to tell you, as
21 a career law enforcement person, you have to kind of
22 divide your life and even part of your brain to my
23 family, trying to be a, I'd say a normal person; you're
24 working, spending time with your family, and playing with
25 your kids. And then that other side, knowing that

1 there's evil that exists in the world, and you have to go
2 out and face that, and you try to balance those things.

3 And when I first saw the photographs, the dad, the
4 grandfather kicked in. I was like, my gosh, what
5 happened to that baby? And then as the progression
6 photos came in, the cop side took over and said, you
7 know, step aside, this is my part.

8 What I was being told about the nature of the
9 injuries didn't match up with what I was seeing, based on
10 a lifetime of experience and training. Stories didn't
11 add up. And that's what urged me to go to Columbia so I
12 could see, you know, photographs can sometimes be, you
13 know, maybe it's the shading or the lighting, or maybe
14 they're just not accurate. I need to see this in person
15 myself. And coupled with what I saw in person, it
16 confirmed my -- to me confirmed my suspicion that those
17 injuries are caused by a taser. A taser is a brand name,
18 but it's an electronic control device, a stun gun.

19 Q. And based on your experience, just to talk a little
20 bit about it, you said you were a master taser
21 instructor.

22 A. Yes, ma'am.

23 Q. And how long have you been a master taser
24 instructor?

25 A. I don't recall the exact date. It's been over a

1 decade.

2 Q. And as part of that, do you have to get tased to
3 (inaudible)?

4 A. I have been tased, which is the deployment of
5 probes. We've seen them on, you know, TV shows like Cops
6 where they shoot little metal barbs. That's the wire
7 that shoots into your skin and it delivers an electrical
8 charge, much like a Charley horse. I have been tased
9 several times.

10 And then a drive stun is without the barbs, more
11 like the taser that you can buy at a flea market where
12 they actually stick the device to the skin and pull the
13 trigger or activate the device.

14 Q. And have you been drive stunned?

15 A. Many times.

16 Q. And with the drive stunned, how did you feel when
17 that happened?

18 A. In the course of training, most police officers are
19 exposed to that sort, so they know how to respond, that
20 you can fight through it. But you have to understand how
21 it works on the body. It's probably one of the most
22 excruciating things that anyone can experience.

23 The taser, for example, delivers a five second stun.
24 Five seconds is the longest five seconds of your life.
25 It goes on for an eternity. The most painful Charley

1 horse or cramp that you can imagine, coupled with heat,
2 it feels very hot. But that's --

3 Q. And with the drive stun gun, how long -- you said
4 the taser does for five seconds, how long does the drive
5 stun go for?

6 A. Well, again, the taser is used by law enforcement
7 agencies because it's developed and researched a very
8 specific charge for a very specific duration of time,
9 which is five seconds. Every time the trigger is pulled,
10 it runs for five seconds. After that, if additional
11 stuns are required, then you have to pull the trigger
12 again.

13 With what I call the flea market stun gun that you
14 could buy at any gas station, flea markets and, you know,
15 you mash the button and you can hold it until the battery
16 goes dead. And most of them do not have a timer to where
17 they shut off. They run as long as you hold the button.

18 Q. And have you drive stunned before (inaudible) with
19 that?

20 A. I have been stunned by both tasers, drive stun, and
21 I have been stunned by the flea market variety.

22 Q. When you were stunned by the flea market variety,
23 what part of your body was stunned?

24 A. It was actually on my bicep. And in some of the
25 photographs, my bicep I was stunned for an extended

1 period of time.

2 Q. Can you explain to the jury how you received that
3 welt on your arm?

4 A. I'm much more mature now than I once was. And so
5 while part of my training I had to go to the fire
6 academy, because I worked for a public safety agency.
7 So, we were police, fire, and EMS trained. They call
8 police officers that are also firefighters, they call
9 them crossdressers, and there's a lot of ribbing and
10 kidding that goes on between those two communities.

11 And so one of the firefighters came out with his
12 flea market stun gun and kind of lunging at me and tasing
13 it. If you all have seen, it's got a little arc of
14 electricity or a little lightning bolt that pops in
15 there. And because my ego would not allow a simple
16 firefighter to punk me or intimidate me with a stun gun,
17 I snatched it from his hand, stuck it in my arm, and
18 pulled the trigger until the battery went dead, probably
19 30 or 45 seconds as I was gritting my teeth and beads of
20 sweat popped out. But I held it there to show him, you
21 can't scare me.

22 Q. And what happened? Did you receive any injuries?

23 A. The injuries are very similar, and I can show you in
24 some of the photographs, I can isolate a pair that looks
25 just like what's on her bottom. Mine never did -- mine

1 didn't get to that point. Mine was open and where air
2 could get to it. And, you know, I was stupid enough to
3 do it, but I was smart enough to put Band-Aids on it.

4 Q. Let me show you State's 7. Looking at that
5 photograph, what on that photograph looks similar to the
6 same injury that you received when it was done on your
7 arm?

8 A. If you look dead center, but down towards the bottom
9 near the crease, there is a pair and they're almost
10 vertical, slightly offset, and you'll notice that there's
11 two distinctive dots. And again, I don't have a scale,
12 but I'm going to say just an inch apart, inch and a half,
13 something like that. And they look with little squiggly
14 lines coming out from them. And that's actually, as I
15 learned later on, that's damage caused to soft tissue by
16 an electrical charge, from an extended duration from a
17 stun gun.

18 Q. Is that something you learned in your training to be
19 a taser instructor?

20 A. Long after I decided to play that stunt on myself,
21 yes.

22 Q. Is that what made you call 911 that day?

23 A. Yes, ma'am, in a nutshell.

24 Q. I'm going to show you (inaudible) marked as State's
25 Exhibit 1, do you recognize this?

1 A. Yes, ma'am.

2 Q. And what is that?

3 A. That would be a recording of the 911 call that I
4 made to Lexington County.

5 Q. Have you listened to them?

6 A. I have.

7 Q. And can you verify that's your voice that called
8 911?

9 A. It is.

10 MS. BROWDER: At this time Your Honor, we enter
11 State's 1.

12 MR. PERRY: Without objection.

13 THE COURT: State's 1 admitted without
14 objection.

15 (State's Exhibit 1 entered)

16 MS. BROWDER: May I publish to the jury, Your
17 Honor?

18 THE COURT: Yes, ma'am.

19 (911 audio recording played)

20 BY MS. BROWDER:

21 Q. Now, after you called 911, what was Tiffany doing,
22 without saying anything that she said?

23 A. Initially, Tiffany was -- appeared to be calm and
24 cooperative. Once I called 911, she went to the
25 restroom. So, this is what she told me, she was going to

1 the restroom. When she came back from the restroom, 90
2 seconds later, she was frantic. Suddenly she had a great
3 sense of urgency. She needed to leave. She needed to
4 leave right now, that she didn't need the police to
5 handle it. She said that she was leaving and began
6 gathering the children and their things and car seats and
7 that sort of thing. And --

8 Q. What was she doing with the car seats?

9 A. She -- you know, when she arrived, she took the car
10 seats out of the car. But she was buckling them back
11 down, you know, the new car seats have, you know, six-
12 point race car restraint or something. You know, they --
13 it takes some doing to buckle them in. So, she was in
14 the process of trying to get everything buckled in so she
15 could leave.

16 Q. And what did you do?

17 A. I never physically grabbed, but I did not assist and
18 urged her to stay. I was hoping to buy enough time
19 because I felt like law enforcement needed to intervene
20 because I was concerned that the nature of her injuries
21 were to the extent that they could become life-
22 threatening, particularly if she was exposed to more of
23 whatever caused those injuries.

24 Q. I'll show you what's marked as State's Exhibit 34.
25 Do you recognize this?

1 A. Yes, ma'am.

2 Q. Okay. And without saying what it is, did you watch
3 this?

4 A. Yes, ma'am. I've watched the entire video.

5 Q. And when you watched the video, did you recognize
6 the child in the video?

7 A. I recognized the child as Paisley.

8 Q. And did you recognize the voice on the video?

9 A. I did.

10 Q. And whose voice was that?

11 A. That was Paisley's father, Mr. Ginter.

12 Q. And you have met Mr. Ginter before?

13 A. On several occasions, yes.

14 Q. You've heard his voice before?

15 A. Yes, ma'am.

16 Q. And you testified earlier about before the time
17 Paisley was born until the time Mr. Ginter got back
18 involved in her life around two and a half, you've never
19 noticed any type of these injuries or bruises or anything
20 on Paisley? Since the time that Mr. Ginter was arrested
21 to now, the contact that you have had with Paisley,
22 (inaudible) or bruises or anything of that nature?

23 A. No, ma'am.

24 MS. BROWDER: No further questions, Your Honor.

25 Please answer any questions the Defense may have.

1 THE COURT: Cross-examination?

2 MR. PERRY: May it please the Court.

3 CROSS-EXAMINATION

4 BY MR. PERRY:

5 Q. You mentioned earlier whenever we were looking at
6 the photo of some of the injuries on the child's bottom,
7 you said there wasn't a scale, but you estimated the
8 distance between the marks, correct?

9 A. Correct.

10 Q. You didn't measure?

11 A. No, sir.

12 Q. And you had no device to compare it to as far as how
13 far apart the probes would be?

14 A. No, sir.

15 Q. Okay, and the devices that you mentioned, these, I
16 guess, flea-marked tasers you called them, correct?

17 A. Right.

18 Q. They come in all different shapes and sizes, right?

19 A. Yes, sir, they do.

20 Q. With probes that are varying distances apart,
21 correct?

22 A. Yes, sir.

23 MR. PERRY: No further questions, Your Honor.

24 THE COURT: Redirect?

25 MS. BROWDER: No, sir.

1 THE COURT: All right. Thank you, Mr. Smith.
2 You may step down. How long is the next one?

3 MS. CAVANAUGH: Your Honor, they will only be
4 10 minutes each.

5 THE COURT: Okay. Go ahead and do the next
6 one.

7 MS. CAVANAUGH: Okay. The State calls
8 Detective Heath.

9 (Witness sworn)

10 CLERK: State your name for the record, please
11 spell your last.

12 MR. HEATH: Kenneth Heath, H-E-A-T-H.

13 KENNETH HEATH, HAVING BEEN DULY SWORN, TESTIFIED AS
14 FOLLOWS:

15 DIRECT EXAMINATION

16 BY MS. CAVANAUGH:

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. Is it detective?

20 A. Yes, ma'am, you can call me that.

21 Q. Detective Heath, where do you work?

22 A. Town of Lexington Police Department.

23 Q. And how long have you worked there?

24 A. Since June of 2014.

25 Q. And what is (inaudible) police department?

1 A. My role now is I'm a detective corporal. So, I'm a
2 supervisor in our criminal investigations division.

3 Q. And back on March 23rd, 2022, were you called to a
4 home?

5 A. I was.

6 Q. And whose home was that?

7 A. It was Tiffany Britton's residence.

8 Q. And without going into detail, what was the nature
9 (inaudible) responded to?

10 A. Child abuse.

11 Q. And what was the address of Tiffany Britton's house?

12 A. It was 170 Railroad Avenue, lot one in Lexington.

13 Q. When you arrived, who was there?

14 A. When I arrived, it was Kevin -- Kevin Smith was
15 there along with Tiffany and Cadence and Paisley, or
16 Skyland.

17 Q. And who is, you mentioned Cadence, who is she?

18 A. She is the biological child of Tiffany, but not of
19 Nathan.

20 Q. And about how old is Cadence or was she (inaudible)?

21 A. If I had to guess, I think she was around eight. Of
22 Cadence, I'm sorry, is that what you -- Cadence? Yes,
23 ma'am.

24 Q. What about Paisley?

25 A. I believe she was three at the time.

1 Q. And when did you first (inaudible)? What time of
2 night was it first?

3 A. I believe it was, it was -- it was in the afternoon.
4 I mean, it was dark outside, so I can't remember the
5 exact time, but it was dark from what I recall.

6 Q. And who did you first meet with?

7 A. Kevin Smith.

8 Q. And did you speak to him?

9 A. I did.

10 Q. And did you talk to him about (inaudible)?

11 A. I did.

12 Q. After speaking with him, what did you do?

13 A. After that I went inside the residence and I spoke
14 with Ms. Tiffany about what her version of what had
15 happened was.

16 Q. And was she -- while she was in there, in her house,
17 was the defendant, Nathan Ginter, was he there?

18 A. Not physically, no, ma'am.

19 Q. Did she call anybody (inaudible)?

20 A. Yes, ma'am.

21 Q. Who did she call?

22 A. Mr. Ginter.

23 Q. And did you hear -- were you beside her when she
24 called him?

25 A. I wasn't beside her, but I could tell she was on the

1 phone due to it being -- it displaying his name. She was
2 inside of her room initially. Then I hung it up. She
3 called him back. I hung it up again. And then she came
4 out while on the phone with him.

5 Q. And how did (inaudible) the phone?

6 A. I could hear him talking.

7 Q. And how did you know it was (inaudible)?

8 A. I believe it displayed his name and at some point,
9 she said it was Nathan or -- I can't remember the exact
10 words she used, but.

11 Q. And did he -- I mean, did he -- I mean did he
12 (inaudible) was he on speakerphone?

13 A. He was.

14 Q. And did he know that law enforcement was in her
15 house?

16 A. Yes, ma'am.

17 Q. And how do you know that he knew that?

18 A. He wanted all of our names so that he could contact
19 his -- make contact with people he knew to try to get us
20 fired.

21 Q. Did you eventually (inaudible) instruct her to get
22 off the phone?

23 A. Yes, ma'am.

24 Q. And did she?

25 A. No, ma'am.

1 Q. Did you hear him instructing her about anything
2 related to (inaudible)?

3 A. She tried to get him to -- she told us not to give
4 him the phone, that we couldn't take the phone, also to
5 get out of the room. I think at one point she said -- I
6 think she said something -- he said something to the
7 effect of get out the house and get away from them.

8 Q. And what did she try to do with her phone?

9 A. We asked to take the phone, she wouldn't give it to
10 us, so she tried to break the phone, physically break it.

11 Q. In front of y'all?

12 A. Yes, ma'am.

13 Q. Was she successful in doing it?

14 A. No, ma'am.

15 Q. Were you able to -- what did you do with the phone
16 right after she tried to break it?

17 A. After I took it, we eventually, at the conclusion --

18 Q. Did you get it from her person?

19 A. Yes, ma'am, we took it.

20 Q. I'm going to show you what's marked as State's
21 Exhibit 16, and just for identification purposes at this
22 point, can you look in that envelope and see if you
23 recognize that device?

24 A. Yes, ma'am. Oh, yeah, this is her phone.

25 Q. Is that what you took from her person --

1 A. Yes, ma'am.

2 Q. -- that evening?

3 A. Yes, ma'am.

4 Q. After you took it from her, who did you give it to?

5 A. After I took it to her, I gave it to Detective
6 Payton, who eventually gave it back to me to put it into
7 our secure set location.

8 Q. So (inaudible). Going back to Nathan Ginter, what -
9 - where did he live?

10 A. He lived in Richland County, I believe it's
11 Cleveland Street, I'm not sure of the numerics on it
12 though.

13 Q. (Inaudible)?

14 A. No, ma'am.

15 Q. Did you obtain any search warrant that night?

16 A. Yes, ma'am.

17 Q. And what was the search warrant for?

18 A. It was for electronics and anything that could be
19 used for the allegations that were made.

20 Q. Was it for her house?

21 A. Yes, ma'am, for her house and for her vehicle.

22 Q. Did you also observe any injuries on anyone at that
23 house that night?

24 A. Yes, ma'am.

25 Q. Who?

1 A. Paisley.

2 Q. And is that one of the reasons why you had a search
3 warrant for that house also?

4 A. Yes, ma'am.

5 Q. Were any of these children sent to the hospital?

6 A. Both of them.

7 Q. Okay, and which hospital did they get to?

8 A. I believe it was Lexington Medical Center, I
9 believe.

10 Q. All right, and did someone with the Town of
11 Lexington meet them there at the hospital?

12 A. Yes, ma'am.

13 Q. After the hospital visit, did you communicate with
14 anyone else with another law enforcement division?

15 A. Yes, ma'am, Columbia Police Department.

16 Q. Okay, and why did you (inaudible) why did you
17 contact Columbia Police Department?

18 A. Due to the abuse at that time, from our knowledge,
19 happening in Columbia Police Department's jurisdiction.

20 Q. And again, who (inaudible) CPD (inaudible) Columbia
21 Police Department (inaudible)?

22 A. Nathan Ginter.

23 Q. Did you turn in all evidence to (inaudible)?

24 A. I did.

25 Q. All right, what did you (inaudible)?

1 A. It was her phone, her Apple Watch, her Asus, I think
2 it's a laptop, and then a heating pad, and like a muscle
3 electrical thing.

4 Q. Did you turn over the phone to Columbia Police
5 Department?

6 A. Yes, ma'am.

7 Q. Who within the Columbia Police Department did you
8 speak with?

9 A. Investigator Frier, or an Investigator Seay, I think
10 it's how you say his name, S-E-A-Y, I believe is how you
11 spell it.

12 Q. And did they investigation (inaudible)?

13 A. Yes, ma'am.

14 Q. All right, and did they turn over anything to you
15 later?

16 A. Yes, ma'am.

17 Q. What did they turn over?

18 A. The phone downloads from Tiffany Britton, and all
19 other downloads they had from their investigation they
20 gave to me to continue my investigation to what happened
21 in the town of Lexington.

22 Q. And eventually was Tiffany Britton also arrested for
23 her role in this?

24 A. Yes, ma'am.

25 MS. CAVANAUGH: Beg the Court's indulgence.

1 BY MS. CAVANAUGH:

2 Q. While you had custody or possession of Tiffany's
3 phone, did you alter it in any way?

4 A. I did not.

5 Q. Did you add or delete anything to it?

6 A. No, ma'am.

7 MS. CAVANAUGH: Thank you. Please answer the
8 questions from the Defense.

9 WITNESS: Yes, ma'am.

10 CROSS-EXAMINATION

11 BY MR. PERRY:

12 Q. Detective Heath.

13 A. Yes, sir.

14 Q. With respect to that telephone conversation that you
15 mentioned earlier, is it true you can't say for certain
16 who was on the other end of that telephone conversation?

17 A. I didn't know his voice. I only knew what he was
18 mentioned as.

19 Q. You didn't know his voice?

20 A. Correct.

21 Q. He didn't say, this is Nathan Ginter?

22 A. Correct.

23 Q. Did you, by any other means, confirm who was on the
24 other end of that telephone conversation?

25 A. Nothing but what I mentioned earlier.

1 MR. PERRY: Nothing further.

2 THE COURT: Redirect?

3 MS. CAVANAUGH: Beg the Court's indulgence.

4 REDIRECT EXAMINATION

5 BY MS. CAVANAUGH:

6 Q. Detective Heath, who did you hear Tiffany call the
7 other person on the other line that night?

8 A. Nathan.

9 MS. CAVANAUGH: Thank you.

10 THE COURT: Mr. Perry, anything?

11 MR. PERRY: Nothing, Your Honor.

12 THE COURT: Okay, thank you. You may step
13 down. All right, who's next?

14 MS. CAVANAUGH: The State calls Detective
15 Payton.

16 (Witness sworn)

17 CLERK: State your full name for the record,
18 and please spell your last name as well.

19 MR. PAYTON: Brian Payton, P-A-Y-T-O-N.

20 BRIAN PAYTON, HAVING BEEN DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 DIRECT EXAMINATION

23 BY MS. CAVANAUGH:

24 Q. Detective Payton, where do you work?

25 A. Town of Lexington Police Department.

1 Q. And how long have you been employed there?

2 A. Eleven years.

3 Q. What's your current role with the Town of Lexington?

4 A. I am a patrol supervisor as a corporal.

5 Q. And approximately two years ago, back in March 23rd,
6 2022, did you respond to a call?

7 A. I did.

8 Q. And where was that call?

9 A. 170 Railroad Avenue, lot 1, in the town of
10 Lexington.

11 Q. And (inaudible).

12 A. I saw Tiffany, I saw Paisley, and I saw Cadence.

13 Q. Were you there with Detective Heath?

14 A. I was.

15 Q. And at some point during -- while you were there,
16 did he hand Tiffany's phone to you?

17 A. He did.

18 Q. And I'm going to show you what's marked as State's

19 16. I'm going to ask you if you recognize that device at
20 all.

21 A. Yes, ma'am.

22 Q. And what is it?

23 A. It's the iPhone 13 that Detective Heath gave to me.

24 Q. Okay. And while it was in your possession, did you
25 alter it in any way?

1 A. I did not.

2 Q. And did you delete any data (inaudible)?

3 A. I did not.

4 Q. Did you actually do a report related to this case?

5 A. I did.

6 Q. Okay, and would that help refresh your recollection
7 on anything that you might have done in this case?

8 A. Yes, it would.

9 Q. All right. What did you do with the phone? I mean,
10 not necessarily (inaudible), but in general. What did
11 you do with the phone (inaudible) did you take it back to
12 the Town of Lexington or did you give that to Detective
13 Heath?

14 A. I gave it back to Detective Heath before we left the
15 scene, and he took it and put it into the lab at the
16 police department.

17 Q. Okay. Now, while you were on the scene, did you
18 observe Tiffany make any calls from other devices?

19 A. I did.

20 Q. Okay. And what machines did she use to call?

21 A. Her laptop.

22 Q. And who did she call?

23 A. She called her sister and Nathan.

24 Q. And how did you know she contacted Nathan?

25 A. She asked if she could.

1 Q. And did you hear a male voice on the other end?

2 A. I did.

3 Q. Did you eventually (inaudible) conversation?

4 A. I did.

5 Q. Later on that evening, did she actually come with
6 y'all to the Lexington Police Department?

7 A. She did.

8 Q. And (inaudible) the Lexington Police Department?

9 A. At that point, after we were done with the search
10 warrant, we wanted to do a formal interview with her.
11 Then we learned from our victim's advocate at the
12 hospital that the jurisdiction may have shifted to
13 Columbia Police Department's jurisdiction. So, we halted
14 the interview and never interviewed her at that point.

15 Q. All right. So Columbia Police Department took over
16 the investigation?

17 A. Yes, they did.

18 Q. Now, did you (inaudible) Nathan (inaudible) in this
19 case?

20 A. I did not.

21 Q. Later, was Tiffany Britton arrested (inaudible)?

22 A. Yes, she was.

23 Q. And did you assist with that arrest?

24 A. Yes, I transported her from Alvin S. Glenn Detention
25 Center to Lexington County for a bond hearing, and then

1 transported her back; and that was April 15th of 2022.

2 Q. Was that the extent of your involvement in the case
3 that we're here for trial this week?

4 A. Yes, it is.

5 MS. CAVANAUGH: Thank you.

6 MR. PERRY: No questions.

7 THE COURT: Thank you. We at a stopping? All
8 right, we're going to go ahead and stop there for
9 the evening; it's about 4:45. We've picked the
10 jury, done pretrial, done openings, made it through
11 four witnesses, that's a lot for a Monday, okay.
12 And so I appreciate your patience with us.

13 Now, I'm about to release you for the evening.
14 I want to remind you of a couple things. Number
15 one, don't discuss the case with anybody. Human
16 nature, okay, human nature is by the time you get
17 out of the building, you're going to get your phone
18 out, you're going to text, you're going to call
19 somebody, you're going to check your email, you're
20 going to check social media, and human nature is,
21 you know, someone's going to ask you, what happened,
22 you know, what's your case about; those kind of
23 things, okay. And I understand that we're going to
24 go against human nature, and I'm going to give you
25 one brief example to explain to you why.

1 So in all these trials, I say virtually the
2 same thing, okay. We should probably just make a
3 recording of me because I'm saying the same thing
4 over and over. But right before Christmas, I was in
5 Darlington County. And we made it basically where
6 we made it today in a home invasion case in
7 Darlington County. And I had a woman on the jury,
8 very sophisticated, had high level of education, she
9 was the CEO of a major corporation, right. And I
10 said the same thing that I just said to you to that
11 jury. And she left and she went to see her mother
12 in the nursing home, which I appreciate her going to
13 do. And she sat down with her mother and told her
14 everything that had happened in court that day,
15 okay. And guess what? The mother's caregiver was
16 the -- her mother's caregiver was the mother of the
17 defendant (inaudible). (Inaudible) and you can
18 imagine the mess (inaudible). These rules are in
19 place for a reason. I'm not just doing them to
20 torture you, okay.

21 But you can tell people you're on a jury and
22 the judge told you don't talk about the case. So,
23 no independent research, no looking up things, no
24 trying to figure out things. Enjoy your Monday
25 evening. We're going to start tomorrow morning at

1 9:30. If you'll be here ready to go. Do not
2 discuss the case. Keep an open mind. Thank you for
3 your service. And we'll see you at 9:30 tomorrow
4 morning. Everyone else stay seated while the jury
5 is excused.

6 (Jury exits courtroom)

7 THE COURT: Anything from the State before we
8 break?

9 MS. BROWDER: Just for purposes of timing
10 tomorrow, Your Honor.

11 THE COURT: Okay.

12 MS. BROWDER: As well as we're going fairly
13 quickly. I think we'll probably rest our case at
14 some point tomorrow afternoon.

15 THE COURT: Okay.

16 MS. BROWDER: I guess my question would be,
17 should we be ready to close tomorrow afternoon or --

18 THE COURT: If you think you're going to rest
19 in the morning, then yes. If you think it'll be the
20 --

21 MS. CAVANAUGH: (Inaudible) that will take
22 forever.

23 THE COURT: If it'll be the afternoon then I
24 think we're probably better off just letting them go
25 early. We can do a charge conference and we can

1 argue and charge fresh Wednesday morning. I'd
2 rather not start them deliberating at five or 6:00
3 tomorrow night, unless you tell me there's some
4 emergency that we need to do that.

5 MS. BROWDER: Actually I'd prefer to do
6 (inaudible).

7 THE COURT: Are you okay with that?

8 MR. PERRY: Absolutely, Judge. I'd much prefer
9 to wait (inaudible).

10 THE COURT: Okay. So, yeah, I mean, get as far
11 -- if you think you're going to be done at 11:00
12 tomorrow morning, that's one thing. But if it's
13 going to be sometime after lunch, let's just get
14 through. We can stop. We can do all the things we
15 need to do and start fresh Wednesday morning. Okay.
16 A couple of questions. The children that are going
17 to testify, do they know that they're going to be
18 sworn in?

19 MS. BROWDER: The oldest one, not the youngest
20 one. We asked her if she would tell the truth, she
21 wouldn't put her hand on the Bible when we practiced
22 with her because she doesn't want to touch it.

23 THE COURT: Okay. So, I'm probably just going
24 to have with the older one, I'm going to let Molly
25 say what she normally says. But with the younger

1 child, I think I'm going to have Molly say something
2 in the lines of do you promise that everything that
3 you're going to tell us today to be the truth?
4 Something like that. I just didn't want that to
5 catch them off guard. You know, I'm not involved in
6 the intricacies of trial prep, but I just don't want
7 that to be a surprise.

8 MS. BROWDER: Yes, sir.

9 THE COURT: Does that make sense?

10 MS. BROWDER: Yes, sir. And just while we're
11 talking about it, she does not like microphones at
12 all.

13 THE COURT: Okay.

14 MS. BROWDER: She will not sit on the stand
15 with that microphone in front of her.

16 THE COURT: Okay.

17 MS. BROWDER: So, I guess we can kind of move
18 her to the front a little bit, (inaudible) as much
19 as possible. And we're asking, if possible, if she
20 can bring one of her little stuffed animals with
21 her.

22 THE COURT: Yeah, that's fine, of course. All
23 right, do you want me to question her as to her
24 understanding of the ability to tell the truth
25 outside the presence of the jury, Mr. Perry?

1 MR. PERRY: I don't think that's necessary.

2 THE COURT: Okay.

3 MR. PERRY: This child's not coming in here
4 with any intention to lie.

5 THE COURT: Okay. I'm just double checking.
6 Next thing for security, I have a hearing tomorrow
7 morning prior to this hearing starting with a
8 Kershaw County defendant who's going to be -- is he
9 on a walker or a wheelchair? He's on something.
10 He's got all kinds of medical issues. He has --
11 does he have seizures? He has strokes. He's got
12 all kinds of medical issues. It's not going to take
13 but 10 or 15 minutes, but we need to do that at 9:00
14 -- so, whenever that guy gets here in the morning,
15 just let me know. I'll be here by 9:00. And if you
16 could be here by about 9:00 in the morning, Joe, and
17 then we'll just pop on the record and do that real
18 quick.

19 Y'all are welcome to be in here. You're
20 welcome to be set up. I just want to let you know
21 I'm going to need that guy brought up in the
22 morning, and Tiffany's got his name, but he'll be
23 coming in from Kershaw County. Does that make
24 sense? You good with that?

25 MALE VOICE: Coming from Kershaw?

1 THE COURT: Coming from Kershaw. Yeah. Okay.

2 All right. Anything else, Mr. Perry?

3 MR. PERRY: No, sir, Your Honor.

4 THE COURT: Anything else, Ms. Browder?

5 MS. BROWDER: No, sir.

6 THE COURT: Okay, thank you for making it

7 through all the stuff we made it through today.

8 We'll see y'all tomorrow morning at 9:30. Thank you

9 very much.

10 (PROCEEDINGS FOR 6-10-24 CONCLUDED)

11 (PROCEEDINGS BEGIN 6-11-24)

12 THE COURT: We're back on the record in the

13 State versus Nathan Ginter, good morning everyone,

14 thank you for your patience with me this morning as

15 I conducted that Kershaw County hearing for a little

16 bit. And so I appreciate your patience with me. Is

17 there anything from the State we need to take up

18 before we bring in the jury panel?

19 MS. BROWDER: No, sir.

20 THE COURT: Okay. Anything from the Defense,

21 Mr. Perry?

22 MR. PERRY: No, sir.

23 THE COURT: Okay. And let's go ahead and bring

24 them in. If you're in the courtroom I'm super happy

25 that you're here. Make sure your phones are on off

1 or on silent. If they go off during court we will
2 confiscate them from you. Thank you very much.

3 MR. COKER: The jury is seater Your Honor.

4 (Jury enters courtroom)

5 THE COURT: Thank you very much, Mr. Coker.
6 Welcome back ladies and gentlemen, thank you very
7 much for being on time. I hope you had a nice
8 evening. I had another matter that I had to take up
9 completely unrelated to this one at 9:15 this
10 morning, so we're running a couple minutes behind,
11 that hearing went a little longer than I wanted it
12 to. So, I appreciate you being on time and being
13 ready to go. When we left yesterday we were in the
14 beginning stages of the State's case, or maybe the
15 middle, I'm not sure. And so, the State may call
16 their next witness.

17 MS. BROWDER: Thank you, Your Honor. The State
18 calls Dr. Daniel Johnson.

19 THE COURT: Okay.

20 (Witness sworn)

21 CLERK: State your full name for the record.

22 MR. JOHNSON: Daniel Lee Johnson.

23 DANIEL LEE JOHNSON, HAVING BEEN DULY SWORN, TESTIFIED AS
24 FOLLOWS:

25 DIRECT EXAMINATION

1 BY MS. CAVANAUGH:

2 Q. Dr. Johnson, can you tell the jury a little bit
3 about where you work?

4 A. I work at Lexington Medical Center emergency
5 department.

6 Q. And what do you do in the emergency department?

7 A. I am an emergency room physician.

8 Q. And in order to become an emergency room physician,
9 what kind of education do you have?

10 A. I have a four-year degree in medicine from the
11 Medical College of Georgia, a master's in education that
12 didn't really play into that, and then a four-year
13 residency in emergency medicine.

14 Q. And where was your residency?

15 A. Los Angeles County, US -- the other USC, University
16 of Southern California.

17 Q. And how long have you been a medical physician?

18 A. I graduated from medical school in 2015.

19 Q. And do you have any licenses here in South Carolina?

20 A. Uh-huh (affirmative), yeah.

21 Q. What are those licenses?

22 A. Medical license to practice as a physician.

23 MS. BROWDER: At this time, Your Honor, we'd
24 like to offer Dr. Johnson as an expert in the field
25 of emergency room medicine.

1 MR. PERRY: Without objection, Your Honor.

2 THE COURT: Okay, so normally ladies and
3 gentlemen, when a person testifies they're not
4 allowed to give their opinion, okay. Normally a
5 person has to testify as to what they saw, they
6 heard, they did, they touched, they sensed by smell,
7 something like that, okay. However, there is an
8 exception under our rules when someone is qualified
9 because of education or experience that person is
10 permitted to give their opinion in certain areas if
11 the Court qualifies them in that way. So, this
12 witness Dr. Johnson will be qualified as an expert
13 in the area of emergency --

14 MS. CAVANAUGH: Room medicine.

15 THE COURT: -- in emergency room medicine.
16 That means he will be allowed to give his opinion in
17 that area. Now, that doesn't mean that you have to
18 accept his opinion, okay. But it's evidence for you
19 to use in any way that you see fit and you give it
20 the weight and the credibility that you believe is
21 appropriate, just as you should be doing with each
22 and every witness that appears before you.

23 MS. CAVANAUGH: Thank you, Your Honor.

24 BY MS. CAVANAUGH:

25 Q. In your capacity as an emergency room doctor, did

1 you become involved with a patient by the name of Skyland
2 Ginter?

3 A. Yes, ma'am.

4 Q. In what capacity?

5 A. I was a treating physician for her in the emergency
6 department.

7 Q. Do you remember what date she came in?

8 A. It was in 2022.

9 Q. If I give you (inaudible) will that help refresh
10 your memory?

11 A. Yes, ma'am. Thank you very much. Looks like it was
12 March 24th, 2022.

13 Q. And what was her birthday?

14 A. Her birthday is 9/18/2018.

15 Q. And so when she came into you in 2022, she was three
16 years old?

17 A. Yes, ma'am.

18 Q. And when a patient comes into the emergency room
19 general, not particularly in this case, but in general
20 what steps do you take to find out the history and
21 anything that you would need to know in order to make
22 sure (inaudible).

23 A. It was mostly dictated by acuity, how sick they are
24 and their ability to provide history. So, if they come
25 in and life is an imminent threat then kind of have to

1 start piecing things together quickly. In most pediatric
2 cases try to do my best to not scare them. A lot of
3 times they're scared of doctors, don't like doctors. I
4 don't wear a white coat, so I try to come in and if
5 there's time if it's not time of the essence type
6 situation try to get some rapport and get them
7 comfortable with me being in the room.

8 Q. And in Skyland's case, when she came in, what was
9 her mood like at that point?

10 A. Per my note it seems like she was okay, in a pretty
11 good mood.

12 Q. And did anybody come with her?

13 A. Yes. I don't remember who I talked to specifically
14 or who it was, but it looks like from the report that she
15 came in with EMS, which is the paramedics and such, and
16 there may have been some involvement already of outside
17 investigation.

18 Q. Okay. And what information did you receive
19 regarding Skyland before seeing her in order to determine
20 what medical steps you needed to take?

21 A. I was told that there were some injuries that were
22 not acute, that were a couple days old, so we weren't
23 dealing with someone who had just fallen or had just been
24 hurt in some way, there were some injuries that had
25 raised some suspicions and they needed to be looked at

1 and that may be even had already been looked at by
2 another medical professional, but not by us that day.

3 Q. And when you began to do your (inaudible) of
4 Skyland, what did you notice?

5 A. I mean per the note, in terms of just in general
6 she's a healthy appearing kid, didn't appear to be in
7 terrible distress at the moment of any kind, but she did
8 have obviously some injuries to her lower extremities
9 that are in kind of sensitive area that needed a
10 chaperone to be around to physical exam.

11 Q. And what area was that?

12 A. Legs and buttock.

13 Q. And what did you observe on her legs?

14 A. It's what looked like some bruising, some
15 discoloration to the legs.

16 Q. And what concerned you about the bruises on her
17 legs?

18 A. Well, any extensive bruising concerns me on the legs
19 of a child. I got three kids; they get bumps and
20 bruises, but just the extent of them and the number of
21 them, and then the coinciding with the other injuries,
22 the burn marks.

23 Q. And where were her burn marks that you noticed?

24 A. On the right buttock.

25 Q. Right buttock, okay. And to a reasonable degree of

1 medical certainty, I think you mentioned earlier, were
2 they acute?

3 A. It looked like a couple days old; they looked like
4 they weren't from that day.

5 Q. So several days before? And can you explain to the
6 jury what these burns looked like, where they were, how
7 you treated them, kind of what you did for these burns?

8 A. What they looked like, they looked like scabbed over
9 and kind of fairly deep. We would call them partial
10 thickness burns, what we used to maybe call like second
11 degree burns to the buttock that had -- some had some
12 scabbing and some had just kind of more pink exposed
13 underneath tissue, and then somebody had put some
14 ointment on them that was not us, there was some white
15 ointment on the superior burn marks. Specific treatment
16 that I did that day was mostly just to redress them and
17 the nurse I think did that.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit 9, 10 -- or 9, 11, 12, 13, 14, and 15. Do you
20 recognize these photographs?

21 A. Yes, ma'am.

22 Q. And how do you recognize those photographs?

23 A. This one was from the chart, possibly taken with my
24 phone in the app or it could've been the nurses, but it's
25 from the chart itself, or it looks just like the one from

1 the chart itself, and by chart I mean the electronic
2 medical record.

3 Q. So you actually took photographs yourself?

4 A. Yeah, I believe so. It's difficult to -- it's filed
5 under my name and usually it's me, but I don't remember
6 specifically, but I think so, yeah.

7 Q. But do these photographs fairly and accurately
8 represent the injuries that you saw that day?

9 A. Yes, ma'am.

10 MS. CAVANAUGH: Okay, at this time, Your Honor,
11 we offer these into evidence State's 9, 11, 12, 13,
12 14, and 15.

13 MR. PERRY: Without objection, Your Honor.

14 THE COURT: No 10? It's just 9, 11 --

15 MS. CAVANAUGH: Ten is already in, Your Honor.

16 THE COURT: Ten is already in, okay. So, 9,
17 11, 12, 13, 14, 15 are admitted without objection. Thank
18 you.

19 (State's Exhibit 9, 11, 12, 13, 14, & 15 entered)

20 BY MS. CAVANAUGH:

21 Q. Okay, I'm going to show you first what's marked as
22 State's Exhibit 9. Is that Skyland, the patient that you
23 looked at that day?

24 A. Yes, ma'am.

25 Q. And you stated she was three years old?

1 A. Yes, ma'am.

2 Q. I'll show you what's marked as State's Exhibit 11.

3 What does this photograph represent?

4 A. It's a lateral view of the right buttock.

5 Q. What is on her buttock?

6 A. It appeared to be burn markings and healing skin.

7 Q. That's based on your medical -- reasonable degree of
8 medical certainty?

9 A. Yes, ma'am.

10 Q. State's 12, and what does that photo represent?

11 A. It's a posterior view of the sort of same area. You
12 can see some of the ointment at the top that had been
13 applied prior to coming to us.

14 Q. And when you say posterior, you mean kind of --

15 A. From behind.

16 Q. Behind, okay. State's Exhibit 13, what does this
17 photo show?

18 A. That's a little tougher to be certain of. It looks
19 like bruising, could be also skin breakdown, abrasion,
20 some sort of injury.

21 Q. On her?

22 A. Left ankle, uh-huh (affirmative).

23 Q. State's 14, what does that show?

24 A. Same ankle, just moving around a little more to the
25 lateral side, behind.

1 Q. Okay. Now, when you've been talking about burns.

2 A. Uh-huh (affirmative).

3 Q. Would you tell the jury a little bit about the
4 different types of burns there are?

5 A. Yeah. There's different classifications of severity
6 in terms of how deep they go and then there's also
7 different classifications of what the offending or
8 burning agent was.

9 So, there's what we used to call first degree, which
10 is superficial, going to be like a sunburn, red skin, and
11 then there's what we used to call second degree, which is
12 going to be quite a bit more painful, give you some
13 blistering, and then when you get all the way down to
14 third degree it's actually through the skin into the
15 tissue and meat.

16 Q. In Skyland's case, could you tell if these were
17 superficial or deep tissue?

18 A. Not deep tissue, partial -- these are second degree,
19 you know, she's obviously had some blisters and some
20 extensive scabbing, but not to the point where it was
21 down to, you know, muscle and bone or anything like that.

22 Q. And then you talked about the different kinds of
23 burns.

24 A. Uh-huh (affirmative).

25 Q. Different agents I guess that could cause the burns,

1 can you tell the jury about those?

2 A. Yeah, it's not -- I mean, it's not always crystal
3 clear, but in general burns caused by liquid will have
4 sort of a splattered pattern or a linear pattern from the
5 liquid contact. Burns caused by fire will typically not
6 have any sort of splatter pattern or kind of spread up in
7 a more unpredictable fashion. And then you can have
8 contact burns or even chemical burns from exposure to
9 caustic chemicals that also usually -- two different
10 things that are contact burns being a hot surface of some
11 kind like an iron, or chemical burns being from a caustic
12 agent that gives your skin like a reaction.

13 Q. And to a reasonable degree of medical certainty
14 could you tell what kinds of burns these were or what
15 kind they weren't?

16 A. With certainty about they did not appear to be
17 liquid. They did not appear to be from any splash. They
18 don't have that appearance and it'd be -- beyond that
19 it'd be tough to say certain. Beyond that it'd be tough
20 to say certain.

21 Q. You can definitely tell that they are not liquid?

22 A. Yes, I do not think they are liquid.

23 Q. Have you ever seen any injuries like this on a
24 toddler before?

25 A. Not specifically on a toddler. Not specifically on

1 a toddler. I have actually seen liquid burns on a
2 toddler but not specifically these.

3 Q. Regarding some types of burns, heating pad burns, if
4 there were a heating pad involved, based on your
5 experience as an emergency doctor what type of burns
6 would those cause?

7 A. Those are going to be contact burns.

8 Q. And would they be superficial or deep burns?

9 A. They -- theoretically they could be either, it's
10 just usually it's going to be more superficial, just
11 spread out surface area and the heat on the heating pad
12 is not quite as high as the things that can burn through
13 quickly, so you'd have to have kind of a prolonged period
14 of not noticing.

15 Q. And these burns right here, could you tell if those
16 with a reasonable degree of medical certainty whether
17 they were from a heating pad or not?

18 A. They would be the worst I'd ever seen from a heating
19 pad, if they were from a heating pad.

20 Q. As part of your, I guess, diagnosis of the burns,
21 what was your diagnosis of Skyland?

22 A. So my diagnosis is typically just going to be at
23 this point burn and then suspicion of abuse based on
24 history. We try to keep the diagnoses in the ER as
25 general as possible until we can get more confirmatory

1 details, so.

2 Q. And in your report you mention to a chemical burn,
3 can you explain to the jury --

4 A. Yeah, my note is pretty clear that chemical burns is
5 not what I thought it was. It's just on my part in terms
6 of entering ICD-10 Code, there's over 100 different burn
7 codes, and I just -- it looks like I put in the wrong one
8 because it doesn't match up with it today and it doesn't
9 really match up with my note either, I don't mention
10 anything about chemicals, so.

11 Q. What did you do as a result of your diagnosis of a
12 burn for Skyland?

13 A. We had social work involved early, which may or may
14 not have been my order, the nurse may have put that in,
15 but I agreed with it, gave the verbal okay either way to
16 make sure we had a safe discharge plan and the right
17 people involved in the case.

18 Q. What did you do medically for her?

19 A. Not a whole lot. She wasn't requesting anything,
20 you know, for pain, didn't seem to be in acute distress.
21 We redressed the wounds, which is kind of the most
22 important thing going forward at this stage in a burn.

23 Q. Beg the Court's indulgence. Dr. Johnson, last
24 question, to a reasonable degree of medical certainty,
25 what is your diagnosis for Skyland Ginter?

1 A. I'm sorry, then or today? No, then would be what,
2 almost what the ICD-10 said, but definitely what my note
3 said, which was just, you know, burn to the buttock and
4 then suspicion of abuse.

5 MS. CAVANAUGH: No further questions, Your
6 Honor.

7 MR. PERRY: Nothing for this witness, Your
8 Honor.

9 THE COURT: Thank you, Doctor, have a good day.
10 All right, the State may call their next witness.

11 MS. CAVANAUGH: The State calls Ashley Kimbler.

12 (Witness sworn)

13 CLERK: State your full name for the record.

14 MS. KIMBLER: Ashley Kimbler.

15 ASHLEY KIMBLER, HAVING BEEN DULY SWORN, TESTIFIED AS
16 FOLLOWS:

17 DIRECT EXAMINATION

18 BY MS. CAVANAUGH:

19 Q. Ashley, can you tell the jury what (inaudible).

20 A. In West Columbia.

21 Q. West Columbia?

22 A. Yeah.

23 Q. And what do you do for a living?

24 A. I work at a dermatology office.

25 Q. Are you married?

1 A. I am.

2 Q. Do you have any children?

3 A. I do. I have two.

4 Q. And how old are they?

5 A. About to be eight and four.

6 Q. And do you have any other children (inaudible)?

7 A. Skyland Paisley and Cadence.

8 Q. How did Skyland, or Paisley, and Cadence come to
9 live with you?

10 A. I went and picked them up from the hospital the
11 night that everything come about and they have been with
12 me ever since.

13 Q. And how do you know Paisley and Cadence?

14 A. They're my nieces, my sister's children.

15 Q. So, who is your sister?

16 A. Tiffany Britton.

17 Q. And she is the mother to Cadence?

18 A. Yes.

19 Q. And who is Cadence's father?

20 A. His name is Travis Watson.

21 Q. And then Paisley, who is Paisley's father?

22 A. Nathan Ginter.

23 Q. And how old is Paisley?

24 A. She's five now.

25 Q. What is her birthday?

1 A. 9/18/18.

2 Q. And when you went to pick her up from the hospital,
3 that was in March of 2022, how old was she then?

4 A. Three.

5 Q. Have you ever met Nathan Ginter before?

6 A. A few times before.

7 Q. I'm going to show you what is marked as -- I'm
8 handing you what's marked as State's 2. Do you recognize
9 that picture?

10 A. Yes.

11 Q. And who is that?

12 A. That's Nathan Ginter.

13 Q. And he's the father to Paisley?

14 A. Yes.

15 Q. And what is Paisley's full name or legal name?

16 A. Sklyan.

17 Q. And why do y'all call her Paisley?

18 A. That -- my sister started calling her Paisley after
19 her and Nathan broke up the first time. She originally
20 wanted to name her Paisley but he named her Skyland. We
21 were going to try to do a name change, but she never got
22 around to it.

23 Q. How did Tiffany meet Nathan?

24 A. I think it was a dating app. I'm not 100 percent
25 sure.

1 Q. At what point did Tiffany become pregnant with
2 Paisley?

3 A. They were together maybe two weeks and then she
4 became pregnant. It was very shortly after they got
5 together.

6 Q. And when Paisley was born on September 18th, 2018,
7 approximately how long afterwards did Tiffany and Nathan
8 stay together as a couple?

9 A. Maybe a month or two. It wasn't very long.

10 Q. From the time that they broke up, at what point did
11 he come back into Paisley's life?

12 A. After they broke up? She was three.

13 Q. She was three?

14 A. It was -- yeah, it was October of '21.

15 Q. Okay, October 2021.

16 A. Yeah.

17 Q. And why did he come back into her life?

18 A. She went after him for child support.

19 Q. You mean Tiffany?

20 A. Yes.

21 Q. And when she went after him for child support that's
22 when they got back together?

23 A. Uh-huh (affirmative), yes, ma'am.

24 Q. And when they got back together how often before
25 they got back together were you seeing Paisley, Cadence,

1 and your sister?

2 A. At least once a week; we would do weekly dinners, so
3 it was at least once a week.

4 Q. And once they got back together how often would you
5 see them?

6 A. Very rarely.

7 Q. At that point what did Tiffany start calling
8 Paisley?

9 A. Skyland.

10 Q. So for three years y'all have been calling her
11 Paisley and all of a sudden it changed to Skyland?

12 A. Immediately, yes, ma'am.

13 Q. At some point when you saw Paisley, did you notice
14 anything that concerned you?

15 A. At first I did not. Not at first.

16 Q. Okay. At what point did you notice something?

17 A. Paisley was at my aunt's for the weekend and she
18 called me down there because she noticed her butt and
19 since I work in a dermatology office they thought that I
20 could -- we thought it was a rash at first, so I went
21 down there and looked at it and then I told her we needed
22 to take her to the doctor.

23 Q. Did you take her to the doctor?

24 A. She took her, I went with them. I met them there.

25 Q. And who is she?

1 A. Tiffany.

2 Q. Was Nathan there?

3 A. He was not.

4 Q. After the doctor, what did you do after that? Did
5 you see her again?

6 A. We -- I did. I seen her the next day 'cause we had
7 to take her back to the doctor, and at that point Nathan
8 was not there but he was on the phone.

9 Q. And you recognize his voice?

10 A. I do.

11 Q. And what was Nathan concerned about when you talked
12 to the doctor (inaudible).

13 A. Just her behavior.

14 Q. He didn't care about the injuries on her?

15 A. No.

16 Q. And what did he says regarding her behavior?

17 A. He said things like -- I'm trying to remember, it
18 was a long conversation that he had.

19 Q. Just what you can remember is fine.

20 A. I can't remember.

21 Q. That's fine, if you don't --

22 A. I'm sorry; yeah.

23 Q. At some point did you take pictures and send them to
24 someone?

25 A. I did.

1 Q. And who did you send them to?

2 A. To my step-dad Kevin Smith.

3 Q. I'm going to show you what's been entered into
4 evidence, it's State's 3, 4, 6, 7, and 8. Are those the
5 photographs that you took and sent to --

6 A. So, I didn't take -- she took these, Tiffany did,
7 and she sent them to me 'cause I asked her for updates.

8 Q. Okay.

9 A. And then I sent these to Kevin Smith.

10 Q. So you've seen those pictures before?

11 A. I did, yes, ma'am.

12 Q. And you've also seen the injuries on Paisley at that
13 point?

14 A. Yes.

15 Q. And at what point -- were you there when
16 (inaudible).

17 A. I was not, no.

18 Q. So you called Kevin -- or text Kevin?

19 A. Uh-huh (affirmative).

20 Q. He took over from there?

21 A. Yes, ma'am.

22 Q. Now when Paisley came into your care approximately
23 two years ago, did you notice anything about her
24 behavior?

25 A. She was very standoffish. She acted like she didn't

1 really know me anymore. She definitely was not the same
2 Paisley that four months prior.

3 Q. Did she get to see her father at that point, Nathan?

4 A. When?

5 Q. After she came into your care?

6 A. No, she did not.

7 Q. And did you notice anything with her regarding
8 meeting people, especially men?

9 A. She was very standoffish. Like she would usually
10 hide behind me, or whoever she was with, if anyone came
11 around.

12 Q. Was she scared of anyone in particular that you
13 noticed?

14 A. No.

15 Q. And (inaudible) baths --

16 A. Uh-huh (affirmative).

17 Q. -- and keep them clean, can you tell the jury about
18 when Paisley came into your care how she would react to
19 baths and showers?

20 A. So, as I was running the water she would question if
21 it was going to be cold. She would have to fill it
22 constantly before she got in, and then when she got in
23 she was constantly filling the water to make sure it
24 wasn't cold. If I did the slightest adjustment to it,
25 she was questioning if I was going to turn it to cold,

1 and she constantly looked up at the showerhead and would
2 ask me, "You're not going to turn that on, are you?"

3 Q. How long did it take for her to get over that fear?

4 A. It took a good probably six months for her to
5 realize that baths were normal at my house.

6 Q. When Paisley was born prior to (inaudible) Nathan
7 Ginter coming back into her life (inaudible) did you
8 notice any type of bruising or these types of injuries on
9 her at all?

10 A. I did not.

11 Q. And since she's been back in your care after she was
12 removed, have you noticed any types of these bruising or
13 injuries on her?

14 A. No.

15 MS. CAVANAUGH: Beg the Court's indulgence. No
16 further questions, Your Honor. Please answer any
17 questions the Defense has.

18 THE COURT: Cross-examination?

19 MR. PERRY: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. PERRY: May it please the Court.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. PERRY:

25 Q. Ms. Kimbler, you said that approximately six months,

1 I believe, after she came to live with you she was kind
2 of over the fear of the bath water being cold?

3 A. Right.

4 Q. She's been with you how long now?

5 A. For two years now.

6 Q. How is she doing now?

7 A. She's good now.

8 MR. PERRY: No further questions, Your Honor.

9 THE COURT: Okay. All right, thank you, you
10 may step down. The State may call their next
11 witness.

12 MS. CAVANAUGH: The State calls Paisley Ginter.

13 (Witness sworn)

14 PAISLEY GINTER, HAVING BEEN DULY SWORN, TESTIFIED AS
15 FOLLOWS:

16 DIRECT EXAMINATION

17 BY MS. CAVANAUGH:

18 Q. Can you tell everybody your name? What's your
19 monkey's name? Sit up here, okay. You don't want to do
20 it? Okay. You don't want to do it? It's okay if you
21 don't want to do it, okay. Okay, all right.

22 MS. CAVANAUGH: Your Honor, we're going to call
23 Natalia Ginter next.

24 THE COURT: Okay.

25 (Witness sworn)

1 THE COURT: Give your full name.

2 MS. GINTER: Natalia Evelyn Ginter.

3 NATALIA GINTER, HAVING BEEN DULY SWORN, TESTIFIED AS
4 FOLLOWS:

5 DIRECT EXAMINATION

6 BY MS. CAVANAUGH:

7 Q. Good morning, Natalia.

8 A. Good morning.

9 Q. How old are you?

10 A. Eleven.

11 Q. And what grade did you just finish?

12 A. Sixth grade.

13 Q. Are you going into seventh grade?

14 A. Yes, ma'am.

15 Q. And where do you go to school?

16 A. Clear Dot Charter School.

17 Q. Clear Dot Charter School? Do you have a favorite
18 subject in school?

19 A. Social studies.

20 Q. Do you play any sports?

21 A. No.

22 Q. What do you like to do for fun after school?

23 A. Hang out with my friends, do art, play with my dog
24 on the trampoline.

25 Q. What's your dog's name?

1 A. Cece.

2 Q. What kind of dog is he?

3 A. A Rottweiler.

4 Q. How long have you had him?

5 A. I would say about a year now.

6 Q. Who do you live with?

7 A. Ms. Lindsey.

8 Q. Who's Ms. Lindsey?

9 A. The one -- I don't really know how to --

10 Q. Let me ask you a different way. How did you meet
11 Ms. Lindsey?

12 A. I'm pretty sure she was my dad's old girlfriend, so
13 she stayed a lot at our house, and so I really got to
14 know her when I was a child, and then --

15 Q. So you mentioned that Ms. Lindsey was your dad's old
16 girlfriend, what's your dad's name?

17 A. Nathan Miles Ginter.

18 Q. Who did you live with before Ms. Lindsey?

19 A. My -- well, I think -- pretty sure my grandma for a
20 little bit, and then I got to meet Ms. Lindsey, and then
21 I started living with her, but I still visit my grandma
22 and everything. She usually comes to Ms. Lindsey's house
23 too.

24 Q. And before you lived with your grandma, who did you
25 live with?

1 A. My foster mother.

2 Q. And then before your foster mother who did you live
3 with?

4 A. My dad.

5 Q. So is it fair to say that you grew up living with
6 your dad?

7 A. Yeah.

8 Q. For the most part?

9 A. Yeah.

10 Q. Okay. Do you know what city you lived in with your
11 dad?

12 A. South Carolina.

13 Q. But within what specific --

14 A. I'm sorry.

15 Q. -- what city within South Carolina?

16 A. No clue.

17 Q. (Inaudible).

18 A. You know, I --

19 Q. Did you live in Columbia?

20 A. Yes.

21 Q. And is that (inaudible)?

22 A. Yes. Yes.

23 Q. (Inaudible).

24 A. Yes.

25 Q. Now, did you (inaudible) siblings (inaudible)

1 brother and your sister?

2 A. Yes.

3 Q. And you -- was it a sister or brother?

4 A. Half -- yeah, half-sister, basically.

5 Q. What's her name?

6 A. Well I was told Skyland but then I was also told
7 Paisley.

8 Q. Was she (inaudible) at your dad's house?

9 A. Yes.

10 Q. (Inaudible).

11 A. Yes.

12 Q. Okay. How old was she (inaudible)?

13 A. I'm pretty sure she was three.

14 Q. So (inaudible) you said (inaudible) sister right?

15 So, was it your dad's (inaudible)?

16 A. I -- I don't really know how that whole situation
17 worked itself out, but I was just told she was my half-
18 sister.

19 Q. (Inaudible).

20 A. I think so.

21 Q. Did she come to stay? Did she ever spend the night?

22 A. Yes.

23 Q. (Inaudible) when she would spend the night where
24 would she sleep?

25 A. Usually in my room with like a sleeping bag and a

1 lot of blankets, pillows.

2 Q. All right. So she would sleep with you when she
3 would come spend the night with your dad?

4 A. Yes.

5 Q. Did you ever see anybody hurt Paisley?

6 A. Yes.

7 Q. Who did you see hurt Paisley?

8 A. My dad.

9 Q. And where would that happen when -- like what --
10 whose house would that happen in?

11 A. My dad's.

12 Q. What did you see him do to Paisley?

13 A. He hit her. He also hit her with like a bamboo
14 stick. He gave her cold baths -- well, showers, kind of
15 basically drowning her. He also tased her with the tase
16 gun.

17 Q. (Inaudible) we're going to (inaudible) that you just
18 described, okay. Let's start with the last thing; you
19 said he would (inaudible).

20 A. Yes.

21 Q. And is this something that you saw (inaudible)?

22 A. Yes.

23 Q. How did you -- when he would use the taser on her,
24 what (inaudible)?

25 A. Her behind.

1 Q. When he would do this what would she do?

2 A. She was crying, screaming. If he asked her a
3 question, she would probably say like no, sir; yes, sir.

4 Q. Did you hear the questions that he was asking
5 Paisley?

6 A. Sometimes, or like most of the time like, "Will you
7 do it again," "That was bad," or like, "Should you do
8 that again?"

9 Q. And while he was saying those things while he was
10 tasing her?

11 A. Yes.

12 Q. When he used the taser what (inaudible) do it one
13 time and stop or was it over and over and over?

14 A. Most of the time when like -- it was sometimes over
15 and over and over, but sometimes it was just like one
16 time he would ask her a question and then stop.

17 Q. (Inaudible) more than one day or was it just one day
18 that all this happened?

19 A. He did it more than one day.

20 Q. (Inaudible) that you saw?

21 A. No.

22 Q. Now, you (inaudible) a bamboo stick, what would you
23 see him do with the bamboo stick?

24 A. It would hit her.

25 Q. And when he hit her with the bamboo stick, what part

1 of the body did you see him hit her?

2 A. Her bottom.

3 Q. What was she doing?

4 A. Basically the same thing, crying, screaming, saying
5 yes, sir; no, sir, if he asked a question.

6 Q. And I know this is hard so I'm going to try to stand
7 back here so that it helps you speak a little bit louder
8 (inaudible). So you said that she would be screaming
9 while he was doing that to her?

10 A. Yes.

11 Q. When he hit her with the bamboo stick was it one
12 time and then he would stop, or was it over (inaudible)?

13 A. It was over and over.

14 Q. And did you see this happen one day or was it more
15 than one day?

16 A. More than one day.

17 Q. The ice baths that you mentioned, how did you know
18 that ice (inaudible)?

19 A. He didn't really put ice in them it was just like
20 very cold water, and he would be spraying water on her
21 asking her questions and she would be replying yes, sir
22 or no, sir. Base --

23 Q. I'm sorry.

24 A. He would basically be like if she didn't answer
25 quick enough he would be like holding her under the water

1 and then pulling her back up and being like -- and saying
2 like will you do that again and she would probably answer
3 no, sir.

4 Q. Okay. So, how did you know (inaudible) cold water?

5 A. 'Cause he would say it's time for your cold shower
6 or cold bath.

7 Q. And you mentioned (inaudible) her head or
8 (inaudible).

9 A. For what? No --

10 Q. (Inaudible) something with the (inaudible), did you
11 say head?

12 A. No, he was like holding her under the water if she
13 didn't like answer quick enough or if she said the wrong
14 answer.

15 Q. And so how would he be holding her under the water?

16 A. He would be like holding her neck or her shoulders.

17 Q. And again (inaudible) questions was he asking
18 (inaudible)?

19 A. He would say like, "That's bad, you never need to do
20 that again," or "Will you do that again," "Was that good
21 or bad," "Should you do that again," and stuff like that.

22 Q. You mentioned something that water (inaudible) how
23 did (inaudible) water on her face?

24 A. 'Cause he would -- we had a shower and a bath like
25 the same thing, he would be putting the bath water on and

1 then spraying water with the shower thing.

2 Q. And during these cold baths, what was she doing?

3 A. Basically screaming, trying to gasp for air,
4 answering yes, sir; no, sir.

5 Q. Did you see her in some of these baths?

6 A. Yes.

7 Q. And how did she -- did it seem like she was cold?

8 A. Yes.

9 Q. And how could you tell?

10 A. 'Cause -- well, usually after she would be shivering
11 and -- well, he said it was a cold shower, so I don't
12 think he would really lie about that.

13 Q. What sort of things would (inaudible) what would
14 Paisley be doing that would -- like what kind of behavior
15 was she having before (inaudible) these cold baths?

16 A. So you're like saying like what would he do before
17 he started hitting her?

18 Q. Do you know what made him so mad and what
19 (inaudible) that caused him to be so mad.

20 A. Well, it's a three year old and they don't really
21 know -- okay, so he told me I hate repeating myself, so
22 then she would do the same actions over and over again.
23 So let's say like oh, leave her toys out and then do it
24 again and again and again. And that would just make him
25 very angry.

1 Q. So just leaving toys out?

2 A. It wasn't toys specifically; it's just like doing
3 something over and over again that he didn't want her
4 doing.

5 Q. Besides what you just described do you remember any
6 other (inaudible) that he would place on her?

7 A. He would say like, "No snack for you, 'cause" -- I
8 don't know, but a snack was basically a reward for her if
9 she was doing good. If it was something like really
10 minor, if like she didn't say yes, sir or use her manners
11 he would be like, "No snack for you" and that would --
12 that would be one other punishment.

13 Q. Did he have any sort of methods for timeouts
14 (inaudible) timeouts, or anything like that?

15 A. Yes, I think so; pretty sure.

16 Q. Do you remember what those were?

17 A. Pretty sure he would just say go sit in the corner
18 and come back when I tell you to, or come back when you
19 realize what you've did wrong.

20 Q. Did y'all go to the same school, you and Paisley?

21 A. Yes.

22 Q. What school was that?

23 A. I'm not for sure. I think it was Timmerman, maybe.

24 Q. When y'all went to the same school did he ever
25 (inaudible) pick y'all up from school?

1 A. Yes, I would usually -- it would usually be around
2 like four or 5:00 and pick us up. She was in a separate
3 building from me, but I was usually outside 'cause school
4 would be done. She would usually be in a room watching
5 TV or sometimes outside.

6 Q. And when she would see your dad (inaudible) pick her
7 up from school would she have any sort of reaction?

8 A. Yes, she said I don't want to go and she would like
9 run and basically cry.

10 Q. Would he (inaudible)?

11 A. Yes, 'cause it happened when he was trying to pick
12 her up.

13 Q. And did she get in trouble for doing that?

14 A. No, all the teachers I guess kind of shrugged it off
15 but saying like, "Come on, go with your dad. It's time
16 to go. We're sad that you have to leave too but."

17 Q. But would she ever get in trouble by her dad for
18 crying when he would go pick her up?

19 A. Yes.

20 Q. And what would he do when she was crying?

21 A. Usually in the car he would be very angry and tell
22 her like, "Oh, you don't need to do that." Just kind of
23 yell at her and be angry.

24 Q. And while (inaudible) I'm going to go back to the
25 bamboo sticks, were those called anything? Did he call

1 those sticks (inaudible)?

2 A. I'm not for certain.

3 Q. Now, when you -- you said you saw him use the taser
4 and the bamboo sticks. Say yes or no, please.

5 A. Yes.

6 Q. And give her the really cold baths, right?

7 A. Yes.

8 Q. Did he ever say anything to you about whether you
9 should tell anyone?

10 A. I'm pretty sure that he said don't tell anyone.

11 Q. Did you tell anybody?

12 A. No.

13 Q. And why didn't you tell anybody?

14 A. Well, I was kind of afraid that if I told somebody,
15 number one he would like hate me and start hitting me or
16 --

17 Q. So you were scared to tell?

18 A. Yes.

19 Q. One second (inaudible) okay. Do you know where
20 those bamboo sticks came from?

21 A. Our backyard.

22 Q. Did y'all have bamboo trees back there?

23 A. Yes.

24 Q. Did you -- you (inaudible) bamboo sticks or ever
25 (inaudible) those?

1 A. Yes.

2 Q. Were they -- how did they feel?

3 A. Well, like taller and kind of -- kind of like a
4 stake but like smoother.

5 Q. And you mentioned the taser, how did you -- do you
6 remember (inaudible)?

7 A. I'm pretty sure it was yellow and black.

8 Q. And how did you know that that was a taser?

9 A. 'Cause like -- well, I know what a -- I knew what at
10 taser did back then and I also saw her do it and -- not
11 really sure how I learned what a taser was.

12 Q. Thank you, Natalia, please answer any questions from
13 Mr. Perry.

14 MR. PERRY: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 MR. PERRY: Nothing for this witness, Your
17 Honor.

18 THE COURT: Okay. All right, thank you, Ms.
19 Ginter. You may step down. Thank you, ma'am. All
20 right, who's next?

21 MS. CAVANAUGH: The State calls Amber Hynes.

22 THE COURT: Okay.

23 (Witness sworn)

24 CLERK: State your full name for the record,
25 spell your last.

1 MS. HYNES: My name is Amber Hynes, and Hynes
2 is H-Y-N-E-S.

3 AMBER HYNES, HAVING BEEN DULY SWORN, TESTIFIED AS
4 FOLLOWS:

5 DIRECT EXAMINATION

6 BY MS. CAVANAUGH:

7 Q. Agent Hynes, where are you currently employed?

8 A. I'm currently at the South Carolina Law Enforcement
9 Division, also known as SLED, in the crime scene unit.

10 Q. How long have you been employed with SLED?

11 A. I had gotten employed in February of this year.

12 Q. So in March of 2022 where were you employed?

13 A. I was at the Columbia Police Department in the crime
14 scene unit.

15 Q. How long were you with the Columbia Police
16 Department?

17 A. I originally was with the Columbia Police Department
18 in 2017, until 2019, and then I came back in 2021 until
19 2024, yeah.

20 Q. And you said you were in the crime scene unit?

21 A. Yes.

22 Q. So as a crime scene investigator, generally what are
23 your day-to-day responsibilities?

24 A. Day-to-day I'll be in the office and I would respond
25 to any kind of call for service. So -- where processing

1 is needed, so any auto break-ins, burglaries, search
2 warrants, murders, attempted murders, traffic fatalities
3 or really bad traffic accidents; anything that needed
4 further processing that the street couldn't do.

5 Q. So back in 2022 you were in a crime investigator
6 then with CPD?

7 A. Yes, well crime scene officer.

8 Q. Were you involved in processing the scene at 1519
9 Cleveland Street in Richland County?

10 A. Yes.

11 Q. How did you become involved in this case?

12 A. I was called to help with the search warrants. So I
13 would take pictures and process anything that the
14 investigators wanted me to do for the search warrant.

15 Q. So you received a call -- when you receive a call to
16 respond to a scene, can you just walk the jury kind of
17 through how that works and what happens?

18 A. Yeah, so either we will receive a call on the radio,
19 because we're in the office 24/7, so we'd either receive
20 it on the radio or on the phone. Usually I was given
21 calls on the phone. And when I would get the call I
22 would give -- be told the address and what we were doing.
23 So once I had the address, I would put it in my phone. I
24 would make sure I had all my stuff, my camera, if I
25 needed any extra bags or gloves or anything like that.

1 And then I go to my truck and then I would go to the
2 scene and then when we get there -- you want me to keep
3 going about that part?

4 Q. Yeah, you're fine. Once you arrive on scene, I
5 guess, what are the first couple of things you do?

6 A. So when I first arrive on scene I would talk with
7 the investigator. I would look at the search warrant,
8 read it, make sure everything is correct as far as like
9 the house color, the type of house that they're saying,
10 if it's two stories or one story, the address, anything
11 else that's in the search warrant, I'll make sure that
12 that stuff is actually there and what they're asking me
13 to do I'll make sure is actually in the search warrant.

14 Q. So, you stated you have a camera that you usually
15 take with you. Do you take photos of the crime scene?

16 A. Yes, I do.

17 Q. Okay. And did you do that in this case?

18 A. Yes, I did.

19 Q. Okay. Agent Hynes, I'm going to hand you what's
20 been pre-marked for identification purposes, as 17, 18,
21 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31,
22 without showing that to the jury, do you recognize what
23 those are?

24 A. Yes, I do.

25 Q. And can you briefly describe what they are?

1 A. Yes, they are pictures that I took during the search
2 warrant execution.

3 Q. Do they correctly and accurately depict what you saw
4 on the date that you captured these photos?

5 A. Yes.

6 MS. CAVANAUGH: At this time, Your Honor, the
7 State would move to enter Exhibit 17 through 31 in
8 evidence.

9 MR. PERRY: Without objection, Your Honor.

10 THE COURT: All right, 17 through 31 are
11 admitted without objection.

12 (State's Exhibits 17 through 31 entered)

13 MS. CAVANAUGH: Permission to publish to the
14 jury?

15 THE COURT: Yes, ma'am.

16 BY MS. CAVANAUGH:

17 Q. So we're going to kind of walk through the photos
18 starting with 17. And what (inaudible).

19 A. So this is the front and side of the house. So --
20 yeah. I don't know how to point to it, but -- so the 15
21 -- where the 1519 is, that's the side of the house, and
22 then the front door is to the right of the 1519.

23 Q. Why did you photograph this?

24 A. Just to show what the house looked like, so you know
25 what it looks like, and what we're doing -- what the

1 search warrant is for.

2 Q. Moving on to State's 18, what are we looking at
3 here?

4 A. So, this is when you first come into the front door
5 of the home. When you come into the front door if you
6 look to the right, which is what this picture is showing,
7 that would lead to the living room and kitchen areas.

8 Q. State's 19?

9 A. So, this is the -- what I assume would be the master
10 bedroom. This was to the left of the front door.

11 Q. State's 20?

12 A. And this is the same thing, it's still that bedroom.

13 Q. And why did you photograph the bedroom?

14 A. I photographed the bedroom because it was one of the
15 rooms in the house. So, we would photograph each room in
16 its entirety, and then I know that we were looking for
17 specific items and they happened to be in this room, so
18 you can see them in this picture as well. But just
19 documenting everything that's in the house.

20 Q. State's 21?

21 A. And this is also in that same bedroom. It was a
22 sort of makeshift like closet and there's -- as you can
23 see there's a gun safe in there, clothes, shoes, and some
24 ammo.

25 Q. State's 22?

1 A. This is the -- still the bedroom. That door that
2 you can see on the right there is the door that leads to
3 the bathroom, that's in that room. And then you can see
4 there's bamboo sticks next to the bathroom door. There
5 is also a gun on that nightstand.

6 Q. State's 23?

7 A. And these again, it's just a closer picture of the
8 bamboo sticks.

9 Q. State's 24?

10 A. That's just a nightstand, you see the bamboo sticks
11 next to the nightstand and then there is a cell phone on
12 it as well as the firearm.

13 Q. State's 25?

14 A. This is just a closer picture of the cell phone.

15 Q. And why do you take photographs of the cell phone?

16 A. We just take photographs of the cell phone it's to
17 show it in its condition as it is, where it is.

18 Q. State's 26?

19 A. This is just the same cell phone, it's just flipped
20 over so you can see the back of it, see what kind of case
21 it has, and just the condition of the phone.

22 Q. Twenty-seven?

23 A. This looks like it is the other bedroom in the
24 house. It had like a jack-and-jill style bathroom door.
25 So, on the right right there is the bathroom door and

1 there are two little bamboo sticks by the door.

2 Q. (Inaudible).

3 A. It was just a closer picture of those bamboo sticks
4 that were by the door.

5 Q. State's 29?

6 A. This is the hallway door leading to that bathroom
7 that's in that bedroom.

8 Q. State's 30?

9 A. And this is just the inside door in the bedroom that
10 leads to that bathroom again.

11 Q. Thirty-one?

12 A. And this is just the tub in the bathroom. We just
13 take pictures just to show what the tub looks like; make
14 sure there's nothing in it.

15 Q. In addition to capturing all of these photographs,
16 documenting everything you saw, what else did you do in
17 this case?

18 A. As far as?

19 Q. Just processing the scene.

20 A. So I photographed everything. If I was asked to do
21 any further processing as far as dusting or some DNA
22 swabs, I would do that, but I don't believe I was asked
23 in this case. So it would just be photographing the
24 inside of the house, the outside of the house, in
25 cabinets, looking for anything that's asked on that

1 search warrant. And then also there was a vehicle
2 outside of the house that was also on a separate search
3 warrant, so we also searched and photographed that
4 vehicle as well.

5 Q. You said you're basing this off of the search
6 warrant, what were some things that you were looking for
7 in the house?

8 A. So we were looking for bamboo sticks. We were
9 looking for any kind of digital, could be cell phones,
10 laptops, iPads, anything like that. We were looking for
11 tasers, and just anything else that would relate to the
12 specific crime that we were there for.

13 Q. Okay, and then when you collect evidence from a
14 scene, can you walk the jury through that process, how
15 that's done?

16 A. So, when I collect evidence, I'll ask if there's
17 anything that needs to be done to it, like as far as
18 processing for fingerprints or DNA or anything like that.
19 I'll take the piece of evidence and I'll place it in
20 either a paper bag or an envelope, and then I would write
21 on the bag of what time I collected it, what the item is,
22 and then I would place it in my truck so it would be
23 secure. I'd place it into the back compartment of the
24 truck, and then I would later take it to the lab, which
25 is where I would fill out the rest of the information,

1 and package it and then turn it into the evidence people.

2 Q. So, what are some things that you collected from the
3 defendant's home (inaudible)?

4 A. From this one, we collected all of the bamboo
5 sticks, so the larger ones that you saw in that first
6 bedroom and the smaller ones in the other bedroom. We
7 also collected the cell phone, and then -- let me refer
8 to my notes really quick. And then a handwritten letter
9 that was from the living room.

10 Q. So let's start with the bamboo sticks. When you
11 collected these, what did you do with them?

12 A. So the bamboo sticks, they were too large for any of
13 my bags, so I had to take two bags and then I had to
14 place one on the top end and one on the bottom end and I
15 had to tape them in the middle, and I did that to
16 preserve any kind of DNA that would be on them, because I
17 couldn't just put them into the back of my truck without
18 them being packaged.

19 Q. You said you labeled them; how do you label them?

20 A. So I will write on there, I believe it was -- how
21 many bamboo sticks was it? It was five bamboo sticks, so
22 I wrote on the bag that we collected five bamboo sticks,
23 where they were collected from, and the time that they
24 were collected.

25 Q. And then you said you had to use two bags to put

1 them together. How did you seal the packaging?

2 Q. It would be with clear packing tape just around the
3 middle part where the bags touched, since I couldn't put
4 them in an envelope or anything.

5 Q. And so once you've done all that, what did you do
6 with the bamboo sticks?

7 A. So, then I took the bamboo sticks to our lab and I
8 filled out all the rest of the packaging, all my
9 envelopes, and then I would take them to the evidence
10 room and I would put them in a locker, because this was
11 at nighttime, nobody was in the office to actually
12 collect items from me, so I put it in the locker and then
13 they would collect it in the morning, if it wasn't a
14 weekend.

15 Q. And what condition were they in when you packaged
16 them and left them in the evidence locker? They were in
17 the same condition that you saw them in the pictures.

18 Q. I'm going to show you what's been marked for
19 identification as State's 33. Do you recognize this?

20 A. Yes.

21 Q. Okay, and what is it?

22 A. So, it looks like it's all the bamboo sticks,
23 including the little ones as well.

24 Q. And is it in the same condition as when you found
25 them?

1 A. The stickers are not the same. The packaging might
2 be a little different as well, but yes.

3 MS. CAVANAUGH: Your Honor, at this time the
4 State would offer State's 33.

5 MR. PERRY: Your Honor, I would object to
6 relevance.

7 THE COURT: Okay. Is that the objection?

8 MR. PERRY: It is, Your Honor.

9 THE COURT: Okay. All right, State's 33 is
10 admitted over the defense's objection.

11 (State's Exhibit 33 entered)

12 MS. CAVANAUGH: Okay. Permission for the
13 witness to step down?

14 THE COURT: Yes.

15 BY THE WITNESS:

16 A. There's a lot of pictures and a lot of tape, so bear
17 with me. Okay, so here's one of the little bamboo sticks
18 that was in the second bedroom by the bathroom door. And
19 then here's one of the large ones that was in the closet
20 in the master bedroom.

21 Q. Thank you.

22 A. You're welcome.

23 Q. So you said, additionally, that you also collected a
24 phone from the defendant, correct?

25 A. Yes.

1 Q. And where was that phone?

2 A. The phone was in the master bedroom on the
3 nightstand.

4 Q. And after collecting the cell phone from the
5 nightstand, what did you do with it?

6 A. So, for cell phones, we typically put them in
7 airplane mode, and then we would put them in the smaller
8 envelope and we would tape it up, fill it out -- fill out
9 all the paperwork, and then we'd ask the investigators if
10 they wanted to take it or if they wanted us to turn it
11 into the evidence room.

12 Q. In this case, how did you label the evidence?

13 A. In this case, I would have labeled it as far as what
14 type of phone it was, if I could tell, what kind of case
15 it had on it, and then the time that I collected it, and
16 where I collected it from.

17 Q. Okay. And then would you seal the package?

18 A. Yes.

19 Q. Once it was labeled and sealed, what did you do with
20 it?

21 A. I would have turned it into the evidence locker or
22 given it to the investigator if they wanted it.

23 Q. And at the time that you were (inaudible) this
24 evidence, was the phone in the same condition you found
25 it in, other than essentially placing it in airplane

1 mode?

2 A. Yes.

3 Q. I'm going to show you what's marked as State's 32.

4 Do you recognize what I've handed to you?

5 A. Yes.

6 Q. And what is it?

7 A. It is a Samsung cell phone with the OtterBox case.

8 Q. Okay. And how do you know that this is what you
9 collected?

10 A. It looks just like the one that I took pictures of
11 and saw. Just the case has been taken off, but that's
12 about it.

13 Q. Is the packaging the same (inaudible) when you put
14 it together?

15 A. Yes.

16 Q. And the device is in the same condition that it was
17 when you provided for evidence?

18 A. Yes, minus the case being taken out and the SIM
19 card.

20 Q. You mentioned that there were a couple of things in
21 the home that caught your attention, were any of those
22 collected?

23 A. Aside from the letter, no.

24 Q. And (inaudible) a photo with the -- you said there
25 was a safe, was that safe collected?

1 A. No, the safe was not collected. It was very large.
2 We could not collect that.

3 Q. And why was it not collected?

4 A. That could not fit in my truck and we -- just we
5 wouldn't be able to collect that.

6 MS. CAVANAUGH: I don't have any further
7 questions for you at this time. If you can answer
8 any that Defense may have for you.

9 CROSS-EXAMINATION

10 BY MR. PERRY:

11 Q. Agent Hynes.

12 A. Yes.

13 Q. You've been here in the courtroom all morning,
14 correct?

15 A. Yes.

16 Q. And you've heard Natalia testify that the bamboo
17 sticks that her father struck her sister with came out of
18 their backyard, correct?

19 A. Yes.

20 Q. Did you take any pictures of the backyard?

21 A. I do not recall if I took pictures of the backyard.
22 If I would have taken any pictures of the backyard, it
23 would have been the back patio area, anything in relation
24 to the house.

25 Q. But you don't have any pictures of any bamboo from

1 the backyard?

2 A. I do not recall if I do.

3 Q. Let me ask you a question, may I approach, Your
4 Honor?

5 THE COURT: You may.

6 BY MR. PERRY:

7 Q. Is it your testimony that that's bamboo?

8 A. I cannot confirm if it's bamboo or not.

9 Q. Do you want to look at it closely?

10 A. It looks like it's bamboo to me, but I'm not sure if
11 it is.

12 Q. Could it perhaps be rattan?

13 A. Could it be retained?

14 Q. Rattan.

15 A. Rattan. What does that mean?

16 Q. Thank you very much. Now that's bamboo, right?

17 A. Yes, yes, this looks like bamboo for sure.

18 Q. Does it look like it came out of his backyard?

19 A. It could have.

20 Q. You think? Did you take any pictures of any bamboo
21 that looked like this in the backyard?

22 A. No, I did not.

23 Q. You didn't? And that was in a large vase, a
24 decorative type vase in his bedroom, correct?

25 A. Yes.

1 MR. PERRY: No further questions.

2 THE COURT: Redirect?

3 MS. CAVANAUGH: No further questions, Your
4 Honor.

5 THE COURT: All right, thank you, Ms. Hynes.
6 You may step down. How long is the next witness?

7 MS. CAVANAUGH: Short.

8 THE COURT: Short? All right, let's go ahead
9 and do it.

10 MS. CAVANAUGH: The State calls Tyson Hass.

11 (Witness sworn)

12 CLERK: State your full name for the record,
13 please spell your last name.

14 MR. HASS: My name is Tyson Hass, and that's
15 spelled H-A-S-S.

16 TYSON HASS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MS. CAVANAUGH:

19 Q. Mr. Hass, what is your title?

20 A. I'm currently a Special Agent at the South Carolina
21 Law Enforcement Division, also known as SLED.

22 Q. Prior to working for SLED (inaudible).

23 A. I was at the Columbia Police Department for
24 approximately 12 years.

25 Q. In what capacity?

1 A. When I left the Columbia Police Department, I was
2 the Sergeant over the Special Victims Unit.

3 Q. As a sergeant with the Columbia Police Department,
4 what were some of your responsibilities?

5 A. So, in the Special Victims Unit, we typically
6 investigated everything from sexual assaults, child abuse
7 cases, vulnerable adults, domestic violence, missing
8 persons. So, I was the supervising officer over that
9 unit and that group of investigators.

10 Q. And as part of your responsibility as it relates to
11 this case, did you keep keys for all your investigators'
12 desks?

13 A. Yeah, so each one of my investigators had their own
14 like cubicle and desk spot that had an individual, like
15 each one of their drawers were locked by a set of keys.
16 And then I had a separate set of keys that -- so I could
17 unlock any of their desks.

18 Q. So they had a key and then you had a key. Did
19 anybody else have a key?

20 A. No, just me and that investigator who was assigned
21 to that desk.

22 Q. Why did you have access to those keys to get into
23 that?

24 A. In the event that either they lost their keys and
25 couldn't get in, or in -- if I had to do an inspection or

1 get something, retrieve something from their desk and
2 they weren't there.

3 Q. Investigator Hass, I'm going to show you what's been
4 pre-marked as State's 32, do you recognize that?

5 A. I do.

6 Q. And what is it?

7 A. It appears to be a Samsung cell phone that was
8 collected during a search warrant at 1519 Cleveland
9 Street.

10 Q. Okay. And where did you, I guess, see it?

11 A. At Cleveland Street.

12 Q. As it pertains to the phone and as being evidence?

13 A. Well, it was collected from Cleveland Street and
14 then my investigator at the time was Investigator Frier.
15 After it was collected by CSI, it was given to him and he
16 had it secured in his locked desk at our office.

17 Q. And why did you access the desk for the cell phone?

18 A. So, Investigator Frier had worked an extremely long
19 shift, so he was actually home, and I had done a search
20 warrant for the contents of the phone, and so he was not
21 in the office, so I had to access his locked desk to get
22 the phone to execute the search warrant.

23 Q. Do you remember the date that you accessed the
24 drawer to provide -- or to get the phone?

25 A. I believe it was March 25th of 2022.

1 Q. And did the packaging appear to have been tampered
2 with at the time that you removed it from the desk?

3 A. No, it did not.

4 Q. And did you change your alter the phone in any way?

5 A. No, I did not.

6 MS. CAVANAUGH: That's all the questions I have
7 for this witness. Please answer anything the
8 Defense may have.

9 MR. HASS: Yes, ma'am.

10 MR. PERRY: No questions, Your Honor.

11 THE COURT: Thank you. Have a good day.

12 MR. HASS: Thank you, Your Honor.

13 THE COURT: All right, we're going to go ahead
14 and take our morning break, ladies and gentlemen.
15 We've been going for about an hour and a half and
16 that's about as long as everybody can make it
17 without a break. So, I'm going to remind you during
18 this break, do not discuss the case. Keep an open
19 mind about the case. We'll take our full morning
20 break. It'll be about 15 minutes. Enjoy the break,
21 get a drink, use the restroom, those kind of good
22 things. We'll see you back in about 15 minutes.
23 Everyone else stay seated while the jury's excused.
24 Thank you.

25 (Jury exits courtroom)

1 THE COURT: Anything from the State before the
2 break?

3 MS. CAVANAUGH: No, sir.

4 THE COURT: From the Defense?

5 MR. PERRY: No, Your Honor.

6 THE COURT: I should have said this before we
7 started this morning, but the Defendant is not
8 present today and hasn't been present throughout the
9 morning session. I should have said that when we
10 started, but I'm saying it now. Okay, all right, 15
11 minutes. Thank you.

12 (COURT IN RECESS)

13 THE COURT: Anything from the State before we
14 start back?

15 MS. CAVANAUGH: No, sir.

16 THE COURT: From the Defense?

17 MR. PERRY: No, sir.

18 THE COURT: All right, bring them in.

19 (Jury enters courtroom)

20 THE COURT: All right. Welcome back, Ladies
21 and gentlemen. You may call your next witness.

22 MS. CAVANAUGH: The State calls Mark
23 Miramontes.

24 (Witness sworn)

25 CLERK: (Inaudible) spell your last name.

1 MR. MIRAMONTES: My name is Mark Miramontes.

2 My last name is spelled M-I-R-A-M-O-N-T-E-S.

3 MARK MIRAMONTES, HAVING BEEN DULY SWORN, TESTIFIED AS

4 FOLLOWS:

5 DIRECT EXAMINATION

6 BY MS. CAVANAUGH:

7 Q. Mr. Miramontes, (inaudible).

8 A. With the Town of Lexington Police Department.

9 Q. And in what capacity?

10 A. I am -- I have two titles. I'm a crime scene
11 investigator, and also I'm in charge of the evidence
12 room.

13 Q. So, as an evidence custodian, (inaudible) what are
14 your job responsibilities?

15 A. My job is to check in all the evidence, make sure
16 all the officers do all their evidence correctly, and I
17 check them in. They put them all in the locker. I check
18 them in every day and make sure they're put away in the
19 evidence room in the proper locations. And then whenever
20 they need them or they need to take them to court, they
21 get checked out to them.

22 Q. So all the evidence is stored in the evidence locker
23 or in a room?

24 A. That is correct.

25 Q. Okay. So what do you do, what happens when evidence

1 is brought to you?

2 A. When evidence is brought to me, they put -- first of
3 all they log them in, they create the evidence on the
4 reporting system and they'll create labels, add a label
5 to it describing what it is, and they'll put them all in
6 lockers. We have a wall full of lockers and they'll pick
7 a locker and put everything, all their stuff in there.
8 I'll come in the morning and check the lockers and see
9 which ones have evidence and I'll take them into my
10 office and they all get checked in and put in a certain
11 location inside the evidence room.

12 Q. So then what happens when somebody wants to check
13 the evidence out?

14 A. They'll either email me, text me, or they'll stop by
15 the office and just ask me if it's -- if they didn't have
16 time to send me an email or something, they just forgot
17 or they just need it right then, then they'll stop by the
18 office and ask to get whatever item for whatever case or
19 the entire case.

20 Q. And you create a record of that when evidence comes
21 in and goes out?

22 A. Yes ma'am. Anytime you searched an item in the
23 evidence room -- I mean in the evidence system, it'll
24 create a record that somebody searched it or somebody
25 looked it up or -- and it'll give the person that did it.

1 Q. I'm going to show you what has been marked
2 (inaudible) as State's 16. Do you recognize that?

3 A. I'm sorry, neither one of these is a label that was
4 created by us.

5 Q. Okay. Have you seen the device before?

6 A. I have not. Usually they label them, put them in
7 envelopes and I never look inside to see what it is. I
8 just go by whatever they labeled the item. So, I'm not
9 checking each item to be correct with each label. So, I
10 just check in whatever they drop and they're swearing to
11 whatever it is that they placed in the envelope.

12 Q. Okay. In this case, did anybody from the Columbia
13 Police Department ask to obtain evidence from the Town of
14 Lexington?

15 A. Yes ma'am.

16 Q. What did the Columbia Police Department obtain from
17 you?

18 A. There was several electronics that they -- I believe
19 it was a search warrant done on 170 Railroad Avenue. I
20 think it was lot one. The investigators had done a
21 search warrant there. I was not involved. Sometimes
22 they call me to be involved with them, but they dropped
23 electronics that they collected. And one of the
24 investigators, which was Investigator Heath at the time,
25 came down with one of the investigators and collected

1 several items out of the evidence and they were turned
2 over to the Columbia Police Department.

3 Q. Okay. Who came and collected evidence from the Town
4 of Lexington?

5 A. I believe it was Investigator Frier.

6 Q. And on what date was that?

7 A. I believe that was March 24, 2022. And that was at
8 12:57 p.m., noon.

9 Q. And you said there were several items, specifically
10 was there a phone that you know of that Investigator
11 Frier collected from you?

12 A. Let me check the individual -- I can tell you how it
13 was described. There was a silver in color Asus laptop.
14 It was -- looks like it was a Conair heating pad, body
15 health item. There was a black in color Apple watch.
16 There was a red in color iPhone 13, and it's got the
17 model.

18 Q. And that item was turned over to Investigator Frier?

19 A. Yes.

20 Q. Beg the Court's indulgence. At the time that you
21 had custody of the phone in the evidence room with the
22 Town of Lexington, was any of the evidence tampered with
23 in any way?

24 A. No, ma'am.

25 Q. That wouldn't have been changed or alter at all?

1 A. No, ma'am.

2 MS. CAVANAUGH: I don't have any further
3 questions for this witness. Please answer anything
4 that Mr. Perry may have.

5 CROSS-EXAMINATION

6 BY MR. PERRY:

7 Q. Officer Miramontes?

8 A. Yes, sir.

9 Q. When you were asked to take a look at the device,
10 you indicated that you had never seen the device before?

11 A. Yes, sir.

12 Q. And that the labels were not labels generated by
13 Lexington PD?

14 A. Yes, sir.

15 Q. So you can't then identify that device as the device
16 that the Investigator Frier --

17 A. I can identify it by --

18 Q. -- (inaudible) can you?

19 A. I can identify it by the IMEI, which is a serial
20 number that goes with it. It's on the label created on
21 our system, and it would have to match up with this
22 phone.

23 Q. Can you do that now to be sure it's the right one?

24 A. Sure, sir. It's not listed on their paperwork, the
25 serial number.

1 Q. So you can't identify it then?

2 A. I cannot. I would have to get in the system and the
3 phone. It would have to be turned on for it to -- so you
4 can get the IMEI out of it.

5 Q. Okay. All right. So, at this time, you can't say
6 for sure that that's the phone that was recovered from
7 the Railroad Drive address, or if that's the phone that
8 was given to Columbia PD?

9 A. No, sir, this is the only thing I can tell you is
10 what's in my logs from the computers.

11 MR. PERRY: Nothing further.

12 MS. CAVANAUGH: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. CAVANAUGH:

15 Q. Mr. Miramontes, if I provided you with the property
16 report for the individual item, would that refresh your
17 memory?

18 A. Yes, ma'am. This is my writing and the signature by
19 the Investigator Frier.

20 Q. And does that describe the red iPhone that we're --

21 A. It does.

22 Q. Okay. And so does that match -- that property
23 report match the phone that you have as State 16?

24 A. Looking at the paperwork, in this paperwork, I can
25 identify this, but I can't tell you if this is the actual

1 phone because it doesn't have my labels on it.

2 Q. Okay. Does the labels on the phone match the
3 information on that report?

4 A. I don't have anything. It's got Columbia PD case
5 number, but it doesn't have our number on it.

6 Q. The serial number that's on that report for the
7 phone, does that match the serial number in your records?

8 A. The serial number on this report here?

9 Q. Correct.

10 A. It is because it's exactly this -- it's -- this is -
11 - this is gener -- if we go back to 2022, we had a
12 different reporting system, it was LawTrak, now we have
13 SmartCOP, which is a new reporting system. So, this is
14 generated by our new system. This is generated by our
15 old system. So it's basically the same thing, but it's
16 just in a separate way, and it's got the same serial
17 numbers on it.

18 Q. Okay. And it would be for that red iPhone?

19 A. Correct.

20 Q. And again, when evidence comes to you it is not --
21 it's already packaged, correct?

22 A. It's already packaged, correct.

23 Q. And you don't look into the package?

24 A. I do not.

25 Q. Okay. So all you're looking at is going to be the

1 package that it comes in from the investigators?

2 A. Correct.

3 MS. CAVANAUGH: That's all I have (inaudible).

4 MR. PERRY: May I approach Your Honor? I
5 haven't seen those forms that --

6 THE COURT: Yeah, sure, of course you can.

7 MR. PERRY: Can I take a look at those forms?
8 Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 RECROSS EXAMINATION

11 MR. PERRY:

12 Q. So, I see the serial numbers on these pieces of
13 paper match up, but how can you say that the serial
14 numbers on those pieces of paper are -- can you verify
15 that it's that particular device?

16 A. No, sir, I cannot. I told you earlier that unless
17 you open it, you can't really tell.

18 MR. PERRY: Nothing further, Your Honor.

19 THE COURT: Okay, thank you. Who's next?

20 MS. CAVANAUGH: The State calls Investigator
21 Mason Frier.

22 (Witness sworn)

23 CLERK: (Inaudible) and spell your last
24 (inaudible).

25 MR. FRIER: My name is Mason Frier, last name

1 is spelled F-R-I-E-R.

2 MASON FRIER, HAVING BEEN DULY SWORN, TESTIFIED AS
3 FOLLOWS:

4 DIRECT EXAMINATION

5 BY MS. CAVANAUGH:

6 Q. Good morning, Investigator Frier.

7 A. Good morning.

8 Q. Where do you work?

9 A. I work at the City of Columbia Police Department.

10 Q. How long have you been with the City of Columbia?

11 A. Since May of 2012.

12 Q. What's your role at CPD?

13 A. I am an investigator in the Violent Crimes Against
14 Persons Unit.

15 Q. And how (inaudible) that role?

16 A. Since August of '22, I believe.

17 Q. Were you (inaudible) 2022 were you involved in the
18 investigation (inaudible)?

19 A. I was.

20 Q. What was your role (inaudible) investigation?

21 A. I was the lead investigator for that case.

22 Q. When were you first contacted about this case?

23 A. On March 24th, 2022.

24 Q. Who contacted you about it?

25 A. Originally, Sergeant Hass, my supervisor, contacted

1 me.

2 Q. Who was the first law enforcement agency involved in
3 (inaudible)?

4 A. The Town of Lexington Police Department.

5 Q. Did you speak to anyone within that (inaudible)?

6 A. I did. I spoke with Investigator Heath, and then I
7 later spoke with Investigator Payton.

8 Q. And who is the actual victim in this case?

9 A. Skyland Ginter, known as Paisley.

10 Q. And how old was she at the time that you were
11 involved in this investigation?

12 A. She was three years old.

13 Q. Going back to you speaking with Detective Heath, did
14 you meet him (inaudible)?

15 A. I did.

16 Q. And did you (inaudible)?

17 A. I did.

18 Q. Let me show you what's marked as State's Exhibit 16.
19 What is this? What is this package?

20 A. It appears to be an envelope containing a cell
21 phone.

22 Q. Okay. And whose cell phone is that, based on the
23 packaging?

24 A. That would be Tiffany Britton's cell phone.

25 Q. Okay. And did you, when did you collect it from

1 Detective Heath?

2 A. That day when I responded to the Town of Lexington
3 Police Department.

4 Q. Is it March 24th?

5 A. Yes.

6 Q. Of 2022?

7 A. Yes.

8 Q. Okay. And how do -- is this -- whose writing is on
9 this package?

10 A. That is my writing.

11 Q. Okay. All right. What did you do when (inaudible)
12 collecting his phone?

13 A. Took it back to my jurisdiction at 715 Bluff Road,
14 and then I drafted and conducted and executed a search
15 warrant on that cell phone.

16 Q. And while it was in your possession did you alter
17 (inaudible)?

18 A. No.

19 Q. And you said you drafted a search warrant. What's
20 the purpose of the search warrant for that phone?

21 A. In regards to the investigation into suspected child
22 abuse for Paisley.

23 Q. And do you -- and that is for the download of the
24 phone?

25 A. Yes.

1 Q. All right. And do you actually perform the download
2 or is that (inaudible) someone else's responsibility?

3 A. That's somebody else's responsibility through the
4 Secret Service usually.

5 Q. So, going back to Paisley, the victim in this case,
6 had she gone to the hospital the night before you were
7 contacted about the case?

8 A. Yes.

9 Q. And did you, without saying (inaudible) from that
10 hospital visit?

11 A. Yes.

12 Q. And did you actually interview her, or was someone
13 else interviewing her?

14 A. I did not.

15 Q. Where was she?

16 A. She was interviewed at the Dickerson Child Advocacy
17 Center.

18 Q. Was there somebody from Advocacy Center (inaudible)?

19 A. Yes.

20 Q. Was her interview recorded?

21 A. It was.

22 Q. And did you have the opportunity to review that
23 interview?

24 A. I did.

25 Q. And as far as a child that has witnessed some type

1 of abuse or experienced some type of abuse, is the normal
2 process for them to be interview down at the advocacy
3 center?

4 A. Yes.

5 Q. Versus by the police?

6 A. Yes.

7 Q. So, after you met with Detective Heath, what
8 evidence did the Lexington -- or the Town of Lexington
9 Police Department collected what was your next step?

10 A. The search warrant of the cell phone. And then,
11 based upon the contents of that search warrant, drafting
12 an arrest warrant and a search warrant for Mr. Ginter and
13 his residence.

14 Q. All right. And so, did you assist in the arrest of
15 Nathan Ginter?

16 A. I did.

17 Q. All right. And when was he arrested?

18 A. In the early morning hours of the 25th of March.

19 Q. Okay. I'm going to show you (inaudible)?

20 A. It was.

21 Q. All right. And I'm going to show you what's been
22 marked as State's Exhibit 2 already. Who is that?

23 A. That is Nathan Ginter.

24 Q. And is that -- he arrested in the early morning
25 hours of March 25th?

1 A. It is.

2 Q. Okay. And where did he live?

3 A. He resided at 1519 Cleveland Street, which is in the
4 city of Columbia, in the county of Richland.

5 Q. Was there another child in the house when you
6 arrested Mr. Ginter?

7 A. There was.

8 Q. What's her name?

9 A. Her name's Natalia Ginter.

10 Q. Was there anybody else (inaudible) when you went to
11 his house on March 25th?

12 A. No.

13 Q. (Inaudible).

14 A. She was.

15 Q. And was she -- did you interview Natalia?

16 A. I did not.

17 Q. All right. Was she interviewed by anybody during
18 this investigation?

19 A. She was, she was interviewed by the Metropolitan
20 Child Advocacy Center, also known as the MCAC.

21 Q. (Inaudible).

22 A. It was.

23 Q. Did you have an (inaudible)?

24 A. I did.

25 Q. Going back to the defendant, have you had an

1 opportunity to review his DMV record?

2 A. I have.

3 Q. Okay. I'm going to show you what's marked as
4 State's Exhibit 88. Do you recognize that?

5 A. I do.

6 Q. And what is that?

7 A. That is Nathan Ginter's South Carolina Department of
8 Motor Vehicle copy.

9 Q. Okay. All right.

10 MS. CAVANAUGH: All right, at this time I'd ask
11 that State's Exhibit 88 be entered into evidence.

12 MR. PERRY: Without objection, Your Honor.

13 THE COURT: State's 88, admitted without
14 objection.

15 (State's Exhibit 88 entered)

16 BY MS. CAVANAUGH:

17 Q. And what did you indicate this document was?

18 A. Nathan Ginter's South Carolina Department of Motor
19 Vehicle record or copy.

20 Q. And do you see his name on the document?

21 A. I do.

22 Q. And what address is associated with the document?

23 A. It's 1519 Cleveland Street, which is the city of
24 Columbia, county of Richland.

25 Q. And is his date of birth also on the document?

1 A. It is.

2 Q. And does that match up with information you obtained
3 from him during his arrest?

4 A. Yes.

5 Q. And what is his date of birth?

6 A. His date of birth is 4/20/1981.

7 Q. Okay. Were the search warrants obtained, was his
8 phone collected during?

9 A. It was.

10 Q. Was that (inaudible) search warrant as his house?

11 A. Yes.

12 Q. And was there (inaudible) also?

13 A. Yes.

14 Q. And after the search warrant was drafted, who took a
15 phone (inaudible) from CPD to the Secret Service?

16 A. Investigator Odom.

17 Q. What's her first name?

18 A. Chris.

19 Q. And who (inaudible) to do that?

20 A. My supervisor, Sergeant Hass.

21 Q. And he's the one that sent you to Richland?

22 A. That is correct.

23 Q. How much time passed between the Town of Lexington
24 showed up at Tiffany Britton's house, Paisley's mother's
25 house, to the time that y'all got -- CPD went to Nathan

1 Ginter's house?

2 A. Approximately 24 to 30 hours, somewhere around
3 there.

4 Q. And based on the investigation, was he aware that
5 Lexington showed up at Tiffany's house where Paisley
6 lived?

7 A. Yes.

8 Q. After the search warrant was obtained for his phone
9 -- I'm going to show you what's marked as State Exhibit
10 32, ask if you recognize this package.

11 A. I do recognize this.

12 Q. Okay. Is that your handwriting?

13 A. It is.

14 Q. Okay. And what is in that package?

15 A. Nathan Ginter's cell phone.

16 Q. Okay. And is that the phone that was collec --
17 well, you can look in the package. Did you have an
18 opportunity to look at his phone?

19 A. I did.

20 Q. And does that appear to be the same phone, based on
21 the packaging, your handwriting, the phone that you saw
22 that night?

23 A. Yes, other than it being taken out of the case, yes,
24 it is the same phone.

25 Q. Okay. What type of phone is it?

1 A. It's a Samsung cell phone.

2 Q. And after the (inaudible) did you look at his phone
3 (inaudible)?

4 A. I did.

5 Q. Okay. And what did you (inaudible)?

6 A. I looked through text messages along with photos and
7 videos. I also looked in his recently deleted folder
8 within the albums on his cell phone.

9 Q. When you looked at the text messages, did you delete
10 or add any text messages in there?

11 A. No.

12 Q. Did you alter in any way the text messages that were
13 in there?

14 A. No.

15 Q. Okay. You mentioned that you looked at some photos,
16 did you alter those photos that you saw in his phone in
17 any way?

18 A. No.

19 Q. Did you delete any photos?

20 A. No.

21 Q. Did you add any?

22 A. No.

23 Q. You mentioned you went to the deleted folder.

24 (Inaudible) deleted folder (inaudible)?

25 A. Yes.

1 Q. Okay. And what (inaudible)?

2 A. It was a video that was located in his recently
3 deleted folder.

4 Q. Okay. Did you watch the video?

5 A. I did.

6 Q. Generally describe what you -- who you saw in that
7 video.

8 A. I saw the victim, Paisley, located in a bathtub,
9 appearing to be shivering.

10 Q. And since it was in the deleted folder, did you do
11 anything with that particular video?

12 A. I did. In an effort to not have it delete from the
13 deleted folder, I restored it and sent it back to the
14 original album.

15 Q. And that's done by just clicking on -- how did you
16 do that?

17 A. You click the settings of it and click restore,
18 which puts it back in the folder.

19 Q. Other than that video -- and how did you know that
20 was Paisley in the bathtub?

21 A. I had seen photos of her during the course of the
22 investigation.

23 Q. And other than the deleted folder (inaudible)
24 recovered (inaudible) did you alter any -- did
25 (inaudible)?

1 A. No.

2 Q. (Inaudible).

3 A. Correct.

4 Q. Who actually conducted the download (inaudible)?

5 A. Agent VanHouten with the United States Secret
6 Service.

7 Q. And how (inaudible)?

8 A. Let me refer to my notes. He got those back to me
9 on April 4th, 2022.

10 Q. Back in (inaudible) that video, did you (inaudible)
11 arrest warrant based on what you (inaudible) in that
12 video?

13 A. I did.

14 Q. And what was the charge?

15 A. It was unlawful conduct towards a child.

16 Q. And did you -- where did the incident (inaudible)?

17 A. 1519 Cleveland Street.

18 Q. And that was the Ginter residence?

19 A. It is.

20 Q. Once Investigator VanHouten provided you copies of
21 the (inaudible) download, were there additional arrest
22 warrants taken out against Nathan Ginter?

23 A. There were.

24 Q. And how many additional charges?

25 A. Two more.

1 Q. And were those based on evidence obtained from
2 (inaudible)?

3 A. Correct.

4 Q. Were you able to determine where those incidents
5 took place?

6 A. Yes.

7 Q. And where?

8 A. The other instance also took place at 1519 Cleveland
9 Street, Nathan Ginter's residence.

10 Q. Did you (inaudible) anyone else like any family
11 members of the (inaudible) the victim's mother?

12 A. I did.

13 Q. Who did you interview as part of your investigation?

14 A. I interviewed the victim's grandmother, meaning the
15 mother's mother. I interviewed the victim's mother's
16 roommate. I interviewed Kevin Smith.

17 MS. CAVANAUGH: Beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 BY MS. CAVANAUGH:

20 Q. Going back to the (inaudible) the defendant's phone
21 that was collected during the search warrant of his home,
22 who actually did you -- who within your agency did you
23 receive that phone from?

24 A. Crime Scene Investigator Hynes.

25 Q. Okay. And you received it directly from her?

1 A. Yes.

2 Q. That evening?

3 A. Yes.

4 Q. And once you received it from her, where did you put
5 it?

6 A. I placed it in my drawer in my desk, in my locked
7 drawer.

8 Q. And that -- who has keys to those drawers?

9 A. I have a key and then Investigator -- or Sergeant
10 Hass, my boss has access to that as well.

11 Q. Okay. And as far as the packaging goes on the
12 Tiffany Britton's phone, the phone you all received from
13 the Town of Lexington, once y'all collect the phone from
14 the Town of Lexington, do you put your packaging on the
15 actual phone itself? Or do you put the phone in y'all's
16 packaging?

17 A. Yes.

18 Q. Okay.

19 MS. CAVANAUGH: Thank you Investigator Frier,
20 please answer any questions from the Defense.

21 MR. PERRY: Briefly, Your Honor. May it please
22 the Court.

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. PERRY:

1 Q. Just one question. Investigator Frier, you
2 mentioned earlier that the video of the incidents that
3 are the bases for these charges took place at 1519
4 Cleveland Street?

5 A. Correct.

6 Q. Just elaborate on that for the record, how do you
7 know that that -- that they took place at 1519 Cleveland
8 Street?

9 A. With the video, I had been in that residence. I
10 know what that bathroom looks like. So, I was able to
11 determine that that was 1519 Cleveland Street based on
12 what I saw from the video. With the others, it was
13 through the course -- the investigation of looking
14 through text messages between the victim's mother and
15 Nathan where there would be conversations of where the
16 defendant would arrive back at his residence with the
17 victim and then begin to explain to the mother some of
18 the abuses that the child was receiving while at 1519
19 Cleveland Street.

20 Q. So through a visual confirmation of the video
21 itself, having been at the residence, and then through
22 text confirmation, indicating that that's where, in fact,
23 these things took place, that's how you're confirming
24 that they took place at Cleveland Street in the
25 jurisdiction of the City of Columbia, correct?

1 A. Correct.

2 MR. PERRY: No further questions, Your Honor.

3 MS. CAVANAUGH: Beg the Court's indulgence. No
4 further questions.

5 THE COURT: Thank you. Who's next?

6 MS. CAVANAUGH: May we approach, Your Honor?

7 THE COURT: Sure.

8 (Bench conference)

9 THE COURT: All right, so the next witness,
10 ladies and gentlemen, is probably going to be a
11 little bit lengthy. So, and it's close to the noon
12 hour so we're going to go and take our lunch break
13 now and then we'll do that next witness after lunch.
14 So people -- I don't want the lawyers to feel rushed
15 because you may be getting hungry. Does that make
16 sense? So I'm always trying to kind of manage
17 things.

18 So it's noon, we'll start back at 1:30. We'll
19 start back at 1:30. If you'll be in your jury room
20 ready to go. As you take this lunch break, I want
21 you to enjoy the lunch break, but I want to remind
22 you that you should not be discussing the case with
23 anybody in any way, shape, or form. You should not
24 be allowing anybody to talk to you about the case.
25 You should not be doing any research on the case.

1 Enjoy your lunch, and we'll see you back at 1:30.
2 Everyone else, stay where you are while the jury is
3 dismissed. Thank you.

4 (Jury exits courtroom)

5 THE COURT: Anything from the State before we
6 break?

7 MS. CAVANAUGH: No, sir.

8 THE COURT: From the Defense?

9 MR. PERRY: No, sir.

10 THE COURT: 1:30, thank you very much.

11 (Court in recess)

12 THE COURT: Anything from the State before we
13 start?

14 MS. BROWDER: Yes, sir, the State -- our next
15 witness is John VanHouten with the Secret Service
16 who has the phone extractions. Just for purposes of
17 evidence, Your Honor, we're going to put the phone
18 (inaudible) exhibits (inaudible).

19 THE COURT: Okay.

20 MS. BROWDER: As well, Your Honor, the State, I
21 believe it's 34, which is the shower video. We have
22 (inaudible) as in evidence (inaudible).

23 THE COURT: Okay.

24 MR. PERRY: Your Honor, the only issue I've
25 got, I know it's clearly going to come up in this,

1 you know, with this next witness, the video of the
2 episode in the shower, at no point during the
3 State's presentation has there been any question
4 about whether or not that took place. In fact, I
5 believe the older daughter testified to having seen
6 it take place.

7 Your Honor, I'd ask that the video be excluded
8 under 403, it being more prejudicial than probative.
9 At no point have I tried to take the position or
10 cross-examine anyone in the theory that it was -- or
11 that it didn't happen. So, I'm just taking the
12 position that that is unnecessary and that therefore
13 its probative value is outweighed by the obvious
14 prejudicial effect of it. It's going to be entered
15 for the jury to see to inflame the passions of the
16 jury, not to inform the jury.

17 THE COURT: OK.

18 MS. BROWDER: Your Honor, it's our position
19 it's very relevant --

20 THE COURT: You'll need to put that on when
21 they -- just say I renew the previously made
22 objection.

23 MR. PERRY: Yes, yes, of course, yes.

24 MS. BROWDER: Your Honor, so I believe that
25 it's relevant. We have to prove that the child was

1 in some sort of harm on physical or mental health or
2 safety. While people have testified to the video
3 and seeing it, Natalia testified, not to that
4 particular one, exactly, but to that she's seen it a
5 person. This would allow the jury to see the sounds
6 the child is making, to see that she is in obvious
7 distress.

8 In addition, Your Honor, this goes towards the
9 defendant's state of mind (inaudible) this is wrong.
10 At the very beginning (inaudible) he says obviously,
11 I'm going to delete this later and then he goes into
12 why he's doing it, he's explaining why he's doing
13 it, showing (inaudible) it's very relevant for the
14 jury to see in order to determine whether this is
15 unlawful conduct with the child.

16 THE COURT: Okay, at this point, based upon the
17 arguments that have been made, I will allow the
18 redacted version to be admitted. I do not find that
19 its prejudicial effect outweighs its probative
20 value. I think it goes directly to an element of
21 the crime and goes directly to what the State has to
22 prove for unlawful conduct towards the child, in
23 that any prejudicial effect would be outweighed by
24 the probative value to the State. But just renew
25 that motion when they seek to introduce it, please,

1 Mr. Perry.

2 MR. PERRY: Thank you, Your Honor.

3 THE COURT: Anything else we need to take up?

4 MS. BROWDER: No, sir.

5 THE COURT: Mr. Perry?

6 MR. PERRY: No, sir.

7 THE COURT: OK, bring them in.

8 (Jury enters courtroom)

9 THE COURT: Okay, welcome back, ladies and
10 gentlemen. And the State may call their next
11 witness.

12 MS. BROWDER: The State calls John VanHouten

13 THE COURT: Okay, please come forward, sir.

14 (Witness sworn)

15 CLERK: State your full name for the record.

16 MR. VANHOUTEN: Jonathan VanHouten. V-A-N-H-O-
17 U-T-E-N.

18 JONATHAN VANHOUTEN, HAVING BEEN DULY SWORN, TESTIFIED AS
19 FOLLOWS:

20 DIRECT EXAMINATION

21 BY MS. BROWDER:

22 Q. Where are you employed?

23 A. United States Secret Service.

24 Q. And what do you do at the United States Secret
25 Service?

1 A. I'm a network intrusion forensic examiner. I also
2 conduct digital forensic examinations, and I manage the
3 digital forensics lab.

4 Q. What is digital forensics?

5 A. Digital forensics is basically data that resides on
6 any electronic device, such as your cell phone, computer,
7 tablet, car, infotainment center, drones. If it stores
8 digital information, we can recover it.

9 Q. And how long have you been in law enforcement?

10 A. Twenty-five years.

11 Q. And have you always been involved in a digital
12 forensics role?

13 A. No. I started my career with Columbia Police
14 Department, where I retired after 21 years in April 2020.
15 The last 10 years, I was assigned to the Secret Service.
16 I was a federal financial crimes investigator and a
17 digital forensic examiner.

18 Q. And so how long have you been doing the digital
19 forensics, 10 years?

20 A. Fifteen years.

21 Q. And in order to become fluent, I guess, at that sort
22 of language, digital forensics, what kind of training
23 have you had?

24 A. I've had numerous trainings from beginning with
25 Mississippi State University Center for Computer Forensic

1 Research, Federal Law Enforcement Training Facility, the
2 National Computer Forensic Institute, and various
3 vendors, tools that we use.

4 Q. Is that all that you do now is digital forensics?

5 A. Yes, pretty much.

6 Q. And if you could guess, about how many phones have
7 you downloaded over your last 10 years?

8 A. Close to maybe 2,000.

9 Q. And have you testified as an expert before in court
10 as a digital forensic examiner?

11 A. Yes.

12 Q. How many times?

13 A. I would say roughly 10 times.

14 MS. BROWDER: At this time, Your Honor, I'd
15 like to make Secret Service Agent VanHouten an
16 expert in digital forensic examination.

17 MR. PERRY: Without objection, Your Honor.

18 THE COURT: All right. Remember earlier I told
19 you people can't give their opinions. There's an
20 exception when someone's qualified because of
21 education or experience. So, Agent VanHouten will
22 be allowed to give his opinion in the area of
23 digital forensics examinations. That means he'll be
24 allowed to give his opinion in that area. That
25 doesn't mean that you have to accept his opinion,

1 right? But it's evidence for you to use in any way
2 that you see fit, and you give it the weight and the
3 credibility that you believe is appropriate, just as
4 you should be doing with each and every witness that
5 appears before you.

6 MS. BROWDER: Thank you, Your Honor.

7 BY MS. BROWDER:

8 Q. So, when a phone comes to you in general, what are
9 the steps that you take?

10 A. Generally, when a phone comes into our lab, we'll
11 either have two types of authorization. One, either a
12 search warrant, or some type of legal process, or a
13 written consent to allow us to get into that device.
14 Once we take the phone in, we triage it. We do basic
15 steps, take pictures, document any damage to it, if the
16 phone powers on, if the phone is off, all this pre-
17 testing that we do to ensure that the phone is operable
18 and we are able to get an extraction off of it.

19 Q. Okay. Now, before we get into the next step about
20 extractions, did you receive two phones in this case for
21 extraction?

22 A. Yes.

23 Q. I'm going to show what's marked as -- what day did
24 you receive those?

25 A. The chain of custody time stamp that I have is March

1 25th, 2022. And it was from an investigator, Chrissy
2 Odom, from the Columbia Police Department.

3 Q. And just (inaudible).

4 A. This is my summary report that I include with every
5 phone or every computer examination we do.

6 Q. Why do you create a report?

7 A. Well, to document our steps and results and as far
8 as remembrance of what we did.

9 Q. Does that help you (inaudible)?

10 A. Yes.

11 Q. So you said you received both of these phones from
12 investigator Chris Odom on March 25th, 2022?

13 A. Correct.

14 Q. I'll show you first what's marked as State's Exhibit

15 16. Do you recognize this?

16 A. Yes, this is an Apple iPhone that was submitted on
17 March 25th, 2022.

18 Q. And when (inaudible) your possession, had it been
19 altered with or destroyed in any way?

20 A. No.

21 Q. And before you started examining it, did you alter
22 it or destroy it or tamper with it in any way?

23 A. No.

24 MS. BROWDER: At this time, Your Honor, we
25 (inaudible) State's Exhibit 16.

1 MR. PERRY: Without objection, Your Honor.

2 THE COURT: All right, State's 16, without
3 objection.

4 (State's Exhibit 16 entered)

5 BY MS. BROWDER:

6 Q. I'll show you State's Exhibit 32. Do you recognize
7 this?

8 A. Yes, this is a Samsung phone that was submitted
9 March 25th, 2022.

10 Q. Is it a black Samsung?

11 A. It is a black Samsung and has my evidence sticker on
12 it.

13 Q. And when it came to you, was it (inaudible) in the
14 same package?

15 A. Yes, it was in the same package. It was not
16 altered.

17 Q. And before you started the extraction, did you alter
18 or tamper with it in any way?

19 A. No.

20 MS. BROWDER: At this time, Your Honor, we'd
21 like to enter into evidence State's Exhibit 36 --
22 36?

23 THE COURT: Thirty-four.

24 MS. BROWDER: Thirty-four is -- this is 32,
25 Your Honor; sorry, 32.

1 THE COURT: Okay. And which one is that?

2 MS. BROWDER: The black iPhone -- it's a black
3 Samsung.

4 THE COURT: Okay. Any objection?

5 MR. PERRY: No, Your Honor.

6 THE COURT: Thirty-two admitted without
7 objection.

8 (State's Exhibit 32 entered)

9 BY MS. BROWDER:

10 Q. All right, So when you get a phone and go to begin
11 an extraction, explain to the jury what an extraction is.

12 A. So there is -- basically the extraction is to
13 recover the data from the device. There are three types
14 of extractions that we prefer to get no matter what the
15 device is, whether it's a phone or computer, infotainment
16 center. We would try to get what's called a physical
17 extraction. That's an exact bit-by-bit copy of every
18 piece of data that resides on the device. That is our
19 best extraction that we can get. That includes
20 everything from deleted, to stuff that's in what's called
21 unallocated space, stuff that you don't see.

22 If that's unavailable, we can't get a physical, we
23 get what's called a full file system. That's about as
24 close to a physical as you're going to get. And if
25 that's not available, then a logical. And a logical is

1 basically you looking at your phone, the pretty pictures,
2 the phone calls, the text messages. That's data that you
3 can see, and that is logical information. If the other
4 two extractions are unavailable, we'll definitely get a
5 logical off of it.

6 Q. And start with the red iPhone. Before you start an
7 extraction, do you take photograph (inaudible)?

8 A. I do.

9 Q. And why do you do that?

10 A. For documentation purposes.

11 Q. I'll show you what's marked as State's Exhibit 35
12 and 36. Do you recognize those two photographs?

13 A. Yes, these are the photographs of the iPhone that
14 was submitted for processing.

15 Q. And that's the red iPhone?

16 A. Correct.

17 MS. BROWDER: At this time Your Honor we'd like
18 to enter into evidence State's Exhibit 35 and 36.

19 MR. PERRY: Without objection, Your Honor.

20 THE COURT: 35 and 36 are admitted.

21 (State's Exhibits 35 and 36 entered)

22 BY MS. BROWDER:

23 Q. And I'll show you 36, what is on the front of that
24 phone?

25 A. It appears to be a photo of three female juveniles.

1 Q. Okay. And when you did the extraction on this one,
2 what type of programs do you use to get your extraction?

3 A. So we use several different types of programs.
4 Mainly either Cellebrite is the most common. There are
5 many other tools, Axiom, Forensic Explorer, Oxygen
6 Forensics. There are many types of tools that we use.

7 Q. And for the Apple iPhone, that is the defendant's,
8 which one did you use?

9 A. For the Apple iPhone, I used a system called
10 GrayKey. It's a system that was developed by an Apple
11 engineer to assist law enforcement in recovering data
12 from locked iPhones.

13 Q. And let me show you what's marked as State's Exhibit
14 37. Do you recognize State's 37?

15 A. This appears to be a Cellebrite UFED reader report
16 for an Apple iPhone.

17 Q. And does that fairly and accurately represent the
18 preliminary report for this Apple iPhone that you
19 extracted?

20 A. Yes.

21 MS. BROWDER: At this time, Your Honor, we move
22 into evidence State's 37 (inaudible) 38.

23 WITNESS: It is 37.

24 MS. BROWDER: Thirty-seven, Your Honor.

25 MR. PERRY: Without objection, Your Honor.

1 THE COURT: Thirty-seven without objection.

2 (State's Exhibit 37 entered)

3 BY MS. BROWDER:

4 Q. Now what is a preliminary device report?

5 A. So, a preliminary device report is it allows us to
6 get data on the phone off of the device, the make, the
7 model, the serial number, the MSISDN, the IMISI number,
8 various data about the phone without actually having to
9 go through the phone database to get it. It basically
10 tells me what phone it is, you know, how much space is on
11 the phone, how many partitions are on the phone. It's
12 just a preliminary report before doing a deep dive into
13 the data.

14 Q. Does it give you potential names, who the phone
15 belongs to?

16 A. So if the user or device named their phone, yes, it
17 will -- specifically for iPhone, if you name it as a
18 name, yes, it will show up in the preliminary report. If
19 you did not name it, if the user did not set it up, it
20 would just say iPhone.

21 Q. And does this one have a name associated with it?

22 A. This one does. And it is Tiffany's iPhone.

23 Q. And what phone number is associated with that
24 iPhone?

25 A. Phone number associated is 803-876-0766.

1 Q. And did you extract this iPhone?

2 A. I did.

3 Q. And Court's Exhibit 2, would this be the extraction
4 for iPhone?

5 A. I would say yes.

6 MS. BROWDER: This is Court's Exhibit 2, Your
7 Honor.

8 THE COURT: Okay, thank you.

9 (Court's Exhibit 2 for identification)

10 BY MS. BROWDER:

11 Q. All right, now the Samsung phone, how did you
12 extract that phone?

13 A. So the Samsung, even though the file system is
14 similar to an Apple file system, I used a system called
15 Cellebrite Premium. It pretty much does the same thing.
16 It extracts information from locked devices.

17 Q. And that extraction in Court's Exhibit 1, is that
18 your extraction from that cell phone?

19 A. It does appear.

20 MS. BROWDER: This is Courts 1, Your Honor.

21 (Court's Exhibit 1 for identification)

22 BY MR. BROWDER:

23 Q. I'm going to show you what's marked as State's
24 Exhibit 39. Do you recognize that?

25 A. This is a preliminary device report from Cellebrite

1 on the Samsung phone.

2 MS. BROWDER: This time, Your Honor, I enter
3 State's Exhibit 39.

4 THE COURT: Any objection?

5 MR. PERRY: No, Your Honor.

6 THE COURT: State's Exhibit 39, admitted
7 without objection.

8 (State's Exhibit 39 entered)

9 BY MS. BROWDER:

10 Q. And on that preliminary report, does it notify or
11 tell you whose phone it is?

12 A. This one does not.

13 Q. Does it have any (inaudible) --

14 A. It's just -- I'm sorry, it says MyInfo S20 Ultra.

15 Q. And when you run it through (inaudible) does it give
16 you any sort of (inaudible) identifying information
17 regarding who (inaudible) to, regarding email or anything
18 like that?

19 A. Generally, for Google devices or Android devices,
20 Google would like for you to use a Google or Gmail
21 account to set the device up. So, generally, yes. For
22 Android systems, you are mostly required to put in an
23 email, some type of email address.

24 Q. Is there an email associated with this one?

25 A. Bear with me just a second.

1 Wildthingswildliferemoval@gmail.com.

2 Q. Is there any other emails on that (inaudible) as
3 well?

4 A. Bear with me just a second, Nateginter@aol.com and
5 Nathan.Ginter.5.

6 Q. Now, when you extracted this phone, what kind of
7 extraction was it?

8 A. This was a full file system extraction.

9 Q. And when you do a full file system extraction, what
10 type of information do you get?

11 A. Ninety percent of the data that's on the device,
12 we're able to extract. The difference is we may not get
13 deleted items from a full file system, but we get
14 especially -- we especially get all the logical data,
15 again, the data that you do see, the pictures, the
16 photos. We also get the data that you don't see,
17 databases that are running in the background,
18 applications, and so forth.

19 Q. And when you cull certain things such as text
20 messages, or (inaudible) pictures from the phone, is
21 there a way to identify the dates and times, that sort of
22 thing?

23 A. Yes, pretty much everything in a full file system
24 are logical. The date and time is logged. If it's an
25 item or a file or folder or an artifact that has been

1 deleted, those dates and times for deletions are not
2 quite as accurate, they're not as reliable. But anything
3 that's logical in a file system is reliable.

4 Q. And just as a cursory question, all the exhibits
5 that we're about to go through, all the text messages,
6 you have already verified with the fact that you
7 extracted the phone?

8 A. Right. There's three ways that we verify the data
9 that we recover. One is the simplest, if we have the
10 device, the device is there, we match, we spot check
11 certain phone calls or text messages or photos with what
12 we pulled with what's on the phone. We'll just look at
13 the phone.

14 The second verification is we use another tool. We
15 use two types of tools to validate the data that we
16 recover.

17 And the third and most tedious is the database
18 drill, is what we call it. It's we actually go to the
19 database where the file, this item was recovered and
20 drill down, look where the what's called hex language and
21 validate it that way.

22 Q. (Inaudible).

23 A. Yes.

24 Q. I'm going to show you what's been marked in the
25 State's exhibit 41, 42, 43 and 44. Do you recognize

1 these?

2 A. These are chat communications, SMS messages from the
3 Android device.

4 Q. And do they fairly and accurately represent what you
5 extracted regarding those four exhibits?

6 A. Yes.

7 MS. BROWDER: At this time, Your Honor, enter
8 State's 41, 42, 43, and 44.

9 MR. PERRY: Without objection, Your Honor.

10 THE COURT: Forty-one through 44 without.

11 (State's Exhibits 41, 42, 43, and 44 entered)

12 BY MS. BROWDER:

13 Q. All right. I'm going to show you first what is
14 State's exhibit 41. Now, when we're going through all
15 these (inaudible).

16 A. I'm sorry?

17 Q. All these exhibits are going to be in chronological
18 order?

19 A. They should be.

20 Q. Okay. So, State's 41, when you see the text
21 messages, who is in blue?

22 A. The blue is the outgoing instant message.

23 Q. Okay. And so would that be Tiffany Britton and the
24 green is Nathan Ginter?

25 A. Well, the blue is from the iPhone. The green is

1 from --

2 Q. The Android.

3 A. -- the Android.

4 Q. So (inaudible) but can you please publish to the
5 jury the text in this exhibit?

6 A. Yes. On November 26, 2021 at 11:23 p.m., which is
7 in UTC time, it has not been altered for Eastern Standard
8 Time. It is from the phone number 803-876-0766. "I
9 really wish we had video chat so you could see the way
10 she's acting. It's freaking ridiculous." And the
11 response back to the sending phone, "LOL, like what?"
12 Response to that, "Just screaming, crying, throwing
13 herself on the floor, kicking shit. I don't know what
14 the hell is going on. I don't think I have ever seen her
15 this bad. I'm really doing my best not to spank her
16 ass." And the response to that text message, "Whoop her
17 butt." Continuing on response, "I finally did. Then I
18 made her sit in the kitchen floor while I cleaned. I
19 don't understand why she even acted like that." Response
20 to that is, "Her age?"

21 Q. So he just says it's her age as why she's
22 (inaudible) and crying?

23 A. Correct.

24 Q. State's Exhibit 42. Can you please publish to the
25 jury these text messages?

1 A. Yes, this was December 23rd, 2021. Text message,
2 "No problem. We just had our first coming to Jesus."
3 Response to that is, "Uh-oh, how did that go?" Response
4 to that, "Are you free?" And the response to that, "Is
5 it bad? Is it bad that it's kind of a turn on watching
6 you do the whole disciplining thing, LOL?" The response,
7 "LOL, guess who's not eating? LOL, she refuses to say
8 please, thank you, or yes, sir, so we ate in front of
9 her, LOL. Now she's not allowed to leave the couch with
10 me, LOL. LOL, she's being a little shit today. Maybe
11 she will fall asleep." Response, "LOL, she's being nice
12 now. OM, ignoring her." Response is, "Coming to Jesus
13 movement number three occurred."

14 Q. What did he say about that?

15 A. Oh, correction. "Spank number two, she said she
16 hated Natalia. Coming to Jesus movement number three
17 occurred." Response is, "I have no idea where the hell
18 she learned that damn word." Response is, "She has like
19 zero remorse of doing anything bad until she gets blown
20 up -- until she get blown up. Fucking Angie, Jesus
21 Christ, I swear she was a psychopath unless I didn't see
22 her cry, LOL. Now she just got her blanket taken away
23 because she refuses to stop wiping her nose on it, even
24 though the tissue is right beside her, LOL. We are
25 making progress though, LOL." Response is, "Damn it, I'm

1 sorry. I'm glad we got her out of there. I promise I
2 didn't do that, LOL. I don't let her get away with
3 shit." Response is, "Cool, I'll break her ass quick
4 like. Again, we earned lunch back. Said yes, sir and
5 mandated eye contact. Mumbled less as well. Baby steps,
6 LOL."

7 Q. (Inaudible) State's Exhibit 43 (inaudible) Christmas
8 Eve of 2021. Please publish that one to the jury.

9 A. "LOL, she did so good today with manners and not
10 giving mean looks. She's still Lucifer though."
11 Response is, "LOL. I told her, LD rip that lip off if she
12 stuck it out again, LOL." Response is, "LOL. I take that
13 back. I've had to correct her a few times since we have
14 been here." Response is, "Yep, LOL." Follow up, "You
15 tell her, Daddy Pow-Pow is watching." Response is, "LOL.
16 I told her, her face fell." Response is --

17 Q. The laughing one?

18 A. -- yeah, "Bow Wow Wow."

19 Q. (Inaudible) December 30th, 2024. Please publish
20 that one.

21 THE COURT: You mean '21?

22 MS. BROWDER: '21, yes, sorry.

23 WITNESS CONTINUES:

24 A. Conversation begins, "She snitched, LOL." Response
25 is, "Ha, ha, ha." Response is, "She said, Mommy, I

1 scared of Daddy, LOL." Response is, "LOL, I bet she is."
2 Response to that is, "You might want to check your couch.
3 You definitely scared the piss out of her. I had to
4 smell -- I had to smell them when we got home." Response
5 is, "Oh shit, LOL." Response is, "Laughing my ass off,
6 monster."

7 Q. Let's move on to January (inaudible) State's
8 Exhibits 45 through 55. Do you recognize these?

9 A. These are more extraction reports from the Android,
10 the Google Android, Samsung phone.

11 Q. The Samsung? Okay. And they represent and verified
12 by each text messages from those?

13 A. Yes.

14 MS. BROWDER: At this time, Your Honor, enter
15 State's 45 (inaudible).

16 MR. PERRY: Without objection, Your Honor.

17 THE COURT: Without objection, 45 through 55.

18 (State's Exhibits 45 through 55 entered)

19 BY MS. BROWDER:

20 Q. January 4th, 2022, this is State's Exhibit 45.

21 A. The conversation begins with "Pow-pow, one
22 administered." With a follow up, "LOL." Response,
23 message, "LOL, still crying?" Response is, "Nope."
24 Response is, "Said she hated Natalia." Response is, "No,
25 she's not getting up until she finishes dinner."

1 Response is, "Oh yeah, she does that a lot too. It's a
2 fight every night to get her to sit her ass down and eat
3 another Mayor Original. She's being -- she's been doing
4 better lately. I don't know what her problem is
5 tonight." Response is, "Not a fight after this one,
6 being a whiny turd. However, that fixed it as well."

7 Q. January 4th, 2022, which is State's Exhibit 46.

8 A. Message begins with, "Oh, what did she do? Shithead
9 got beat again this morning, LOL." Response is, "LOL,
10 for what? And I can call you around lunch and tell you,
11 I had an uninvited guest show up to my house last night."
12 Response is, "Wow." Follow up, "For not eating her
13 breakfast and acting like a retard, plus mean faces."

14 Q. January 5th, 2022, State's Exhibit 47.

15 A. The message begins, it appears to be an image that
16 was sent. A follow up, "Laughing my ass off. WTF is
17 wrong with her? Did she eat a turd? LOL." Response is,
18 "LOL, she got pow-pow's." Response is, "What did she
19 do?" Response is, "She wanted to cry because her pants
20 weren't going on easy, then she just sat there and gave
21 me a mean look instead of putting them on. She finally
22 got herself dressed and put her socks and shoes on."
23 Response is, "I would have -- I would have went ape shit
24 on her. If I see that face again, I swear to God, I
25 might just break her face. LOL, she is fucking awful."

1 Q. State's Exhibit 48 from January 6th, 2022.

2 A. The message begins with a message, "Okay, I got a
3 new attitude adjuster," appears to be an image of a
4 stick. Follow up is, "Laughing my ass off, ha ha ha, you
5 meant you were going to get something to beat that ass."
6 Response is, "Yep, bamboo."

7 Q. Now, when there is a picture associated with a text
8 message, is there a way to (inaudible)?

9 A. So, if the pictures are used with the system file,
10 the system database that comes with the device, it stores
11 it in the database that, yes, there's metadata associated
12 with that photo.

13 Q. Is that verified the photo came from that device? I
14 gave you State's Exhibit 64. Do you recognize that?

15 A. Yes, the metadata associated with this image, which
16 was logged into the phone, was taken by the Samsung.

17 MS. BROWDER: At this time Your Honor, we enter
18 State's Exhibit 64.

19 MR. PERRY: Without objection, Your Honor.

20 THE COURT: Sixty-four?

21 MS. BROWDER: Sixty-four, yes, sir.

22 THE COURT: Thank you; 64 without objection.

23 (State's Exhibit 64 entered)

24 BY MS. BROWDER:

25 Q. Is that a photo of the stick (inaudible) the Android

1 (inaudible) bamboo was created on this phone on January
2 6th?

3 A. That is correct.

4 Q. January 9th, 2022, State's Exhibit 49.

5 A. This conversation begins, "LOL, she got it again,
6 going to be marks on her ass, LOL." Response is, "LOL,
7 ha ha ha, what did she do this time?" Response is, "Got
8 up from bed and snooping around the room."

9 Q. What is the date and time on this?

10 A. The date and time is around January 9th, 2022, at
11 2:05 a.m., but again, that is in UTC.

12 Q. So if UTC was applied, when would that text have
13 been sent?

14 A. A little before midnight.

15 Q. On January 8th?

16 A. Correct.

17 Q. And it indicated she got up from her bed
18 (inaudible)?

19 A. According to the text, yes.

20 Q. That is from the Samsung phone?

21 A. That is correct.

22 Q. January 9th, 2022, State's Exhibit 50.

23 A. Conversation begins with, "WTF," and it is an image
24 that was sent along with the text message. A follow-up,
25 "Grits everywhere." Response is, "Laughing my ass off,

1 what is wrong with her today?" Response is, "Three more
2 pow-pows too." Response is, "Tell your offspring to get
3 her shit together." Response is, "Five more pow-pow's."
4 Response to that is, "OMG, I thought for sure she would
5 learn the first time getting hit with that thing."

6 Q. (Inaudible) January 9th, 2022, State's Exhibit 51.

7 A. Conversation begins, "Asleep before we hit the
8 interstate. She kept crying that her butt was hurting.
9 She can't sit to the -- she can't sit to the side of her
10 car seat." And the response is, "I'm sure it hurts, but
11 she's overdoing it, wants you to feel bad for her."
12 Response is, "She'll be fine. I just keep telling her
13 that's what it feels like when you do bad things."
14 Response is, "Nobody has probably ever been so strict
15 with her. It's good it hurts her. Reminds her of the
16 lesson that she will come to fear the pow-pow. It's why
17 my stepfather was so tough on me, LOL, I deserved it. I
18 grew up literally spitting on him." Response is, "Mom
19 noticed her butt. Skyland pooped and my mom got to her
20 before I could." Response is, "LOL." Response to that
21 is, "I mean it's a little bruising, get the hell over it.
22 She's fine."

23 Q. January 10th, 2022, State's Exhibit 52.

24 A. This is a -- conversation begins with, "I'd say
25 she's in a good mood so far. She listens to this shit

1 way too much," and there's an attached 3GP which is a
2 small video. Response is, "OMG, that's annoying as
3 fuck." Response, "LOL, yeah, this shit is every day.
4 I'm so tired of her damn song." Response to that is,
5 "I'd cut that shit off and when she can act right for
6 longer than 24 hours give her a treat, never reward them
7 unless it's deserved. Not fucking up for only a few
8 hours is not close to being good enough." Response is,
9 "Damn it, okay, this is going to take getting used to."
10 Response is, "A child should never annoy you. If so, you
11 are letting it happen." Response is, "Sorry, damn, I
12 fucked that up."

13 Q. I'm going to show what's marked as State's 85,
14 photograph extraction from the phone January 23rd, 2022.
15 Does that verify the photograph in the picture?

16 A. Yes, this photograph was 3GP -- this image was, yes,
17 taken with the Android.

18 Q. What number is that?

19 A. Eighty-five.

20 MS. BROWDER: Eighty-five, Your Honor, we enter
21 into evidence.

22 THE COURT: Any objection? Oh, you need to see
23 it?

24 MR. PERRY: Without objection, Your Honor.

25 THE COURT: Eighty-five is admitted without

1 objection.

2 (State's Exhibit 85 entered)

3 BY MS. BROWDER:

4 Q. What does this picture represent?

5 A. This is an image of a child's buttocks with severe
6 bruising.

7 Q. State's Exhibit 53, January 31st, 2022.

8 A. This conversation begins with, "Pow-pow one."

9 Response is, "Oh damn, what did she do? By the way, no
10 dang bruises, LOL. I'm out of excuses." Response is, "I
11 can't promise that, she refused to answer me." Follow
12 up, "Bath at 6:30, correct?" Response, "Yes. Did you
13 make her pee? LOL." Response, "No, but I sent her to
14 the bathroom immediately after because she farted when it
15 happened, LOL." Follow up, "I didn't isolate her off the
16 bat I wanted -- wanted to see how she would do without
17 it, lasted for a while then failed miserably. She got
18 worse by the minute. She's isolated now."

19 Q. State's Exhibit 54, January 31st, 2022.

20 A. Conversation begins, "Yep, she apparently can't take
21 her clothes off now, full fucking retard. I just raised
22 my voice to her and told her to take her fucking clothes
23 off now and presto shirt comes off, LOL. This bitch is
24 trying me. It's cool. I got a stick and cold water if
25 needed, LOL." Follow up to that, "Look what I

1 accomplished. It wasn't easy," and there is a JPEG image
2 sent with that message. Response is, "Laughing my ass
3 off, ha ha ha, you need a beer." Response, "Oh you're
4 going to shit when I tell you how I got that to happen."

5 Q. State's 55, is that the photo extraction
6 verification on the photo that goes along with that text
7 message?

8 A. Yes.

9 Q. And what does that photo represent?

10 A. A female juvenile child I would say 95 percent
11 submerged in water.

12 Q. I'm going to show you what's marked as State's
13 Exhibit 56, 57, 58, 59, 60, 61, and 62. Text message
14 exchange was from February of 2022, do you recognize
15 these?

16 A. Yes, these are message extractions from the Samsung
17 phone.

18 Q. And these are verified (inaudible)?

19 A. Yes.

20 MS. BROWDER: At this time, Your Honor, enter
21 State's Exhibit 56 through 62.

22 MR. PERRY: Without objection, Your Honor.

23 THE COURT: Fifty-six through 62 admitted
24 without objection.

25 (State's Exhibits 56 through 62 entered)

1 BY MS. BROWDER:

2 Q. February 2nd, 2022.

3 A. Conversation begins with, "Good morning" with the
4 smiley emoji, "How was she so far?" Response is, "She
5 got wrecked. Moving way too slow and then acted like she
6 couldn't put her clothes on. She's dressed and ready
7 now, LOL. Her brain is clearly on retard autopilot. Not
8 anymore though." Response, "LOL, pow-pow's?" The
9 response is, "Yep, and I scared her back away. It's like
10 she goes on autopilot and no one's home which causes her
11 not to think about anything literally." The follow-up
12 is, "God damn it" and then there's an attachment, like a
13 photo attachment that came with it. Response is, "How in
14 the hell did that happen?" Response, "Just sitting
15 chilling and pissed, not pleased." Response is, "So that
16 wasn't even from getting her ass beat?" Response is,
17 "Nope. We realized it when we got in the truck. She got
18 wrecked for that too. Needless to say her morning has
19 been rough." Follow up, "What reprogramming looks like,
20 LOL. On a plus she's responding much faster overall,"
21 there's an image attached to that message as well.

22 Q. February 3, 2022, State's Exhibit 57.

23 A. Conversation begins, "Look who apparently got up and
24 fell asleep on the toilet," and there's another image
25 attached to that message. Response is, "Oh my god." The

1 follow-up, "Why the fuck do I want to post that on
2 Facebook so bad? Laughing my ass off, that's so damn
3 funny." Response is, "Laughing my ass off, I would.
4 Damn she is broken this morning, LOL." Response is,
5 "LOL, have you had any problems out of her yet?"
6 Response to that is, "No, just like she's incredibly
7 tired, full compliance so far. I think that shower beat
8 her ass big-time." Response is, "Good job. I guess
9 water was the breaker." Response is, "Yep, LOL."

10 Q. (Inaudible) associated that text thread, State's 58,
11 is this the verification of that photograph?

12 A. Yes, this was taken by the Android device.

13 Q. What does it represent?

14 A. A juvenile female child apparently looks like she's
15 asleep on the toilet.

16 Q. February 3rd, 2022 as well, earlier in the day,
17 State's Exhibit 59.

18 A. Fifty-nine. Conversation begins, "Well we skipped
19 the warm bath, LOL. She sure AF started speaking clearly
20 again. It's amazing when her natural reactions as she
21 should act come out to the point very clear and
22 understands most if what I say." Response is, "LOL, I
23 wonder how many it will take before she starts to break."
24 Response is, "Not sure she was acting a fucking fool
25 earlier." And that response, "Every time I think she's

1 getting better." Response, "Yep, 15 minutes and I can't
2 out underwear on still." Response is, "OMG." Response
3 to that is, "I'm not even going to fix it, fuck her,
4 LOL," and there's an image attached to it. Response is,
5 "LOL, OMG." And that response is, "I know, right?"
6 Response, "IDK what to do anymore." Response, "I do, let
7 her lie in the bed she makes." The follow-up, "Fucking
8 Captain Caveman over here, laughing my ass off," and
9 there's an image attached to that as well. Response is,
10 "LOL, laughing my ass off, ha ha ha, why are her eyes
11 closed?" And that response, "She's looking down, I
12 assure you. This bitch is wide awake and cold AF. She
13 refused to dry off. I said fine live and learn asshole."
14 Q. State's Exhibit 61 -- or, 60; February 8, 2022.
15 A. Conversation begins, "She's taking a cold shower."
16 Response is, "I'm not surprised." Response, "She would
17 not stop her whining. I told her it was going to happen
18 shit got real when I told her I'd take her clothes off,
19 LOL." Response is, "LOL, well I guess she needed this
20 reminder. Damn it I need that teacher to get her shit
21 together or assistant or whatever the fuck she is."
22 Response is, "Exactly." Follow up, "It's official we
23 lost dinner, LOL." Response is, "OMG, LOL, she isn't
24 fucking breaking." Follow up, "This is annoying for me
25 and I'm not even there." Response, "Well I'm doing

1 something a bit different, cause and effect, the more
2 shit she pulls the more she loses."

3 Q. State's Exhibit 61, February 10th, 2022.

4 A. Conversation begins, "Refund told me randomly MS.CSE
5 gave her a phone -- gave her a phone to look at or play
6 with, don't know which one. BTW she was fucking rotten
7 today. I just beat her ass in the doctor's office
8 parking lot for lying. I picked her up and she cried
9 meanwhile staring at CeCe while she was walking to me in
10 the classroom. I about lost it." Response, "CeCe
11 strikes again. I'm so tempted to text her stupid ass.
12 I'm so tired of this shit." The response, "And that
13 little shit yelled at me. I about went full ape shit."

14 Q. State's Exhibit 62, February 23rd, 2022.

15 A. Conversation begins, "OMG Travis called my dad."
16 Response is, "LMAO," or laughing my ass off. Response
17 is, "He went to our kids this weekend -- he wants our
18 kids this weekend. I told him only two might be
19 available, but I need to ask you first." Response is,
20 "Let them go, the devil has been good."

21 Q. (Inaudible) real quick, I'm going to show you what's
22 been marked as State's Exhibit 86 and 87. Do you
23 recognize those?

24 A. These are photos of the Samsung phone that I took
25 once we received them in our lab.

1 Q. Before you started the extraction?

2 A. Correct.

3 MS. BROWDER: At this time, Your Honor, I'd
4 enter 87 and 86.

5 MR. PERRY: Without objection, Your Honor.

6 THE COURT: Eighty-six, 87 without objection.

7 (State's Exhibits 86 & 87 entered)

8 BY MS. BROWDER:

9 Q. (Inaudible) do you recognize these exhibits which
10 are 63, 65 -- I'm sorry, Your Honor, 63, 65, 66, 67, 68,
11 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82,
12 83, 84, and 40.

13 A. You want me to start with Exhibit 63?

14 Q. We skipped over 64 (inaudible).

15 A. Yes.

16 Q. (Inaudible) and verify that you pulled off of his
17 phone.

18 A. Yes, these are the Google Android Samsung
19 extractions.

20 MS. BROWDER: At this time, Your Honor,
21 (inaudible) 63, 84, 40.

22 THE COURT: Any objection?

23 MR. PERRY: Does that include the video?

24 MS. BROWDER: Yes. Well, the video is
25 separate.

1 MR. PERRY: Okay. I'm simply renewing the
2 objection from earlier.

3 THE COURT: What number is the video?

4 MS. BROWDER: Thirty-four.

5 THE COURT: Thirty-four is not in what you just
6 went through. Any objection --

7 MR. PERRY: Premature.

8 THE COURT: Okay, so what --

9 MR. PERRY: No objection to these.

10 THE COURT: Got it, thank you.

11 MR. PERRY: I just wanted to be sure that did
12 not include --

13 THE COURT: Understood.

14 (State's Exhibits 63, 65 through 84, and 40 entered)

15 BY MS. BROWDER:

16 Q. Let's start with March (inaudible) 2022 (inaudible).

17 A. Conversation begins, "Here we go." Response is,
18 "Fuck." Response, "Cold bath time." That response,
19 "What the fuck?"

20 Q. March 10th, 2022.

21 A. Conversation begins, "Against my better judgment I'm
22 about to pick her up a bit early." Response is, "LOL.
23 What? Why?" Response is, "Break out the ice, she gets
24 it again." Response is, "What did she do now?" Response
25 is, "Cried, ran to CeCe." Response is, "OMG, what the

1 fuck?" Follow-up is, "What is she doing now?" Response
2 is, "D taking a bath." The follow-up, "Oh I told her no
3 talking, sorry forgot to say that."

4 Q. Next is Exhibit 66, which is March 2022.

5 A. Conversation begins, "Cool, already got the hose
6 good. Now on ice." Response is, "Don't let her get
7 sick, LOL. I'm not trying to miss work because she was
8 an asshole."

9 Q. So the video that is on State's 67.

10 A. There is a video attached to -- there is a video
11 taken yes, March 11th, 2022.

12 Q. I'm going to show you what's been marked as State's
13 Exhibit 34. Is that the video associated with that
14 particular date?

15 A. It's a Blu-ray disc is showing -- stating shower
16 video.

17 MS. BROWDER: At this time, Your Honor, I'd
18 like to move into evidence State's 34.

19 MR. PERRY: Just renewing the earlier
20 objection, Your Honor.

21 THE COURT: All right, and your objection is
22 noted for the record, State's 34 is admitted over
23 the defense objection.

24 (State's Exhibit 34 entered)

25 MS. BROWDER: I would like to publish it to the

1 jury, Your Honor.

2 THE COURT: Okay.

3 (Video playing)

4 BY MS. BROWDER:

5 Q. What did he say at the end of that video?

6 A. I believe it was, "I'm going to delete this, of
7 course.

8 Q. And during the course of that he said (inaudible).

9 A. Yes.

10 Q. State's 68, March 12th, 2022.

11 A. Conversation begins, "No lunch." The response is,
12 "Bow wow wow, why?" Response is, "LOL, she wanted to be
13 a picky bitch so I took her -- I took it from her and
14 laid her ass down." And the response to that is,
15 "Perfect." Response is, "She's gonna learn one way or
16 another." And that response, "You're damn right, let
17 that bitch starve herself."

18 Q. March 16, 2022, State's Exhibit 67 -- 69, I'm sorry.

19 A. Conversation begins, "Well she cried and picked her
20 nose so hard she bled Jesus," and there's two file
21 attachments to it. Response is, "This is fucking
22 annoying." Response to that is, "I took no shit today."
23 And a follow-up, "Taser works very well by the way."

24 Q. State's Exhibit 70.

25 A. Conversation begins, "OMG she's scared as fuck."

1 Response is, "LMAO," laughing my ass off, "Finally."

2 Response, "I put the remote under the blanket and put it
3 on her leg and she freaked the fuck out and went to bed.
4 Thank Jesus."

5 Q. That was dated 3/16/2022?

6 A. That is correct.

7 Q. The same date, State's Exhibit 71.

8 A. Conversation begins, "BTW," or by the way, "It makes
9 noises." And follow-up, it appears to be a hyperlink to
10 an Amazon address for a fake taser.

11 Q. And what is the date and time on that?

12 A. That is March 16th 2022.

13 Q. I'll show you State's Exhibit 38. This is from the
14 Apple iPhone, do you recognize this, State's 38?

15 A. Yes, extraction report from an Apple iPhone.

16 Q. Regarding a picture?

17 A. Yes.

18 Q. And does it accurately represent --

19 A. It is, a picture recovered from the iPhone.

20 MS. BROWDER: Enter State's 38, Your Honor.

21 MR. PERRY: Without objection, Your Honor.

22 THE COURT: Thirty-eight without objection.

23 (State's Exhibit 38 entered)

24 MS. BROWDER: Publish that to the jury.

25 BY MS. CAVANAUGH:

1 Q. What is that a photograph of?

2 A. That is a photograph what appears to be a taser.

3 Q. And is this that same picture?

4 A. It is.

5 Q. I'll show you State's Exhibit 72, March 18th, 2024.

6 A. Conversation begins, "You got to order that fake
7 taser LOL." Response is, "LOL, she was pissed because I
8 wouldn't let her scratch her ass." Response is, "WTF you
9 better tape her hands." Response is, "I taped socks on
10 her hands before I laid her down. I wonder why it
11 itches?" Response is, "Because it was healing, same
12 reason why little assholes like that scratch scabs."
13 Response is, "Must be why Brittany keeps picking her
14 scabs, LOL. Papa kicked it out again last night. LOL
15 and her pain tolerance is so high that's why she keeps
16 doing it. I thought she was already kicked out."

17 Q. (Inaudible) dated March 18th, State's Exhibit 73.

18 A. Conversation begins, "Very nice, he's such a good
19 dog. Is there anything you were bad at? LOL." Response
20 is, "Taming redneck Satan." Response, "LMAO," laughing
21 my ass off, "You should have been doing good with that
22 too." "She has changed a lot" is the response to that.
23 And that response is, "LOL, give yourself more credit
24 she's exhausting and it may not seem like you have gotten
25 anywhere but you have. You're doing a good job and

1 making progress for sure." And that response is a smiley
2 face.

3 Q. Later in the day, March 18th, State's Exhibit 74.

4 A. Conversation begins, "Well, LOL, it most definitely
5 is marks. I'm trying to figure out what it looks like so
6 I can have a good excuse when somebody sees it," and
7 there's an image attached to it. Response is, "Holy
8 fuck." The follow-up, "It looks like her ass met
9 sandpaper." Response is, "Yeah, LOL. She fell would be
10 a good excuse, but it's only on her ass." Follow-up is,
11 "OMG, Skyland snitched on you." The response is, "LOL,
12 what did that shit say?" Response is, "LOL, I was on the
13 phone with Mom and she said, Nanny look at my butt my
14 daddy did that."

15 Q. State's 75, is that the extraction showing the
16 photos (inaudible) sent to him on that?

17 A. Yes, March 18th, 2022.

18 Q. That's what's already entered as State's 3. March
19 20th, 2022, State's Exhibit 76.

20 A. Conversation begins with an attachment. It's just
21 an attachment of a photo, with a follow-up statement,
22 "She's rubbing her ass on the bottom of the bathtub
23 because I won't let her scratch." Response is, "LOL, did
24 anything drain out?" The response is an image, no
25 textual value. Response, "Is that with the medicine on?"

1 The response to that is, "No that's before I was even
2 able to wash it." The response is, "Gross." Response,
3 "It's hurting her really bad now." And the response is,
4 "I bet." The follow-up, "Did it bubble with peroxide?"
5 Response is an attached image to the conversation with a
6 follow-up, "This is not sticking very well." Response
7 is, "Probably need sports tape." And that response is,
8 "I should have grabbed that instead."

9 Q. State's 77, is that the extraction report for the
10 photograph?

11 A. Yes, taken March 20th 2022.

12 Q. It's already entered as State's Exhibit 5. And same
13 things for State Exhibit 78, 79, are those reports
14 showing (inaudible)?

15 A. Yes, again both March 20th, 2022.

16 Q. I'm going to show you State's Exhibit 80 from March
17 21st, 2022.

18 A. Conversation begins, "I have to get her to stop
19 saying she bent over Daddy's couch, when someone asked
20 what happened to her butt." Response is, "Tell her it
21 was to look at her butt because you brought her over and
22 she didn't want anyone to look." Response is, "Okay."
23 Response to that is, "Heating pad burn looks similar
24 minus staph," and there is attached image. A follow-up,
25 "How's the doctor? Is it staph?" Response is, "He

1 hasn't come in yet."

2 Q. I'm going to show you State's Exhibit 81, is this
3 the extraction report with the Google search he did that
4 was just attached there?

5 A. Yes.

6 Q. That's shows he clicked on "Woman burns on heating
7 pad?"

8 A. That is correct.

9 Q. State's Exhibit 82, March 21st, 2022.

10 A. This is an MMS multimedia service message; it's just
11 an image attached to it.

12 Q. State's 83, is that the extraction for the
13 photograph?

14 A. It is.

15 Q. Last text message, March 24th, 2022, State's Exhibit
16 84.

17 A. Conversation begins, "He's calling the cops Nathan."
18 The response is, "Well I'm not sure why, but you're
19 welcome to call." Response is, "I can't call, he's
20 standing right here. He says those marks look like a
21 taser. He come to look at her ass. I was wondering why
22 he was fucking coming. He's not reporting it because I
23 wouldn't." "You're a grown adult, you can call when you
24 want. You need to stand up and not be scared of people."
25 Follow up, "Can you please give Natalia and I heads up if

1 we need to call the police if Kevin is headed to our
2 home? I'm sitting here on watch and worried." Follow-up
3 again, "Natalia is crying." Response is, "He's not
4 coming over there. I promise I will call you in just a
5 minute. I will have all the information for you."
6 Response is, "Okay." Response, "Is it okay if I ride
7 over in a minute? I want to show this to you." Response
8 is, "Um, this is getting weird. No, you can call me."
9 Response is, "Understandable." The follow-up, "This
10 motherfucker is getting ruined next. I swear he will
11 never see these kids again." Response is, "It would be
12 nice to talk to you considering I have no idea if this is
13 you actually. This is very shady on all accounts." The
14 follow-up, "No." Another follow-up, "Trespassing
15 warning." Response is, "What do I need to do next?"
16 Response is, "Ask if he has left your property and if you
17 don't feel safe for what he did to your aunt." The
18 follow-up, "When should you expect a call from the
19 investigator." A follow-up, "Makes drive shorter. Sent
20 father threatening text message. Say again on how mad he
21 is and you feel his marriage has a lot to do with it
22 because he calls you from the garage all of the time.
23 And if you would like a copy of the report. Please when
24 available. Is there a copy of a trespass warning? I got
25 you." Response, "No information." Response, "No." "No"

1 again. "Use for business will need title to replace. Do
2 not give them that by all means. Unless they have a
3 warrant. He's lying to you. I can hear him. He's
4 trying to scare you. That's why he hasn't ripped it from
5 your hands. He's trying to convince you. Tell him no,
6 your attorney is Chris Mills in Columbia, South Carolina.
7 Your past attorney and is on retainer. No, that's a lie.
8 Talk in bathroom now. No. Sweetheart I hope everything
9 is okay, I heard the DSS person and the deputy fight your
10 phone physically from you and to let you know they should
11 admit they had no warrant while talking to me, minus the
12 deputy that let you use a computer to chat with me during
13 a warrantless search which I heard over a phone in front
14 of three witnesses. It was very sad that he too over the
15 computer limited your ability to free speech by closing
16 the chat by his own hand. It's clear LE has illegal and
17 obtained your phone and children for the unfortunate has
18 to rely and confirm. Chris Mills is her attorney and
19 will seek personal retribution according to your unlawful
20 entry. I've called your sister and a few times though FB
21 no answer sadly."

22 Q. (Inaudible) show you (inaudible) text messages do
23 you try to (inaudible) history of searches (inaudible)
24 came back (inaudible)?

25 A. Yes, when a agency submits us legal process to

1 process the phone, we try -- what I try to do is do a
2 timeline of events. If there is a specific date that
3 something occurred on I try to do a timeline of events
4 leading up to it and a timeline after.

5 MR. PERRY: Your Honor, beg the Court's
6 indulgence. There is a matter -- I think I know
7 where this is headed, that I need to take up with
8 the Court outside the presence of the jury.

9 THE COURT: All right, ladies and gentlemen,
10 step back to your jury room. Don't discuss the
11 case. Keep an open mind; I'll be back with you in a
12 few minutes.

13 (Jury exits courtroom)

14 THE COURT: I have no idea what it's about, so.

15 MR. PERRY: I understand. So, Your Honor, she
16 started asking about the internet. The State
17 provided me with evidence of internet searches that
18 Mr. Ginter allegedly performed on his phone. Those
19 internet searches reference different torture,
20 painful childhood punishment, things of that nature.

21 THE COURT: Okay.

22 MR. PERRY: None of these searches that I have
23 been shown as potential evidence are compliant in
24 any way, have anything to do at all with what he's
25 been alleged to do to -- to have done in these four

1 indictments. They have nothing at all to do with
2 what he supposedly did. He wasn't Googling, you
3 know, beating with a bamboo stick. He wasn't
4 Googling, you know, water torture. He wasn't
5 Googling taser, I don't believe, if I'm not
6 mistaken.

7 You know, the searches don't go towards what he
8 allegedly did. This isn't an intent statute. It's
9 not, you know, he intended to do this, or he
10 intended to do that, so they don't have to prove any
11 mens rea any mindset as far as is what he was doing
12 and I think that's what the State would try to do
13 would be prove that he had some sort of mindset to
14 torture the child versus to punish the child.

15 I think that the statute doesn't require that.
16 You could have the best of intentions and still be
17 guilty of unlawful conduct toward a child. Those
18 internet searches I believe clearly are more
19 prejudicial than probative, because they don't go
20 towards anything that he's alleged to have done in
21 any of these charges.

22 So, I'd ask that the internet searches be
23 excluded, you know not be admitted.

24 THE COURT: Okay.

25 MS. BROWDER: First of all, Your Honor, this

1 already been (inaudible) State's 40 just a minute
2 ago and he did not object to it. And secondly, they
3 begin three days before when the text messages
4 coincide with people seeing the marks on her
5 buttocks, and then (inaudible) most painful child
6 punishment, torture that leaves no marks, bamboo
7 under fingernails, worst spice in nose, chemical
8 torture spices, ear torture, types of torture that
9 wouldn't leave marks, wouldn't leave any sort of
10 thing (inaudible) suspicious to all the people
11 around him.

12 THE COURT: Give me a ballpark on the
13 timeframe.

14 MS. BROWDER: March 21st to March 24th.

15 THE COURT: Of 2022?

16 MS. BROWDER: 2022.

17 THE COURT: And those searches come off of the
18 Samsung phone?

19 MS. BROWDER: Yes, sir.

20 THE COURT: Okay.

21 MR. PERRY: And again, Your Honor, I'll just
22 point out that none of those searches are consistent
23 with what he is alleged to have done in any of these
24 four indictments. And the State again does not need
25 to show any type of mindset. They don't need to

1 show that he intended to cause pain and suffering.
2 The statute doesn't require that. So, clearly the
3 only reason to get these searches before the jury is
4 to inflame the jury.

5 THE COURT: Anything else?

6 MS. BROWDER: (Inaudible) Your Honor
7 (inaudible).

8 MR. PERRY: And Your Honor, I would -- I
9 overlooked it, I would at this point ask to object
10 to it.

11 THE COURT: Okay. All right, I'm gonna allow
12 it to be admitted. I think it goes directly to the
13 issues present in the trial, regardless of if it's
14 already in or not, just move past that issue. I
15 don't find any fault with that. There was a lot of
16 stuff that just got entered quickly, so we'll make
17 the assumption that you did object to it at the
18 correct time. You're clearly objecting to it now
19 based upon 403.

20 And I think based upon the relevant, the -- one
21 of the key factors for the Court is the time frame
22 in relation to when things started to unravel makes
23 it more probative than any prejudicial effect that
24 it might be. Okay, anything else on that issue?

25 MR. PERRY: That's it Your Honor.

1 THE COURT: Okay, all right let's take 10
2 minutes, go ahead and take an afternoon break.
3 Yeah?

4 MS. BROWDER: Your Honor, this is my last
5 question (inaudible) cross he has.

6 MR. PERRY: If you want to bring the jury back
7 in for one last question.

8 THE COURT: How long you think you'll be on
9 cross?

10 MR. PERRY: Your Honor, I'd like to have the
11 opportunity to think about that during the break. I
12 don't -- I may not even cross at all.

13 THE COURT: Okay let's take 10 minutes,
14 everybody go the restroom, get a drink of water.
15 Agent VanHouten you're not allowed to discuss your
16 testimony with anybody. You're allowed to enjoy the
17 break, just don't discuss your testimony, okay?

18 AGENT VANHOUTEN: Yes, sir.

19 THE COURT: Tell the jury about 10 minutes and
20 then we'll bring them back in, okay. Thank you.

21 (Court in recess)

22 THE COURT: Anything from the State before we
23 start back?

24 MS. BROWDER: (Inaudible).

25 MR. PERRY: No, Your Honor.

1 THE COURT: Okay bring them in.

2 (Jury enters courtroom)

3 CLERK: Jury seated Your Honor

4 MS. BROWDER: Thank you, Your Honor.

5 BY MS. BROWDER:

6 Q. Agent VanHouten, when we left off we were discussing
7 how you (inaudible) --

8 A. Yes, that --

9 Q. -- (inaudible).

10 A. So most IS, or internet search engines, Safari,
11 Google, you name it, they store the search history of
12 your Internet web searches. Even the databases that say
13 that they don't store it, such as DuckDuckGo and things
14 like that, they still store the database on the device.

15 Q. And did you run an (inaudible)?

16 A. I did.

17 Q. (Inaudible) dates of March 21st (inaudible) March
18 24, 2022?

19 A. I did.

20 Q. I'm going to show you what's been entered as State's
21 Exhibit 40 (inaudible), can you please publish to the
22 jury the types of searches he was having on the internet?

23 A. So around March 21st, 2022, he's doing Chrome
24 searches, which is a division of Google, search terms
25 such as most painful child punishment, most sensitive

1 part of the human body, types of military torture, forms
2 of military torture, torture that leaves no marks, ear
3 torture, torture that leaves no marks, chemical torture,
4 chemical torture spices, spices in nose, worst spice in
5 nose, spice torture, worst spice in nose, chemical
6 torture meth, chemical torture methods, 25 modern torture
7 methods, torture that leaves no marks, torture
8 misspelled, torture that leaves no marks, bamboo under
9 fingernails, three-year-old sensory issues.

10 Q. What was that top one?

11 A. Cops illegal search and seizure, and that was done
12 March 24th, 2022, at 10:14 a.m.

13 Q. When did you receive the phone?

14 A. I received the phone March 25th, 2022.

15 MS. BROWDER: No further questions, Your Honor.

16 THE COURT: Cross-examination?

17 MR. PERRY: Nothing for this witness, Your
18 Honor.

19 THE COURT: All right. Thank you, Agent
20 VanHouten, you may step down. And the State may
21 call their next witness.

22 MS. BROWDER: The State rests, Your Honor.

23 THE COURT: Okay, y'all approach real quick?

24 (Bench conference)

25 THE COURT: All right, ladies and gentlemen,

1 the State has rested their case. So, the next thing
2 that is gonna happen in the case is that we give the
3 Defense an opportunity to call witnesses if they
4 want to. They do not have to, for reasons that I
5 explained to you in the very beginning. They don't
6 have to call any witnesses. They don't have to
7 present any evidence at all. And does the defense
8 wish to call any witnesses, Mr. Perry?

9 MR. PERRY: It does not, Your Honor.

10 THE COURT: Okay. Thank you, Mr. Perry. All
11 right. So, ladies and gentlemen, the next thing that
12 will happen is closing arguments and the charge on
13 the law. It takes me about an hour to two hours to
14 put together all of that information.

15 So, what we're gonna do is we're gonna stop for
16 the day, okay? And the reason we're stopping a
17 little early today is that best case scenario, it
18 would take me an hour, then we did closing
19 arguments, then I told you -- you wouldn't start
20 deliberating until 6:00 tonight, and I think that
21 just puts too much strain on people with children
22 and activities and other things going on.

23 So, we're gonna go ahead and stop where we are
24 today. All of those same rules still apply to you.
25 You're not allowed to talk about the case. You're

1 not allowed to do any research. You're not allowed
2 to have any contact with anybody involved in the
3 case. When you come back tomorrow morning, the
4 first thing that we'll do is closing arguments,
5 okay. Each side will get to make a closing
6 argument. Then I'll instruct you on the law, and
7 then you'll be allowed to begin deliberating and
8 discussing and talking about the case without any,
9 you know, probably mid-morning, closer to lunchtime,
10 and then you can start deliberating at that point in
11 time, okay?

12 So, as I release you for the evening, I want to
13 remind you, don't discuss the case, keep an open
14 mind about the case. You shouldn't be doing any
15 research. You shouldn't be trying to figure out
16 things. You probably heard some terms today that
17 you've never heard before. You shouldn't even be
18 going home and looking those up or Googling those or
19 anything like that.

20 It is Election Day, so if you haven't had the
21 opportunity to vote yet, the polls stay open till
22 7:00. I'm a big believer in the power of the vote,
23 and so, you know, take this opportunity to exercise
24 your constitutional right and privilege to vote.
25 So, I appreciate you doing that.

1 We'll see you tomorrow morning at 9:30. Thank
2 you very much. Everyone else, stay where you are.

3 (Jury exits courtroom)

4 THE COURT: Okay, I'm going to make a finding
5 on the record that you made your directed verdict
6 motion at the appropriate time, but instead of
7 stopping and doing all that and sending them out, it
8 was just easier to do it that way. So, let's go
9 ahead and hear the defense's motion for directed
10 verdict.

11 MR. PERRY: Your Honor, I would renew all
12 previous objections for the record.

13 THE COURT: Very good.

14 MR. PERRY: Your Honor, with respect to the
15 directed verdict motion, okay, so the statute has a
16 couple of subsections under A, it being unlawful for
17 a person who has charge or custody of a child or is
18 a parent or guardian of a child who is responsible
19 for welfare of a child to either A -- or A(1), place
20 the child at unreasonable risk of harm affecting the
21 child's life, physical or mental health or safety,
22 or under A(2), do or cause to be done unlawfully or
23 maliciously any bodily harm to the child so that the
24 life of the child is endangered or likely to be
25 endangered.

1 So, Your Honor, even taking all the evidence in
2 the light most favorable to the State, I don't
3 believe they've met their burden of proof with
4 respect to those elements of the crime.

5 So, initially, whenever Kevin Smith arrived,
6 based on the information that he had been given, he
7 testified that he found that the children seemed
8 normal and happy. They didn't seem distraught. They
9 didn't seem upset or bothered. But more importantly
10 than that, Your Honor, that's just his impression of
11 the kids. Where it really sort of starts to hit
12 home is with the ER doc. Dr. Johnson came in and,
13 Your Honor, he basically said that she was okay,
14 that she was in a good mood whenever she came in,
15 said that she was a healthy-appearing kid with the
16 exception of the bruises he first noticed on her
17 legs.

18 Then, of course, he did mention the burn marks
19 on her buttocks. Your Honor, when asked about how
20 he addressed that, she wasn't hospitalized. He
21 didn't mention that the wounds were septic or in any
22 way endangered her life. In fact, basically, what
23 he said was that she wasn't in any pain. He didn't
24 even give her any pain meds, that basically he just
25 redressed the wounds, put some other ointments and

1 bandages on the wounds and sent her home.

2 Your Honor, that's clearly not something that
3 is bodily harm that affects the life of the child or
4 endangers the life of the child as contemplated
5 under A(2).

6 Your Honor, I think A(1) isn't the appropriate
7 subsection of the statute simply because of the
8 language of it. The language of it basically says
9 to place the child. And the legislature uses words
10 for a purpose. They don't just randomly put words
11 in statutes. Subsection 2 is very clear. It's do or
12 cause to be done. Section 1 is placing the child at
13 unreasonable risk of harm affecting the child's
14 life, physical or mental health. I'd argue that
15 that would be akin to say another parent allowing
16 the child to go with a parent that they knew were
17 abusing the child or were likely to abuse the child.
18 That would be placing a child in harm's way.

19 Subsection A(2) clearly applies to someone who
20 is doing those things. And notwithstanding whether
21 or not he spanked the child with a piece of bamboo,
22 that's clearly not a threat to the life of the
23 child, doesn't endanger the life of the child, or
24 truly endanger the health of the child, certainly
25 not in a long-term way.

1 The tasing certainly didn't endanger the health
2 or the life of the child in any sort of long-term
3 way that I believe the statute contemplates. And
4 even what was going on in the bath, Your Honor, I
5 mean, that's, again, not something that endangers
6 her life. Nothing that he's alleged to have done,
7 no evidence that the State presented -- they easily
8 could have asked the doctor that any of this stuff,
9 was any of it life-threatening. They easily could
10 ask the doctor, did this place the health or the
11 life of the child, did it endanger it? They never
12 asked that. It wasn't my responsibility to ask him,
13 did it not cause that? The State had to prove that
14 it caused that.

15 They didn't call any of the mental health
16 counselors to come and take the stand and say that
17 any of this stuff adversely affected the child's
18 mental health. There's not a single shred of
19 evidence that's before the jury other than for them
20 to speculate based on the facts that they've seen as
21 to whether or not any of this affected the child's
22 mental health.

23 To the contrary, Your Honor, her aunt, who now
24 is her caretaker, Ms. Kimbler, said that within six
25 months of coming to live with her, she wasn't scared

1 of taking baths anymore, and that now she's
2 perfectly fine. She's doing great; two years later.

3 So as heinous as the things my client is
4 accused of having done to these children are, I
5 don't believe that the results rise to the level
6 contemplated in Section 63-570. I mean, certainly
7 not in A(2). I would argue that A(1) doesn't apply
8 because he didn't place the child in anything. He
9 actually is accused of doing or causing to be done
10 bodily harm.

11 But if the Court takes the position to read
12 that more broadly, that doing those things places
13 the child in threat of harm, and we're talking about
14 mental health, because again, I don't think there's
15 any evidence that physical health was an issue.

16 There's no testimony, zero testimony, that her
17 mental health was adversely affected for any
18 significant length of time. Any more so than
19 spanking a child or making a child go to bed without
20 their dinner or making a child sit in timeout. I
21 mean, anything that you do to a child is going to
22 somehow affect their mental well-being. I mean,
23 that's the whole notion of punishment, it's negative
24 reinforcement.

25 Now, arguably, my client may have gotten

1 carried away with the negative reinforcement, but I
2 still don't think it rises to the level considered
3 or contemplated by 63-570. Certainly not under
4 A(2). There's nothing life-threatening about any of
5 this.

6 So, Your Honor, I would say taking everything -
7 - I mean, I've almost asked no cross-examination
8 questions, pretty much conceded everything that the
9 State's put up. And I would submit to you that even
10 if you take all the evidence in the light most
11 favorable to them, that it doesn't rise to this
12 level. And I'd ask you, therefore, to direct a
13 verdict in favor of the defendant.

14 THE COURT: Okay. Any renewal of your previous
15 motions?

16 MR. PERRY: I do, Your Honor.

17 THE COURT: Okay. Thank you. All right. Yes,
18 ma'am?

19 MS. BROWDER: Thank you, Your Honor.

20 (Inaudible) South Carolina Rules of Civil Procedure,
21 the trial judge must consider only the existence or
22 nonexistence of the evidence (inaudible). Under 63-
23 570, nowhere does it say that any injury has to be a
24 life-threatening injury. The indictment has both 1
25 and 2 in there (inaudible) go through the

1 (inaudible) just the second one. Having to place a
2 child at risk of harm, whether he's doing something
3 to the child, whether he's placing her over the
4 couch in order to tase her, he is placing her at
5 harm. She has (inaudible) she clearly had burns on
6 her buttocks that had to be dressed, that had to
7 have an ointment on them.

8 Regarding the bamboo sticks, (inaudible) as far
9 as there's photographs and text messages of the
10 bruises on her buttocks six months and at that
11 point, she was three and a half years old
12 (inaudible) six months is (inaudible) of her life
13 (inaudible) being told (inaudible) testimony.
14 (Inaudible).

15 THE COURT: All right. Anything else, Mr.
16 Perry?

17 MR. PERRY: The only thing that I would state
18 in response to that is, I think that Madam Solicitor
19 didn't correctly state subsection 2. She said any
20 bodily harm. It doesn't just say any bodily harm.
21 It says any bodily harm to the child so that the
22 life or health of the child is endangered.

23 THE COURT: Okay. All right. So, the standard
24 before the Court is found in Rule 19 of the South
25 Carolina Rules of Criminal Procedure. The standard

1 before the Court is considering the evidence in the
2 light most favorable to the non-moving party, which
3 would be the State. And the standard is considering
4 the existence of the evidence and not the weight of
5 the evidence. The Court isn't to get into a
6 weighing the evidence or determining this person was
7 credible or that person was credible. We're simply
8 considering the weight of the -- the existence of
9 the evidence, excuse me, and not the weight of the
10 evidence.

11 And based upon the testimony that's been
12 presented from the 12 State's witnesses, I believe
13 that there is sufficient evidence for the case to go
14 forward to the jury. There's evidence that Mr.
15 Ginter was the father of the child. And there's
16 evidence that he placed her in unreasonable risk of
17 harm, and that he did or caused to be done things to
18 her that could affect her health, could endanger her
19 health.

20 And so therefore, based upon the testimony of
21 the 12 witnesses, the Defense's motion for a
22 directed verdict is respectfully denied.

23 MR. PERRY: Thank you, Your Honor.

24 THE COURT: All right. Does the State have any
25 unusual jury charges you want me to consider?

1 MS. BROWDER: No, sir.

2 THE COURT: What about the Defense?

3 MR. PERRY: Your Honor, I would like you to
4 simply charge the statute. I would also ask for the
5 lesser included of 63-580. I think there's
6 certainly a possibility that the jury could find
7 that he had committed those offenses. I believe
8 they are lesser included. I don't think there's any
9 separate sort of elements to them. In fact, both of
10 these statutes are very vaguely written; 580 says
11 that whoever cruelly ill-treats, deprives of
12 necessary sustenance or shelter, or inflicts
13 unnecessary pain or suffering upon a child or causes
14 the same to be done, whether the person is a parent
15 or guardian. I mean, clearly what he's alleged to
16 have done fits that. And I'd simply ask for the
17 lesser included charge as well as subsection 70.

18 THE COURT: Okay.

19 MS. CAVANAUGH: And, Your Honor, as far as he
20 mentioned that cruelty to children is a lesser
21 included, I haven't found anything that suggests
22 that cruelty to children is a direct lesser included
23 of unlawful conduct towards a child. Under the
24 elements test, the Blatt-Buerger test, it's also
25 spelled out in State v. Elliott, 343 S.C. 603, the

1 greater of the two offenses has to include all the
2 elements of the lesser offense.

3 In cruelty to children, and Mr. Perry said this
4 in his motion regarding the internet searches, that
5 requires a state of mind of whoever cruelly ill-
6 treats, deprives, or inflicts. Cruelty is not -- it
7 indicates a state of mind, and that is not in
8 unlawful conduct towards a child. Under Subsection
9 1, it simply states the state of mind is not even
10 defined under A. It just says it's unlawful for a
11 person.

12 And then under Subsection 1, it says place the
13 child at unreasonable risk of harm. It doesn't talk
14 about a state of mind. It doesn't say anything
15 about cruelly or maliciously.

16 The only thing that can be analogous to cruelty
17 is under Subsection 2, where it says do or cause to
18 be done unlawfully or maliciously. That word
19 maliciously is analogous to cruelly. But cruelly is
20 not in Subsection 1. So, I think that the fact that
21 there's no state of mind under subsection 1, it
22 fails the elements test. Cruelty to children is not
23 a direct lesser included of unlawful conduct towards
24 a child.

25 MR. PERRY: Your Honor, I would reply by saying

1 there's certainly no more state of mind in 63-580
2 than there is in 63-570(a)(2). Malicious would
3 certainly be a state of mind. Cruel would certainly
4 be a state of mind. I think either of which could
5 be inferred from the jury based on the evidence
6 that's before them.

7 I think that clearly the evidence that's before
8 the Court, the Court could find him guilty of 63-580
9 if they so chose.

10 THE COURT: All right. Is there any case law
11 that states that it's a lesser included?

12 MR. PERRY: Your Honor, I have looked it up
13 every way I can. There's no case law that says that
14 it is, but there's no case law that says that it's
15 not.

16 THE COURT: Okay.

17 MR. PERRY: I think that's a decision that's
18 well within your purview to decide. But I think if
19 the issue is state of mind, if the State is somehow
20 saying that he has to have a state of mind for
21 Section 80 that he doesn't have to have for Section
22 70, I'd bring up, again, just as the Solicitor did,
23 the word maliciously, the word cruelly. I believe
24 that -- and again, if that requires some state of
25 mind that's not there, well, then the jury's not

1 going to convict him of it.

2 So, I believe that it clearly fits the
3 parameters of being a lesser included offense, and I
4 would ask you to please charge both of those
5 sections.

6 THE COURT: All right. Any other thoughts on
7 the lesser included?

8 MS. CAVANAUGH: Beg the Court's indulgence. I
9 mean, I would just point out again that subsection 1
10 requires zero state of mind, so under 63-570. And
11 so, therefore, under the elements test, the greater
12 of the two, which would be unlawful conduct, does
13 not include all of the elements of the lesser
14 included.

15 THE COURT: But subsection 2 does contain the
16 word maliciously.

17 MS. CAVANAUGH: But that's only as it applies
18 to subsection 2 and not subsection --

19 THE COURT: The State hasn't chosen which
20 subsection they're going under. In fact, they've
21 indicted him under both sections.

22 MR. PERRY: Your Honor, I'd also say I find it
23 hard to --

24 THE COURT: Hold one.

25 MR. PERRY: Yes, sir. Yes, sir.

1 THE COURT: Is that -- am I -- where's the
2 indictment? I thought both sections were in the
3 indictment. Place the child at unreasonable risk of
4 harm affecting the child's life, physical or mental,
5 or unlawfully or maliciously cause or cause to be
6 done bodily harm to the child, so that the life or
7 the health of the child was endangered or likely to
8 be endangered.

9 MS. CAVANAUGH: Yes, Your Honor. But
10 maliciously is not also attached to subsection 1.

11 THE COURT: I got that. But your -- the State
12 hasn't chose to elect which section of the statute
13 they're going under. Under the State's theory of
14 the case, he could be guilty under section 1 or
15 section 2. So, under that theory, how does he not
16 get the lesser included? I mean, if the State wants
17 to elect, you're only going forward under section 1,
18 that may be a different argument.

19 MS. CAVANAUGH: Beg the Court's indulgence.

20 THE COURT: I'm going to let you argue. I
21 promise, just --

22 MR. PERRY: Yes, sir.

23 THE COURT: Let me get to them.

24 MR. PERRY: Absolutely.

25 THE COURT: Okay.

1 MS. CAVANAUGH: Your Honor, I would just say
2 that there's no case law to indicate that the lesser
3 -- that cruelty to children is a lesser included of
4 unlawful conduct towards the child.

5 THE COURT: I mean, the standard's not really,
6 is there any case law that says it. The standard
7 is, is there any evidence in the record in any way,
8 shape, or form that could support a conviction for
9 the lesser included? And if there is, then it has
10 to be given.

11 MS. CAVANAUGH: I understand, Your Honor.

12 THE COURT: Okay. Now, Mr. Perry, what are you
13 going to say next?

14 MR. PERRY: Your Honor, the last thing that
15 I'll say about it is that clearly, based on the
16 evidence that's before the jury, they could find
17 that he cruelly ill-treated the child.

18 THE COURT: Okay. All right. Anything else
19 from the State?

20 MS. CAVANAUGH: No, Your Honor.

21 THE COURT: Okay. All right. I'm going to
22 think about this lesser included thing. I'm going
23 to work on the charge for about the next hour or so.
24 I'll email everybody out versions of the charge.
25 The rest of it's just going to be my standard

1 things, he's presumed innocent, he doesn't have to
2 say anything, he didn't testify, they can't hold
3 that -- all the standard stuff that I say in every
4 case. The only thing that's unique in this one is
5 the statute itself. So, give me about an hour. Let
6 me do some research and look into it, and then we'll
7 email it out to all the parties.

8 MR. PERRY: And, Your Honor, will you --

9 THE COURT: So you'll know exactly what it is.

10 MR. PERRY: Will you reiterate the brief
11 statement that you made at the beginning of the
12 trial, reference him not needing to be here, him
13 having the right to --

14 THE COURT: Yeah. I'll weave that in there.

15 MR. PERRY: Just wanted to be sure that's --

16 THE COURT: I'll weave that in there somewhere.

17 MR. PERRY: Thank you.

18 THE COURT: Okay. All right, 9:30 tomorrow.

19 The State will go first. The Defendant will go
20 second. Then we'll charge. Okay? Thank you.

21 MS. BROWDER: Your Honor --

22 MR. PERRY: Your Honor, you want me to email
23 this?

24 THE COURT: Yeah. If you find some law you
25 want me to look at on this lesser included thing,

1 send it this afternoon.

2 MR. PERRY: You don't need us to stick around?

3 THE COURT: No. No.

4 MR. PERRY: Good. All right. I'll get back to
5 Camden and vote.

6 THE COURT: Free to go. See you tomorrow.

7 (PROCEEDINGS FOR 6-11-24 CONCLUDED)

8 (PROCEEDINGS BEGIN 6-12-24)

9 (Mics were muted from the beginning of the audio until
10 53:01)

11	(Video plays)

12 MS. BROWDER: It's pretty amazing, right?

13 First of all, we know this happened at his house,
14 because that bathtub that you saw -- Gabby, if you
15 could put it up again.

16 (Video plays)

17 MS. BROWDER: You can see that same line right
18 there, the mold or where it hadn't been cleaned,
19 same bathtub that's in that video. So we know this
20 happened at his house. We know it happened in
21 Richland County. And we know it happened to her
22 because that is Paisley in the video.

23 If you notice what he said right there at the
24 beginning, I'm definitely going to erase this later.
25 Why? If he was doing nothing wrong, if this wasn't

1 trying to terrorize her, why are you going to erase
2 it later? What's wrong with having it on your
3 phone? He knew it was wrong.

4 You can see her in her distress, ladies and
5 gentlemen. She is crying. She is gasping, trying to
6 not have (inaudible) sprayed in her face. Bath time
7 is supposed to be fun. It's supposed to be bubbles,
8 toys, splashing, having the parents say keep the
9 water in the bathtub. Instead, this child for six
10 months was terrified that she was going to have cold
11 water. Terrified the showers (inaudible) spray in
12 her face.

13 What you also notice in this video, this wasn't
14 a quick sort of shower or bath. He said there was
15 ice in here. Where's the ice? It's gone. It's
16 melted at this point. And if that is cold water,
17 that's going to take a while to melt cold ice. This
18 was a long shower. She was in there for a long,
19 long time, to the point that she is just absolutely
20 relaxed according to him. Isn't it great how
21 relaxed she is in here? Is that what we call a
22 relaxed child, ladies and gentlemen? Absolutely
23 not. He did this over and over again.

24 And if that wasn't (inaudible) prove to you
25 that this was unlawful conduct towards a child,

1 beyond a reasonable doubt (inaudible). He knew it
2 was wrong (inaudible) the video. He did it on
3 purpose (inaudible). He didn't send it to anybody,
4 so why is he making this video? Was it for himself
5 to go back and look at it over and over? Was it to
6 show somebody else? We won't know. But the fact is
7 that he did this because he liked it. Not because
8 it was punishment. Not because it was discipline,
9 because he liked terrorizing her.

10 And it goes (inaudible) when everybody started
11 noticing those marks on her bottom, he knew what was
12 coming. He knew he couldn't make marks anymore.
13 All this came in on March 23rd when everybody came
14 into 170 Railroad Avenue and saw those marks
15 (inaudible).

16 If you look at the internet searches, ladies
17 and gentlemen, when you go back there, March 21st,
18 when Ashley started taking those pictures and
19 sending them to people, he starts looking for child
20 punishment that doesn't leave marks. Worst child
21 punishment. Military torture. Torture that doesn't
22 leave marks. Spices up the nose. Ear torture.
23 Ways to torture this child, because he was going to
24 continue what he was doing. He was going to keep
25 doing it if he didn't get caught to make sure that

1 he wouldn't get caught to do it in ways that would
2 cause her torture, cause her pain, cause her
3 suffering, but wouldn't leave marks.

4 But let's not leave out his favorite, ladies
5 and gentlemen, he loves bamboo. Bamboo under the
6 fingernails. He was going to use that bamboo, put
7 it under her fingernails, and (inaudible). That's
8 what he was searching for in the days before he was
9 caught.

10 Now, Father's Day coming up on Sunday, I was
11 driving home last night thinking about what I was
12 going to get my dad. I heard a song on the radio,
13 and I heard my favorite band (inaudible). And it
14 resonated with me ever since, what a father should
15 be. Don't worry, I can't sing. I'm the most deaf-
16 tone person in the world; I'm not going to
17 (inaudible). But the lyrics say, "You were there to
18 pick me up and tell me that I was good enough. It
19 doesn't matter what I've done. You'll pull me
20 closer. The highs, the lows, the in-betweens.
21 You're the one that's there for me. When I'm hurt,
22 when I'm weak, you make it better for me. You will
23 always be (inaudible) the safest place for me to
24 fall."

25 Nathan Ginter was supposed to be that person

1 for Paisley, he was her father. But instead of
2 being that safe place for her to fall, and the one
3 to make it better, he was the one who hurt her and
4 made her and made her bleed. Constantly told her
5 she wasn't good enough at the age of three years
6 old. Never once was he that safe place for her to
7 fall. When she fell, he made sure she stayed down.
8 All because he wanted control. He didn't want
9 anyone to tell him he had to pay child support. He
10 didn't want a three year old telling him what to do
11 and dictate his life. "I took no shit (inaudible).
12 She's in constant misery. I'm going to go ape shit
13 (inaudible). She is fucking awful."

14 No one was going to make him pay child support
15 for a child (inaudible) think he was dead. So what
16 did he do? He made that child, three-year-old
17 Paisley Ginter pay for him being her dad. He made
18 her pay with tasing. He made her pay with water
19 torture. He made her pay with (inaudible). He made
20 her pay of months pain and suffering for him having
21 to be (inaudible).

22 Now it's your turn ladies and gentlemen to take
23 the evidence of his choices and what he did to
24 Paisley. (Inaudible) make him pay for his actions.
25 Make him be responsible for his actions, find him

1 guilty.

2 THE COURT: Thank you Ms. Browder. All right,
3 Mr. Perry, would you like to make a closing
4 argument?

5 MR. PERRY: May it please the Court, Your
6 Honor.

7 THE COURT: Yes, sir.

8 MR. PERRY: Thank you very much. Good morning.
9 Y'all haven't heard very much from me up to this
10 point. (Inaudible) statement. I didn't have a
11 whole lot to say to the witnesses. I (inaudible)
12 objected to a whole lot. I didn't try to keep a
13 whole lot of evidence from being seen. I wanted you
14 guys to see everything that the State had. I wanted
15 you to have all the evidence that they had presented
16 for you so you could make a decision based on that
17 evidence.

18 And the judge is going to instruct you on the
19 law as (inaudible) so one of the things that he's
20 going to instruct you on is the notion that your
21 verdict (inaudible) is (inaudible). (Inaudible)
22 split (inaudible), all individuals that are going to
23 be a part of this jury, every single person in this
24 jury (inaudible) every single one of you has to be
25 convinced beyond a reasonable doubt that the

1 evidence that's been presented to you will
2 (inaudible) judge gives you the law, either
3 convinces you beyond a reasonable doubt that the
4 defendant is guilty as charged, not guilty, or maybe
5 guilty of something else (inaudible) charged with.

6 But that can (inaudible). The judge is going
7 to tell you that your verdict, your decision about
8 guilt or innocence, cannot, should not, under any
9 circumstances, be made based upon sympathy, based
10 upon compassion, prejudice, emotion or anything not
11 contained in the evidence.

12 He's going to tell you that nothing that I say
13 to you, which has been (inaudible), nothing that the
14 State has said to you in closing is evidence. None
15 of that should be considered by any of you when you
16 decide whether or not you (inaudible) the charges
17 (inaudible).

18 You've got to decide that based on the evidence
19 that is before you. I've sat here and listened
20 closely to the closing statement (inaudible) appeal
21 to emotion and (inaudible) focus on balance. It's
22 easy (inaudible).

23 You probably don't like me and that's okay.
24 Because this isn't a popularity contest.

25 (Inaudible) and I will submit to you (inaudible) and

1 anything else there that doesn't comply with what
2 the judge (inaudible) to the facts and the evidence
3 (inaudible).

4 They're going to submit to you (inaudible).
5 There's two different levels of offense (inaudible).
6 But in the statute as he was charge is not enough
7 for the State to prove to you (inaudible) and so the
8 statute is (inaudible) not what his intentions were
9 but what did it actually cause (inaudible).

10 And so they have to prove to you, not just that
11 he did something (inaudible) they've got to prove to
12 you that (inaudible) he caused (inaudible). They've
13 got to prove that he put the child at unreasonable
14 risk (inaudible) that he put the child at
15 unreasonable risk (inaudible).

16 He's got (inaudible) cause (inaudible) that
17 (inaudible) isn't (inaudible). And it's not
18 (inaudible) the State has showed you a bunch of
19 terrible things (inaudible) or reasons why
20 (inaudible) they have to prove that the results
21 (inaudible).

22 So, when you get to these and on each one of
23 these indictments (inaudible) have to decide
24 (inaudible) Mr. Ginter is guilty as charge, whether
25 he's guilty of something else or whether

1 (inaudible). And so (inaudible) and it happens to
2 be (inaudible). The first (inaudible) and I would
3 submit to you that Kevin Smith (inaudible)
4 consideration with respect (inaudible).

5 And they made a big deal of the fact that Kevin
6 Smith (inaudible) that the judge (inaudible).
7 (inaudible) charge (inaudible) you can consider
8 (inaudible) just like (inaudible).

9 But let's talk about (inaudible). (Inaudible)
10 said that (inaudible) the injuries of Paisley
11 (inaudible). And so he said (inaudible).
12 (Inaudible).

13 The State's got to prove beyond a reasonable
14 doubt (inaudible) they've got to (inaudible). But
15 you know (inaudible) no one (inaudible). There's no
16 (inaudible) so you can see how big (inaudible). So
17 you can't judge by the pictures (inaudible). You
18 can't (inaudible) pictures that those marks were
19 made by (inaudible). Who else (inaudible). The
20 prosecutor (inaudible).

21 So the person most qualified that you heard
22 testify (inaudible) to tell you (inaudible). So
23 what (inaudible). (Inaudible) and sat right there
24 in that (inaudible) told you (inaudible).
25 (Inaudible) he said he couldn't rule out something

1 else. (Inaudible) not (inaudible). (Inaudible) not
2 because of anything (inaudible) not because of
3 anything that he (inaudible). (Inaudible) when
4 somebody comes in (inaudible) this is what happened.
5 That's (inaudible).

6 Let's talk about (inaudible). (Inaudible)
7 treat this child. She was not (inaudible). She
8 wasn't (inaudible). (Inaudible) she said she wasn't
9 (inaudible) redressed the wounds (inaudible). The
10 questions is whether or not (inaudible) charged
11 (inaudible). Again, the text messages (inaudible).

12 They brought these sticks in here that you
13 can't really see in the picture (inaudible).
14 (Inaudible) however cruel and (inaudible). I would
15 ask that (inaudible).

16 THE COURT: Thank you, Mr. Perry. Alright,
17 let's everybody stand up, stretch, twist, turn.
18 Alright, ladies and gentlemen, the indictment has
19 charged -- or the indictments have charged the
20 defendant with unlawful neglect of a child. I
21 remind you that the fact that the defendant was
22 arrested in this case, charged in this case, and
23 indicted in this case is not evidence and that
24 cannot be considered by you as evidence of guilt,
25 nor does it create any presumption or inference of

1 guilt.

2 The indictments are simply the formal written
3 instruments which contain the charges made against
4 the defendant. They are the formal documents by
5 which the case is brought into this Court.

6 Now, I remind you that throughout this trial,
7 you and I have had different duties to perform.
8 It's been my responsibility to preside over the
9 case, to rule upon the admissibility of the evidence
10 offered, and you are to consider only the competent
11 evidence before you.

12 Now, you are to consider only the testimony
13 which has been presented from the witness stand, as
14 well as any exhibits which have been made a part of
15 the record in the case. I have the additional duty
16 to charge you on the law that is applicable to this
17 case. I'm the sole judge of the law. It's your
18 duty to accept it and apply it as I now give it to
19 you. If you have an idea as to what you think the
20 law is, or what you think the law ought to be, and
21 it doesn't agree with what I now tell you the law
22 is, you must abandon your own idea because you are
23 sworn to accept the law and apply it exactly as I
24 give it to you.

25 You are the sole and exclusive judge of the

1 facts. I'm not allowed to make a comment about the
2 facts, or make a statement about the facts, or
3 answer any questions about the facts. You are the
4 sole judge of the facts. You should not infer from
5 anything that I have said during the course of this
6 trial or anything that I say now that I have any
7 opinion about the facts in this case. The law does
8 not allow me to have an opinion about the facts.
9 It's your duty to determine the effect, the value,
10 and the weight of the evidence presented.

11 Now, the defendant has pled not guilty to these
12 indictments. And as I told you on Monday, that plea
13 places the burden on the State to prove the
14 defendant guilty. A person charged with committing
15 a criminal offense in South Carolina is never
16 required to prove himself innocence. A person
17 charged with committing a criminal offense is also
18 not required to be present for the trial.

19 I charge you that it is an important rule of
20 law that the defendant in a criminal trial, no
21 matter what the seriousness of the charge may be,
22 will always be presumed to be innocent of the crime
23 for which the indictment was issued unless guilt has
24 been proven by evidence that satisfies you of that
25 guilt beyond a reasonable doubt.

1 The presumption of innocence doesn't end when
2 you begin your deliberations, but it accompanies the
3 defendant until you reach a verdict of guilt based
4 upon evidence that satisfies you of that guilt
5 beyond a reasonable doubt.

6 The presumption of innocence is like a robe of
7 righteousness placed about the shoulders of the
8 defendant, which remains with him until it has been
9 stripped from the defendant by evidence that
10 satisfies you of that guilt beyond a reasonable
11 doubt. This isn't just some mere legal theory that
12 we say. It's not just some legal phrase that we
13 use. This is a substantial right to which each and
14 every defendant is entitled until you are satisfied
15 from the evidence of the defendant's guilt beyond a
16 reasonable doubt.

17 So what does beyond a reasonable doubt mean?
18 So the State has the burden of proving the defendant
19 guilty beyond a reasonable doubt. Now, you may have
20 been jurors in civil cases where you were told that
21 it is only necessary to prove that a fact is more
22 likely true than not true, such as by the greater
23 weight or the preponderance of the evidence.

24 In criminal cases, the State's proof must be
25 more powerful than that. It must be beyond a

1 reasonable doubt. Proof beyond a reasonable doubt
2 is proof that leaves you firmly convinced of the
3 defendant's guilt. There are very few things that
4 we know with absolute certainty. And in criminal
5 cases, the law doesn't require proof that overcomes
6 every possible doubt.

7 If based upon your consideration of the
8 evidence, you are firmly convinced the defendant is
9 guilty, you must find the defendant guilty. If on
10 the other hand, you think there is a real
11 possibility that he is not guilty, you must give him
12 the benefit of the doubt and find him not guilty.

13 Now, there are things throughout this trial
14 that look and appear to be evidence, but which are
15 actually not evidence. So, let's make sure we
16 understand things that are not evidence. Number
17 one, the statements and the arguments of the
18 attorneys are not evidence. Number two, the
19 questions and the objections of the attorneys are
20 not evidence. And number three, anything that I
21 told you to disregard.

22 Now, as I told you in the beginning, there are
23 two kinds of evidence, direct evidence and
24 circumstantial evidence. Direct evidence directly
25 proves the existence of a fact, and it doesn't

1 require any deduction. Circumstantial evidence is
2 proof of a chain of facts and circumstances that
3 then indicate the existence of a fact. So crimes
4 may be proven by circumstantial evidence.

5 The law makes no distinction between the weight
6 or the value to be given to either direct evidence
7 or circumstantial evidence. However, to the extent
8 that the State relies on circumstantial evidence,
9 all of the circumstances must be present with each
10 other -- excuse me, must be consistent with each
11 other, and when taken together, point conclusively
12 to the guilt of the accused beyond a reasonable
13 doubt. If these circumstances merely portrayed the
14 defendant's behavior as suspicious, the proof has
15 failed.

16 The State has the burden of proving the
17 defendant guilty beyond a reasonable doubt. This
18 burden rests with them, whether they rely on direct
19 evidence, circumstantial evidence, or some
20 combination of the two.

21 Now, I probably also told you on Monday that
22 you have to judge the credibility of the witnesses.
23 Credibility just means believability. It's your
24 duty to analyze and to evaluate the evidence. In
25 determining the believability of the witnesses who

1 have testified, you may believe one witness over
2 several or several over one. You may believe a part
3 of what the witness says and reject the remaining
4 part. You may believe the witness's testimony
5 entirely or reject it entirely. You may consider
6 whether the witness has exhibited to you any
7 interest or bias or prejudice or their motive in the
8 case. You may also consider their appearance and
9 demeanor while on the witness stand.

10 I probably gave you some silly example on
11 Monday about my children and judging their
12 credibility before we go to the school -- to the bus
13 stop. And the point of that example was just to
14 say, throughout your life and throughout your day,
15 you use your common sense to judge people's
16 credibility and do the same thing when judging the
17 credibility of the witnesses who have testified
18 here, just use your common sense.

19 Okay, now, ordinarily, witnesses are not
20 allowed to give their opinions. Remember, there's
21 an exception under the rules when someone is
22 qualified because of education and experience. They
23 become an expert in some art or science or
24 profession, and they're allowed to give their
25 opinion and the reasons for their opinion. So you

1 should consider any expert opinion in this case, and
2 like any other piece of evidence, you give it the
3 weight that you believe it deserves.

4 If you decide that the opinion isn't based upon
5 sufficient education and experience, or if you
6 decide that their -- if you conclude that the
7 reasons given in support of the opinion are not
8 sound, or that the opinion is outweighed by other
9 evidence, you can disregard the opinion entirely.
10 An expert witness's testimony is to be given no
11 greater weight than the other witnesses simply
12 because, well, we call them experts. You are not
13 required to accept an expert's opinion, even though
14 it is not contradicted.

15 Now, I instruct you and I emphasize to you that
16 the fact that the defendant in this case did not
17 testify is not a factor to be considered by you in
18 any way in your deliberation and in your
19 consideration on the question of the guilt or the
20 innocence of the defendant. It must not be
21 considered by you in any manner whatsoever.

22 A defendant has a constitutional right to
23 remain silent, and the assertion of this right must
24 not be considered by you in your deliberations. I
25 repeat, under your oath, you are to draw absolutely

1 no conclusion whatsoever from the fact that the
2 defendant in this case did not testify. The fact
3 that he did not testify should not even be discussed
4 in the jury room.

5 The burden of proof, as I've told you from
6 Monday, is upon the State. The defendant is not
7 required to prove his innocence. The burden of
8 proof remains on the State to prove guilt beyond a
9 reasonable doubt.

10 All right, we're gonna shift gears a little bit
11 now, and I'm gonna get into what the elements of the
12 crime are that have been charged. So, in order to
13 do that, we have to talk about intent, okay. So, in
14 order to establish a criminal case, criminal intent
15 is required. For example, the mental state might be
16 purpose or intent or knowledge or recklessness or
17 criminal negligence. But criminal intent must be
18 proven by the State beyond a reasonable doubt.

19 Criminal intent is always a matter that must be
20 determined by the jury from the circumstances
21 surrounding the situation. There's no way to prove
22 intent to a mathematical certainty. There's no way
23 that medical science can dissect a person's brain
24 and determine exactly what that person had in mind
25 at that moment.

1 So, what the law says is that you may infer
2 from the criminal intent from the circumstances that
3 surround the situation. And that's how you'll make
4 a determination of whether or not the element that
5 requires intent was present. It is not necessary to
6 establish intent by direct and positive evidence,
7 but it may be established by inference in the same
8 way as any other fact by taking into consideration
9 the acts of the parties in all the facts and
10 circumstances of the case.

11 Criminal intent is a mental state. It is a
12 conscious wrongdoing. It is up to you to determine
13 what the defendant intended to do based upon the
14 circumstances shown to have existed. It can arise
15 from an action or a failure to act. It can arise
16 from negligence or recklessness or an indifference
17 to duty or to consequences that are considered by
18 the law to be the equivalent of criminal intent.

19 So the defendant has been indicted for unlawful
20 neglect of a child. So, what does the State have to
21 prove? So the State must prove, and then remember
22 the standard is beyond a reasonable doubt, the
23 following things. It is unlawful for a person who
24 has charge or custody of a child, or who is the
25 parent or guardian of a child, or who is responsible

1 for the welfare of a child to number one, place the
2 child at unreasonable risk of harm affecting the
3 child's life, physical or mental health or safety.
4 Or number two, do or cause to be done unlawfully or
5 maliciously any bodily harm to the child so that the
6 life or health of the child is endangered or likely
7 to be endangered.

8 Now, if you find that the State has failed to
9 prove beyond a reasonable doubt that the defendant
10 committed unlawful neglect of a child, you may
11 consider whether the State has proved beyond a
12 reasonable doubt that the defendant committed the
13 lesser offense of cruelty to children.

14 So, to prove cruelty to a child, the State must
15 prove beyond a reasonable doubt that a person
16 cruelly ill treats, deprives of necessary sustenance
17 or shelter, or inflicts unnecessary pain or
18 suffering upon a child, or causes the same to be
19 done, whether the person is a parent or guardian, or
20 whether or not the person is the parent or guardian,
21 or has charge or custody of the child.

22 Okay, now a verdict in this case cannot be
23 based upon sympathy, passion, prejudice or emotion
24 or something else not found in the evidence.

25 All right, let's talk about deliberating. Most

1 of you have probably never deliberated before, so
2 let's kind of talk through what that looks like,
3 okay. So, the word deliberation is defined as a
4 careful consideration weighing up with a view to a
5 decision. The genius of this system is that it
6 allows 12 good men and women from 12 different
7 backgrounds, life experiences, and perspectives to
8 consider the evidence, talk about it and reach a
9 verdict.

10 We call them deliberations for a reason. You
11 are to consider the evidence in this case carefully
12 and deliberately. You should be discussing it in a
13 calm, thorough, and courteous manner. You are not a
14 partisan or an advocate for either side. You're a
15 judge; you're a judge of the facts. Listen to each
16 other's views, listen to each other's points of
17 view, talk through and discuss the evidence. And
18 remember if you're doing something deliberately,
19 you're not in a hurry. You should not be in a hurry
20 here.

21 This case is very important to both sides.
22 This is their only day in court to resolve this
23 matter. You should discuss the case with each other
24 to reach agreement if you can. Your verdict must be
25 unanimous. That means you all 12 must agree.

1 Each of you must decide the case for yourself,
2 but only after you have impartially considered the
3 evidence, discussed it fully with each other, and
4 listened to each other's views. Don't be afraid to
5 change your opinion if the discussion persuades you
6 that you should, but don't come to a decision simply
7 well because everyone else thinks it's right.

8 It's important that you reach a unanimous
9 verdict, but only if each of you can do so after
10 having made your own decision. Do not change an
11 honest belief about the weight and the evidence in
12 order to reach a verdict. In other words, don't
13 change your opinion solely for the sake of reaching
14 a unanimous verdict.

15 Okay, so I'm about to send you back to your
16 jury room. You can still not start talking about
17 the case, okay. So, the sign that you can start
18 deliberating is when all of this evidence comes in
19 the room, okay. So, in just a few minutes, the
20 bailiffs will bring in all of this evidence. When
21 the evidence comes in the room, you can start
22 deliberating, okay.

23 There are a couple of things that are on video
24 or audio. So, we will send in what we call a clean
25 computer. If you wanna play those things, watch

1 those things, listen to those things, you will have
2 the opportunity to do that.

3 If you can't figure out how to work the clean
4 computer, just knock on the door and I'll send in my
5 law clerk and she'll show you how to do it, okay. I
6 assume between the 12 of you, somebody can figure
7 out how to get it going. Okay, we have ordered
8 lunch for you today. They put in a lunch order this
9 morning, right? Okay, and so the rules on eating
10 are if you want to eat and deliberate, you can eat
11 and deliberate. If you want to eat and not
12 deliberate, doesn't matter to me. Completely your
13 decision. Do however you choose.

14 Next rule, all (inaudible). What that means is
15 all 12 of you have to be in the room to deliberate.
16 So, if somebody goes to call home, somebody takes a
17 smoke break, somebody goes to the restroom,
18 deliberations stop unless all 12 of you are in the
19 room, okay?

20 Next thing, don't tell me to (inaudible), okay.
21 There's (inaudible) that says, this is what the
22 count is. You count as your count, you don't need
23 for me to do that too, okay?

24 I'm gonna explain this verdict form to you,
25 okay. So, what we've done is all this at the top is

1 just a case capture, okay. So, we're gonna go, one
2 (inaudible) there's four charges, okay. And then
3 so, unlawful neglect of a child, we're gonna put the
4 incident date that's in the indictment, then you'd
5 say guilty or not guilty, okay. If you find him
6 guilty of number one, you would not go to number
7 two, because number two is a less offense of cruelty
8 to children.

9 If you find him not guilty of number one, then
10 you can consider number two, okay? And it's that
11 way for four times, does that make sense? Okay.
12 So, it can't be guilty and guilty of one and two,
13 it's one (inaudible) does that make sense? Okay.
14 Again, starting with three, that's the next
15 indictment date, and then starting with 5, that's
16 the next indictment date, and starting with seven,
17 that's the next indictment date. Okay? And then
18 you sign it at the end.

19 There's no reason to put in guilty or not
20 guilty first or second, (inaudible) I have to put
21 that in first and one second, so I just, alternate
22 time, okay?

23 So I'm gonna send you back to your jury room.
24 Don't do anything until all the exhibits come in,
25 okay. All right, thank you very much.

1 (Jury exits courtroom)

2 THE COURT: all right, anything -- any
3 exception to the charge other than what was
4 previously stated from the State?

5 MS. BROWDER: No, sir Your Honor.

6 THE COURT: From the defense?

7 MR. PERRY: None, Your Honor.

8 THE COURT: Okay, all right, so here's what
9 we're gonna do. Y'all are gonna give Molly your
10 phone numbers so she knows how to reach you, and
11 then I need a lawyer from the Defense, a lawyer from
12 the State, Molly and Tiffany to get together with
13 the court reporter and make sure we have the right
14 exhibits before they go back into the jury, okay?
15 All right, thank you very much, good job.

16 (Court in recess)

17 THE COURT: Okay, got everybody? Okay, so it's
18 my understanding that the jury has reached a
19 verdict. So, if you're in the courtroom now, just a
20 couple things. I do not allow any outbursts or
21 clapping or -- you'd be shocked at some of the
22 things I've heard at the end when verdicts are
23 called out. So, I think crying is a perfectly
24 natural response, but no clapping, no shouting.
25 This is -- you know, we're not in Walmart. We're in

1 a courtroom. So, if you can't control your emotions
2 beyond crying, then just step outside and somebody
3 can come out and tell you what the verdict is. But
4 if you're in the courtroom now, those are the rules.
5 Okay, let's bring them in.

6 (Jury enters courtroom)

7 THE COURT: All right. Welcome back, ladies
8 and gentlemen. Madam Forelady, it's my
9 understanding that there is a verdict; is that
10 correct?

11 MADAM FORELADY: Yes, Your Honor.

12 THE COURT: All right. Would you hand it to
13 Mr. Bowen for me? Thank you. You may be seated.
14 All right, I find the verdict is in its proper form.
15 And the Clerk may publish.

16 CLERK: State of South Carolina, County of
17 Richland, indictment number 2022-GS-40-05213 through
18 5216. The State of South Carolina versus Nathan
19 Miles Ginter. We, the jury, by unanimous consent,
20 find the defendant, Nathan Miles Ginter, as to the
21 charge of unlawful neglect of a child, on or between
22 March 17th, 2022, of Skyland Ginter, on indictment
23 2022-GS-40-05213, guilty. If you find the defendant
24 is not guilty as to unlawful neglect --

25 THE COURT: You can skip to the next question, to

1 the next one.

2 CLERK: As to the charge of unlawful neglect of
3 a child, on or between March 11th, 2022, of Skyland
4 Ginter, on indictment 2022-GS-40-05214, guilty. As
5 to the charge of unlawful neglect of a child, on or
6 between March 8th, 2022, of Skyland Ginter, on
7 indictment 2022-GS-40-05215, guilty. As to the
8 charge of unlawful neglect of a child, on or between
9 January 8th, 2022, of Skyland Ginter, on indictment
10 2022-GS-40-05216, guilty. Signed, juror number 357,
11 Ms. Forelady. Madam Forelady, is this your verdict
12 (inaudible)?

13 MADAM FORELADY: It is.

14 THE COURT: Does the State request polling?

15 MS. BROWDER: No, sir, Your Honor.

16 THE COURT: Does the defense?

17 MR. PERRY: Yes, Your Honor.

18 THE COURT: Okay. All right, ladies and
19 gentlemen, the Clerk is going to ask you -- she's
20 going to call out your juror numbers, and she's
21 going to say, is this your verdict, and is this
22 still your verdict, or let's say, are these your
23 verdicts, and are they still your verdicts, would be
24 the proper grammar. All right. And if you would,
25 you don't need to stand up, just answer out loud,

1 please, when your number is called.

2 CLERK: Juror number 357, are these your
3 verdicts?

4 JUROR NO. 357: Yes, Your Honor.

5 CLERK: Are these still your verdicts?

6 JUROR NO. 357: Yes.

7 CLERK: Juror number 78, are these your
8 verdicts?

9 JUROR NO. 78: Yes.

10 CLERK: Are they still your verdicts?

11 JUROR NO. 78: Yes.

12 CLERK: Juror number 41, are these your
13 verdicts?

14 JUROR NO. 41: Yes.

15 CLERK: Are they still your verdicts?

16 JUROR NO. 41: Yes.

17 CLERK: Juror number 98, are these your
18 verdicts?

19 JUROR NO. 98: Yes.

20 CLERK: Are they still your verdicts?

21 JUROR NO. 98: Yes.

22 CLERK: Juror number 290, are these your
23 verdicts?

24 JUROR NO. 290: Yes.

25 CLERK: Are they still your verdicts?

1 JUROR NO. 290: Yes.

2 CLERK: Juror number 216, were these your
3 verdicts?

4 JUROR NO. 216: Yes.

5 CLERK: Are they still your verdicts?

6 JUROR NO. 216: Yes.

7 CLERK: Juror number 140, are these your
8 verdicts?

9 JUROR NO. 140: Yes.

10 CLERK: Are they still your verdicts?

11 JUROR NO. 140: Yes.

12 CLERK: Juror number 205, were these your
13 verdicts?

14 JUROR NO. 205:

15 CLERK: Are they still your verdicts?

16 JUROR NO. 205:

17 CLERK: Juror number 86, were these your
18 verdicts?

19 JUROR NO. 86: Yes.

20 CLERK: Are they still your verdicts?

21 JUROR NO. 86: Yes.

22 CLERK: Juror number 225, are these your
23 verdicts?

24 JUROR NO. 225: Yes.

25 CLERK: Are they still your verdicts?

1 JUROR NO. 225: Yes.

2 CLERK: Juror number 61, are these your
3 verdicts?

4 JUROR NO. 61: Yes.

5 CLERK: Are they still your verdicts?

6 JUROR NO. 61: Yes.

7 CLERK: Juror number 73, are these your
8 verdicts?

9 JUROR NO. 73: Yes.

10 CLERK: Are they still your verdicts?

11 JUROR NO. 73: Yes.

12 CLERK: They jury has been polled, Your Honor.

13 THE COURT: All right, thank you very much.

14 All right, ladies and gentlemen, I want to say thank
15 you very much for your service this week. The
16 prohibition on discussing the case with anybody is
17 now lifted upon you. You are now free to discuss
18 the case with anybody in any way, shape, or form
19 that you want to.

20 You also have a jury exemption for the rest of
21 this year and the following two years. So, if you
22 get called as a juror during that time, just tell
23 them you served with me this week. You are
24 completely and totally done for the week. You do
25 not need to come back. You do not need to call

1 back. We had another criminal trial that was going
2 on that has finished. We also had a civil trial
3 that was going on that has finished. So, your week
4 is completely and totally done. You do not need to
5 come back up here or call back up here.

6 If you need a work excuse, please let Molly in
7 the Clerk's office know, and don't spend your
8 paychecks all in one place. Okay. All right,
9 you'll step back to your jury room and they'll get
10 you out of here in an orderly fashion. Thank you.

11 (Jury exits courtroom)

12 THE COURT: All right, do y'all need a second
13 to prepare some sentencing sheets?

14 MS. BROWDER: Yes, sir.

15 THE COURT: Okay. All right, we'll take a
16 couple minute break, prepare some sentencing sheets,
17 then I'm happy to hear from the victim's family if
18 they want to speak. And I don't know that we do
19 post-trial motions at this point until he's
20 sentenced -- until the sentence is--

21 MR. PERRY: Until the sentence is actually
22 imposed, I don't think those would be right.

23 THE COURT: Right, right. Okay. But I will
24 let anyone from the victim's family that wants to
25 speak have an opportunity to speak. Okay? Y'all

1 want to take a couple minutes and put those together
2 and then we'll come back in?

3 (Court in recess)

4 THE COURT: All right, let's go ahead and does
5 anybody from the victim's family wish to speak?

6 MS. BROWDER: Yes, sir, Your Honor.

7 THE COURT: Okay.

8 MS. BROWDER: Kevin Smith and Lindsey Ott also
9 would like to speak. And then just so you know,
10 there are other people in the courtroom on behalf of
11 them.

12 THE COURT: Okay, great.

13 MS. BROWDER: Nathan Ginter's mother, Pam
14 Arnold, is actually here.

15 THE COURT: Whose mother?

16 MS. BROWDER: Nathan Ginter's mother --

17 THE COURT: Okay.

18 MS. BROWDER: -- is actually here on behalf of
19 the victim.

20 THE COURT: Okay.

21 MS. BROWDER: And then, obviously, Ashley and
22 her family is out here, too.

23 THE COURT: Okay, good. Okay. Who would like
24 to go first? All right. And you are Ms. Ott; is
25 that correct?

1 MS. OTT: Yes. Yes, I'm Lindsey Ott. I'm
2 Natalia's guardian.

3 THE COURT: You currently have Natalia; is that
4 correct?

5 MS. OTT: Correct, yes. Other than saying
6 thank you, I would like to impress upon the Court
7 how damaging this has been, not just to me and his
8 mother, Pam, but the other families involved. It's
9 damaged my child and I do plan to adopt Natalia.
10 It's damaged her irreparably. The man has clearly
11 no remorse for what he's done. I don't think he
12 understands what he did. And I believe he would do
13 it again, and will do it again, if given the
14 opportunity.

15 So, I would ask that the Court please give him
16 the maximum sentence consecutively to protect his
17 existing family members and any potential victims in
18 the future.

19 THE COURT: Okay, thank you, Ms. Ott. And Mr.
20 Smith, thank you for being here, and happy to hear
21 from you, sir.

22 MR. SMITH: Thank you, Your Honor. Again, my
23 name's Kevin Smith, and I'm sure everyone knows that
24 I'm Paisley's grandfather. And I have to say that
25 in my three-plus decades of service protecting my

1 country and serving my community, having worked at
2 the Attorney General's Office with the Internet
3 Crimes Against Children Unit, I have never seen such
4 utter disregard for another human, such abuse.

5 I think in a world court, this type of
6 treatment towards another human is banned. This
7 type of electrical torture, waterboarding, caning,
8 all recognized on the international stage as
9 unacceptable. And I would ask the Court to impose a
10 maximum fine simply because there's not a greater
11 fine that can't be imposed. If there was something
12 greater, I would be advocating that as well.

13 If Mr. Ginter gets out before he's old and
14 decrepit, it will be too soon. I do appreciate all
15 the hard work, all of the effort, and I appreciate
16 what you do on a daily basis, having to endure cases
17 like this one after the other. And I appreciate all
18 of you. Thank you.

19 THE COURT: Thank you, Mr. Smith. Anybody else
20 want to speak?

21 MS. BROWDER: No, sir, Your Honor.

22 THE COURT: Okay. And does the Defendant have
23 any criminal history?

24 MS. BROWDER: He does not, Your Honor.

25 THE COURT: Okay.

1 MS. BROWDER: The co-defendant, Tiffany
2 Britton, she pled in Lexington to a global plea to
3 her charges in Lexington, and then our charge here
4 in front of Judge Miller. She received seven years,
5 Your Honor on the Lexington charges. And then she
6 received 10 years consecutive on the Richland
7 charge, suspended to five years probation after
8 that.

9 THE COURT: Okay.

10 MS. BROWDER: For Mr. Ginter, we are asking for
11 consecutive time for him based on, one, the fact of
12 his lack of remorse. Two, the fact that he did this
13 just within a three month period of meeting his
14 daughter. And then just the extent he went to with
15 the systematic abuse over and escalating over time.

16 THE COURT: Okay. All right. And Mr. Perry,
17 do you need to add anything at this point in time?
18 You don't have to, but I want to give you the
19 opportunity to speak if you want to.

20 MR. PERRY: Considering the logistics of this,
21 as I understand it, you'll seal the sentence, it'll
22 be imposed upon him when and if he's brought back
23 before the Court.

24 THE COURT: Yes.

25 MR. PERRY: I think at that point, after you've

1 sentenced him, I don't know that there's anything
2 that can be said in mitigation to change that
3 sentence once you've sentenced him.

4 THE COURT: I think he still has an opportunity
5 to present mitigation.

6 MR. PERRY: I believe he does.

7 THE COURT: Yeah, exactly.

8 MR. PERRY: I believe he does. Your Honor, I'd
9 just simply ask you -- and I don't know that there's
10 anything that I can say.

11 THE COURT: Okay. All right, so let me kind of
12 say a couple of things. Do we have sentencing
13 sheets?

14 MS. BROWDER: I've got them right here, Your
15 Honor.

16 THE COURT: Okay. So I want to kind of walk
17 the family through what this -- it's a little
18 different, right, because he's not here, okay. So,
19 just I want to help you understand what's going on.
20 And I'm sure Ms. Browder, Ms. Cavanaugh, somebody
21 has explained it to you. But I want to kind of
22 explain it to you in my own way, okay.

23 So, Mr. Ginter is not here. So, we conducted
24 what we call a trial in his absence or a trial in
25 abstentia, okay. And so what the law requires at

1 this point is that I go ahead and sentence him and
2 that I am not allowed -- go ahead.

3 MR. PERRY: I beg Court's indulgence.

4 THE COURT: Go ahead.

5 MR. PERRY: I need to do this to protect the
6 record, Your Honor. And I think we've moved on a
7 little bit. You've taken some statements from
8 family and what have you, but I think I need to move
9 for judgment notwithstanding the verdict. I think I
10 need to do that to protect the record.

11 THE COURT: Okay.

12 MR. PERRY: I know what your response is going
13 to be to protect the record.

14 THE COURT: Okay, that's fine.

15 MR. PERRY: I'm asking for judgment
16 notwithstanding the verdict.

17 THE COURT: All right. I find you made that
18 motion at the appropriate time. And that motion is
19 respectfully denied.

20 Okay, so let me kind of walk you through -- so,
21 this is a little different. If he was here, what
22 would happen is I would hear from him or anybody
23 that wants to speak on his behalf. And then I would
24 just immediately sentence him, and then all of his
25 appeal time and those kind of things would kick in

1 immediately, okay. But he's not here, so let's kind
2 of walk through what that looks like just because I
3 don't want anybody to be caught off guard in the
4 future or say no one explained this to me.

5 So what the law requires, and I've looked all
6 this up today, we don't do a lot of TIA's in this
7 building, okay, it's not a common thing. But
8 usually when somebody doesn't appear for court, I
9 ask the State whether or not they just want to seek
10 a bench warrant or whether or not they want to go
11 forward. And they wanted to go forward this week
12 based upon the facts and circumstances of the case,
13 the expert witnesses, the scheduling, the trial
14 prep. They had a number of reasons, all of which,
15 in my opinion, were legitimate. And so I agreed to
16 go forward with the TIA.

17 And so I looked up this morning to double check
18 the procedure, because it's been a while since I've
19 done a TIA. So, I am required to sentence Mr.
20 Ginter today, but I'm not allowed to state that
21 sentence out loud, okay, and I have to seal that
22 sentence.

23 So, I'm going to fill out these sentencing
24 sheets today and then I will put them in this
25 envelope and they will be sealed, okay. Now, what

1 will happen is at some point in the future, I've
2 already signed a bench warrant for his arrest. So,
3 that warrant has been sent to law enforcement, has
4 been placed in NCIC, all those kind of good things
5 that they do.

6 At some point in the future, and I have no
7 control over when that is, y'all obviously
8 understand that, he will be arrested. And when he
9 is arrested, then he will be brought back in front
10 of the Court for the unsealing of the sentence,
11 okay.

12 And so I've done that a few times in my life.
13 And what I would say to the family of Paisley is
14 that you should come to that hearing. You have a --
15 number one, you have a constitutional right to be
16 noticed for that hearing and the Solicitor's office,
17 I know, will notice you for that hearing, okay. And
18 then you have a right to come back at that hearing
19 because I may be dead. I may no longer be a judge.
20 I may be living in the South of France, which is
21 where I tell my wife I'm moving when I'm tired of
22 hearing cases like this. But if I'm not here, there
23 will be the chief administrative judge would then
24 handle the unsealing of the sentence.

25 At that point in time, Mr. Ginter would get to

1 present any mitigation he wants to. And then
2 especially if the judge is not me, it would be
3 important for Paisley's family to be here to speak
4 at that point in time as well, okay? So, that's
5 kind of the procedure for what's gonna happen.

6 I just wanted you to understand that, okay?
7 It's not a whole nother trial, but it is another
8 sentencing hearing. And that's why your presence
9 would be important at that point in time, okay.

10 One last thing, and then we're gonna adjourn
11 Court. I do wanna say to Mr. Smith, and Ms.
12 Kimbler, and Ms. Ott, I know that you have taken on
13 roles in this situation, which were probably not
14 part of your life plan and probably not part of
15 your, if you have a spouse, probably not part of
16 your spouse's life plan, right. And I just want to
17 say that I appreciate you all having an active role
18 in these young women's lives, these young girls'
19 lives. And I just want to say thank you. That is
20 an unappreciated task in our community. And in a
21 world where most people live for themselves, you all
22 have taken it upon yourselves to make a sacrifice
23 for these two young females. And I just wanted to
24 say that I appreciated you doing that.

25 I know it's a financial burden. I know it's a

1 stress in your life. I know that there are many
2 challenges that are ahead that are impossible to
3 even put your eyes on today or understand. And I
4 just appreciate you and your families and your
5 significant others and the complexities, the effects
6 that it has on your home life and your other
7 children and everything else. I can't begin to
8 understand what they are, but I wanna say thank you
9 for doing that on behalf of Paisley and Natalia.

10 And to Mr. Smith, I kind of missed the point of
11 how you came into these young girls' lives a long
12 time ago. And I understand you're not their
13 biological grandfather. I think I got that right.
14 And -- but it's times like that that I'm reminded
15 that sometimes the Lord works in mysterious ways and
16 puts you in situations for specific reasons that in
17 the moment we live in now, you may never even be
18 able to see or understand. And I appreciate the
19 courage that it took for you that day to step up and
20 do what you did. And so I just wanna say that.

21 Okay, thank you all very much. You all did a
22 very good job trying the case. You all were
23 prepared. You all had your act together. You knew
24 where you were going. You got along very well with
25 each other and you behaved like consummate

1 professionals and you all did your job. And I know
2 it's a hard job to do. And so I appreciate that.
3 So thank you all very much and best of luck to
4 everyone.

5 (PROCEEDINGS FOR 6-12-24 CONCLUDED)

CERTIFICATE OF TRANSCRIBER

I, JESSICA ANTONUCCI, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings and evidence that were audible and introduced in the trial of the captioned case, relative to appeal, in the Court of CIRCUIT COURT 5 for RICHLAND COUNTY, South Carolina, on the 10th, 11th, and 12th days of September, 2025.

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

October 31, 2025

Jessica Antonucci

Jessica N. Antonucci

Transcriber

EXHIBIT B

Warren, Kaylynn

From: Norville, Chandler
Sent: Friday, March 27, 2026 9:42 AM
To: Holmes, Tammie; Warren, Kaylynn
Cc: Mark Farthing; SC - COLLINS CAROLINE; Senn, Kyle; Transcripts; Court Of Appeals Filings; kdehlinger@LegalEagleInc.com
Subject: Re: [External] 2024-001830 The State v. Nathan Miles Ginter TRANSCRIPT CHALLENGE

Ms. Holmes,

We were not informed until this moment that the tape does not exist. I understand Chapter XIII, Section C requires the court reporter to retain the primary and back-up tapes of transcribed proceedings for at least one year after the original transcript is sent to the requesting party. Has the back-up tape been looked into at this juncture?

Regarding time stamps of jury movements, Chapter XV, Section M of the attached South Carolina Court Reporter Manual, page 34: "The court reporter is required to enter the following in parenthetical form: the times the jury enters and exits the courtroom for any reason, begins deliberations, and returns the verdict. (See Appendix 3, Exhibit 12)." <https://www.sccourts.org/media/1p2hbkmw/courtreportermanual.pdf>

Additionally, if you look to the first page of the multi-day trial transcript, you will notice that it does not note the time or the date of the proceedings. Multi-day trial transcripts should clearly indicate the time and date of proceedings each time the Court is called to order.

Thank you in advance for your expediency in addressing these issues.

V/r,

Chandler Norville
Appellate Defender
SC Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1955

From: Holmes, Tammie <tholmes@sccourts.org>
Sent: Thursday, March 26, 2026 5:41 PM
To: Norville, Chandler <cnorville@sccid.sc.gov>; Warren, Kaylynn <kwarren@sccid.sc.gov>
Cc: Mark Farthing <mfarthing@scag.gov>; SC - COLLINS CAROLINE <ccollins@scag.gov>; Senn, Kyle <ksenn@sccourts.org>; Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; kdehlinger@LegalEagleInc.com <kdehlinger@legaleagleinc.com>
Subject: RE: [External] 2024-001830 The State v. Nathan Miles Ginter TRANSCRIPT CHALLENGE

Good afternoon Mr. Norville.

EXHIBIT B

I have reviewed the original errata sheet and understand that you are wanting the 53 minutes of known missing audio. The audio unfortunately does not exist, the microphones were muted for 32:36 minutes in the beginning of the June 12, 2024, recording.

As per your statement below regarding, "the transcript is still missing time stamps in violation of the Court Reporter's Manual", can you please point me to that section of the manual you are referring?

Thank you,

Tammie M. Holmes
Court Reporter Manager
South Carolina Judicial Branch
1220 Senate Street, Ste. 200
Columbia, SC 29201
tholmes@sccourts.org
803-734-1825

From: Norville, Chandler <cnorville@sccid.sc.gov>
Sent: Monday, March 23, 2026 2:26 PM
To: Holmes, Tammie <tholmes@sccourts.org>; Warren, Kaylynn <kwarren@sccid.sc.gov>
Cc: Mark Farthing <mfarthing@scag.gov>; SC - COLLINS CAROLINE <ccollins@scag.gov>; Senn, Kyle <ksenn@sccourts.org>; Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; kdehlinger@LegalEagleInc.com
Subject: Re: [External] 2024-001830 The State v. Nathan Miles Ginter TRANSCRIPT CHALLENGE

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Ms. Holmes:

I am in receipt of the attached transcript revision from Legal Eagle. This is still missing 53 minutes of known missing audio. We are also challenging this revision. Additionally, the transcript is still missing time stamps in violation of the Court Reporter's Manual. Please see the original errata submitted for clarity on what we requested.

Because this transcript contains Personally Identifying Information of minor victims, we would ask that Ms. Holmes last correspondence and this transcript are not published to c track, in accordance with the Supreme Court's order on April 15, 2014, which is also attached.

Thank you for your prompt attention to this matter. Please respond with an estimated date of delivery of the *complete* trial proceedings.

V/r,

Chandler Norville
Appellate Defender
SC Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1955

Warren, Kaylynn

From: Warren, Kaylynn
Sent: Thursday, April 2, 2026 3:08 PM
To: Mark Farthing
Cc: Norville, Chandler; Caroline Collins
Subject: 2024-001830 The State v. Nathan Miles Ginter
Attachments: 2024-001830 The State v. Nathan Miles Ginter Motion to Remand for Reconstruction of Appellant's Trial.pdf; FILED UNDER SEAL 2024-001830 The State v. Nathan Miles Ginter Remand Motion Exhibit A.pdf; 2024-001830 The State v. Nathan Miles Ginter Remand Motion Exhibit B.pdf

Good Afternoon,

Attached for service in the above-referenced case is the Motion to Remand for Reconstruction for Appellant's Trial and accompanying Exhibits. Exhibit B is Revision B of the underlying transcript and is being filed under seal.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330

RECEIVED

Apr 02 2026

SC Court of Appeals

Warren, Kaylynn

From: Warren, Kaylynn
Sent: Thursday, April 2, 2026 3:08 PM
To: 'Mark Farthing'
Cc: Norville, Chandler; 'Caroline Collins'
Subject: RE: 2024-001830 The State v. Nathan Miles Ginter

RECEIVED

Apr 02 2026

SC Court of Appeals

My apologies- Exhibit A is Revision B of the underlying transcript to be filed under seal.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330

From: Warren, Kaylynn
Sent: Thursday, April 2, 2026 3:08 PM
To: Mark Farthing <mfarthing@scag.gov>
Cc: Norville, Chandler <cnorville@sccid.sc.gov>; Caroline Collins <ccollins@scag.gov>
Subject: 2024-001830 The State v. Nathan Miles Ginter

Good Afternoon,

Attached for service in the above-referenced case is the Motion to Remand for Reconstruction for Appellant's Trial and accompanying Exhibits. Exhibit B is Revision B of the underlying transcript and is being filed under seal.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330