

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Barnwell County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LINTEL LAZZIL KIRKLAND,

APPELLANT

APPELLATE CASE NO. 2025-000620

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1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF BARNWELL) GENERAL SESSIONS
4
5 THE STATE,)
6 Plaintiffs,)
7 Vs.) CASE NO. 2024-GS-06-00214
8 LINTEL KIRKLAND,)
9 Defendant.)

10
11 MARCH 25-27, 2025

12 BARNWELL, SOUTH CAROLINA
13

14 HONORABLE WALTON J. MCLEOD, IV, JUDGE

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1 THE COURT: All right. Good morning,
2 ladies and gentlemen. My name is Walton McLeod,
3 I'm a Circuit Court judge and we're here for a week
4 of General Sessions or Criminal Court. We have a
5 trial that is ready to move forward today.

6 My understanding, we've already done
7 roll call and the clerk of court has sworn you in.
8 I now have certain questions to ask you to
9 determine your qualifications as jurors in this
10 court. These questions determine your general
11 eligibility to serve and state law requires that I
12 ask these questions. Can everyone hear me?

13 POTENTIAL JURORS: Yes.

14 THE COURT: Okay. So there's no wrong
15 response to these questions, just need to know the
16 accurate response to the information. If there's
17 something that someone doesn't want to stand up and
18 share with the courtroom, that's okay. I don't
19 want anybody to suffer any sort of embarrassment,
20 but there will be an opportunity for you to speak
21 with me privately at the end of all these
22 questions. So if there is something that applies
23 to you and you're not comfortable standing up and
24 sharing, make a mental note of that and come see me
25 at the end of all these questions because it is

1 very important that we get accurate responses to
2 each of the questions.

3 So let me start with this:

4 Is there any member of this jury panel
5 that's not a citizen of the United States or a
6 resident of Barnwell County? If so, please stand.

7 (No response.)

8 All right. Is there any member of this
9 jury panel unable to read, write, speak or
10 understand the English language or have less than a
11 sixth grade education or its equivalent? If so,
12 please stand.

13 Okay. Yes, sir, what's your juror
14 number?

15 MR. CHAVIS: I don't have --

16 THE CLERK: What's your name, sir?

17 MR. CHAVIS: Michael Chavis.

18 THE CLERK: He is No. 24, sir.

19 THE COURT: 24, I'll speak with you at
20 the end, okay. Thank you.

21 All right. Is any member of this jury
22 panel that is unable because of mental or physical
23 infirmities to render efficient jury service? For
24 example, does any member of the jury panel have any
25 medical condition that would prevent you from

1 serving on jury duty this week? Just so everyone
2 knows how our day works here, we'll pick a jury
3 today, we'll start the trial today, but I don't
4 anticipate you being here too far into the
5 afternoon. I think we'll start and then move on to
6 tomorrow morning. I think it's a very good chance
7 we'll finish the trial tomorrow. If not, we would
8 finish it on Thursday. I do not anticipate it
9 going for the rest -- until Friday.

10 So tomorrow morning we'll probably get
11 started around 9:30. We'll take a mid-morning
12 break and a lunch break and I typically don't go
13 longer than an hour and a half without giving
14 everybody a break and we'll certainly -- whenever
15 -- I do have cases, we work till 5 p.m., I
16 recognize that y'all have lives outside of this
17 courthouse, so we do everything we can to get you
18 out of here on time every day.

19 The chairs on the jury box over to your
20 left have real nice cushions in them. They're
21 supposed to be real comfortable. So hopefully
22 there wouldn't be any reason you couldn't sit in
23 the chair for about an hour to an hour and a half
24 to listen to the testimony, but does anyone have
25 medical condition that would prevent them from

1 serving this week? If so, please stand.

2 (No response.)

3 All right. Has any member of this jury
4 panel been convicted by guilty plea or trial in a
5 state or federal court of record of a crime
6 punishable by imprisonment for more than one year
7 and your civil rights have not been restored by
8 pardon or amnesty?

9 Now, punishable by more than one year
10 means that you could have received a sentence of
11 more than one year regardless of what sentence you
12 actually received. If this applies to anyone,
13 please stand.

14 (No response.)

15 Now, is there any member of this jury
16 panel that's a clerk, deputy clerk of court,
17 constable, sheriff or other commissioned law
18 enforcement officer, probate judge, county
19 commissioner, magistrate or other county officer or
20 employed within the walls of any courthouse? If
21 so, please stand.

22 (No response.)

23 All right. Is there any member of the
24 jury panel who's previously served on jury duty in
25 circuit court this calendar year? Anyone already

1 had to come up to this courthouse this year for
2 jury duty.

3 (No response.)

4 Has any member of this jury panel
5 served as a member of the Barnwell County Grand
6 Jury during the past several years? If so, please
7 stand.

8 (No response.)

9 All right. Now I will move on to jury
10 exemptions. Now, state law provides for several
11 exemptions to jury service. An exemption does not
12 mean you're not qualified to serve, it simply means
13 you have the right to say, I choose not to serve.
14 Those of you who are 65 years of age or older may
15 be exempted from jury service. However, if you are
16 over the age of 65, you represent a pool of
17 tremendous talent for jury service because of your
18 life experiences. So if you're over the age of 65,
19 I'd certainly encourage you to stay if you're
20 willing, but if you are over the age of 65 and you
21 wish to be exempted from serving this week, you may
22 do so.

23 Anyone here over the age of 65 who
24 wishes to be exempted from service this week?

25 (No response.)

1 Okay. Another exemption concerns prior
2 jury service. No person is required to serve as a
3 juror more often than once every three calendar
4 years. Therefore, if any member of the jury panel
5 has served on jury duty during the last three
6 years, you may be exempt from jury service this
7 week if you choose to be exempted.

8 Now, please note this exemption does
9 not apply if your service was in magistrate court,
10 a city or municipal court or even federal court.
11 If this exemption applies to you and you wish to be
12 exempted, please stand.

13 (No response.)

14 Anyone served on the Barnwell County
15 Grand Jury during the last five years? If so,
16 please stand.

17 (No response.)

18 All right. Next exemption deals with
19 those of you who have legal custody of young
20 children. Please listen very carefully to this
21 exemption, it has several parts, all of which must
22 apply for you to be exempted on this basis.

23 You may be exempted from the jury --
24 from jury service if you have a child under the age
25 of seven years; you have the legal custody of your

1 child or children; you have the principal custody,
2 care and control of your child or children and
3 you're unable to make arrangements for the adequate
4 care of your child or children while performing
5 jury duty? If all of these requirements apply to
6 you then you may be exempted on this basis. If
7 this applies to anyone, please stand.

8 (No response.)

9 All right. Anyone is the primary
10 caretaker of a person 65 years or older and you're
11 unable to provide adequate care for this person
12 while performing jury service, you may be exempt
13 from jury duty. Now, if this exemption applies to
14 you and you wish to be exempted, please stand.

15 (No response.)

16 Along those same lines, if you're the
17 primary caretaker of a severely disabled person who
18 is unable to care for himself or herself and cannot
19 be left unattended and you're unable to provide
20 adequate care for the person while performing jury
21 service, you may be exempted from jury duty. If
22 this exemption applies to you and you wish to be
23 exempted, please stand.

24 (No response.)

25 Now, the next exemption involves those

1 of you who may be attending school at this time or
2 working in some capacity with a school. If this
3 exemption applies to you and you wish to be
4 exempted, we will transfer your service to another
5 term of court at a time which will not conflict
6 with your school responsibilities.

7 Is there any member of this jury panel
8 who is a full-time student, school teacher, school
9 crossing guard, school bus driver, or who serves in
10 any other school related function who is unable to
11 serve on jury duty this week as a result of that
12 school involvement? If so, please stand.

13 (No response.)

14 Is there any member of this jury panel
15 who is employed with the Department of Corrections
16 at a penitentiary? If so and you wish to be
17 exempted, please stand.

18 (No response.)

19 Is there any juror who performs
20 services for a business, commercial or agricultural
21 enterprise which are so essential to the operation
22 of the business or enterprise that if you are
23 required to perform jury duty that business or
24 enterprise would have to close or stop functioning?
25 If so and you wish to be exempted, please stand.

1 (No response.)

2 All right. Ladies and gentlemen, that
3 concludes the statutory list of qualifications and
4 exemptions for jury service. It may be that you're
5 qualified and no exemption applies to you, but jury
6 service this week would constitute an extreme
7 hardship for you for a particular reason. I cannot
8 permanently excuse a qualified juror from jury
9 service, but under extreme and compelling
10 circumstances, I may excuse a juror from this term
11 of court and transfer the juror to another term of
12 court particularly jurors who have not been
13 previously transferred.

14 Now, please understand that general
15 inconvenience is not a sufficient reason to
16 transfer you to another term of court. To justify
17 a transfer to another term of court, service this
18 week must constitute an extreme hardship to you.

19 Anyone have any sort of other thing
20 that hadn't been covered that would prevent them
21 from being able to serve this week? If so, please
22 stand. Some sort of hardship.

23 What's your number?

24 MS. WOODLEY: I think 173.

25 THE COURT: Tell me your last name?

1 MS. WOODLEY: Woodley.

2 THE COURT: Woodley; is that correct?

3 THE CLERK: That is correct, 173.

4 THE COURT: Yes?

5 MS. WOODLEY: I work at --

6 THE COURT: No. No. I want the number
7 of the person --

8 THE CLERK: 173. You can have a seat,
9 I'll speak with you at the end.

10 MR. RANDALL: 122.

11 THE COURT: Okay. I'll speak with you
12 at the end. Thank you.

13 Let me ask this question before I speak
14 with anybody in private. Anyone planning to go to
15 Disney World this week? It's not a joke, it
16 happens. I've picked a jury and then somebody told
17 me they were flying out to Disney World in two
18 days. So, if you're going to Disney World, I need
19 to know, or if you have flights, you know, Thursday
20 morning, I need to know that too.

21 So anyone going on vacation this week?
22 One hand raised. Are you really going on vacation
23 this week?

24 MR. TUCKER: I'm going to Florida with
25 my daughter.

1 THE COURT: All right. What's your
2 juror number?

3 MR. TUCKER: I don't know my number.
4 Tucker.

5 THE CLERK: What's your name?

6 MR. TUCKER: Tucker.

7 THE CLERK: He is 151, Clement Tucker.

8 THE COURT: 151. All right. Okay.

9 All right. Ladies and gentlemen, now this is now a
10 chance for those of you who did not respond earlier
11 to any questions that I've asked. If there was
12 something you didn't want to share and speak
13 privately with me about, now would be the time to
14 come forward. I also need to speak with jurors 24,
15 173, 122, and 151. And I'll meet you right up
16 here.

17 All right. You're juror number 24?
18 Okay. And you stood up for education or --

19 MR. CHAVIS: Reading and Spelling.

20 THE COURT: You can't read or spell?

21 MR. CHAVIS: Just a little bit. I
22 can't hardly see to do it.

23 THE COURT: Do you work anywhere?

24 MR. CHAVIS: I'm self-employed.

25 THE COURT: What kind of work do you

1 do?

2 MR. CHAVIS: I do side jobs and haul
3 scrap metal.

4 THE COURT: Okay. But you just have a
5 low education?

6 MR. CHAVIS: Yes.

7 THE COURT: And you don't really read?

8 MR. CHAVIS: That's right.

9 THE COURT: Okay. Go ahead and have a
10 seat.

11 Yes, sir, 151. What are you doing in
12 Florida?

13 MR. TUCKER: I have been planning to
14 take my daughter (inaudible).

15 THE COURT: What day you going?

16 MR. TUCKER: Tomorrow.

17 THE COURT: You're leaving for Florida
18 tomorrow?

19 MR. TUCKER: Yes, that's why I asked
20 the question.

21 THE COURT: How long you lived in
22 Barnwell?

23 MR. TUCKER: I've been here from '16.

24 THE COURT: Driving or flying?

25 MR. TUCKER: I'm driving.

1 THE COURT: Okay. I think I'll
2 transfer you to another time.

3 MR. TUCKER: Okay. No problem.

4 THE COURT: Let's transfer Juror No.
5 151.

6 THE CLERK: How about June? Does June
7 work for you?

8 MR. TUCKER: Yeah.

9 THE CLERK: Okay. You're not going to
10 claim you're over 65?

11 MR. TUCKER: Huh?

12 THE CLERK: You're not going to claim
13 that you're over 65?

14 MR. TUCKER: No.

15 THE CLERK: Okay. I'll transfer you to
16 June then.

17 THE COURT: Hi there. You're 122?
18 Yes, sir?

19 MR. RANDALL: I have traffic court
20 tomorrow.

21 THE COURT: You do?

22 THE CLERK: Where is it at?

23 MR. RANDALL: (Inaudible).

24 THE CLERK: I can transfer him if you
25 want me to.

1 THE COURT: I mean, I wish I could say
2 traffic court, leave him alone, but I can't do
3 that. Okay. So you've got traffic court tomorrow?

4 MR. RANDALL: Yes, sir, at 10.

5 THE COURT: Well, we'll transfer you to
6 another time.

7 THE CLERK: Transfer you to June, okay?

8 MR. RANDALL: Okay.

9 THE COURT: Yes, sir, your number?

10 MR. COOPER: I don't remember it.

11 THE COURT: What's your name?

12 MR. COOPER: Cooper.

13 THE CLERK: All right. Number 28.

14 THE COURT: What's up Mr. Cooper?

15 MR. COOPER: The whole reason

16 (inaudible).

17 THE COURT: Where do you work?

18 MR. COOPER: Swiss Krono.

19 THE COURT: How long you been working
20 there?

21 MR. COOPER: Four years.

22 THE COURT: What kind of work do you
23 do?

24 MR. COOPER: Forklift.

25 THE COURT: Okay. Where do you live?

1 MR. COOPER: Williston.

2 THE COURT: Who do you live with?

3 MR. COOPER: Myself.

4 THE COURT: Okay. You got a car?

5 MR. COOPER: Yeah.

6 THE COURT: Do you drive?

7 MR. COOPER: Yeah.

8 THE COURT: Where did you go to school?

9 MR. COOPER: Williston.

10 THE COURT: What grade did you go to?

11 MR. COOPER: I graduated.

12 THE COURT: You graduated Williston?

13 MR. COOPER: Yeah.

14 THE COURT: You're good. Have a seat.

15 MS. SIMS: (Inaudible).

16 THE COURT: You didn't have a driver's
17 license changed or anything, did you?

18 MS. SIMS: No.

19 THE COURT: What is your number?

20 MS. SIMS: 138.

21 THE COURT: How long you lived in
22 Aiken?

23 MS. SIMS: For a while now. Probably
24 three years.

25 THE COURT: Three years. We need to

1 get you for jury service over there.

2 THE CLERK: I'll give her time to
3 change her driver's license. If not, then you'll
4 have to serve here.

5 THE COURT: I mean, you need to change
6 your license.

7 MS. SIMS: So I would have to change it
8 or serve?

9 THE COURT: Not today. But, I mean, if
10 you're going to be here you'll have to serve.

11 MS. SIMS: Okay.

12 THE CLERK: When you get your license
13 changed, bring it to me and I'll drop it off the
14 list.

15 THE COURT: Are you buying a house or
16 rent a house?

17 MS. SIMS: I rent.

18 THE COURT: What kind of work do you
19 do?

20 MS. SIMS: I work two jobs. I'm a
21 digital producer and pharmacy technician at CVS.

22 THE COURT: Two jobs. Well, would you
23 like to live in Aiken or would you like to live in
24 Barnwell?

25 MS. SIMS: Well, I like staying here,

1 but I just didn't want to change my license.

2 THE COURT: Would you like to be on
3 jury duty here? It's going to be -- if you get
4 picked it won't take too much time.

5 MS. SIMS: Okay. That's fine. I can
6 stay with my momma.

7 THE COURT: Well, it's an hour drive
8 you say?

9 MS. SIMS: About 45 minutes.

10 THE COURT: We don't start before 9:30.

11 MS. SIMS: Okay.

12 THE COURT: It's not like you got to be
13 here at 8. You can stay with us. Thank you.

14 THE CLERK: Judge, I give them plenty
15 of time to get their driving license changed.

16 What's your number?

17 MS. WOODLEY: 173.

18 THE COURT: What's your last name?

19 MS. WOODLEY: Woodley.

20 THE COURT: Oh, yes, you stood up in
21 the back of the courtroom. What's up?

22 MS. WOODLEY: I work at Zeus and
23 unfortunately my corporate manager is on vacation
24 all this week and they can't ship no orders unless
25 I send out reports.

1 THE COURT: What kind of products?

2 MR. WOODLEY: Medical equipment.

3 THE COURT: Medical equipment. We'll
4 get you to come back another time?

5 MR. WOODLEY: Yes.

6 THE CLERK: Would June be okay?

7 MR. WOODLEY: Yes.

8 THE COURT: We'll transfer Juror No.
9 173.

10 MS. WOODLEY: Thank you.

11 THE COURT: Good morning. What's your
12 juror number?

13 MR. BRANT: 12.

14 THE COURT: 12. What's your excuse?

15 MR. BRANT: I've been convicted of a
16 crime.

17 THE COURT: Which one?

18 MR. BRANT: Possession.

19 THE COURT: Possession of?

20 MR. BRANT: Of a weapon.

21 THE COURT: When was that?

22 MR. BRANT: I don't know. Back in the
23 '80s.

24 THE COURT: Well, then you're
25 (inaudible) so that would disqualify you. What's

1 your number? Twelve?

2 MR. BRANT: Uh-huh.

3 THE COURT: No. 12 is excused.

4 Hi there. What's your number?

5 MR. WEAVER: I'm not sure what my
6 number is. My name is David Weaver.

7 THE CLERK: He is No. 158.

8 THE COURT: 158. Yes, sir?

9 MR. WEAVER: I run a business with my
10 dad and he owns his own barn business, he's
11 actually out-of-town all week. So if I'm not
12 there, I'm in charge of everyone, so it causes a
13 lot of chaos.

14 THE COURT: What kind of business?

15 MR. WEAVER: It's barn building
16 business. We do storage buildings (inaudible.

17 THE COURT: You obviously have jobs
18 going on in the next two days?

19 MR. WEAVER: Yes.

20 THE COURT: Okay. Well, I can try to
21 move you to another month.

22 MR. WEAVER: That would be fine. My
23 dad will be back.

24 THE COURT: We got general sessions in
25 June?

1 THE CLERK: We do. We have one in May
2 and one in June.

3 THE COURT: Okay. You got a question?

4 MR. WEAVER: I was wondering if there
5 was any kind of religious reason why you couldn't
6 sit in judgement of somebody else because if that's
7 going to be a problem --

8 THE COURT: Did you fill that out --

9 MR. WEAVER: I didn't see any -- I
10 thought I was going to try to find something on
11 that because I -- and I didn't see anything on the
12 paper. I wasn't sure what I was supposed to write.

13 THE COURT: Have you ever sat on jury
14 before?

15 MR. WEAVER: No, it's my first time.

16 THE COURT: A more specific question,
17 are you capable of sitting in this box and render
18 someone else's (inaudible).

19 MR. WEAVER: I don't feel like that's
20 my place.

21 THE COURT: But you have a problem with
22 that?

23 MR. WEAVER: For me, it's god is the
24 judge in my opinion. I don't have a right to judge
25 somebody for what they've done. But it's y'all's

1 decision, so I understand.

2 MR. MILLER: I would suggest obviously
3 transferring where he'd have to come back and do
4 this again.

5 THE COURT: Okay.

6 THE CLERK: You just want him to sit
7 and --

8 THE COURT: He can be excused. All
9 right. You're excused. Thank you.

10 (Off the record.)

11 THE COURT: 158? You're 158? You're
12 excused. You can leave. Thank you.

13 24, you stay with us for now. Okay.
14 Thank you.

15 All right. Ladies and gentlemen, we're
16 ready to select the jury for our case this week.

17 (WHEREUPON, there was a bench
18 conference.)

19 THE COURT: All right. Is the State
20 ready to call the case?

21 MS. STAGGS: Yes, Your Honor.

22 THE COURT: You may proceed.

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

25 THE COURT: Yes, ma'am.

1 MS. STAGGS: State calls Lintel Lazzil
2 Kirkland, Indictment No. 2024-GS-06-00214, criminal
3 sexual conduct with a minor in the second-degree.

4 THE COURT: Ladies and gentlemen, this
5 indictment provides that the Defendant, Mr. Lintel
6 Kirkland, did in Barnwell County on or about July
7 9, 2023 commit the crime of sexual conduct --
8 criminal sexual conduct with a minor in the
9 second-degree in committing sexual battery or
10 sexual intercourse upon the victim in this case,
11 MINOR, a minor under the age of 14 years
12 at the time in violation of South Carolina law.

13 Now, the indictment charges the
14 Defendant with criminal sexual conduct with a minor
15 in the second-degree. I remind you, that the fact
16 the Defendant was arrested, charged, and indicted
17 in this case is not evidence in this case and
18 cannot be considered by you as evidence of guilt in
19 this case, nor does it create any presumption or
20 inference of guilt. This document is simply the
21 formal written instrument which contains the charge
22 against the Defendant. It is the formal document
23 by which this case is brought into this courtroom.

24 Now, the Defendant has pled not guilty
25 to this indictment and that plea puts the burden on

1 the State to prove the Defendant guilty. A person
2 charged with committing a criminal offense in South
3 Carolina is never required to prove himself
4 innocent. No matter what the seriousness of the
5 charge may be, the Defendant will always be
6 presumed to be innocent of the crime for which the
7 indictment was issued unless guilt has been proven
8 by evidence satisfying you of that guilt beyond a
9 reasonable doubt.

10 Now, I have several questions to go
11 over with you monetarily, but before I begin those
12 questions, I'd like to give the attorneys an
13 opportunity to stand up and introduce themselves to
14 you and their clients at this time.

15 MS. STAGGS: My name is Leigh Staggs,
16 I'm an assistant solicitor with the Second Judicial
17 Circuit Solicitor's Office which is Aiken, Barnwell
18 and Bamberg counties. I carry a caseload primarily
19 here in Barnwell and in Bamberg counties. And in
20 trying this case with me this week is Deputy
21 Solicitor David Miller, also his job is assigned to
22 Barnwell and Bamberg counties.

23 MR. HAYES: Good morning. I'm David
24 Hayes with the Second Circuit Public Defender's
25 Office, chief public defender. Beside me here is

1 Ms. Wallis Alves, chief public defender for the
2 Second Circuit. This is Mr. Lintel Kirkland. And
3 this is Investigator Brian Owens with the Second
4 Circuit Public Defender's Office.

5 THE COURT: All right. Ladies and
6 gentlemen, I've got a list of questions to go
7 through with you as part of this jury selection
8 process. There are no wrong answers to these
9 questions. But if I ask you a question and it's
10 applicable to you, what I'll need you to do is just
11 stand up and we'll have further conversation after
12 that about whether or not this question applies to
13 you and if so, how.

14 So is any member of this jury panel
15 related by blood or marriage to either the victim
16 in the case or the Defendant, the Defendant being
17 Lintel Lazzil Kirkland or the alleged victim, Miss
18 MINOR ? If so, please stand.

19 And by that, is anyone related by blood
20 or marriage or have a close, personal, social or
21 business relationship? If so, please stand.

22 (No response.)

23 All right. Now the following is a list
24 of potential witnesses in this case. First
25 Sergeant Daniel Logan, Barnwell County Sheriff's

1 Office; Lieutenant Matt Davis, Barnwell County
2 Sheriff's Office; Investigator Noah Kleinholtz,
3 Barnwell County Sheriff's Office; Lieutenant Justin
4 Clamp, Aiken County Sheriff's Office; MINOR
5 [REDACTED]; Christasha Ballard; John Johnson; Tuesday
6 Johnson; Lintel Kirkland; Brian Owens.

7 Is anyone related by blood or marriage
8 to any of the people I just listed or have a close,
9 personal, social, or business relationship with any
10 of these potential witnesses? If so, please stand
11 up.

12 All right. Yes, sir, what is your jury
13 number?

14 MR. BODIFORD: I believe 8.

15 THE COURT: Tell me your last name.

16 MR. BODIFORD: Bodiford.

17 THE COURT: Okay. Sir, Juror No. 8,
18 who do you know?

19 MR. BODIFORD: Brian Owens and Daniel
20 Logan.

21 THE COURT: And the fact that you know
22 two of the witnesses called on today, would that
23 affect your ability to be a fair and impartial
24 juror in this case?

25 MR. BODIFORD: It would not.

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

2 Anyone else know any of the potential

3 witnesses in this case?

4 Yes, sir, your number?

5 MR. LEMON: 97.

6 THE COURT: And who do you know?

7 MR. LEMON: Matt Davis and Daniel

8 Logan.

9 THE COURT: The fact that you know

10 Mr. Davis, Mr. Logan from the sheriff's department,

11 would that affect your ability to be a fair and

12 impartial juror in hearing this case?

13 MR. LEMON: No.

14 THE COURT: Very well. Thank you.

15 Anyone else? All right. Your number,

16 please?

17 MS. GUZMAN: 64.

18 THE COURT: 64 and who do you know on

19 this list?

20 MS. GUZMAN: Daniel Logan.

21 THE COURT: The fact that you know Mr.

22 Logan from the sheriff's office, would that affect

23 your ability to be a fair and impartial juror here

24 today?

25 MS. GUZMAN: It shouldn't.

1 THE COURT: Ma'am?

2 MS. GUZMAN: No, sir, it shouldn't.

3 THE COURT: Okay. Thank you.

4 Anyone else? Your number, sir?

5 MR. GRUBBS: I know Matt Davis, I just
6 know him. My number is 62.

7 THE COURT: Juror No. 62 and you know
8 Mr. Davis, but would that affect your ability to be
9 a fair and impartial juror here today?

10 MR. GRUBBS: No.

11 THE COURT: Okay. Anyone else?

12 Okay. Anyone here -- has any member of
13 this jury panel been represented in the past or
14 have a close, personal, social, business
15 relationship with any of the attorneys involved in
16 this case? If so, please stand.

17 MR. MARTIN: Indirectly, Your Honor.

18 THE COURT: I'm sorry, what's your
19 number?

20 MR. MARTIN: 101. Mr. Hayes has
21 represented my stepson before.

22 THE COURT: Okay. The fact that you
23 know Mr. Hayes indirectly, would that affect your
24 ability to be a fair and impartial juror?

25 MR. MARTIN: No, sir.

1 THE COURT: Very well. Anyone else?

2 Is any juror here today, you or your
3 family member, household member, someone who live
4 with you or a close friend ever been the victim of
5 any crime involving sexual abuse or sexual
6 misconduct? If so, please stand.

7 Okay. Tell me your juror number.

8 MS. SMITH-ALLEN: I'm not sure what it
9 is.

10 THE COURT: Tell me your last name.

11 MS. SMITH-ALLEN: Smith-Allen.

12 THE CLERK: She's 140.

13 THE COURT: Okay. Juror No. 140.

14 Would that be a household member or can you give me
15 a little bit more detail?

16 MS. SMITH-ALLEN: A close, very close
17 family member.

18 THE COURT: A very close family member
19 was a victim of a sexual assault or sexual abuse?

20 MS. SMITH-ALLEN: Yes.

21 THE COURT: Okay. And the fact that
22 you have that connection, do you think that would
23 affect your ability to be a fair and impartial
24 juror in hearing this case?

25 MS. SMITH-ALLEN: Yes.

1 THE COURT: Very well. Thank you.

2 Anyone else? Your juror number, sir?

3 MR. DOWDY: 39, I believe.

4 THE COURT: And let me just ask, if
5 anyone has a response that applies, go ahead and
6 stand up now, we don't have to do it one by one.
7 I'll get to each one of you.

8 Yes, sir, your number?

9 MR. DOWDY: 39, I believe.

10 THE COURT: 39, what's your last name?

11 MR. DOWDY: Dowdy, D-O-W-D-Y.

12 THE COURT: Okay. And you've got a
13 family member or friend or a household member,
14 someone --

15 MR. DOWDY: Yes.

16 THE COURT: -- who was a victim?

17 MR. DOWDY: Yes.

18 THE COURT: And would that affect your
19 ability to be a fair and impartial juror in hearing
20 this case?

21 MR. DOWDY: No.

22 THE COURT: No?

23 MR. DOWDY: No.

24 THE COURT: Okay. Thank you.

25 You stood up next. Yes, ma'am?

1 MS. KENNEDY: Juror No. 90.

2 THE COURT: 9-0?

3 MS. KENNEDY: Yes.

4 THE COURT: Is this a friend, family
5 member, or household resident?

6 MS. KENNEDY: A close family member.

7 THE COURT: Okay. Was a victim?

8 MS. KENNEDY: Sir?

9 THE COURT: Was a victim?

10 MS. KENNEDY: Yes.

11 THE COURT: And would that affect your
12 ability to be a fair and impartial juror here
13 today?

14 MS. KENNEDY: Yes.

15 THE COURT: Okay. Thank you. You can
16 have a seat.

17 Yes, ma'am, your number?

18 MS. KELLEY: 85.

19 THE COURT: 85. Friend? Family
20 member?

21 MS. KELLEY: My friend daughter.

22 THE COURT: Your what?

23 MS. KELLEY: My friend daughter.

24 THE COURT: Your friend's daughter?

25 MS. KELLEY: Uh-huh.

1 THE COURT: And the fact that your
2 friend's daughter was a victim of a sexual assault
3 or some sort of sexual abuse, would that affect
4 your ability to be a fair and impartial juror in
5 hearing this case?

6 MS. KELLEY: No, sir.

7 THE COURT: Very well. Thank you.
8 Sir, your number?

9 MR. HIGH: My last name is High, I
10 don't remember my number. Nolan High.

11 THE CLERK: 72.

12 THE COURT: 72. Juror 72. Friend?
13 Family member? Household?

14 MR. HIGH: Two family members.

15 THE COURT: Two family members were
16 victims and would that affect your ability to be a
17 fair and impartial juror here today?

18 MR. HIGH: Yes, sir.

19 THE COURT: Okay. Thank you.

20 Yes, sir?

21 MR. GREEN: Number 60.

22 THE COURT: 6-0?

23 MR. GREEN: Yes.

24 THE COURT: Tell me your last name.

25 MR. GREEN: Green.

1 THE CLERK: 6-0.

2 THE COURT: All right. Juror No. 60.

3 What's your connection to that question?

4 MR. GREEN: My niece.

5 THE COURT: Okay. The fact that you
6 had a niece who was a victim of this sexual assault
7 or some sort of sexual abuse, would that affect
8 your ability to be a fair and impartial juror?

9 MR. GREEN: Yes.

10 THE COURT: Very well.

11 Does any member of this jury panel or a
12 member of your family ever worked in the medical
13 profession where one of the duties were to treat
14 victims of sexual assault? If so, please stand.

15 (No response.)

16 Does any member of this jury panel have
17 -- you or your family member ever been accused of
18 committing a violent crime or been a victim of a
19 violent crime? If so, please stand.

20 Yes, ma'am?

21 MS. SAXON: 132.

22 THE COURT: 132.

23 MS. SAXON: And my brother was accused.

24 THE COURT: Your brother was accused of
25 a violent crime. Would that affect your ability to

1 be a fair and impartial juror?

2 MS. SAXON: No.

3 THE COURT: All right. Thank you.

4 Yes, sir, your number?

5 MR. DOWLING: I don't know my number,
6 but my last name is Dowling.

7 THE COURT: Dowel?

8 MR. DOWLING: Dowling, D-O-W-L-I-N-G.

9 THE CLERK: Juror No. 40.

10 THE COURT: Juror No. 40.

11 MR. DOWLING: Yeah, my daughter was --
12 actually she was murdered January 20th.

13 THE COURT: Of this year?

14 MR. DOWLING: Yes, sir.

15 THE COURT: Would that affect your
16 ability to be a fair and impartial juror?

17 MR. DOWLING: Yes, sir.

18 THE COURT: All right. Thank you.

19 Does any member of this jury panel or a
20 member of your family ever been employed or
21 volunteer for an organization such as Child
22 Advocacy Center or Helping Hands, organizations
23 that provide counseling and or shelter to children?
24 If so, please stand.

25 (No response.)

1 Any member of the jury panel or any of
2 your close friends or relatives work as police
3 officers, work for State Law Enforcement Division
4 or SLED or employed with the solicitor's office of
5 the Second Judicial Circuit, the attorney general's
6 office or any federal law enforcement agency or
7 state law enforcement agency or any prosecutor's
8 office? If so, please stand.

9 I'll start over here. Yes, ma'am, your
10 number?

11 MS. STILL: 146.

12 THE COURT: And you have a family
13 member or friend?

14 MS. STILL: My brother.

15 THE COURT: Your brother. And where
16 does your brother work?

17 MS. STILL: He's the captain of
18 Williston Police Department.

19 THE COURT: Okay. The fact that your
20 brother works in law enforcement, would that affect
21 your ability to be a fair and impartial juror?

22 MS. STILL: No.

23 THE COURT: Very well. Thank you.

24 Yes, ma'am? We'll start on the right
25 with you.

1 MS. DANNER: I don't know my number,
2 but Danner, Latanya.

3 THE CLERK: No. 31.

4 THE COURT: No. 31. Yes, ma'am?

5 MS. DANNER: My husband is a law
6 enforcement. He works for Richland County.

7 THE COURT: Okay. The fact your
8 husband works for Richland County Sheriff's
9 Department or --

10 MS. DANNER: Sheriff's department.

11 THE COURT: Okay. Would that affect
12 your ability to be a fair and impartial juror?

13 MS. DANNER: No.

14 THE COURT: Thank you. Yes, ma'am?

15 MS. JETER: Juror No. 85. I have a
16 friend that work for Blackville Police Department.

17 THE COURT: For what?

18 MS. JETER: Blackville Police
19 Department.

20 THE COURT: Okay. The fact that you've
21 got a friend who works for the Blackville Police
22 Department, would that affect your ability to be
23 fair and impartial?

24 MS. JETER: No, sir.

25 THE COURT: Very well. Thank you.

1 Yes, ma'am?

2 MS. GUZMAN: 64.

3 THE COURT: Okay.

4 MS. GUZMAN: My cousin works in
5 Barnwell law enforcement.

6 THE COURT: The fact that your cousin;
7 right?

8 MS. GUZMAN: Yes, sir.

9 THE COURT: Works in the Barnwell law
10 enforcement, would that affect your ability to be
11 fair and impartial?

12 MS. GUZMAN: No, sir, it will not.

13 THE COURT: Very well. Yes, ma'am?

14 MS. SAXON: 132.

15 THE COURT: Okay.

16 MS. SAXON: I have two family members,
17 one works for Barnwell Sheriff Department and one
18 for Blackville, but it would not affect me.

19 THE COURT: Very good. Thank you.

20 Yes, ma'am?

21 MS. GRUBBS: 61. Brother-in-law works
22 for the Barnwell Sheriff's Department.

23 THE COURT: Okay. Would that affect
24 your ability to be a fair and impartial juror?

25 MS. GRUBBS: No, sir.

1 THE COURT: Thank you. Yes, sir?

2 MR. CHAVIS: No. 24.

3 THE COURT: Who is your --

4 MR. CHAVIS: My cousin works for
5 Barnwell County.

6 THE COURT: The sheriff's department?

7 MR. CHAVIS: Yes.

8 THE COURT: Okay. Would that affect
9 your ability to be a fair and impartial juror?

10 MR. CHAVIS: No.

11 THE COURT: Very well. Thank you. You
12 said no affect on your ability; correct?

13 MR. CHAVIS: Correct.

14 THE COURT: All right. Any juror or
15 you or your family member or close friends or
16 relatives affiliated with contributors to any
17 auxiliary police organization or citizens group
18 whose primary aim is the prosecution or pursuit of
19 individuals involved in criminal activity or the
20 pursuit of victim's rights such as SADD or MADD,
21 Mothers Against Drunk Driving? If so, please
22 stand.

23 Okay. Does any member of this jury
24 panel have this case discussed -- discussed this
25 case or been approached by anyone talking about

1 | this case? And all you've heard is the indictment.
2 | Has anyone had any discussions about this case with
3 | anyone leading up to today? If so, please stand.

4 | (No response.)

5 | Further, has any member of this jury
6 | panel read anything in the newspaper or seen
7 | anything on social media about the allegations in
8 | this case or have seen anything on television, any
9 | media whatsoever that address this case? If so,
10 | please stand.

11 | (No response.)

12 | Has any member of this jury panel
13 | formed or expressed an opinion about any issue or
14 | matter involved in this case?

15 | (No response.)

16 | Is any member of this jury panel aware
17 | of any bias or prejudice toward either the State or
18 | the Defendant in this case?

19 | (No response.)

20 | Does any member of this jury panel know
21 | of any reason whatsoever why he or she should not
22 | serve as a juror in this case with particular
23 | emphasis being placed on your ability to be fair
24 | and impartial to both the State and the Defendant?

25 | (No response.)

1 Counsel, y'all come back here a minute.

2 (WHEREUPON, there was a bench

3 conference.)

4 All right. Ladies and gentlemen, we're

5 just putting together our final list here.

6 Appreciate your patience, but we'll get started

7 with selecting the jury in a few minutes.

8 (Off the record.)

9 Okay. You can proceed with jury

10 selection. Strikes are five and ten with two

11 alternates.

12 THE CLERK: As I call your name, I want

13 you to come up here and stand by me so we can see

14 what the State or the Defense has to say.

15 Juror No. 101, James Martin.

16 What says the State?

17 MS. STAGGS: Please present the juror.

18 THE CLERK: What says the Defense?

19 MR. HAYES: Please seat the juror.

20 THE CLERK: Juror No. 31, Latanya

21 Danner.

22 What says the State?

23 MS. STAGGS: Please present the juror.

24 THE CLERK: What says the Defense?

25 MR. HAYES: Please excuse this juror.

1 THE CLERK: Juror No. 18, Wendell
2 Bruner.
3 What says the State?
4 MS. STAGGS: Please present the juror.
5 THE CLERK: What says the Defense?
6 MR. HAYES: Please seat the juror.
7 THE CLERK: Juror 103, LaKera Meyer.
8 What says the State?
9 MS. STAGGS: Please present the juror.
10 THE CLERK: What says the Defense?
11 MR. HAYES: Please seat the juror.
12 THE CLERK: Juror No. 127, John Rhoads.
13 What says the State?
14 MS. STAGGS: Please excuse the juror.
15 THE CLERK: Juror No. 119, Jennifer
16 Preble.
17 What says the State?
18 MS. STAGGS: Please present the juror.
19 THE CLERK: What says the Defense?
20 MR. HAYES: Please excuse this juror.
21 THE CLERK: Juror No. 14, Lewis Brown.
22 What says the State?
23 MS. STAGGS: Please present the juror.
24 THE CLERK: What says the Defense?
25 MR. HAYES: Please seat the juror.

1 THE CLERK: Juror 54, Terrin Gathers.

2 What says the State?

3 MS. STAGGS: Please present the juror.

4 THE CLERK: What says the Defense?

5 MR. HAYES: Please seat the juror.

6 THE CLERK: Juror No. 64, Macy Guzman.

7 What says the State?

8 MS. STAGGS: Please present the juror.

9 THE CLERK: What says the Defense?

10 MR. HAYES: Please excuse this juror.

11 THE CLERK: Juror No. 56, Robert

12 Gatlin.

13 What says the State?

14 MS. STAGGS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. HAYES: Please excuse this juror.

17 THE CLERK: Juror No. 163, Jennifer

18 Williams.

19 What says the State?

20 MS. STAGGS: Please present the juror.

21 THE CLERK: What says the Defense?

22 MR. HAYES: Please excuse this juror.

23 THE CLERK: Juror No. 146, Sonja Still.

24 What says the State?

25 MS. STAGGS: Please present the juror.

1 THE CLERK: What says the Defense?

2 MR. HAYES: Please excuse this juror
3 from this case.

4 THE CLERK: Juror No. 36, Furman Dicks.
5 What says the State?

6 MS. STAGGS: Please present the juror.

7 THE CLERK: What says the Defense?

8 MR. HAYES: Please seat the juror.

9 THE CLERK: Juror No. 2, Judy Arnold.
10 What says the State?

11 MS. STAGGS: Please present the juror.

12 THE CLERK: What says the Defense?

13 MR. HAYES: Please excuse this juror.

14 THE CLERK: Juror No. 170, Timothy
15 Williamson.

16 What says the State?

17 MS. STAGGS: Please present the juror.

18 THE CLERK: What says the Defense?

19 MR. HAYES: Please seat the juror.

20 THE CLERK: Juror No. 85, Tykedra
21 Jeter.

22 What says the State?

23 MS. STAGGS: Please present the juror.

24 THE CLERK: What says the Defense?

25 MR. HAYES: Please excuse this juror

1 from the trial of this case.

2 THE CLERK: Juror No. 62, Ricky Grubbs.

3 What says the State?

4 MS. STAGGS: Please present the juror.

5 THE CLERK: What says the Defense?

6 MR. HAYES: Please seat this juror.

7 THE CLERK: Juror No. 29, Zandra Beth

8 Cross.

9 What says the State?

10 MS. STAGGS: Please present the juror.

11 THE CLERK: What says the Defense?

12 MR. HAYES: Please seat the juror for

13 the trial of this case.

14 THE CLERK: Juror No. 128, Kimberly

15 Richardson.

16 What says the State?

17 MS. STAGGS: Please present the juror.

18 THE CLERK: What says the Defense?

19 MR. HAYES: Please seat this juror for

20 the trial of the case.

21 THE CLERK: Juror No. 143, Jonathan

22 Dyches.

23 What says the State?

24 MS. STAGGS: I'm sorry, what number did

25 you say?

1 THE CLERK: 43.

2 MS. STAGGS: 43.

3 THE COURT: 4-3. You said 143.

4 THE CLERK: Did I say that? My
5 apologies. 43.

6 MS. STAGGS: Please present the juror.

7 THE CLERK: What says the Defense?

8 MR. HAYES: Please seat the juror
9 during the trial of this case.

10 THE CLERK: Juror No. 39, Sam Dowdy.
11 What says the State?

12 MS. STAGGS: Please present the juror.

13 THE CLERK: What says the Defense?

14 MR. HAYES: Please excuse this juror.

15 THE CLERK: Juror No. 28, Clayton
16 Cooper.

17 What says the State?

18 MS. STAGGS: Please excuse the juror.

19 THE CLERK: Juror No. 148, Trina
20 Thomas.

21 What says the State?

22 MS. STAGGS: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. HAYES: Please seat the juror for
25 the trial of the case.

1 THE CLERK: Judge, that's your 12
2 jurors.

3 THE COURT: Two alternates.

4 THE CLERK: Juror No. 125, Tyler Renew.
5 What says the State?

6 MS. STAGGS: Please present the juror.

7 THE CLERK: What says the Defense?

8 MR. HAYES: Please seat the juror
9 during the trial of the case.

10 THE CLERK: Juror No. 86, Taylor
11 Johnson.

12 What says the State?

13 MS. STAGGS: Please present the juror.

14 THE CLERK: What says the Defense?

15 MR. HAYES: Please seat the juror
16 during the trial of this case.

17 THE CLERK: Judge, that concludes your
18 jury panel.

19 THE COURT: Very well. Any issues with
20 jury selection?

21 MS. STAGGS: Nothing from the State,
22 Your Honor.

23 MR. HAYES: Nothing from the Defense,
24 Your Honor.

25 THE COURT: All right. Ladies and

1 gentlemen, you've been chosen to be our jury for
2 this week's trial. Thank you in advance for your
3 service. The first thing I'm going to ask you to
4 do is go to the jury room and sit down and refresh
5 yourselves and choose a foreperson. Okay. And
6 then write on a note, tell me who you've chosen to
7 serve as the foreman or forelady and the bailiff
8 will get that note back to me and then I'll get you
9 back here for further instructions.

10 So, when you go back to the jury room,
11 do not discuss this case. Do not discuss anyone
12 involved in this case. You can talk about the
13 weather or sports or how Shane Beamer will bring
14 greatness to the Gamecock football program, but do
15 not discuss this case or anyone involved with it
16 and I'll see you shortly. Head on back to the jury
17 room at this time. Thank you. And also, an
18 alternate cannot serve as a foreperson. Thank you.

19 (WHEREUPON, the jury left the courtroom
20 at 11:34.)

21 (Off the record.)

22 THE COURT: All right. Ladies and
23 gentlemen, you were not chosen for this jury panel.
24 I know that is a great disappointment to you, but
25 hopefully you'll have an opportunity to come back

1 here to the courthouse another time and maybe you
2 will have a chance to serve on the jury then. But
3 in seriousness, thank you for your -- for coming in
4 to offer yourself for service. I know you've been
5 sitting around for the better part of three hours
6 now, so we appreciate your patience through this
7 process. If anyone needs work excuses or anything
8 related to employment, the clerk of court will
9 handle that.

10 THE CLERK: Yes, sir, that will be down
11 in the clerk of court's office.

12 THE COURT: In the clerk of court's
13 office, but otherwise, hopefully that's not your
14 car that's honking continuously, but at least it's
15 honking.

16 Y'all have a nice day, you're free to
17 go.

18 (WHEREUPON, the rest of the jury panel
19 left the courtroom.)

20 THE COURT: All right. Do we have any
21 pretrial --

22 MR. MILLER: Your Honor, there is a
23 stipulation we need to discuss. There's also a
24 *Biggers* hearing that we'll need to have for the
25 out-of-court identification by the victim. And I

1 don't believe there was anything else that we
2 hadn't gotten resolved.

3 THE COURT: No *Jackson v Denno* or
4 anything like that; right?

5 MS. ALVES: The *Biggers*. There is a
6 *Biggers* motion.

7 THE COURT: Okay. All right.

8 MR. MILLER: The *Biggers* is the only
9 thing. And we do need to put on the record that
10 there were some -- there's some agreed upon
11 exhibits that we have redacted, but we've agreed on
12 all the redactions and those redactions have been
13 completed.

14 THE COURT: That doesn't require any
15 witness testimony, I guess, so y'all want to just
16 get into that now?

17 MR. MILLER: We can, Your Honor.

18 THE COURT: All right.

19 MR. MILLER: Your Honor, as far as the
20 redactions, probably the fastest one, the State
21 intends to introduce a phone call or talked about
22 introducing a phone call with the Defense that the
23 Defendant made from the detention center. The
24 phone call contained references to -- specific
25 references to a prior incident in 2012 where the

1 Defendant was charged with CSC and he kept saying
2 at a couple of different points said, it's like
3 2012 all over again. I'm going to have to clear my
4 name again. I can't believe I got to go through
5 all of this again. Those types of things.

6 The Defense requested five specific
7 redactions. We confirmed with them about what
8 those request of redactions were. The redactions
9 were made. The video I believe was about 25
10 minutes long in total. We also redacted from 24
11 minutes and 13 seconds to the end of the video
12 because it just wasn't relevant to anything and it
13 was the Defendant talking to his mother about
14 picking up his car after he had been arrested.
15 This was on the day of his arrest.

16 So all of the redactions that were
17 requested by the Defense were done. Those were --
18 the redacted audio has been provided to the Defense
19 and I don't believe there was any objections to
20 that.

21 MR. HAYES: I'll have to listen to it
22 tonight or this afternoon.

23 THE COURT: But we don't anticipate --

24 MR. MILLER: We don't anticipate.

25 THE COURT: Well, you're working

1 together to try and meet the goal of having --

2 MR. HAYES: I've never had an issue
3 with him telling me he's going to do something and
4 not do it. But I have not personally listened to
5 it yet, but I will.

6 THE COURT: And we understand that you
7 will. And it's reasonable to anticipate that the
8 stipulation -- the agreement, essentially, you're
9 disclosing here will be fine in the morning; right?

10 MR. MILLER: Yes, sir. And we also
11 have a signed stipulation relating to some evidence
12 that we both agree to. I can hand it up to the
13 Court, but this is a --

14 THE COURT: A stipulation that will be
15 published?

16 MR. MILLER: Yes, sir, this will be
17 published to the jury.

18 THE COURT: Okay. And also -- so
19 stipulation of fact that y'all at some point will
20 publish to the jury?

21 MR. MILLER: Yes, Your Honor.

22 THE COURT: And typically for a
23 stipulation like this, I would just take the
24 language and put it in what's a stipulated fact in
25 the jury charge as well?

1 MR. MILLER: Yes, sir.

2 THE COURT: Okay.

3 MR. MILLER: Your Honor, additionally,

4 --

5 THE COURT: Mr. Hayes, were you about
6 to say something?

7 MR. HAYES: Per the stipulation, the
8 agreement is that we stipulate to that and the
9 State's agreeing not to mention the leg monitoring.

10 THE COURT: The leg monitor?

11 MR. HAYES: He was on a leg monitor
12 while he was out on bond for Aiken charges.

13 THE COURT: I think that would -- yes.

14 MR. MILLER: And we were going --

15 MR. HAYES: It's to prevent me from
16 doing the "Shaggy defense" is what it is. And that
17 the leg monitor is time and place, lockdown, solid.
18 If we're agreeing to time and place, I don't see
19 relevance for a leg monitor.

20 MR. MILLER: And there's not going to
21 be any mention of the leg monitor.

22 THE COURT: All right.

23 MR. MILLER: Your Honor, in addition,
24 and I hate to jump back, we're going back to the
25 jail call. The State and the Defense have agreed

1 to the authenticity of the call for the purposes of
2 if it is otherwise admissible, we're not objecting
3 and they're not objecting to the authenticity of
4 that call.

5 MR. HAYES: That's correct.

6 THE COURT: Okay.

7 MR. HAYES: The only other thing I have
8 is that in Miss MINOR's interview at one point
9 she mentions that she may have seen a gun. I was
10 moving to exclude any reference to a firearm. I
11 don't think a firearm was found. She was
12 specifically asked at the end of that interview was
13 she ever threatened or forced and she shook her
14 head, no. But I don't think it's been mentioned
15 anywhere else.

16 MS. STAGGS: Judge, we haven't talked
17 to her any further about a gun. That hasn't been a
18 part of our discussions. I don't believe that's
19 going to be an issue.

20 THE COURT: Maybe just confirm it
21 before tomorrow morning.

22 MS. STAGGS: We'll get to that.

23 THE COURT: Okay. All right. If I'm
24 not mistaken the plan for today is to do the
25 *Biggers* hearing and then opening charge and opening

1 statements and that be it for the day; is that
2 right?

3 MR. HAYES: Yes, sir, that's my
4 understanding.

5 MR. MILLER: That's my understanding as
6 well, Your Honor.

7 THE COURT: Okay. In a perfect world
8 -- well, I don't know how long the *Biggers* hearing
9 is going to take.

10 MR. HAYES: It's going to be fast and I
11 don't have a lot on it. I think we have to do it
12 as a formality, Your Honor.

13 THE COURT: What I think would make
14 since then is we go into *Biggers* now. Jury is
15 going to choose a foreperson, probably go right
16 into swearing them. I charge them and then y'all
17 do whatever and they'll be out of here by certainly
18 1 for today; does that make sense?

19 MR. MILLER: Your Honor, we just have
20 to get -- we're going to need about --

21 THE COURT: Or if you were planning to
22 break for lunch then that's fine too.

23 MR. MILLER: That was kind of what our
24 plan was that we have the jury, go ahead and argue
25 and charge -- do opening arguments for them and get

1 | them out of here and then we could do the *Biggers*
2 | hearing after lunch.

3 | THE COURT: Okay. Well, obviously, the
4 | subject matter of the *Biggers* wouldn't be any part
5 | of opening statements.

6 | MR. MILLER: No, sir.

7 | THE COURT: Okay. So we'll do the
8 | *Biggers* after?

9 | MR. MILLER: Yes, sir.

10 | THE COURT: Mr. Hayes, does that suit
11 | you?

12 | MR. HAYES: It does, Your Honor.

13 | THE COURT: Okay. Correct me if I'm
14 | wrong, we can basically get started?

15 | MR. MILLER: Yes, sir.

16 | THE COURT: All right. Have we got a
17 | note from them yet on the foreperson?

18 | THE BAILIFF: Not that I know of.

19 | THE COURT: I think I'll take a moment
20 | to take a short recess too. When they're ready
21 | we'll get started.

22 | (There was a short break.)

23 | (WHEREUPON, Court Exhibit No. 1 was
24 | marked and entered.)

25 | THE COURT: All right. Ladies and

1 gentlemen, our jury foreman is Juror No. 101, James
2 Martin. That note is a Court exhibit.

3 Anything before we bring out this jury
4 and do our opening charge and opening statements?

5 MR. MILLER: Nothing from the State,
6 Your Honor.

7 THE COURT: All right.

8 MR. HAYES: Nothing from the Defense.

9 THE COURT: Okay. Let's bring them in,
10 please.

11 (WHEREUPON, the jury entered the
12 courtroom at 11:56.)

13 THE COURT: All right. Ladies and
14 gentlemen, welcome back. Mr. Foreman, appreciate
15 your willingness to serve. We're about to begin
16 the case of the *State verses Lintel Kirkland*. I've
17 got some opening remarks I want to share with you.
18 But before I do that, I'll ask the clerk of court
19 to now swear you in.

20 THE CLERK: If I could have y'all stand
21 and raise your right hand, please.

22 (WHEREUPON, the jury was sworn in.)

23 THE COURT: All right. Ladies and
24 gentlemen, before we begin the actual trial of the
25 case, I thought it might be helpful if I explain to

1 | you basically how a trial proceeds.

2 | First the State will make an opening
3 | statement. An opening statement is not evidence.
4 | It's simply an outline to help you understand what
5 | that party expects the evidence will show. The
6 | Defendant may if he wishes to present an opening
7 | statement, but does not have to for reasons I'll
8 | explain later.

9 | We're following -- following the
10 | opening statements you will hear testimony and
11 | evidence in this case. This will consist of
12 | testimony from the State's witnesses as well as any
13 | physical exhibits which will be introduced into
14 | evidence. Following the completion of testimony,
15 | the attorneys will again have the opportunity to
16 | make what's called a closing argument or summation
17 | to you. This is an opportunity for the attorneys
18 | to summarize the case in their respective points of
19 | view and, again, these arguments are not evidence.

20 | Following the closing arguments by the
21 | attorneys, I will instruct you on the law of South
22 | Carolina as it pertains to the issues that have
23 | arisen in this case. After I've completed my
24 | instruction to you, you will then be permitted to
25 | begin your deliberations in order to reach a

1 | verdict.

2 | Now, ladies and gentlemen, you're the
3 | jury in this case and let me take a minute to tell
4 | you something about your duty as jurors. At the
5 | end of the trial, I'll give you more detailed
6 | instructions and those instructions will control
7 | your deliberations. It will be your duty to decide
8 | from the evidence what the facts are. You and you
9 | alone are the judges of the facts. You will hear
10 | the evidence, decide what the facts are, and then
11 | apply those facts to the law which I will give to
12 | you.

13 | Now this is how you will reach a
14 | verdict. In doing so, you must follow that law
15 | whether you agree with it or not. The evidence
16 | will consist of the testimony of witnesses,
17 | documents, and other things received into evidence
18 | as exhibits and any facts on which the lawyers
19 | agree or which I instruct you to accept. You
20 | should not take anything I may say or do during the
21 | trial as indicating what I think of the evidence or
22 | what your verdict should be.

23 | Now this is a criminal case brought by
24 | the State of South Carolina. The State charges the
25 | Defendant with criminal sexual conduct with a minor

1 in the second-degree. The charge against the
2 Defendant is contained in the indictment. The
3 indictment is not evidence of anything. It's
4 simply the description of the charge made by the
5 State against the Defendant. The Defendant has
6 pled not guilty to the charge and is presumed
7 innocent unless and until proven guilty beyond a
8 reasonable doubt.

9 Proof beyond a reasonable doubt is
10 proof that leaves you firmly convinced of the
11 Defendant's guilt. A defendant has the right not
12 to testify and never has to prove innocence or
13 present any evidence. The burden of proof is
14 always upon the State of South Carolina.

15 Now what is not evidence? The
16 following things are not evidence and you must not
17 consider them as evidence in deciding the facts of
18 the case.

19 (1) Statements and arguments of the
20 attorneys;

21 (2) Questions and objections of the
22 attorneys;

23 (3) Any testimony that I instruct you
24 to disregard;

25 (4) Alligations contained in the

1 | indictments; and

2 | (5) Any questions or responses heard
3 | in the jury selection process.

4 | Now evidence may be direct or
5 | circumstantial. Direct evidence is testimony by a
6 | witness about what that witness personally saw,
7 | heard or did. Circumstantial evidence is indirect
8 | evidence. That is it is proof of one or more facts
9 | from which one can find another fact. You are to
10 | consider both direct and circumstantial evidence.
11 | The law permits you to give equal weight to both.
12 | But it is up for you to decide how much weight to
13 | give any evidence.

14 | There are rules of evidence which
15 | control what can be received into evidence. When a
16 | lawyer asks a question or offers an exhibit into
17 | evidence and the lawyer on the other side thinks it
18 | is not permitted by the rules of evidence, that
19 | lawyer may object. If I overrule the objection,
20 | the question may be answered or the exhibit may be
21 | received. If I sustain the objection, the question
22 | cannot be answered or the exhibit cannot be
23 | received.

24 | Whenever I sustain an objection to a
25 | question or deny a motion to admit an exhibit into

1 evidence, you must ignore the question or the
2 existence of the exhibit and you must not guess
3 what the answer would have been or what the exhibit
4 would have shown.

5 Sometimes it may be necessary for me to
6 request that you leave the courtroom while I
7 discuss the attorneys' legal questions that come up
8 during trial. If this occurs, you should not
9 speculate about what our discussion -- about our
10 discussions or the reason if you are asked to leave
11 the room. This is simply a procedure that the law
12 requires when certain legal issues arise.

13 There also may be occasions where I ask
14 the attorneys to approach the bench so that I can
15 discuss a legal issue with them in private. I'll
16 do this as often as possible so that you will not
17 be required to leave the courtroom more than is
18 absolutely necessary.

19 Again, if I ask the attorneys to step
20 up to the bench or if I ask you to leave the
21 courtroom, please don't think that anybody is
22 trying to hide anything from you or keep any
23 evidence from you. This is simply a procedure used
24 by all attorneys in all courts to determine and
25 decide legal questions.

1 Now, in deciding the facts of the case,
2 you must decide which witnesses to believe and
3 which witnesses not to believe. You may believe
4 everything a witness says or only part of it or
5 none of it. In deciding what to believe, you may
6 consider a number of factors including the
7 following:

8 The witness's ability to see, hear or
9 know the things testified to. The quality of the
10 witness's memory. The witness's manner while
11 testifying. Whether the witness has an interest in
12 the outcome of the case or any motive, bias, or
13 prejudice. Whether the witness was contradicted by
14 anything the witness said or wrote before the trial
15 or by other evidence. Or how reasonable is the
16 witness's testimony when considered in light of
17 other evidence you believe.

18 Until I advise you to begin your
19 deliberations, you must not discuss this case with
20 anyone including your fellow jurors, friends,
21 family members, or anyone involved in this case.
22 That includes face-to-face conversations, text
23 messages, social media, any form of communication
24 whatsoever. It's important that you not do any
25 independent research about the law or about the

1 | allegations or about the parties or anything you've
2 | heard in the jury selection process or anything you
3 | hear during the course of the trial today or
4 | tomorrow. Everything you need to know, everything
5 | you need to hear in your role as a juror will come
6 | from the witness stand and from this courtroom. So
7 | it's not necessary for you to do any sort of
8 | research or discuss with anyone including your
9 | fellow jurors while you are serving on jury duty.

10 | If you happen to see anything in the
11 | news or hear about anything else, just do not
12 | participate in any discussions and do not read
13 | anything about the case and if you happen to see
14 | it, just let me know about it in the morning.

15 | After the case is submitted to you, you
16 | must discuss it only in the jury room with your
17 | fellow jurors. The attorneys and parties in this
18 | case have been advised they're not to talk to you
19 | at all. So if you see someone involved in the case
20 | and they don't say, hello, they're not trying to be
21 | rude to you, they're just trying to follow
22 | instructions I always give is to give y'all a live
23 | birth and to not have any discussions with y'all
24 | coming to and from the courthouse.

25 | It's your solemn responsibility --

OPENING STATEMENT BY MR. MILLER

1 well, first of all, it's important to keep an open
2 mind and not decide any issue in this case until
3 all the evidence has been presented, the parties
4 have made their closing arguments, and I have
5 instructed you on the law of this case. It is your
6 solemn responsibility to determine the guilt or
7 innocence of the Defendant and your verdict must be
8 based solely on the evidence as it is presented to
9 you in this trial and on the law as I instruct you
10 at the close of the trial.

11 I don't see anyone with any notepads,
12 but if you happen to have one, please don't take
13 any notes. I want you to stay focused on listening
14 to the attorneys and the witnesses on the stand
15 during this trial. If for some reason someone
16 needs a break while testimony is going on, just
17 raise your hand. If you don't make eye contact
18 with me, get somebody's attention and we'll address
19 any need that comes up during the trial. But at
20 this point, please give your complete and undivided
21 attention to the attorneys as they make their
22 opening statements.

23 MR. MILLER: Thank you, Your Honor.
24 May it please the Court?

25 THE COURT: Yes, sir.

OPENING STATEMENT BY MR. MILLER

1 MR. MILLER: Mr. Hayes, Ms. Alves.

2 OPENING STATEMENT

3 BY MR. MILLER:

4 Ladies and gentlemen of the jury, when
5 the judge was just giving you the initial
6 instructions, I think he told you -- well,
7 everything that he says is important, but I think
8 he told you the most important part of your job as
9 jurors in this case and that's going to be to judge
10 credibility.

11 Credibility means believability. And
12 every single one of you, every single day, judges
13 people's credibility. It doesn't matter if it's a
14 coworker or a spouse or a child, whenever they tell
15 you something, you consider the facts and
16 circumstances around that statement and you
17 determine whether or not that is a true statement.
18 Are they telling the truth?

19 The actual events that occurred in this
20 case largely are not in dispute. On July 9th of
21 2023, a 30-year-old man, that Defendant, he was 30
22 on July 9th of 2023, picked up a 14-year-old
23 walking down the street from her house. And drove
24 around with her for a little while and then they
25 went right here to Lake Edgar Brown and they sat in

OPENING STATEMENT BY MR. MILLER

1 the car for over an hour.

2 A 30-year-old man who had known this
3 14-year-old for less than a week. And for an hour
4 they were in that car. And after that, some other
5 things happened and it led to that 14-year-old
6 being asked, what happened in that car? And she
7 said that 30-year-old man had sex with me. Then he
8 took me and he dropped me off at my parents' house.

9 That's the crime. That's the day. Now
10 you're going to hear a lot of information about how
11 we got to that point. But the fact is, in South
12 Carolina an adult having sex with a 14-year-old
13 child is illegal. It is criminal sexual conduct in
14 the second-degree. If an adult had sex with a
15 child, it's CSC.

16 This is not going to be a very long
17 trial. There's going to be testimony -- a lot of
18 testimony from the witness stand and you may hear
19 some recorded statements, that type of thing, but
20 it's not going to take a terribly long amount of
21 time. Because really, ladies and gentlemen, your
22 job is to judge the credibility of these witnesses.
23 And when you put your effort and when you put your
24 thought and when you all get together collectively
25 to deliberate and decide as jurors back in that

OPENING STATEMENT BY MR. HAYES

1 jury room that's what your deliberations are going
2 to come down to. Is that 14-year-old telling the
3 truth? Is that 14-year-old being credible when she
4 says that that man had sex with her?

5 Ladies and gentlemen, after you hear
6 the victim testify and after you hear all of the
7 evidence in this case and you consider the facts
8 and circumstances of this case, we're going to ask
9 you to go back into that jury room and render the
10 only verdict that makes sense in this case and that
11 is to find Lintel Kirkland guilty of criminal
12 sexual conduct in the second-degree. Thank you.

13 MR. HAYES: May it please the Court?

14 THE COURT: Yes, sir.

15 MR. HAYES: Mr. Miller, Ms. Staggs.

16 OPENING STATEMENT

17 BY MR. HAYES:

18 I agree with a lot of what the
19 Solicitor said. Obviously, we don't agree with
20 everything that's why we're here doing a trial.
21 Mr. Kirkland admits that he was there and he spent
22 time with her, but he adamantly denies that he had
23 sex with her. And that's what we're hear to
24 decide. That's what the jury has got to decide.
25 This is going to be a short trial. I suspect that

OPENING STATEMENT BY MR. HAYES

1 by tomorrow afternoon, we're going to be done. But
2 that doesn't mean that it's any less important.

3 I want to remind you that Mr. Kirkland
4 sits over there, just like you, me and everybody
5 else in this courtroom in a robe of righteousness.
6 We are innocent until proven guilty. The State's
7 duty at this point is to prove to the jury beyond a
8 reasonable doubt which means that doubt that
9 doesn't make you hesitate that Mr. Kirkland is
10 guilty.

11 Now, as for the facts in the case, I'm
12 asking you to listen to each one of the witnesses
13 as they come and testify. You're going to judge
14 what you believe and what you don't believe from
15 each one of those witnesses. But I believe in this
16 trial you're going to find that there was a
17 substantial lack of physical evidence. There's no
18 DNA. I don't believe there's any medical exams. I
19 don't think there was any follow-up investigation.
20 It was an allegation. And what -- when I was
21 little, my mom would say it's a he said/she said.
22 And that comes down to just judging credibility.

23 I don't envy you for what you have to
24 do. But I ask that you hold that judgement in
25 making that decision until you've heard from

OPENING STATEMENT BY MR. HAYES

1 | everybody. Until the State has rested, until the
2 | Defense has rested, and only once the Judge has
3 | instructed you what the rules are and what the law
4 | is, at that point deliberate. And I believe when
5 | you finish looking at this and the severe lack of
6 | actual evidence, that you're going to find
7 | Mr. Kirkland not guilty.

8 | THE COURT: All right. Ladies and
9 | gentlemen, I actually have some other things to
10 | take up with the attorneys at this time. I'm going
11 | to let you go for lunch and ask you not to come
12 | back from lunch until tomorrow morning. I've got
13 | some other things to work on today. We're going to
14 | start this trial. I'd like you -- madam clerk?

15 | (Off the record.)

16 | THE COURT: I'd like you to be in your
17 | jury room no later than 9:30 and we'll look to
18 | start shortly thereafter. Okay. Hopefully, I will
19 | not have any traffic in the morning. But anyway's,
20 | please don't discuss the case while you're out
21 | tonight. Get home with your family members and
22 | friends, come on back tomorrow and we'll start this
23 | case up and we'll move from there.

24 | Have a good evening. Please don't
25 | discuss the case or do any independent research

OPENING STATEMENT BY MR. HAYES

1 about the case. If you have -- anyone bothers you
2 or if you have any trouble getting in in the
3 morning, please contact the clerk of court. Thank
4 you. Y'all have a nice night. You're free to go.

5 (WHEREUPON, the jury left the courtroom
6 at 12:13 p.m.)

7 THE COURT: All right.

8 (WHEREUPON, some other matters were
9 held in another case and then a lunch break was
10 taken.)

11 (WHEREUPON, State's Exhibit No. 1 was
12 marked for identification.)

13 THE COURT: All right. Our first
14 motion this afternoon, I think our only motion is a
15 *Neil v Biggers* hearing in this case; is that
16 correct?

17 MR. MILLER: That's my understanding,
18 Your Honor.

19 THE COURT: Is the State ready to
20 proceed?

21 MR. MILLER: We are, Your Honor.

22 THE COURT: Okay. You can call your
23 first witness.

24 MR. MILLER: Thank you, Your Honor.
25 State calls Investigator Noah Kleinholtz from the

NOAH KLEINHOLTZ - DIRECT EXAMINATION BY MR. MILLER

1 Barnwell County Sheriff's Office.

2 NOAH KLEINHOLTZ,

3 being first duly sworn, was examined and testified
4 as follows:

5 THE CLERK: Please be seated and state
6 your full name for the record.

7 MR. KLEINHOLTZ: Noah Christian
8 Kleinholtz.

9 DIRECT EXAMINATION

10 BY MR. MILLER:

11 Q. Investigator Kleinholtz, who do you
12 work for?

13 A. Barnwell County Sheriff's Office.

14 Q. And how long have you worked for them?

15 A. Since 2021. So, roughly, almost four
16 years.

17 Q. And what do you do for the sheriff's
18 office?

19 A. I'm an investigator.

20 Q. And as part of your job as an
21 investigator, have you had to prepare photo lineups
22 to show those to victims or witnesses in cases
23 before?

24 A. Yes, sir.

25 Q. And explain to the Court very briefly

1 | how that process works. What do you do to present
2 | a photo lineup -- well, how do you get a photo
3 | lineup in the first place?

4 | A. So we do that by contacting SLED
5 | online. We get the suspect's information from the
6 | DMV and criminal history and we put that into a
7 | form for SLED and then we send that off. And then
8 | SLED reaches back in an email and provides, which
9 | they call it a six-pack, but six photos and the
10 | defendant may or may not be inside the photos.

11 | Q. And when they send you those six photos
12 | back, those are going -- usually the suspect or who
13 | you think it is and then there's going to be five
14 | other people from around the state that have
15 | similar physical characteristics, skin tone, hair,
16 | that type of thing?

17 | A. Yes, sir, that's correct.

18 | Q. All right. So you get this photo
19 | lineup from SLED, it gets returned to you, then
20 | what do you do with the photo lineup?

21 | A. So once we get the photo lineup from
22 | SLED, we contact the victim, which in this case was
23 | MINOR and her father, Mr. Johnson, and then
24 | we usually typically always record that process and
25 | then an affidavit is presented to the victim or

1 | party identifying the suspect. And then after the
2 | affidavit is read, they are shown the six photos
3 | and asked if the suspect is in those photos to
4 | select them.

5 | Q. All right. I want to show you what's
6 | been marked for identification as State's Exhibit 1
7 | for the purposes of this hearing. So this has --
8 | and I want to clarify something you said. This is
9 | the same process you follow -- there was a victim
10 | in this case; correct?

11 | A. Correct.

12 | Q. And you said that her father who came
13 | with her was that because of her age?

14 | A. Yes, sir.

15 | Q. Okay. But this is the same process you
16 | would follow with an adult victim?

17 | A. Yes, sir.

18 | Q. How about with a witness?

19 | A. Yes, same process.

20 | Q. Okay. So do you recognize that
21 | document that I've handed up that's marked for
22 | identification as State's 1?

23 | A. Yes, sir.

24 | Q. What is that document generally?

25 | A. It's an affidavit of photo

1 identification.

2 Q. Okay. What's the second page there?

3 A. Second page is six photos of black
4 males.

5 Q. And were those the photos that were
6 sent to you by SLED in response to your request for
7 a photo lineup in this case?

8 A. Yes, sir.

9 Q. All right. And then the last photo is
10 just this individual photo of the Defendant?

11 A. Yes, sir.

12 MR. MILLER: Your Honor, at this time,
13 the State would move to introduce State's Exhibit 1
14 for the purposes of this hearing.

15 THE COURT: Without objection for the
16 purpose of this hearing, Mr. Hayes?

17 MR. HAYES: Yes, Your Honor.

18 THE COURT: All right. So noted.

19 (WHEREUPON, State's Exhibit No. 1 was
20 entered.)

21 Q. All right. So let's go back to the
22 front here. We have MINOR and you said
23 you read and explained this affidavit portion up
24 here on the first page to her. Was her father
25 present when you were explaining that part of it to

1 her?

2 A. Yes, sir.

3 Q. Okay. And let's go through -- go
4 through each one of these lines here at the top
5 where it says -- start with, I have been asked to
6 view a set of photographs.

7 A. So the first line says, I have been
8 asked to view a set of photographs that has her
9 initials of [REDACTED] next to them.

10 The second line is, I understand it is
11 just as important to clear innocent persons from
12 suspicion as to identify guilty parties with her
13 initials, [REDACTED]

14 Third line is, I understand that
15 individuals depicted on lineup photos may not
16 appear exactly as they did on the date of the
17 incident because of features such as head and
18 facial hair are subject to change with her
19 initials.

20 I understand that the person who
21 committed the crime may not be in the set of
22 photographs being presented with her initials.

23 I understand that regardless of whether
24 identification is made, law enforcement are to
25 continue to investigate the incident along with her

1 | initials.

2 | And then, lastly, I understand that I
3 | shall state in my own words how certain I am of
4 | identification and their initials, [REDACTED]

5 | Q. Okay. So at this point, you haven't
6 | shown her the photos. She's filled out that. And
7 | then she is presented the photo lineup. How did
8 | that happen? How did you show her the photo
9 | lineup?

10 | A. After reading this, I sent her the six
11 | photos there, just on the table, just out in the
12 | open that she could be there to view it.

13 | Q. Was her father there?

14 | A. Yes.

15 | Q. Was her father in a position to tell
16 | her which one of the photos to pick out?

17 | A. No, sir.

18 | Q. Did her father say anything to her or
19 | coach her in any way about which photo to pick out?

20 | A. No, sir.

21 | Q. And, in fact, as far as you know at
22 | that point in time, her father had never even seen
23 | Lintel Kirkland, had he?

24 | A. Correct, he had not as far as I'm
25 | concerned.

1 Q. So you present her with this photo
2 lineup and she then picks out a photo out of the
3 photo lineup and which photo was that?

4 A. She had selected and circled No. 3 and
5 placed her initials there.

6 Q. And who scratched out the other five?

7 A. She did that.

8 Q. All right. So after she filled that
9 out or after she did that, after she wrote that
10 with her initials and scratching them out and
11 circling them, you come back to this first page and
12 continue reading from where you left off.

13 A. Then it states, I, MINOR
14 have viewed a group of six photographs this 19th
15 day of July, 2023 from which I positively
16 identified photograph No. 3 displayed to me by
17 Investigator Kleinholtz of the Barnwell County
18 Sheriff's Office as being the person who is the
19 offender.

20 Q. Okay. And so then there's a witness
21 statement, who signed that?

22 A. That was my signature.

23 Q. Okay. And the date and the time this
24 all happened about 9 o'clock in the morning on the
25 19th of July, 2023?

1 A. Yes, sir.

2 Q. Okay. Now, in the process of
3 presenting this photo lineup to Miss MINOR, did
4 you do anything to suggest which photograph she
5 should pick out of the lineup?

6 A. No, sir.

7 Q. Did you do anything to coach her or
8 tell her which photograph was Lintel Kirkland's
9 photograph?

10 A. No, sir.

11 Q. Did she -- did Miss MINOR, if you
12 recall, did Miss MINOR say how confident she was
13 of the identification? Or did she just pick it
14 out?

15 A. I can't remember exactly, but I just
16 know she picked it out and she was very positive it
17 was him.

18 Q. Do you say that because of the speed
19 with which she was able to do it?

20 A. Yes, sir. There was no really
21 hesitation of her selection.

22 Q. Okay. Please answer any questions
23 Mr. Hayes might have for you.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION

1 BY MR. HAYES:

2 Q. This is timed at 9:12 and that would
3 have been in the morning of the 19th. That would
4 have been when y'all finished?

5 A. Yeah. That would probably be when we
6 finished the paperwork.

7 Q. When did this process begin?

8 A. The photo lineup?

9 Q. Yes, sir.

10 A. I don't know the exact date, but --
11 exact date it was sent off was the day --

12 Q. I'm sorry, let me clarify. How long
13 were y'all together in doing this form and
14 explaining to her what she needed to do for a
15 lineup? How long did this take for her to look at
16 the photographs and fill out the paperwork?

17 A. I don't know exact timeframe, probably
18 like ten minutes. They met me at the sheriff's
19 office and then we went to the interview room and
20 everything was recorded and the affidavit was
21 explained.

22 Q. Is the selection process recorded?

23 A. Yes.

24 Q. Was it not uploaded to ProDoc's?

25 A. Yeah, it should be uploaded to

1 ProDoc's.

2 MR. HAYES: Beg the Court's indulgence.
3 Judge, I have never seen this. I would like to
4 view it. That interview was not turned over to me
5 if it exists.

6 THE COURT: Why don't you speak to them
7 real quick.

8 (Off the record.)

9 Q. I want to clarify. You recorded the
10 presentation of the photo lineup to MINOR?

11 A. If the solicitor's office is saying
12 they don't have that, I might have just been
13 mistaken and there's just an error that it wasn't
14 recorded.

15 Q. Is there a way that you can verify?

16 A. It would be in our case file.

17 Q. Do you have that with you?

18 A. No.

19 Q. How long would it take for you to be
20 able to get it?

21 A. Looking at my office computer.

22 MR. HAYES: Judge, can we ask him to
23 verify that this recording either exists or does
24 not exist before continuing the hearing?

25 THE COURT: Well, I think we can -- if

NOAH KLEINHOLTZ - CROSS-EXAMINATION BY MR. HAYES

1 | you like, we can sort of suspend his testimony, but
2 | how many other witnesses we got?

3 | MR. HAYES: I think he's going to be
4 | the only one.

5 | MR. MILLER: He would be the only one,
6 | Your Honor.

7 | THE COURT: Okay. How much time you
8 | need?

9 | MR. KLEINHOLTZ: Thirty minutes.

10 | THE COURT: And the point is to verify
11 | whether there was a video or audio recording of the
12 | process that the photographs were presented?

13 | MR. HAYES: Yes, sir. And what was the
14 | conversation during that period. I mean, if it is
15 | the recording of that actual lineup, I would like
16 | to see it.

17 | THE COURT: All right. We'll stand
18 | easy for a few minutes.

19 | MR. MILLER: Don't discuss your
20 | testimony with anyone while you're not on the
21 | stand. Get to the sheriff's office and see if
22 | you've got the recording available. And if you do,
23 | you can bring it to us.

24 | (WHEREUPON, some other matters were
25 | held while waiting for Investigator Kleinholtz to

1 return.)

2 (Off the record.)

3 THE COURT: Are you ready for him to
4 take the stand again?

5 MR. HAYES: Yes, Your Honor.

6 THE COURT: All right. Come on back
7 up. Obviously, you're still under oath. All
8 right. Mr. Hayes?

9 MR. HAYES: Thank you.

10 CONTINUED CROSS-EXAMINATION

11 BY MR. HAYES:

12 Q. Investigator Kleinholtz, you've had an
13 opportunity to run back to the sheriff's department
14 and check to see if there was a video, is there
15 one?

16 A. No, sir, there's not.

17 Q. You said it was standard practice to
18 record these videos when somebody was doing a photo
19 lineup. Is it that the video got erased or that it
20 just does not exist or it wasn't done in this case?

21 A. I can't answer one hundred percent. I
22 thought it was recorded. It's just no record of
23 it.

24 Q. Now, you said this was done in the
25 interview room at the sheriff's department?

NOAH KLEINHOLTZ - REDIRECT EXAMINATION BY MR. MILLER

1 A. Yes, sir.

2 Q. And it took about ten minutes?

3 A. Yes, sir.

4 Q. At anytime, did you or any other
5 officer suggest to Miss MINOR what the answer
6 should be?

7 A. No, sir.

8 Q. Was there any pre-conversations before
9 the interview where it was discussed before seeing
10 the photo lineup?

11 A. No, sir.

12 Q. She only viewed the photo lineup one
13 time?

14 A. Yes, sir.

15 MR. HAYES: Judge, I have no more
16 questions at this time.

17 THE COURT: Redirect?

18 MR. MILLER: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. MILLER:

21 Q. Looking at the top of State's Exhibit 1
22 if you still have it there. In the top right-hand
23 corner there's a block that has the case number,
24 the date and the time. What time would that be?

25 A. 9:07.

1 Q. And what -- I mean, what time would you
2 put in that block?

3 A. That would be the time we started.

4 Q. Okay. And then at the bottom after
5 everything is signed, there's a witness signature
6 and a date and time as well. What time -- that's
7 when you finished; right?

8 A. Yes, sir, that's correct.

9 Q. Okay. And so what time is there?

10 A. 9:12.

11 Q. And so that would be five minutes;
12 correct?

13 A. Yes, sir.

14 Q. All right.

15 MR. MILLER: No further questions, Your
16 Honor.

17 THE COURT: Mr. Hayes?

18 MR. HAYES: I have nothing further,
19 Your Honor.

20 THE COURT: All right. You may step
21 down, sir.

22 THE COURT: Anything else?

23 MR. MILLER: Nothing further from the
24 State, Your Honor.

25 MR. HAYES: Nothing from the Defense,

1 Your Honor.

2 THE COURT: Any argument y'all want to
3 make?

4 MR. HAYES: No, sir.

5 MR. MILLER: No, sir.

6 THE COURT: All right. Well, it
7 doesn't appear to be a process that was
8 unnecessarily suggestive from the testimony I heard
9 today. Mr. Hayes, do you wish to make any
10 exceptions to that?

11 MR. HAYES: No, sir.

12 THE COURT: Okay. Well, I find the
13 identification based off what we learned from the
14 hearing today is admissible. It does not give rise
15 to any substantial likelihood of misidentification
16 and we'll just hear more about it, I guess, during
17 trial.

18 MR. MILLER: Yes, sir. And, Your
19 Honor, I think that that will wrap up what we have
20 as far as matters involving Mr. Kirkland right now;
21 correct?

22 MS. ALVES: No.

23 MR. MILLER: Oh, okay.

24 (Off the record.)

25 MS. ALVES: Your Honor, over the lunch

1 break, I was informed about a tape of a jail call
2 that is between Mr. Kirkland and some unknown
3 person. We've not listened to it. We were
4 listening to it, I think we have about -- the
5 Solicitor said about four more minutes to go on
6 that tape. But --

7 THE COURT: And that's when I
8 interrupted y'all at the end of lunch?

9 MS. ALVES: Yes, sir.

10 THE COURT: Okay.

11 MS. ALVES: But I would have multiple
12 objections to the portion of the tape that I've
13 heard already if the State intends to illicit that
14 tape during the trial of this case.

15 THE COURT: Well, why don't I give
16 y'all four and a half minutes to go listen to the
17 rest of the tape and talk some more and then --
18 because it's tough to lodge an objection or for
19 them to lodge an objection to the tape without
20 fully hearing it. So it's -- y'all take a few
21 minutes and when y'all are done, we'll get back on
22 the record.

23 MS. ALVES: Yes, sir.

24 (Off the record.)

25 THE COURT: All right. You've had a

1 chance to view the call, what can you tell us?

2 MS. ALVES: Judge, at this time, I
3 would have an objection to any introduction for any
4 purpose of the tape of a jail call that we were
5 just provided over the lunch break in this case. I
6 can go into specifics.

7 THE COURT: Well, what is the general
8 substance of the jail call?

9 MS. ALVES: Well, Judge, the tape
10 involves a conversation that Mr. Kirkland had with
11 a woman who the State has stated named Jasmine. I
12 don't know any other information about her. This
13 call was made on July 24th of 2023 at approximately
14 10 o'clock in the morning and it was made using the
15 jail call system from the Barnwell County jail.

16 On the tape, it is a conversation about
17 this person, this woman, and Mr. Kirkland
18 discussing the charges. The tape is primarily --
19 the woman getting Mr. Kirkland's side of the story
20 from him and arguing with him about the case. She
21 is giving her opinions about his story, about the
22 evidence against him. That she gives opinions
23 about what she believes the law is, like, she
24 attempts to define attempted criminal sexual
25 conduct and discusses that the jury can still find

1 him guilty of attempted criminal sexual conduct
2 even though he's denied having actual intercourse
3 with the female. And she goes into details about
4 what she thinks about the case. It's about 15
5 minutes of pretty much her giving her opinions
6 about the case.

7 In the tape, there is discussion of his
8 past. She talks about the fact that he's always in
9 trouble. It's not clear whether she's referring to
10 his other pending charges or charges that he had
11 pending prior. She talks about the fact that this
12 is what she was afraid of being involved with him.
13 She says that she had some concerns about him being
14 around her child. So I think that would be a lot
15 of character evidence coming in.

16 THE COURT: Well, let me ask you this.
17 Did the State indicate if they were intending to
18 redact any of this stuff from the outset?

19 MS. ALVES: Judge, there's no way to
20 redact that tape. I mean, but the Solicitor --

21 THE COURT: Well, I'll let her --

22 MS. ALVES: I mean, the conversation is
23 primarily this lady -- I mean, she's even cutting
24 Mr. Kirkland off and arguing with him because she
25 had some issues with his side of the story. But

1 the Solicitor has told us they would only want to
2 put the tape in for purposes of impeachment should
3 Mr. Kirkland testify. But my concern is even
4 putting it in for impeachment and I can go into my
5 arguments about that.

6 THE COURT: Well, let's -- so we've
7 learned this far, the State doesn't intend to put
8 this in the case in chief; is that accurate?

9 MR. MILLER: That is correct, Your
10 Honor.

11 THE COURT: Okay. So that gets us past
12 one thing. What was specific information on this
13 jail call that the State would characterize as
14 impeachment evidence? I know it's tough to say
15 until we hear testimony, but --

16 MR. MILLER: That's right, Your Honor.
17 And the specific portions that we are talking about
18 of the tape is really, I would say, only about 90
19 seconds or 60 seconds. And it involves the area we
20 were already going to go into in impeachment or
21 cross-examination or in arguing it to the jury that
22 after MINOR and Mr. Kirkland separated, at some
23 point, she sends a text to him that essentially
24 said -- asked about him wearing a condom. And the
25 problem that this person has with it and the

1 problem that logic has with it is why is this
2 14-year-old texting you about whether you were
3 wearing a condom if you didn't have sex.

4 And so my question on cross-examination
5 is, did she or did she not text you shortly -- did
6 the victim text you shortly after this incident and
7 ask you if you wore a condom? If he says, yep,
8 there's no reason to put the tape in. There's no
9 impeachment value to it.

10 THE COURT: Well, what is in the tape
11 that would indicate that would offer 60 to 90
12 seconds you're referring to, this conversation
13 about whether or not --

14 MR. MILLER: He's trying to explain to
15 her why he didn't think it was important to respond
16 to a text asking him if he was wearing -- when she
17 said something about him wearing a condom. He says
18 that he didn't respond to her which is consistent
19 with what MINOR says that she texted him
20 -- or she said she was worried about getting
21 pregnant is what MINOR said. She said she was
22 worried about getting pregnant and she said that --
23 she texted him shortly after this that there was no
24 more communication and she thought that they had
25 blocked each other or that he had blocked her. And

1 | there was no more communication between them until
2 | the 17th which is the day that he texted her and
3 | starts telling her that he's on the way back over
4 | to the house to come pick her up.

5 | And so if he is testifying and said she
6 | never expressed any concern to him about the fact
7 | that she was pregnant, well, this would clearly go
8 | to that. Because not only does he concede that she
9 | did text him about being concerned about being
10 | pregnant or whether he wore a condom, but he's also
11 | justifying why it was that he didn't respond to her
12 | whenever she did that.

13 | I mean, the response that any normal
14 | person would expect is, why would I wear a condom
15 | if we weren't having sex. I mean, to presume
16 | otherwise would be she was asking him if he was --
17 | why he was wearing a condom while he was sitting in
18 | the seat next to her. So as long as he doesn't try
19 | to deny that that ever happened, then --

20 | THE COURT: The text?

21 | MR. MILLER: The text or the inquiry
22 | about the concern.

23 | THE COURT: Okay. Are you able to
24 | isolate that specific minute of --

25 | MR. MILLER: We would be able to.

1 THE COURT: Ms. Alves?

2 MS. ALVES: Your Honor, and also, the
3 problem with this condom situation is also that in
4 Miss Johnson's statement to the police when she was
5 being interviewed by Investigator Davis, she
6 specifically said that he did wear a condom, but
7 that he threw it out the window and she told -- and
8 they asked where she was. They were in the parking
9 lot in the woods, near by. And they asked her
10 specifically was it by a bridge and she said, yeah.

11 So she specifically says that he did
12 wear a condom. We don't have this conversation
13 where she's saying that she texted him about a
14 condom. All we have is something being said on
15 this jail call. Which, I mean, the police have not
16 -- they don't have these texts between them --

17 THE COURT: Okay. You don't have the
18 actual texts?

19 MS. ALVES: We have texts from the
20 17th, the day that -- excuse me, the 16th and the
21 17th. We do not have the texts from the 9th when
22 this is alleged up until the 16th.

23 THE COURT: Do we have a text message
24 from the victim to the Defendant which says, did
25 you wear a condom?

1 MR. MILLER: No, sir. That all would
2 have happened on the 9th.

3 THE COURT: Okay. So this is just in
4 theory she will testify or could testify to that?

5 MR. MILLER: Yes, sir.

6 THE COURT: Okay. Okay. Well, the
7 best thing I could ask is that y'all isolate this
8 portion of the jail call so I can hear it with my
9 own ears first thing in the morning. It's only a
10 minute, I might be able to review it or I can take
11 a look at it now. But I think however long the
12 jail call is, the State has indicated they don't
13 intend to put it in their case in chief and to the
14 extent they want to use it for impeachment, would
15 be a small excerpt from this jail call.

16 MR. MILLER: I think by the time we
17 redacted everything that Ms. Alves wants -- not
18 unjustifiably, but by the time we got done, it only
19 would be about a four minute long call in total.
20 So, but this was specifically the area with which
21 -- it's specifically why we're talking about it for
22 the purposes of impeachment.

23 THE COURT: Well, I'm not going to
24 exclude or admit anything at this time, obviously,
25 but I'll need to hear the language myself.

1 MS. ALVES: Yes, sir.

2 MR. MILLER: And I will cut that down
3 and get it to Ms. Alves and Mr. Hayes so that this
4 is the -- from this time to this time is exactly
5 what we're talking about.

6 THE COURT: Okay. All right. Anything
7 else for the moment?

8 MS. ALVES: Nothing more for the
9 moment, Judge.

10 MR. MILLER: Nothing from the State,
11 Your Honor.

12 THE COURT: All right. We'll be at
13 recess for the day. I told the jury to be back at
14 9:30, so hopefully we will start not long after
15 that. We'll get through witnesses. I don't know
16 if y'all will rest before lunch or not. If you
17 don't, that's okay.

18 MR. MILLER: If we start at 9:30, I
19 think we should be --

20 (Off the record.)

21 (WHEREUPON, court was adjourned at 2:50
22 p.m.)
23
24
25

1 **MARCH 26, 2025**

2 (WHEREUPON, State's Exhibit No. 1 was
3 marked.)

4 THE COURT: All right. Our jury is
5 present and in good spirits. Anything from the
6 State this morning before we get started?

7 MR. MILLER: We just need to wait on
8 the Defendant, Your Honor.

9 THE COURT: That's very important. All
10 right. Are we ready?

11 MR. MILLER: Yes, sir.

12 THE COURT: Is the Defense ready to
13 proceed with our first witness?

14 MR. HAYES: Yes, sir.

15 THE COURT: And, obviously, let's bring
16 the jury in here. All right. Let's bring them in.

17 (WHEREUPON, the jury entered the
18 courtroom at 9:40 a.m.)

19 THE COURT: All right. Mr. Foreman,
20 ladies and gentlemen of the jury, welcome. I hope
21 you had a nice evening. We're going to kick off
22 with our first witness today in the State's case in
23 chief. Please pay attention. Thank you.

24 MR. MILLER: Thank you, Your Honor.
25 The State calls Christasha Ballard.

1 CHRISTASHA BALLARD,
2 being first duly sworn, was examined and testified
3 as follows:

4 THE CLERK: Please, ma'am, be seated
5 and then state your full name for the record.

6 MS. BALLARD: Christasha Ballard.

7 DIRECT EXAMINATION

8 BY MR. MILLER:

9 Q. Good morning, Ms. Ballard?

10 A. Good morning.

11 Q. Ms. Ballard, tell us a little bit about
12 yourself. Where are you from?

13 A. I'm from West Columbia.

14 Q. Okay. And what do you do there?

15 A. I'm an office administrator.

16 Q. And who do you work for?

17 A. EDRUSH Consulting and Development
18 Group.

19 Q. And do you know the victim in this
20 case?

21 A. Yes, I do.

22 Q. And how do you know the victim?

23 A. She's a friend of my daughter.

24 Q. How old is your daughter?

25 A. Sixteen.

1 Q. Okay. Was the victim a friend of your
2 daughter's back in 2023?

3 A. Yes, she was.

4 Q. Now, back in July of 2023, I want to
5 ask you about a conversation that you overheard
6 between your daughter and the victim in this case.
7 Do you recall that conversation?

8 A. Yes, sir.

9 Q. And as a result of hearing this
10 conversation, I want to talk to you about what you
11 did. After you heard your daughter talking with
12 MINOR the victim, what did you do?

13 A. I reached out to the victim in this
14 case and I spoke with her about what I overheard.
15 I -- can I say what I told her?

16 Q. Yes, ma'am.

17 A. I told her that what I heard needed to
18 be reported. And then I gathered some information
19 from her and reported it.

20 Q. Okay. And you say you gathered some
21 information. You didn't know what her address was,
22 did you?

23 A. Correct.

24 Q. Did you know what her birthday was?

25 A. No, sir.

1 Q. Okay. And did you know what county she
2 lived in?

3 A. No, sir.

4 Q. Okay. But after you got that
5 information, what did you do with that information?

6 A. I took that information and I did a
7 Google search to find which police department I
8 needed to speak with and then I reached out to that
9 police department to file a complaint.

10 Q. And so that was the Barnwell County
11 Sheriff's Office?

12 A. That's correct.

13 Q. And that was July 17th of 2023?

14 A. Yes, sir.

15 Q. Okay. I don't have anymore questions
16 for you. Please answer any questions the Defense
17 might have.

18 THE COURT: Cross-examination?

19 CROSS-EXAMINATION

20 BY MR. HAYES:

21 Q. How are you doing, Ms. Ballard?

22 A. I'm well. How are you?

23 Q. I'm doing good. This conversation that
24 you heard, when did you actually hear this
25 conversation? Do you remember what day?

1 A. It would have been, I believe, on the
2 17th, the date that I made the report.

3 Q. So the conversation between your
4 daughter and [REDACTED] you're saying you heard
5 it on the 17th?

6 A. I believe that's correct.

7 Q. After you heard this conversation, you
8 contacted [REDACTED] ?

9 A. Correct.

10 Q. Do you remember if it was by phone or
11 by text?

12 A. I spoke with her both, verbally over
13 the phone and through text.

14 Q. Do you know how many times?

15 A. No, sir.

16 Q. You said phone and text?

17 A. Correct.

18 Q. And you're not sure about how many
19 times?

20 A. No, sir.

21 Q. How long were these conversations?
22 From the time you heard the conversation to the
23 time you said, I'm calling the police, what's that
24 timeline?

25 A. I'm not one hundred percent sure. It

1 took me a little while to gather the information
2 and to get her to be comfortable with me reporting
3 it.

4 Q. Now, you said your daughter know --
5 your daughter knows MINOR ?

6 A. Yes.

7 Q. Do you know how they know each other?

8 A. Through a friend.

9 Q. Did they go to school together or play
10 sports together or --

11 A. I can't speak to that. I'm not sure.
12 I just know that they have a mutual friend that
13 they -- to my understanding that's how they met.

14 Q. Okay. Do you know how long they had
15 been friends?

16 A. No, sir.

17 Q. Do you know if it was a new friendship
18 at that time or an old friendship at that time?

19 A. It was an old friendship.

20 Q. Do you know MINOR 's parents?

21 A. No, sir.

22 MR. HAYES: Beg the Court's indulgence.

23 Q. After you had contacted the police, you
24 followed up with MINOR ? Did you check on
25 her?

1 A. Yes, sir.

2 Q. Do you know how many times?

3 A. No, sir.

4 Q. But more than once?

5 A. I would say, yes.

6 Q. When you were talking with Miss
7 MINOR, you were encouraging her to tell her
8 parents what was going on?

9 A. Correct.

10 Q. And you asked her about her
11 relationship with her parents?

12 A. Correct.

13 Q. And that was through text message and
14 phone call?

15 A. Yes, sir.

16 MR. HAYES: Judge, at this time, I
17 don't believe I have anymore questions.

18 THE COURT: Redirect?

19 REDIRECT EXAMINATION

20 BY MR. MILLER:

21 Q. When you were talking to MINOR about
22 reporting this, was she hesitant to do so?

23 A. Yes, sir.

24 Q. Did she know how to go about reporting
25 it?

1 A. No, sir.

2 Q. Was she comfortable talking to her
3 parents about this?

4 A. No, sir.

5 Q. And so, ultimately, after you talked to
6 her and tried to get her to report it, you said,
7 I'll report it for you?

8 A. Correct.

9 MR. MILLER: No further questions, Your
10 Honor.

11 THE COURT: Recross?

12 MR. HAYES: We're good, Your Honor.

13 THE COURT: All right. Witness may
14 step down. Thank you.

15 MR. MILLER: Your Honor, may
16 Ms. Ballard be excused from her subpoena?

17 THE COURT: Without objection?

18 MR. HAYES: No objection.

19 THE COURT: All right. She's excused.
20 Thank you.

21 MS. STAGGS: MINOR

22 MINOR

23 being first duly sworn, was examined and testified
24 as follows:

25 THE CLERK: If you would, be seated

MINOR

- DIRECT EXAMINATION BY MS. STAGGS

1 right here and then state your full name for the
2 record, okay.

MINOR

DIRECT EXAMINATION

BY MS. STAGGS:

6 Q. All right. I know you're a little bit
7 soft spoken. So I just want you to remember to try
8 to speak up and make sure that everybody can hear
9 you, okay. How old are you?

A. Sixteen.

Q. And where do you live?

A. In Hilda.

Q. And who lives in Hilda with you?

A. My mom and my dad and my two cousins.

Q. Where do you go to school?

A.

Q. What grade are you in?

A. Tenth grade.

19 Q. And so if you're in the 10th grade now
20 and 16, how old were you in July of 2023?

A. Fourteen.

22 Q. And that was summertime so you wouldn't
23 have been in school then?

A. No, ma'am.

Q. Do you remember July 6th of 2023?

1 A. Yes, ma'am.

2 Q. Where did you go that day?

3 A. Walmart with my mother.

4 Q. What Walmart did you go to?

5 A. Aiken Walmart.

6 Q. Okay. What happened when you got to
7 the Walmart with your mom other than, you know,
8 just shopping at the Walmart?

9 A. I walked away from my mother to get
10 something for her and --

11 Q. And did you meet anybody?

12 A. Yes. He walked -- Kirk walked past me
13 twice and said I looked familiar.

14 Q. But you didn't know him at that point?

15 A. No, ma'am.

16 Q. You called him Kirk; right?

17 A. (Nodded.)

18 Q. At this point, you didn't know who that
19 person was?

20 A. No, ma'am.

21 Q. So he walked past you twice and then
22 did y'all talk?

23 A. Yes, ma'am.

24 Q. What did he say to you?

25 A. He said I looked familiar.

MINOR

- DIRECT EXAMINATION BY MS. STAGGS

1 Q. Okay. And then what happened?

2 A. Then he asked me for my number.

3 Q. Did you give it to him?

4 A. I gave him my phone to put his number
5 in.

6 Q. Okay. And how did he get your number
7 from that? Did he call you?

8 A. Yes, he called me.

9 Q. So after that, was that the end of your
10 encounter with him at the Walmart?

11 A. Yes, ma'am.

12 Q. Did y'all communicate again?

13 A. Yes. The next couple of days he texted
14 me and asked me if I wanted to hang out.

15 Q. And what did you say?

16 A. I said, yes.

17 Q. So after you agreed to hang out with
18 him, did you guys meet up?

19 A. Yes.

20 Q. So on July 9th of 2023, what were you
21 doing? Were you at home?

22 A. Yes. I was at home and then he texted
23 me and asked me if I wanted to be picked up and I
24 said, yes.

25 Q. Who was at home when you were there on

1 the 9th?

2 A. My two cousins.

3 Q. And did he pick you up at your house?

4 A. No, ma'am.

5 Q. Where did he pick you up?

6 A. Down the road at the store.

7 Q. Okay. It's close by your house?

8 A. Yes, ma'am.

9 Q. What store is it?

10 A. Dollar General.

11 Q. So you can walk there?

12 A. Yes, ma'am.

13 Q. And you got in that car with him and he
14 picked you up. What did y'all talk about in the
15 car?

16 A. He asked me how old I was.

17 Q. What did you tell him?

18 A. I told him I was 14. I was a freshman.

19 Q. Did you find out how old he was?

20 A. Yes, he told me he was 23.

21 Q. Okay. Where did you go after you --
22 after you get in the car, y'all are talking, where
23 did you go?

24 A. We went -- the first stop, we went to
25 the gas station and he walked around the gas

MINOR

- DIRECT EXAMINATION BY MS. STAGGS

1 station a few times.

2 Q. And then did you leave there?

3 A. Yes. After we left there we went to
4 the lake.

5 Q. The lake here in Barnwell?

6 A. Yes, ma'am.

7 Q. And y'all stop there?

8 A. Yes, ma'am.

9 Q. What did y'all do when you were at the
10 lake?

11 A. First, he handed me a joint and told me
12 to smoke it with him.

13 Q. Did you do that?

14 A. Yes, ma'am.

15 Q. Had you ever smoked marijuana before?

16 A. No, ma'am.

17 Q. How did you feel?

18 A. I felt weird.

19 Q. A little different?

20 A. Yes, ma'am.

21 Q. Okay. All right. So after you smoked
22 the joint, y'all are in the car, then what
23 happened?

24 A. Then he told me to get in the backseat.

25 Q. Did you do that?

1 A. Yes, ma'am.

2 Q. What did he do after you got in the
3 backseat?

4 A. He got out the car and got naked.

5 Q. He took his clothes off outside of the
6 car?

7 A. Yes.

8 Q. So then did he get back in the car with
9 you?

10 A. Yes.

11 Q. What happened? What did he say to you
12 when he got back in the car?

13 A. He asked me if I wanted to suck it and
14 I said, no.

15 Q. After you told him, no, then what did
16 he do?

17 A. He told me to turn around and get on my
18 stomach.

19 Q. And you did that?

20 A. Yes, ma'am.

21 Q. And what happened after you turned over
22 on your stomach?

23 A. Then he had sex with me.

24 Q. So he put his penis in your vagina?

25 MR. HAYES: Objection. Leading.

MINOR

- DIRECT EXAMINATION BY MS. STAGGS

1 A. Yes, ma'am.

2 THE COURT: Overruled.

3 Q. What happened after that?

4 A. Then I got back dressed and he took me
5 home.

6 Q. Okay. Were you aware if he wore any
7 kind of protection?

8 A. Yes, ma'am.

9 Q. He did?

10 A. Yes, ma'am.

11 Q. When was the next time you communicated
12 with him?

13 A. I texted him and I told him that I
14 thought I was pregnant and he never responded.
15 Then a few days later he texted me out of nowhere.

16 Q. Okay. And that text, the text out of
17 nowhere, that was a little while later, July 17th?

18 A. Yes, ma'am.

19 Q. Okay. Let's back up. On that July
20 17th, who else have you been talking to that day?

21 A. My friend and her mother.

22 Q. When you were talking to your friend
23 before you talked to her mom, what did you tell
24 your friend?

25 A. I told her that I thought I was

1 pregnant and that he wouldn't respond to my
2 messages.

3 Q. Is that before he -- before he texted
4 you when you said, out of the blue?

5 A. Yes, ma'am.

6 Q. And after you told your friend that,
7 what happened?

8 A. Then her mother overheard it and she
9 told me that she was going to call it in for me
10 because I was scared to do it.

11 Q. Okay. And then you're at your house
12 when all this is happening; right, and you're on
13 the phone and she's on the phone, you're at home?

14 A. Yes, ma'am.

15 Q. Did anybody show up at your house as a
16 result of that?

17 A. Yes, the police came.

18 Q. Okay. And is that -- that's when he --
19 the person you called Kirk earlier; right?

20 A. Yes, ma'am.

21 Q. That's when he was texting you?

22 A. Yes, ma'am.

23 Q. Did you respond to those texts?

24 A. No, ma'am.

25 Q. What did you do?

MINOR

- DIRECT EXAMINATION BY MS. STAGGS

1 A. The police came and got my phone.

2 Q. Okay. And did you ever text with Kirk
3 again? Did you ever talk to him again?

4 A. No, ma'am.

5 Q. Did you ever see him in person again
6 until today?

7 A. No, ma'am.

8 Q. And this Kirk is the person who had sex
9 with you on July 9th at the lake; right?

10 A. Yes, ma'am.

11 Q. And do you see him here in the
12 courtroom today?

13 A. Yes, ma'am.

14 Q. Can you point him out for me?

15 A. (Pointing.)

16 Q. Can you just tell me the color of his
17 shirt?

18 A. Beige.

19 MS. STAGGS: Beg the Court's
20 indulgence. And, Judge, I'll just ask that the
21 record reflect that the victim in this case has
22 identified the Defendant.

23 THE COURT: So noted.

24 Q. The police talked to you after that
25 night; right? They came back again?

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 A. Yes, ma'am.

2 Q. Did they ever show you any photos?

3 A. No, ma'am.

4 Q. You didn't identify him in a photo
5 lineup?

6 A. Oh, yes, ma'am. Yes, ma'am.

7 Q. Okay. And were you able to identify
8 him from that?

9 A. Yes, ma'am.

10 Q. All right. I don't have anymore
11 questions, but please stay put and answer any
12 questions that the Defense may have for you. Okay.

13 THE COURT: Cross-examination?

14 CROSS-EXAMINATION

15 BY MR. HAYES:

16 Q. How are you doing, Miss MINOR ?

17 A. I'm good.

18 Q. The first time you met who you're
19 calling Kirk, Mr. Kirk was at Walmart in Aiken?

20 A. Yes, sir.

21 Q. And that was on July 6th?

22 A. Yes, sir.

23 Q. You then exchanged phone numbers with
24 him?

25 A. Yes, sir.

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 Q. And then y'all began texting each other
2 back and forth?

3 A. Yes, sir.

4 Q. At some point you told him where you
5 lived in Hilda?

6 A. Yes, sir.

7 Q. And y'all arranged for a meeting to
8 come meet up and hang out?

9 A. Yes, sir.

10 Q. All right. When he came to pick you
11 up, you're saying you got picked up just down the
12 road from your house?

13 A. Yes, sir.

14 Q. So you snuck out of your house and
15 walked down the road and went with Mr. Kirkland?

16 A. Yes, sir.

17 Q. When you were picked up by
18 Mr. Kirkland, you told him that you were on your
19 period and you didn't want to do anything?

20 A. Yes, sir.

21 Q. Were you on your period?

22 A. No, sir.

23 Q. So you told Mr. Kirkland you were, but
24 you weren't?

25 A. Yes, sir.

1 Q. Now, you gave a statement -- you gave
2 two different statements to the police. You gave a
3 statement that you wrote by hand and that would
4 have been on the 17th that night; right?

5 A. Yes, sir.

6 Q. And then you gave a statement, I
7 believe it was on the 18th or the 19th where you
8 met with Investigator Kleinholtz and Investigator
9 Davis?

10 A. Yes, sir.

11 Q. And in that statement, you told the
12 police that you thought y'all were going to the
13 store, but you didn't go there?

14 A. No. We went to the gas station
15 instead.

16 Q. Do you admit or do you deny that in
17 your statement that you told the police that you
18 thought you were going to the gas station, but he
19 drove on past it?

20 A. Can you repeat that? I couldn't hear
21 you.

22 Q. Do you admit or deny that in your
23 statement to the police that you told them that you
24 thought you were going to the store, but y'all
25 didn't go there?

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 A. Deny.

2 MR. HAYES: Beg the Court's indulgence.

3 Q. Have you had an opportunity to review
4 your statements?

5 A. Yes.

6 Q. And you watched the video of your
7 statement?

8 A. No.

9 MR. HAYES: Judge, may I approach the
10 witness?

11 THE COURT: Yes, sir.

12 Q. Is that you?

13 A. Yes, sir.

14 MR. HAYES: Judge, I'd like to play
15 this for her.

16 MS. STAGGS: Objection, Judge.

17 THE COURT: What specifically are -- is
18 there a portion? Or --

19 MR. HAYES: It's a portion.

20 MS. STAGGS: He's laid no foundation
21 for the impeachment.

22 MR. HAYES: I asked her if she admitted
23 or denied it. She admitted that she was there,
24 time and place and stated that she met with
25 Kleinholtz and then I asked her if she admitted or

1 denied it and she denied it.

2 THE COURT: As far as denied what
3 specifically?

4 MR. HAYES: Whether she had told the
5 police that she thought she was going to the gas
6 station and that he did not stop the car.

7 THE COURT: Okay. Is that the question
8 heard? I just want to make sure you understood.

9 A. Yes, sir. He said the store, not the
10 gas station.

11 MR. HAYES: Well, she said store and
12 the --

13 THE COURT: Okay. I'm just trying to
14 make sure she understands the question you're
15 asking.

16 MR. HAYES: Yes, sir.

17 THE COURT: For my benefit, ask her the
18 question one more time.

19 Q. Do you admit or deny that on the 18th
20 that you had a meeting with Investigator Kleinholtz
21 and Mr. Davis?

22 A. Yes.

23 Q. And in that conversation, you told them
24 that you were -- thought you were going -- I
25 believe you said the store and you did not stop

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 | that y'all kept on going?

2 | A. Deny.

3 | MR. HAYES: Now I'd like to play the
4 | clip.

5 | THE COURT: Is there a specific
6 | portion?

7 | MR. HAYES: Yes, sir. It's at 3
8 | minutes and 12 seconds.

9 | THE COURT: Please approach,
10 | Ms. Staggs.

11 | (WHEREUPON, there was a bench
12 | conference.)

13 | THE COURT: All right.

14 | Q. Let me make sure I've got this turned
15 | up so you can hear it.

16 | (Playing the video.)

17 | Q. Were you able to hear?

18 | A. (Nodded.)

19 | Q. Now, didn't you tell the investigators
20 | that you thought you were going to the store and
21 | y'all went into Barnwell?

22 | A. Yeah, we went to the gas station in
23 | Barnwell.

24 | Q. You never actually told the
25 | investigators that piece of information, did you?

1 A. No.

2 Q. While you were in the car with
3 Mr. Kirkland, you were texting your friends?

4 A. Yes.

5 Q. And you were taking selfies of
6 yourself?

7 A. Yes, sir.

8 Q. And then you were texting your friends
9 and telling them that you were in somebody
10 baby/daddy car and then you put a selfie and you
11 said, watch my shit, might go missing?

12 A. Yes, sir.

13 Q. And she wrote you back and said, okay,
14 bitch, with a laughing happy face?

15 A. Yes, sir.

16 Q. Who is that? Who were you texting?

17 A. It was my two best friends at the time.

18 Q. Who are they?

19 A. Calea and Nazaria.

20 Q. And then you sent another picture of a
21 photograph off of a console to one of your friends?

22 A. Yes, sir.

23 Q. Which friend was that?

24 A. Calea.

25 Q. And then she sent back, where you at,

MINOR - CROSS-EXAMINATION BY MR. HAYES

1 bitch? And you wrote back, by the lake. Be safe,
2 ho. And you said, thank you, baby. I love you.

3 A. Yes.

4 MR. HAYES: May I approach the witness?

5 THE COURT: Yes, sir.

6 (WHEREUPON, Defendant's Exhibit No. 1
7 through 3 were marked.)

8 Q. MINOR I'm going to show you
9 what's been marked as Defense Exhibits 1, 2, and 3
10 for identification. Do you recognize them?

11 A. Yes, sir.

12 Q. Do they fairly and accurately represent
13 what they portray?

14 A. Yes, sir.

15 Q. And that's your text messages?

16 A. Yes, sir.

17 MR. HAYES: Judge, at this time, I'd
18 like to enter in Defense Exhibits 1, 2 and 3.

19 THE COURT: Without objection?

20 MS. STAGGS: Without objection, Judge.

21 THE COURT: Defendant's Exhibits 1, 2
22 and 3 are admitted into evidence.

23 (WHEREUPON, Defendant's Exhibit Nos. 1,
24 2 and 3 were entered.)

25 Q. Miss MINOR, how long were y'all at

1 the lake?

2 A. I don't remember.

3 Q. All right. When you were talking to
4 the investigators, you told the investigators you
5 were wearing a jumper?

6 A. Yes, sir.

7 Q. Can you explain to the jury what a
8 jumper is?

9 A. Basically, it's like a one piece. When
10 you put your -- it's like shorts and a shirt
11 together. I don't know how to explain it.

12 Q. So it would be -- well, correct me if
13 I'm wrong. This is a garment that you would pull
14 over your head, put your arms through, and it pulls
15 through and it fastens at the groin?

16 A. No. You step your legs into it and you
17 put it on your shoulders.

18 Q. So yours is one you can put on and it's
19 kind of like a jumpsuit. How did it fasten up?

20 A. It didn't have a zipper or nothing, you
21 just put your legs in it and put it on your
22 shoulders.

23 Q. It didn't have a button or a zipper or
24 nothing?

25 A. No, sir.

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 Q. So while you were at the lake you were
2 texting your friends that you were with somebody.
3 And then you're saying that he told you to get into
4 the backseat?

5 A. Yes, sir.

6 Q. And you did?

7 A. Yes, sir.

8 Q. This is at the pond in Barnwell?

9 A. The lake.

10 Q. I'm sorry. We call it Lake Edgar
11 Brown. It is Lake Edgar Brown. And that was in
12 the big concrete parking lot there?

13 A. Yes, sir.

14 Q. And it was somewhat light. It wasn't
15 quite dark, was it?

16 A. At first it was, like, that's when we
17 was smoking the thing and then he waited until it
18 was dark to do...

19 Q. While you were at the lake, did you see
20 other people?

21 A. When we first got there, yes.

22 Q. There was people fishing? People
23 boating? People walking?

24 A. No. Some of them were in the car.
25 Just sitting in the car.

1 Q. Just kind of chilling out by the lake?

2 A. Yes, sir.

3 Q. And then you're saying y'all had sex?

4 A. Yes, sir.

5 Q. That you then got dressed or -- well,
6 that during -- while having sex that he had used a
7 condom?

8 A. Yes, sir.

9 Q. And then you told the police he took
10 the condom and threw it out the window?

11 A. Yes.

12 Q. And then y'all got dressed and he took
13 you home?

14 A. Yes, sir.

15 Q. And he dropped you off right where he
16 picked you up?

17 A. Yes, sir.

18 Q. Or did he drop you off right at the
19 house?

20 A. Where he picked me up from.

21 Q. Now, you said you texted him later that
22 you might be pregnant?

23 A. Yes, sir.

24 Q. When did you text him that you thought
25 you might be pregnant?

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 A. Like a few days after we had sex.

2 Q. What made you think that you might be
3 pregnant?

4 A. I just -- my period was just late and,
5 like, I just didn't feel good.

6 Q. Now, you were texting with some other
7 friends and you told them you thought you might
8 have a stomach ulcer as well; right? And they told
9 you to drink some milk?

10 A. I don't remember -- I don't recall
11 saying that.

12 Q. Have you had a chance to review your
13 text message log?

14 A. No, sir.

15 Q. Would looking at that log help you
16 refresh your memory?

17 A. Yes, sir.

18 MR. HAYES: May I approach?

19 THE COURT: Yes, sir.

20 Q. Have you ever looked at a text message
21 phone printout from the phone company? All right.
22 The number on this side is your number. The number
23 on this side is who you're texting. And on eight
24 lines down you're having a conversation with one of
25 your friends that you might have a stomach ulcer?

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 A. Can you show me again?

2 Q. Yes, ma'am. This is you; right?

3 A. That's my father. I was trying to make
4 up an excuse because I didn't want to tell them
5 what I did.

6 Q. Your father is the 329- [REDACTED]
7 (verbatim)?

8 A. (Nodded.)

9 Q. And in that you told him you thought
10 you might have -- you had been eating a lot of hot
11 stuff, your stomach was hurting and you --

12 A. Yes. I was trying to make up an excuse
13 because I didn't want to tell him I had sex with
14 somebody.

15 Q. Gotcha. Okay. And your phone number
16 is the 803-570- [REDACTED] (verbatim)?

17 A. Yes, sir.

18 Q. Now, a few minutes ago when you were
19 testifying you were saying that you had not heard
20 from Mr. Kirkland until the 17th?

21 A. Yes, sir.

22 Q. And that you hadn't tried to get in
23 touch with him other than that message about him
24 telling you that you were pregnant?

25 A. No. Me telling him that I was

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 pregnant, he never texted me back, so I never
2 texted him again.

3 Q. You did not text him on 7/16 of 2023 at
4 about 12:08?

5 A. I said --

6 Q. 8?

7 A. Yes, that's when I was trying to tell
8 him again.

9 Q. So you're texting him about
10 midnight-ish on the 16th just saying, hey, respond
11 to me?

12 MS. SPIRES: Is that a, yes?

13 A. Yes, sir. Yes. Sorry.

14 Q. And then he still didn't get back to
15 you until midafternoon on the 17th. And that's
16 when he said, I'm sorry, I've been crazy busy?

17 A. Yes, sir.

18 Q. And then you started texting with him
19 up until the time the police showed up; correct?

20 A. I don't recall texting him back.

21 Q. You didn't -- he didn't text you said,
22 I'm sorry. Crazy busy and I'm on my way down
23 there. And you texted back, ight, I-G-H-T.

24 A. No, the police texted that.

25 Q. So you're saying the full conversation

1 after that is the police?

2 A. Yes, sir.

3 MR. HAYES: I beg the Court's
4 indulgence.

5 Q. When you were texting your dad about
6 the stomach ulcer, he wasn't asking you anything
7 specifically, you just texted him that you thought
8 you had this ulcer. Why were you volunteering that
9 to him?

10 A. Can you say the question again? I
11 don't understand.

12 Q. The conversation that you were having
13 with your father was about some basketball game is
14 the way I'm understanding it?

15 A. Right.

16 Q. And then out of the blue, you just
17 texted him, I think I got a stomach ulcer. Why
18 would you volunteer that?

19 A. Because I started to feel worse.

20 Q. Now, the two friends that you were
21 texting, did you tell them what was going on?

22 A. Yes, that's why I was texted him.

23 Q. After?

24 A. Yes.

25 Q. How do you know Ms. Ballard's daughter?

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 A. We've been friends for years.

2 Q. How did y'all meet?

3 A. Instagram.

4 Q. Had y'all actually had face-to-face
5 meeting or were y'all just World Wide Web friends?

6 A. Just friends on the internet.

7 Q. And you said y'all had known each other
8 for years?

9 A. Yes, sir.

10 Q. You said at the time that you were 14,
11 and that you were going to be a freshman, you were
12 in between the 8th grade and the 9th grade?

13 A. Yes, sir. It was, like, at the end of
14 the summertime. When I first found out that I was
15 promoted to the next grade.

16 Q. Okay. So you were going to a new
17 school?

18 A. No -- well, yeah, high school. I was
19 going to high school.

20 Q. Okay. I'm not sure if I follow. I'm
21 from Aiken.

22 A. No, I go to [REDACTED].

23 Q. Right. I'm not sure how your school
24 works. You've got elementary school which went all
25 the way to 5th grade; right?

1 A. Yes, sir.

2 Q. And then you matriculate and you go to
3 6th, 7th and 8th, is that how your school was done?

4 A. Yes, sir.

5 Q. And then you matriculate and you go to
6 9, 10, 11, 12?

7 A. Yes, sir.

8 Q. So you were going from one school to a
9 different school?

10 A. Yes, sir.

11 Q. In your meeting with the investigators,
12 you told them that y'all thought you blocked each
13 other. That you blocked Mr. Lintel and that
14 Mr. Lintel blocked you. Why would you think that?

15 A. Because when I was texting him, my
16 messages would never go through. So I thought he
17 blocked me, so I blocked him also.

18 Q. If you blocked him, how were you
19 texting him?

20 A. When I felt like I was pregnant, I had
21 unblocked him to tell him that I thought I was
22 pregnant.

23 Q. In your phone, did you delete your
24 messages?

25 A. No.

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 Q. So you would have messages going all
2 the way back to the 6th when y'all exchanged
3 numbers?

4 A. I got a -- I don't remember.

5 Q. Did you get a new phone during that
6 period?

7 A. Yes.

8 Q. Did you get a new phone from the 6th or
9 the 9th?

10 A. I don't remember.

11 Q. Now, when the police came on the 17th,
12 they took your phone away from you; right?

13 A. Yes, sir.

14 Q. They also took away your tablet?

15 A. Yes, sir.

16 Q. How long did the police keep your
17 tablet and phone?

18 A. For a month.

19 Q. That was hard?

20 A. No, sir. I can live without a phone.

21 Q. You can live without a phone? You're
22 doing good. So they kept your phone for about a
23 month as well as your tablet?

24 A. Yes, sir.

25 Q. And then did they ultimately return it

MINOR

- CROSS-EXAMINATION BY MR. HAYES

1 to you?

2 A. We went to the police station to get
3 it.

4 Q. So they gave it back?

5 A. Yes, sir.

6 Q. When you were meeting with the police,
7 they asked you if Mr. Kirkland had ever threatened
8 you and you told them, no?

9 A. No.

10 Q. No, that he never did threaten you?

11 A. Yes, sir.

12 Q. After meeting with the police, did they
13 send you to the hospital for a sexual assault exam?

14 A. No, sir.

15 MR. HAYES: I have no more questions at
16 this time.

17 THE COURT: Redirect?

18 MS. STAGGS: Nothing from the State,
19 Your Honor.

20 THE COURT: Very well. You may step
21 down. Thank you.

22 MS. STAGGS: And, Judge, may Miss
23 MINOR be excused from her subpoena?

24 THE COURT: Without objection?

25 MR. HAYES: I have no objection, Your

NOAH KLEINHOLTZ - DIRECT EXAMINATION BY MS. STAGGS

1 Honor.

2 THE COURT: All right. The witness is
3 excused. Thank you.

4 MS. STAGGS: Investigator Noah
5 Kleinholtz.

6 NOAH KLEINHOLTZ,
7 being first duly sworn, was examined and testified
8 as follows:

9 THE CLERK: Please be seated and state
10 your full name.

11 MR. KLEINHOLTZ: Noah Christian
12 Kleinholtz.

13 DIRECT EXAMINATION

14 BY MS. STAGGS:

15 Q. Investigator Kleinholtz, where do you
16 work?

17 A. I work at the Barnwell County Sheriff's
18 Office.

19 Q. And you're an investigator there?

20 A. Yes, ma'am.

21 Q. Okay. How long have you been there?

22 A. I've been at the sheriff's office since
23 July of '21.

24 Q. And how long have you been in law
25 enforcement?

1 A. About three and a half years.

2 Q. Okay. So you've been at the sheriff's
3 office the whole time?

4 A. Yes, ma'am.

5 Q. What are some of your duties as an
6 investigator?

7 A. We get assigned cases periodically that
8 require further investigation. And then every
9 month we're on a one-week of on-call. So if
10 something happened that needed more assistance for
11 investigations, we would respond.

12 Q. Okay. And when you say, more
13 assistance, like, what happens when something gets
14 -- typically, what happens when something gets
15 reported, how does that work?

16 A. So, typically, our dispatch will give a
17 call to the road deputies and they would go to that
18 incident location. And then if they believe
19 there's something further that need to be
20 investigated, they would give us a call.

21 Q. Okay. And were you working on July
22 17th of 2023?

23 A. Yes, ma'am, I was on-call that night.

24 Q. Okay. And did you respond to the
25 Johnson's house in Hilda on [REDACTED]

NOAH KLEINHOLTZ - DIRECT EXAMINATION BY MS. STAGGS

1 A. Yes, ma'am.

2 Q. Were you first on scene?

3 A. No, ma'am.

4 Q. Who was there?

5 A. It would be First Sergeant Logan.

6 Q. And he's not an investigator?

7 A. No, ma'am.

8 Q. Okay. So after he got there that's
9 when he called in for an investigation?

10 A. Yes, ma'am.

11 Q. Who else responded?

12 A. So First Sergeant Logan was first on
13 scene, myself, and Lieutenant Davis.

14 Q. And once you get there, what happened?

15 A. When I got there, I met with First
16 Sergeant Logan and he briefed me of the incident.

17 Q. And what was going on at the time?

18 A. Basically, a report of a sexual assault
19 of a juvenile victim.

20 Q. Okay. And after you get there, what
21 did you do after you talked to First Sergeant
22 Logan?

23 A. After I talked with him, he had the
24 possession of her iPhone and her tablet and he told
25 me that the contact of Kirk was texting and

1 calling, so I took the iPhone and I started texting
2 Kirk.

3 Q. Okay. And why would you do that?

4 A. At the time we didn't know who Kirk
5 was, so we were trying to identify him.

6 Q. Okay. What did you learn from that
7 text exchange with him that night of the 17th?

8 A. That he was actually on the way to
9 Hilda.

10 Q. And so then what did you do?

11 A. Since we knew he was coming to Hilda to
12 that location, I guess you say we staged.
13 Lieutenant Davis went to the Dollar General in
14 Hilda, down the road from the residence, and myself
15 and First Sergeant Logan, we kind of just parked
16 towards a -- we were on an edge of a woodline near
17 the residence.

18 Q. And so that Dollar General, that's on
19 the way? You have to go right by it?

20 A. Yes, ma'am.

21 Q. And did you see anything?

22 A. Yes, ma'am. After some time, a white
23 in color Sedan pulled kind of down next to the
24 residence, down a drive, and parked there for a
25 couple of minutes, and then it left.

1 Q. Okay. And after it left what -- when
2 it was parked there, excuse me, were you still
3 texting with this person Kirk?

4 A. Yes, ma'am.

5 Q. And what were y'all texting?

6 A. He was telling -- he texted saying to
7 come out.

8 Q. And what did you respond?

9 A. I told him to meet us at the Dollar
10 General.

11 Q. And by us, but he thought it was

12 MINOR

13 A. Yes, ma'am.

14 Q. And then after he did that, what did
15 you do?

16 A. Once we got past the Dollar General,
17 Lieutenant Davis got behind the vehicle and
18 initiated a traffic stop on the vehicle.

19 Q. He didn't stop at that Dollar General?

20 A. No, ma'am, he did not.

21 Q. Okay. What happened during that
22 traffic stop? Were you able to identify the
23 driver?

24 A. Yes, ma'am. We identified him through
25 his driver's license.

1 Q. And who was the driver of that vehicle?

2 A. Lintel Kirkland.

3 Q. What did -- what happened during your
4 interaction with Mr. Kirkland?

5 A. We spoke with him on the side of the
6 road and asked him why he was there.

7 Q. Okay. Did you do anything else?

8 A. Lintel Kirkland gave consent for us to
9 search the vehicle.

10 Q. Did you find anything in that vehicle?

11 A. When I searched it, there is a black
12 bookbag in the backseat and there were some condoms
13 in there.

14 Q. So let's go back to your interaction
15 with the victim, MINOR Did she provide you
16 with a statement that night? Did y'all talk to her
17 at length?

18 A. I did not talk with her, but she
19 provided a written statement to First Sergeant
20 Logan.

21 Q. So that night you didn't really talk to
22 her?

23 A. No, ma'am.

24 Q. Did you have an opportunity to
25 interview her?

NOAH KLEINHOLTZ - DIRECT EXAMINATION BY MS. STAGGS

1 A. Yes, ma'am. I interviewed her myself
2 and Lieutenant Davis the following day.

3 Q. Okay. And based on that interview and
4 the information you had gathered, so this would be
5 the 18th now; right?

6 A. Yes, ma'am.

7 Q. And what did you do?

8 A. We took that information, applied for
9 an arrest warrant.

10 Q. And at any point, did you meet with the
11 victim again?

12 A. We did. I believe it was the following
13 day after that.

14 Q. So it would be the 19th?

15 A. Yes, ma'am.

16 Q. And why did you do that?

17 A. To present a photo lineup to the
18 victim.

19 Q. Okay. Now, how do you get a photo
20 lineup?

21 A. You go through SLED and enter in the
22 information of the suspect. You send that to them.
23 And then within a day or two they'll send you the
24 information back. It would be a page with six
25 photos on it. One may or may not be the suspect

1 and then five others that have similar
2 characteristics.

3 Q. Okay. And that's the procedure you
4 used to make the lineup in this case?

5 A. Yes, ma'am.

6 Q. You don't just make it yourself?

7 A. No, ma'am.

8 Q. You went back and met with [REDACTED]

9 [REDACTED] MINOR did you say anything to her about this
10 other than the procedure before you presented her
11 with that lineup?

12 A. No, ma'am.

13 Q. Or during?

14 A. No, ma'am.

15 Q. Who else was with you when you showed
16 her this lineup?

17 A. She came in the office with her father,
18 John Johnson.

19 Q. Okay. Did he participate in this in
20 any way?

21 A. No, ma'am.

22 Q. And about -- so this is the 19th, so
23 this is about ten days after the incident; correct?

24 A. Yes, ma'am.

25 Q. And did she identify anybody from that

1 lineup?

2 A. Yes, ma'am. She had circled number --
3 the photo number 3 as the suspect.

4 Q. And number 3 was?

5 A. Lintel Kirkland.

6 MS. STAGGS: Your Honor, I'd like to
7 pass Investigator Kleinholtz what's been marked as
8 State's Exhibit Exhibit No. 1.

9 MS. ALVES: Solicitor --

10 MS. STAGGS: I'm sorry.

11 Q. Do you recognize what I have handed to
12 you?

13 A. Yes, ma'am.

14 Q. And how do you recognize it?

15 A. This is a copy of what I presented to

16 MINOR

17 Q. It is the lineup that you showed her on
18 the 19th of July of 2023?

19 A. Yes, ma'am.

20 Q. And will you flip just -- the other
21 pages. And that's it. And then what's that third
22 page?

23 A. Third page is just a full photo of
24 Mr. Kirkland.

25 Q. It's a close-up of the smaller one?

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. STAGGS: Your Honor, at this time,
4 the State moves to introduce Exhibit 1 into
5 evidence.

6 THE COURT: Without objection?

7 MS. ALVES: No objection.

8 THE COURT: All right. State's Exhibit
9 1 is admitted into evidence.

10 (WHEREUPON, State's Exhibit Exhibit No.
11 1 was entered.)

12 Q. I just want to clarify. So that third
13 page I just asked you about, you didn't have that
14 the day you showed it to her; right?

15 A. No, ma'am.

16 Q. You only showed her the one with the
17 six photos on it?

18 A. Yes, ma'am.

19 Q. And subsequently that one has been
20 blown up?

21 A. Yes, ma'am.

22 Q. I have no further questions. Please
23 answer any questions the Defense may have.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION

1 BY MS. ALVES:

2 Q. I want to start with asking you about
3 the night of the 17th. On the 17th, that's the day
4 that you were called out by Deputy Logan?

5 A. Yes, ma'am.

6 Q. And that's the -- that's also the same
7 day that Lieutenant Davis made a traffic stop on
8 Mr. Kirkland's vehicle?

9 A. Yes, ma'am.

10 Q. And you were present when that traffic
11 stop was made?

12 A. Yes, ma'am.

13 Q. And you said at that time, Mr. Kirkland
14 gave you consent to search his vehicle?

15 A. Yes, ma'am.

16 Q. And you searched it?

17 A. I did.

18 Q. And you were the one who searched?

19 A. I was.

20 Q. And you said you found a black bookbag?

21 A. Yes, ma'am.

22 Q. And it had some condoms in it?

23 A. Yes, ma'am.

24 Q. That's all?

25 A. Yes, ma'am.

1 Q. No weed?

2 A. There is a jar in the bookbag also that

3 --

4 Q. Did you find any marijuana?

5 A. No.

6 Q. Okay. Now, you said you've been an
7 officer for three and a half years?

8 A. Yes, ma'am, approximately.

9 Q. Approximately. Since July of 2021?

10 A. Yes, ma'am.

11 Q. And did you have to become certified in
12 order to be a police officer?

13 A. Yes, ma'am.

14 Q. How did you become certified?

15 A. After getting hired at the sheriff's
16 office you get sent to the South Carolina Criminal
17 Justice Academy.

18 Q. Okay. So you get certified through the
19 Criminal Justice Academy?

20 A. Yes, ma'am.

21 Q. And how long is the -- are the classes
22 and the program at the Criminal Justice Academy?

23 A. You do four weeks in-house on the
24 computer and then eight weeks in person at the
25 academy.

1 Q. So 12 weeks total is the program?

2 A. Yes, ma'am.

3 Q. That you have to go through training in
4 order to become a police officer?

5 A. Yes, ma'am.

6 Q. And you said -- so and during those 12
7 weeks you have to go to classes?

8 A. Yes, ma'am.

9 Q. And what are those classes?

10 A. It's many different classes. You have
11 practicals where you do scenarios. You have law
12 classes. A lot of classes.

13 Q. All right. So they teach you about
14 basically the law -- criminal laws in South
15 Carolina?

16 A. Yes, ma'am.

17 Q. And you have classes in training on how
18 to -- did they tell you about doing reports?

19 A. Yes, ma'am.

20 Q. And it's actually a class that teaches
21 you how to write a report?

22 A. Sure.

23 Q. Okay. And when you're doing this
24 training, they tell you that the reports are
25 important; isn't that right?

1 A. Yes, ma'am.

2 Q. Because you can't remember all the
3 details in every single case at any particular
4 time? You have to often refer to your report;
5 isn't that correct?

6 A. Sure.

7 Q. Okay. Can you tell us how many cases
8 that you've tried -- or how many cases have you
9 investigated this year? This is 2025. How many
10 this year?

11 A. I can't -- it's hard to say the exact
12 number. I mean, it's March. Maybe had ten cases
13 assigned to me this year.

14 Q. Ten?

15 A. I don't know to be honest.

16 Q. Okay. Do you remember how many -- you
17 don't remember, maybe around ten?

18 A. Maybe.

19 Q. Okay. What about last year, 2024?

20 A. I don't know the exact number.

21 Q. Can you give an approximate?

22 A. (No response.)

23 Q. Well, how about, was it more than 50?

24 A. I'd say around 50.

25 Q. Let's go back to 2023. How many cases

1 in 2023?

2 A. I would assume the same number.

3 Q. Okay. And can we assume the same
4 number for 2021 and 2022?

5 A. I would say the same for '22, maybe not
6 '21.

7 Q. Okay. Well, needless to say, you've
8 investigated well over a hundred cases in your time
9 since July of 2021?

10 A. Sure.

11 Q. Do you remember every single detail
12 about every single one of those cases off the top
13 of your head?

14 A. No, I do not.

15 Q. So that means -- but you write the
16 information down in the reports?

17 A. I do.

18 Q. And you often have to refer to your
19 report if you need information about a particular
20 case?

21 A. Yes.

22 Q. Okay. And who did the report in this
23 case?

24 A. I did.

25 Q. You did?

1 A. (Nodded.)

2 Q. Okay. So you were considered the lead
3 investigator for this case?

4 A. Yes.

5 Q. Okay. And often when you're doing an
6 investigation, even after you finish the initial
7 report, more information comes in; is that correct?

8 A. Yes.

9 Q. And then you would do a supplemental
10 report?

11 A. Yes.

12 Q. Okay. And then when other
13 investigators or other officers are involved in
14 your case and they have information, they would do
15 a supplemental report?

16 A. Yes.

17 Q. But then it's your responsibility as
18 the lead investigator to keep all the reports
19 together?

20 A. Yeah. Sure.

21 Q. Is that right?

22 A. Yes.

23 Q. Okay. And then it's your
24 responsibility as the lead investigator that when
25 information comes in the case, you keep that with

1 the case file?

2 A. Yes.

3 Q. And that's something that they tell you
4 to do at the academy? Basically how to do reports
5 is important?

6 A. I don't know if they said that word for
7 word, but sure.

8 Q. And that's something that you're
9 trained to do as an officer and an investigator?

10 A. Sure.

11 Q. Yes?

12 A. Yes.

13 Q. Okay. All right. Now also at the
14 academy, did they teach you about collecting
15 evidence?

16 A. Somewhat.

17 Q. Okay. But as part of your job as an
18 investigator to when you're investigating a case if
19 there's evidence, to collect evidence?

20 A. Yes, ma'am.

21 Q. Okay. And if you have evidence that is
22 forensic evidence, like say, something with DNA,
23 you're not the person who analyzes that, are you?

24 A. No, ma'am.

25 Q. If you had some evidence that had DNA,

1 | what would you do with it?

2 | A. It would get collected and be sent to
3 | SLED.

4 | Q. State Law Enforcement Division?

5 | A. Yes, ma'am.

6 | Q. Okay. We don't have an actual -- we
7 | don't have a lab here in Barnwell County?

8 | A. No, ma'am.

9 | Q. But any information that you get or any
10 | evidence you get, you would send to SLED and they
11 | would then perform an analysis?

12 | A. Yes, ma'am.

13 | Q. Okay. And who would request that that
14 | analysis be done?

15 | A. The officers whose the case is.

16 | Q. So you would?

17 | A. Yes, if it was my case.

18 | Q. Okay. So your cases, if you collect --
19 | if you have evidence you would then send it to SLED
20 | and tell them what test you want conducted?

21 | A. Yes, ma'am.

22 | Q. Okay. Have you had specific training
23 | in investigating a sexual assault case?

24 | A. Like a specific class, no.

25 | Q. But have you investigated other sexual

1 assault cases?

2 A. No, I believe this is my first
3 investigation of sexual assault.

4 Q. Okay. But you were being supervised by
5 another officer?

6 A. I was.

7 Q. Who?

8 A. Lieutenant Davis.

9 Q. Lieutenant Matt Davis?

10 A. Yes, ma'am.

11 Q. Okay. And he was the person that you
12 were referring to was the one who did the traffic
13 stop?

14 A. Yes, ma'am.

15 Q. Okay. So do you know how much
16 experience he's had doing sexual assault cases?

17 A. I don't know his number, but -- ask the
18 question again. I'm sorry.

19 Q. Do you know how many sexual assault
20 cases he investigated?

21 A. I do not.

22 Q. Okay. But he was supervising you that
23 night?

24 A. Yes, ma'am.

25 Q. Okay. But you are familiar in a sexual

1 assault case, normally you would make an attempt to
2 get -- if there was any DNA evidence available, you
3 would get that?

4 A. Yes, ma'am.

5 Q. It would have been possible for you to
6 send Miss [REDACTED] MINOR for a medical exam?

7 A. We could have.

8 Q. You could have. Did you?

9 A. No, we did not.

10 Q. Okay. Have you ever heard of a SANE
11 exam?

12 A. Yes.

13 Q. You have?

14 A. Yes.

15 Q. Tell us what SANE is, do you know?

16 A. I don't remember the abbreviation off
17 the top of my head.

18 Q. SANE is a Sexual Assault Nurses
19 Examination; is that correct?

20 A. Yes, ma'am.

21 Q. And SANE is actually done with
22 protocols that were issued by State Law Enforcement
23 Division; is that correct?

24 A. Yes, ma'am.

25 Q. And in the SANE exam, that's where

1 | somebody who has said that they're a victim of
2 | sexual assault or a juvenile who said that, you
3 | know, have been in sexual intercourse and have an
4 | exam done by a nurse at a medical facility; is that
5 | correct?

6 | A. Yes, ma'am.

7 | Q. And that's where evidence could
8 | potentially be collected?

9 | A. Yes, ma'am.

10 | Q. And they would do a medical exam of
11 | that person?

12 | A. Yes, ma'am.

13 | Q. Okay. But that was not done here?

14 | A. No, ma'am, it was not.

15 | Q. Okay. And that's something you could
16 | have sent her for, but did not?

17 | A. Yes.

18 | Q. Okay. Also in a sexual assault case,
19 | wouldn't it be a standard practice to collect the
20 | clothing of the person who said they were
21 | assaulted?

22 | A. Yes, it could be collected.

23 | Q. Did you collect the clothing in this
24 | case?

25 | A. No, ma'am.

1 Q. You said you didn't collect the
2 clothes, but I don't know, did she have underwear?
3 Did you collect the underwear?

4 A. We didn't collect any clothing.

5 Q. Okay. And in the detail -- in the
6 interview that you and Investigator Davis did with
7 MINOR on the 18th of July, when she came to
8 the sheriff's department, she told you that this
9 Kirk and she had had sex?

10 A. Yes.

11 Q. But she didn't actually say she had
12 intercourse, did she?

13 A. She said -- well, she spelled out they
14 had sex.

15 Q. When you asked her what happened or
16 when Investigator Davis asked her what happened,
17 she just said S-E-X, isn't that her response?

18 A. Yes, ma'am.

19 Q. She never said that they had
20 intercourse where he put his penis in her vagina,
21 did she?

22 A. I don't remember if she used that
23 wordage.

24 Q. She never said she had intercourse, she
25 only spelled out S-E-X?

1 A. Yes.

2 Q. That's correct?

3 A. Yes.

4 Q. But she told you that he used a condom?

5 A. Yes.

6 Q. And she told you that he threw out the
7 condom?

8 A. Yes.

9 Q. And she told you where they were?

10 A. Yes.

11 Q. Where were they?

12 A. They were at the lake in Barnwell.

13 Q. Okay. And she told you that they were
14 in the parking lot?

15 A. Yes.

16 Q. And she even specified when asked by
17 Investigator Davis that they were near the bridge?

18 A. Yes.

19 Q. Did you ever go out there to look under
20 the bridge to see if you could find a used condom?

21 A. No, I did not.

22 Q. She told you that she was on her
23 period, but you said you didn't send her to a
24 medical exam, so you never were able to confirm
25 whether she was on her period or not?

1 A. Correct.

2 Q. Okay. She told you that she smoked
3 weed and that he gave it to her; is that right?

4 A. Yes.

5 Q. Did you ever send her for a drug exam
6 to see if she was tested positive for marijuana?

7 A. No.

8 Q. Isn't it true that marijuana would stay
9 in somebody's system for longer than a week?

10 A. I don't know that.

11 Q. Did you ever check?

12 A. No.

13 Q. All right. Now, let's talk about cell
14 phones. You said you -- your testimony was that
15 Investigator -- excuse me, Deputy Logan, when you
16 got to the house had already seized Miss Johnson's
17 cell phone and her iPad or some type of tablet?

18 A. Yes.

19 Q. Excuse me?

20 A. Yes.

21 Q. All right. Now, let me ask you, what
22 can be done with cell phones? Why would it be
23 important to seize somebody's cell phone?

24 A. Could have evidence on the cell phones.

25 Q. Evidence found on the cell phone?

1 A. Yes.

2 Q. Okay. Like text messages that she said
3 they had?

4 A. Yes.

5 Q. Okay. Now, the only text messages that
6 have been turned over have been the ones that were
7 testified -- you were here in the courtroom when
8 the testimony of Miss MINOR and -- and
9 I'm showing you what's marked as Defense Exhibits
10 1, 2 and 3. Do you recognize those as some cell
11 phones -- some screenshots of cell phones that were
12 taken off of her phone?

13 A. Yes, ma'am.

14 Q. All right. Do you know who took those
15 pictures?

16 A. I did.

17 Q. You took these pictures. And these
18 were of Miss MINOR phone?

19 A. Yes, ma'am.

20 Q. Okay. And there are some from the 9th
21 and then -- these are all from the 9th; is that
22 correct?

23 A. I believe so.

24 Q. You can look at them. I'm sorry.

25 Those are all from the 9th, the day that she was in

1 the car with Kirk?

2 A. I'm not a hundred percent -- two of
3 them are. I would assume this one is, but there's
4 no timestamp.

5 Q. There's no timestamp on No. 2?

6 A. Uh-huh.

7 Q. And so the cell phones would have been
8 important to get information to corroborate what
9 she's saying; is that right?

10 A. Yes.

11 Q. All right. And where's the text about
12 this she thinks she's pregnant?

13 A. It wasn't on the phone.

14 Q. It wasn't on her phone?

15 A. Not when I looked through it, no.

16 Q. So you looked through her phone and you
17 didn't see that text?

18 A. No, ma'am.

19 Q. Okay. Did you see the conversation
20 that they had starting on July 6th?

21 A. No, ma'am.

22 Q. You didn't see that conversation?

23 A. No, ma'am.

24 Q. What happened to that conversation?

25 A. I don't know.

1 Q. All right. Did you ask Miss MINOR

2 what happened to the conversation?

3 A. I don't remember.

4 Q. Okay. All right. If you had a
5 conversation with her about that, would that be in
6 your report?

7 A. Sure. I mean, yeah.

8 Q. Do you have your report with you?

9 A. No.

10 Q. Would seeing your report refresh your
11 memory about whether or not you had this
12 conversation with her about these cell phone
13 conversations?

14 A. I don't really remember talking to her
15 about her phone, so I don't...

16 Q. Okay. So would seeing your report help
17 you?

18 A. Probably not, no.

19 Q. Probably not?

20 A. No.

21 Q. Okay. Well, let me ask you this. When
22 you have somebody's phone, not necessarily in this
23 case, but in any case that you're investigating you
24 get a cell phone, what information can be obtained
25 from that cell phone?

1 A. Text messages, phone calls, photos,
2 social media.

3 Q. And you can actually send the phone to
4 SLED for a forensic analysis of the phone, can't
5 you?

6 A. You can.

7 Q. And then even if something has been
8 deleted, it's possible that it could still be
9 recovered on a forensic analysis?

10 A. It's hard to say.

11 Q. Is it possible?

12 A. Possible, yes.

13 Q. Did you make any effort in this case?

14 A. No, we did not send the phone.

15 Q. Okay. Now, you got records from the
16 phone company in this case?

17 A. I did.

18 Q. But those records only go back from the
19 16th of July?

20 A. I believe so, yes.

21 Q. Did you make any effort to try to find
22 records from maybe the 9th to the 16th?

23 A. I don't believe so.

24 Q. All right. Now I want to go back to a
25 conversation that you and Investigator Davis had

1 with Mr. Kirkland on the 17th. At that time, you
2 had not had opportunity to talk to Miss [REDACTED]
3 [REDACTED] MINOR ?

4 A. No, ma'am.

5 Q. So you didn't know what her whole story
6 was until the 18th when she came into the police
7 department?

8 A. Yes.

9 Q. Okay. And then it was after that that
10 you obtained a warrant for Mr. Kirkland's arrest?

11 A. Yes, ma'am.

12 Q. And what day was Mr. Kirkland arrested?

13 A. I believe the 18th.

14 Q. The 18th. Before the photo lineup?

15 A. Yes, ma'am.

16 Q. Okay. So that would have been the day
17 after you met with him in Barnwell?

18 A. Yes, ma'am.

19 Q. Okay. When -- were you present when
20 Mr. Kirkland was arrested?

21 A. I was.

22 Q. You were?

23 A. I was.

24 Q. Okay. And Mr. Kirkland was arrested
25 after you -- after you talked to [REDACTED] MINOR -- after

1 you and Investigator Davis had talked to Ja'Faith?

2 A. Yes.

3 Q. Mr. Kirkland was arrested at his home?

4 Or somewhere in Aiken?

5 A. There was a trailer in Aiken.

6 Q. Okay. You went there and found him --

7 you went right to the trailer and found him there?

8 A. Yes.

9 Q. Okay. And when you arrested

10 Mr. Kirkland, what conversation did you have with
11 him?

12 A. Sorry, can you ask that again?

13 Q. What conversation did you have with

14 Mr. Kirkland?

15 A. When he was arrested?

16 Q. Yes.

17 A. I don't remember.

18 Q. Did you tell him what he was charged

19 with?

20 A. I don't remember.

21 Q. Okay. Did you give him any details

22 about what Miss MINOR had said?

23 A. I don't remember.

24 Q. Okay. Do you typically in cases when

25 you're arresting somebody tell them what a victim

1 | had said or a person has said about them in
2 | details? Or you just tell them you're under arrest
3 | for criminal sexual conduct?

4 | A. Ask the question again, please.

5 | Q. I'm asking when you arrest someone, do
6 | you typically give information about what a witness
7 | or a victim has said about them?

8 | A. I mean, sometimes you talk. I don't
9 | know.

10 | Q. Did you have a conversation with him
11 | beyond giving the charges?

12 | A. I don't remember to be honest.

13 | Q. Okay. Do you remember how long you
14 | were with him?

15 | A. I -- no, I don't.

16 | Q. Okay. The car that he was driving on
17 | the 17th, is that the same car that Miss MINOR
18 | [REDACTED] said she had been picked up in on the 9th?

19 | A. I believe she stated to us that it was
20 | a white in color SUV. But that vehicle was a white
21 | in color Sedan, a smaller car.

22 | Q. Okay. Did you ever make contact with
23 | that white SUV that -- she said she got into the
24 | backseat of an SUV?

25 | A. Yes.

1 Q. All right. Did you make contact with
2 that vehicle?

3 A. No.

4 Q. So you didn't search that vehicle?

5 A. No.

6 Q. And Miss [REDACTED] MINOR said they had
7 gone to a gas station?

8 A. I don't recall her telling us that.

9 Q. Okay. Did she tell you about any store
10 or gas station that they had gone to?

11 A. No.

12 Q. Okay. And I just want to be clear, you
13 didn't request any type of forensic examinations on
14 or any kind of analysis of anything found anywhere
15 in this case?

16 A. No, ma'am.

17 MS. ALVES: Thank you. No further
18 questions.

19 THE COURT: Redirect?

20 MS. STAGGS: Yes, Your Honor. Thank
21 you.

22 REDIRECT EXAMINATION

23 BY MS. STAGGS:

24 Q. So when you learned about the incident
25 on July 9th, this was, like, on the 17th; correct

1 --

2 A. Yes, ma'am.

3 Q. -- in the evening? But you didn't talk
4 to MINOR until the 18th?

5 A. Correct.

6 Q. So after you talked to her, why would
7 you not have sent her for a sexual assault exam?

8 A. Well, from the incident to the time we
9 got involved, myself and Lieutenant Davis believed
10 there was too much of a time gap to get any
11 evidence.

12 Q. It was almost ten days?

13 A. Yes, ma'am.

14 Q. Why wouldn't you go search for the
15 condom by the lake?

16 A. If it was there it had been there for
17 ten days and would have been hard to prove that it
18 was Lintel Kirkland's. It's been out in the
19 weather for ten days.

20 Q. And I guess the same would be true
21 perhaps for the clothing?

22 A. Yes, ma'am.

23 Q. Not out in the weather, but it had been
24 ten days?

25 A. Could have been washed.

1 Q. Okay.

2 MS. STAGGS: I beg the Court's
3 indulgence. No further questions, Your Honor.

4 THE COURT: Any recross?

5 MS. ALVES: Yes.

6 RECROSS-EXAMINATION

7 BY MS. ALVES:

8 Q. Even if a condom was out in the weather
9 for ten days, isn't it possible you still could
10 have gotten DNA off of it?

11 A. It's possible.

12 Q. But you didn't try?

13 A. No, ma'am.

14 Q. Okay. And for the clothing, so long as
15 she hadn't washed the clothes, isn't it possible
16 that you could have possibly found DNA either from
17 Mr. Kirkland if in fact what she said is true, his
18 DNA could have been found on those clothes?

19 A. Yes.

20 Q. Did you make any effort?

21 A. No.

22 Q. Did you ask her for the clothes?

23 A. I did not.

24 MS. ALVES: Thank you. No further
25 questions.

1 THE COURT: All right. The witness may
2 step down. Thank you. All right. Ladies and
3 gentlemen, we've been going for about an hour and
4 15 minutes or so, let's go ahead and head on back
5 to the jury room and refresh yourself. Probably
6 take about a ten minute break and we're going to
7 keep going again.

8 Please don't discuss the case or anyone
9 involved in the case, but have a nice break and
10 we'll get you back in here shortly. Thank you.

11 (WHEREUPON, the jury left the courtroom
12 at 11:03 a.m.)

13 THE COURT: All right. We'll take ten.
14 (There was a short break.)

15 THE COURT: Is the State ready to
16 proceed with their next witness?

17 MR. MILLER: Yes, Your Honor.

18 THE COURT: Defense ready?

19 MR. HAYES: Yes, Your Honor.

20 THE COURT: All right. Let's bring the
21 jury in, please.

22 (WHEREUPON, the jury entered the
23 courtroom at 11:16 a.m.)

24 THE COURT: All right. Ladies and
25 gentlemen, welcome back. We'll continue on with

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 the next witness in the State's Exhibit case in
2 chief.

3 MR. MILLER: Thank you, Your Honor.
4 The State calls Lieutenant Matt Davis of the
5 Barnwell County Sheriff's Office.

6 THE COURT: Very well.

7 MATT DAVIS,
8 being first duly sworn, was examined and testified
9 as follows:

10 THE CLERK: Please be seated and state
11 your full name.

12 MR. DAVIS: James Matthew Davis.

13 DIRECT EXAMINATION

14 BY MR. MILLER:

15 Q. Lieutenant Davis, who do you work for?

16 A. I work for the Barnwell County
17 Sheriff's Office.

18 Q. And how long have you worked for them?

19 A. I have worked for them for
20 approximately 11 years.

21 Q. And besides working for the Barnwell
22 County Sheriff's Office, do you have any other law
23 enforcement experience?

24 A. I do. I started at the South Carolina
25 Department of Corrections in 2013.

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 Q. And what are your job duties for the
2 Barnwell County Sheriff's Office?

3 A. My current job duties are I'm the
4 lieutenant over our investigations unit.

5 Q. What does that entail?

6 A. We investigate crimes in Barnwell
7 County. Mostly violent crime, narcotics,
8 burglaries, sex crimes, stuff to that nature.

9 Q. Did you -- were you the on-call
10 investigator on the night of the 17th of July,
11 2023?

12 A. On the night of the 17th, I was the
13 on-call command staff. Noah Kleinholtz was the
14 on-call investigator.

15 Q. Okay. And by command staff, can you
16 explain what that means to the jury?

17 A. We have a command staff at the
18 sheriff's office, it involves or it's the sheriff,
19 the chief deputy, the captain, and at the time
20 myself were the four command staff members. We --
21 we're on call from Monday at 9 in the morning to
22 the following Monday at 9 in the morning. We have
23 to be available to answer calls, answer questions
24 from any of our staff, any of our road deputy,
25 investigators, dispatch, but to make command level

1 decisions.

2 Q. So on the 17th when Investigator
3 Kleinholtz got called out to the Johnson's house in
4 Hilda, did you -- were you notified of that?

5 A. Yes, I was.

6 Q. And what did you do in response to
7 getting that notification?

8 A. I met with Investigator Kleinholtz at
9 [REDACTED] in Hilda in Barnwell County.

10 Q. All right. And was anybody else there
11 besides Investigator Kleinholtz at the residence?

12 A. I believe at the residence was our
13 First Sergeant Daniel Logan who is a road deputy.
14 Also, MINOR [REDACTED] was at the residence along with
15 her parents.

16 Q. Whenever you arrived at the residence
17 and spoke with Investigator Kleinholtz, what did
18 you do? Kind of explain that process. When you
19 get there, who do you talk to and what are you
20 talking to them about?

21 A. I spoke with Investigator Kleinholtz
22 and mainly, primarily, he informed me that an
23 allegation had been made of criminal sexual conduct
24 with a minor. Our victim was 14 years old at the
25 time. And she had allegedly -- there was

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 | alledgedly text messages between her and the
2 | Defendant, Lintel Kirkland. And Investigator
3 | Kleinholtz had possession of her electronic device.
4 | And the Defendant who was in the phone as Kirk was
5 | texting her. And that he texted something to the
6 | effect of that he was on the way to Barnwell County
7 | and he would be here around 40 minutes.

8 | Q. At that point in time, did you have any
9 | information to identify the Defendant other than
10 | the nickname Kirk and a phone number?

11 | A. We were not familiar, we did not know
12 | the identity of Kirk.

13 | Q. Okay. So at that point, was
14 | Investigator Kleinholtz the one that was texting to
15 | Kirk as they were going back and forth those text
16 | messages?

17 | A. Yes, that's correct. Investigator
18 | Kleinholtz was doing the communicating with Kirk.

19 | Q. Okay. So -- but MINOR the
20 | victim, she didn't have her devices at this time?

21 | A. She did not.

22 | Q. Okay. What did you do when you were
23 | informed that Kirk was on his way to Hilda?

24 | A. When I learned that he was on the way
25 | to Hilda, I then got back in my vehicle and I went

1 to the Dollar General store which is off of
2 [REDACTED] and Highway 70 in Hilda. It's
3 roughly a quarter of a mile or so from [REDACTED]
4 [REDACTED] MINOR's residence. It's a small dirt road.

5 Q. All right. So let's explain -- explain
6 to the jury the layout, the geography around there.
7 If you're going from Barnwell County to Hilda,
8 right before you get to Hilda there's a Dollar
9 General on the side of 70; correct?

10 A. That's correct.

11 Q. All right. So where is [REDACTED]
12 [REDACTED] in relationship to that Dollar General?

13 A. [REDACTED] is a dirt road that's
14 off of Highway 70 that runs directly beside the
15 Dollar General.

16 Q. And then where does [REDACTED]
17 circle to?

18 A. It circles back around to Delk Avenue
19 which you would veer off of Highway 70 onto Delk
20 Avenue right after the Dollar General.

21 Q. Okay. So is that -- [REDACTED],
22 is that a heavily traveled road?

23 A. No, sir, not at all.

24 Q. Okay. And you said that it was a dirt
25 road; correct?

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 A. That's correct.

2 Q. All right. So you post up at the
3 Dollar General and what are you doing at the Dollar
4 General in the parking lot there?

5 A. Since the Defendant said that he was on
6 the way, I staged there to watch traffic that was
7 coming, turning off of Highway 70 and that would go
8 down [REDACTED] and not turn into the Dollar
9 General.

10 Q. And did you ever see anybody -- well,
11 and while you were doing this, were you also
12 maintaining contact with Investigator Kleinholtz?

13 A. Yes, I was.

14 Q. Okay. So did you ever see any
15 vehicles?

16 A. I sat there for a number of -- an
17 amount of time and then a white Sedan turned off of
18 Highway 70 onto [REDACTED].

19 Q. And what did you do?

20 A. I then followed the vehicle. And it
21 went to a driveway that was off of [REDACTED]
22 that was beside the victim's residence.

23 Q. Was it before you passed in front of
24 the victim's residence or after you passed in front
25 of the victim's residence that this driveway was?

1 A. It was before the victim's residence on
2 the Dollar General side of [REDACTED]

3 Q. Okay. And what did you do?

4 A. I kept going. I was not -- we were not
5 sure yet if that was our Defendant's car. I met
6 back with Investigator Kleinholtz at the victim's
7 residence to continue the communication with the
8 Defendant.

9 Q. And at that time from your vantage
10 point at the victim's house, were you able to see
11 where that white vehicle was?

12 A. We could. It was dark. It's a rural
13 part of the county. It's just a field basically in
14 between the victim's house and the 2 Rut Road that
15 the Defendant turned down and it was nighttime and
16 you could also see the headlights from the vehicle.

17 Q. So you could still see the vehicle
18 while Kleinholtz was texting with him?

19 A. Yes, that's correct.

20 Q. All right. What happened next?

21 A. Next, Kleinholtz got a message from the
22 Defendant stating that he was -- something to the
23 effect that he was here.

24 Q. And how did Kleinholtz respond?

25 A. Noah texted the number back to -- told

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 him to go down to the Dollar General.

2 Q. And why did you do that?

3 A. I wanted to get the Defendant away from
4 the victim's house before we made contact with him
5 to prevent anything happening with her family or
6 anybody else.

7 Q. Okay. After the text was sent saying
8 we needed to meet at the Dollar General, did you
9 see -- did you see anything else happen?

10 A. After the text was sent for him to go
11 to the Dollar General, the same car that we had
12 been observing then turned back onto [REDACTED]
13 [REDACTED] and went toward the Dollar General on
14 Highway 70.

15 Q. And what did you do?

16 A. I then proceeded to go and get behind
17 the vehicle -- get behind the Defendant's car.

18 Q. Did the car stop at the -- did the
19 white Sedan stop at the Dollar General?

20 A. It did not.

21 Q. All right. Which way did it go on 70?

22 A. It turned left off of [REDACTED],
23 it turned left onto Highway 70 which would have
24 been heading toward Barnwell.

25 Q. Okay. What happened next?

1 A. I was then fairly confident that the
2 vehicle was the Defendant, the person that we were
3 in communication with, so I initiated a traffic
4 stop to attempt to identify him and continue our
5 investigation.

6 Q. And were you able to stop the vehicle?

7 A. Yes, sir. He did pull over on Highway
8 70.

9 Q. And were you able to identify the
10 Defendant?

11 A. I was. Once he got out of the car, we
12 identified the Defendant, Lintel Kirkland, by South
13 Carolina driver's license.

14 Q. And according to his driver's license,
15 where did he live?

16 A. I believe that his driver's license at
17 the time had an Aiken County address.

18 Q. And did he explain to you -- well, did
19 you ask him why he was in the area?

20 A. Yes. We initially started asking him
21 the questions of why he was in Hilda, what was he
22 coming there for.

23 Q. And what was his response?

24 A. That mostly all he kept repeating that
25 he was just coming to drop a load and that he was

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 just out riding.

2 Q. Did he explain to you why his car had
3 been on [REDACTED] minutes before that?

4 A. He told me that he had went behind the
5 Dollar General to use the bathroom.

6 Q. Okay. So did you continue to question
7 him about why he was coming to that area?

8 A. Yes, I did.

9 Q. And did he ever tell you that he was
10 coming to see [REDACTED] MINOR

11 A. No, he did not.

12 Q. Did he ever tell you that he was coming
13 to see anyone in particular while you were talking
14 to him?

15 A. He did not name anybody in particular.
16 He stated that he was coming to drop a load and
17 coming to speak with someone.

18 Q. And, in fact, whenever you were asking
19 him initially what he was doing in the area and he
20 told you that he had gone to the bathroom behind
21 the Dollar General, he then said he was going home;
22 right?

23 A. That's correct.

24 Q. And you asked him why he had driven all
25 the way from Aiken to go to the bathroom behind the

1 Dollar General in Hilda?

2 A. That's correct.

3 Q. Did you ever get an answer to that
4 question?

5 A. He guessed that he went behind the
6 Dollar General to use the bathroom and I then
7 explained to him that I was at the Dollar General
8 and that he did not in fact do that.

9 Q. And when you asked him about the name
10 of the person or information about the person that
11 he was coming to see, what was he able to tell you?

12 A. He stated that he did not know any
13 names that he only knew numbers.

14 Q. Okay. And did he at any point during
15 the roadside encounter there, did he consent to a
16 search of the vehicle?

17 A. Yes, he did consent to a search of his
18 vehicle.

19 Q. And who searched the vehicle?

20 A. Investigator Kleinholtz searched the
21 vehicle.

22 Q. Okay. During the time that you were
23 interviewing him, did he ever admit to meeting

24 MINOR

25 A. No, sir, he did not.

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 Q. Okay. Did he ever tell you how he got
2 the phone number of the person he was texting that
3 night?

4 A. Not on the side of the road.

5 Q. Okay.

6 A. Not with the interview on the side of
7 the road.

8 Q. Did he tell you that later in a
9 subsequent interview?

10 A. Yes, he did.

11 Q. And how did he say he got that number?

12 A. He stated that he met a girl at
13 Walmart.

14 Q. But he didn't know her name?

15 A. To my knowledge, I do not think he ever
16 stated that he knew MINOR

17 Q. So you interviewed him on the side of
18 the road and you talked to him, what did you do --
19 what did you do after you were done talking to him?
20 What happened to him that night?

21 A. He was released and he left and we
22 continued our investigation.

23 Q. Okay. And what did you do to continue
24 your investigation?

25 A. The investigation, Investigator

1 Kleinholtz was attempting to interview our victim
2 and he was putting together a photo lineup to show
3 our victim. And I was working on verifying the
4 location for the Defendant, Lintel Kirkland, on the
5 night of July 9, 2023.

6 MR. MILLER: Your Honor, at this time,
7 the State would move to publish the stipulation
8 between counsel for the jury.

9 THE COURT: Ms. Alves?

10 MS. ALVES: No objection.

11 THE COURT: All right. You may publish
12 the stipulation agreed to by the parties.

13 MR. MILLER: Ladies and gentlemen, this
14 is a stipulation of fact. The State and the
15 Defendant stipulate to the following:

16 The Defendant, Lintel Kirkland, picked
17 up the alleged victim in this matter from her
18 residence on July 9, 2023 at approximately 8 p.m.

19 The Defendant and the alleged victim
20 were together in the Defendant's vehicle on July 9,
21 2023 until the Defendant dropped the alleged victim
22 off at her residence at approximately 9:45 p.m.

23 During the time the victim and the
24 alleged Defendant were together on July 9, 2023,
25 the Defendant and the alleged victim were in the

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 Defendant's vehicle at Lake Edgar Brown in Barnwell
2 County for approximately one hour.

3 And, Your Honor, we would make this
4 States Exhibit 2.

5 THE COURT: Very well.

6 (WHEREUPON, State's Exhibit No. 2 was
7 marked and entered.)

8 Q. Now, Investigator -- or Lieutenant
9 Davis, after the victim had been interviewed and
10 after Mr. Kirkland's location had been confirmed
11 with -- as part of the investigation and the victim
12 had been shown the lineup, Investigator Kleinholtz
13 obtained a warrant for the Defendant's arrest;
14 correct?

15 A. That's correct.

16 Q. Now, what day was it that the victim
17 was interviewed by Investigator Kleinholtz?

18 A. The victim was interviewed on July 18,
19 2023.

20 Q. When was she shown the lineup?

21 A. I believe she was shown the lineup on
22 July 19, 2023.

23 Q. And when was the Defendant arrested?

24 A. I believe the Defendant was arrested on
25 July 18, 2023.

1 Q. Okay. Now, Ms. Alves had asked
2 Investigator Kleinholtz about why you didn't or why
3 law enforcement didn't ask the victim to go to the
4 hospital and have a SANE kit performed. Why did
5 y'all not send her?

6 A. The alleged date of the incident was on
7 July 9, 2023, the incident was not reported or we
8 did not learn about the incident until July 17th of
9 2023. That's, you know, that's a gap of
10 approximately, you know, 10 to 12 days. There
11 would be no evidentiary value of doing a SANE kit.
12 You're -- it's of the utmost importance to do the
13 SANE kit within the first 24 hours of the alleged
14 incident and definitely preferably before the
15 victim has a chance to take a shower.

16 Q. And as far as the cell phones go, have
17 you ever sent or had an investigation where phones
18 were sent to SLED to have -- to have those phones
19 forensically examined?

20 A. Yes, we have.

21 Q. And how long does that usually take?

22 A. Typically, for SLED to do the phone
23 analysis and get us back what's on the contents of
24 the phone, typically takes a year or longer, well
25 over a year. I've had -- I personally have had

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 | phones that we have sent during investigations to
2 | SLED and it take three years to get the phone dumb
3 | back.

4 | Q. Well, what about DNA, how quickly does
5 | SLED get DNA back to you?

6 | A. Typically, that's a longer timeframe.
7 | Well over a year. More likely two to three years
8 | before the DNA analysis is done.

9 | Q. And -- so why didn't y'all go out to
10 | the lake and to the parking lot and gather up
11 | condoms that you could find and send them off to
12 | SLED to get them DNA tested?

13 | A. Number one, the incident date being on
14 | July 9th of '23 and when we learned about it on
15 | July 17th of 2023, the amount of time that had
16 | passed, whether -- if you're from Barnwell County,
17 | I think everybody would understand that --

18 | MS. ALVES: Objection, Your Honor.
19 | That's improper -- that's not even responsive to
20 | the question.

21 | THE COURT: Could you rephrase the
22 | question or ask the question again?

23 | MR. MILLER: I asked him why he didn't
24 | go over to the lake, to the parking lot to collect
25 | up condoms that they found and send those condoms

1 off to SLED.

2 THE COURT: How about try answering the
3 question again.

4 A. Okay. If I were to go to the Barnwell
5 County lake to look for condoms, I would probably
6 open Pandora's box and collect probably over a
7 hundred condoms.

8 Q. And how many condoms could you have
9 sent to SLED at one time for DNA analysis?

10 A. The max number that SLED will let you
11 submit at one time for DNA analysis is five.

12 Q. And you would have expected to wait a
13 year plus for that analysis?

14 A. Correct.

15 Q. And if you didn't find the one in your
16 first five, you got to send five more?

17 A. That's correct.

18 Q. And that would go on indefinitely?

19 A. That's correct.

20 MR. MILLER: Beg the Court's
21 indulgence.

22 Q. Now, when you interviewed or you and
23 Investigator Kleinholtz interviewed the victim on
24 the 18th and she said -- she told you that the
25 Defendant had worn a condom during this

MATT DAVIS - DIRECT EXAMINATION BY MR. MILLER

1 interaction; correct?

2 A. That is correct.

3 Q. Okay. And then she said the Defendant
4 threw the condom out the window?

5 A. That's correct.

6 Q. Or threw it out, I'm not sure if she
7 said the window or the door, but she threw it out
8 of the car -- or he threw it out of the car rather?

9 A. That's correct.

10 Q. Okay. So in that instance, would you
11 have expected to find DNA on any clothing, the
12 victim's underwear from the Defendant?

13 A. No, I do not.

14 Q. Now, if the incident had been reported
15 immediately, you could have sent the victim to the
16 hospital to have this SANE kit done; correct?

17 A. Absolutely.

18 Q. And all of her clothing would have been
19 collected as a part of that process; correct?

20 A. Absolutely.

21 Q. But you would confirm that the
22 Defendant and the victim were together in the
23 Defendant's car in that parking lot for over an
24 hour the 9th; correct?

25 A. That is correct.

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 Q. No further questions. Please answer
2 any questions the Defense might have.

3 CROSS-EXAMINATION

4 BY MS. ALVES:

5 Q. You testified that -- let's see, that
6 you've been in the sheriff's department here for 11
7 years?

8 A. Approximately.

9 Q. Approximately 11 years. And before
10 that, your previous law enforcement experience was
11 at the Department of Corrections?

12 A. That's correct.

13 Q. So you've been in law enforcement for
14 over 11 years?

15 A. Over 12 now.

16 Q. Over 12?

17 A. Yes, ma'am.

18 Q. And how long have you been an
19 investigator?

20 A. I've been an investigator since July of
21 2018.

22 Q. And how many cases would you say that
23 you've investigated?

24 A. Hundreds.

25 Q. Hundreds?

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 A. Hundreds.

2 Q. Okay. Including -- and how many sexual
3 sex crimes have you investigated?

4 A. I can't give an approximate number, but
5 I'm experienced with them and have investigated
6 multiple sex crimes.

7 Q. Okay. And how long have you been the
8 supervisor over the -- a supervisor at the
9 investigation unit?

10 A. Approximately four years.

11 Q. And as your duty as investigators, you
12 have to review the reports of the investigators who
13 work with you?

14 A. Yes, ma'am, that's correct.

15 Q. And you oversee their investigations?

16 A. Yes, ma'am.

17 Q. And, in fact, you assist in maybe
18 training them?

19 A. Yes, ma'am.

20 Q. And so you would have been working on
21 training Investigator Kleinholtz on this which he
22 said was his first sex crime investigation?

23 A. I was overseeing the investigation.

24 Q. Okay. And in the sex crime involving a
25 juvenile or somebody -- or a youth, it is common

1 practice to send them for a medical exam, isn't it?

2 A. In a certain timeframe.

3 Q. Okay. And you said a SANE exam, you
4 said it was because it was within the first 24
5 hours, but a SANE exam can actually be performed
6 after 24 hours, can't it?

7 A. They can do it.

8 Q. They can?

9 A. They can do the test. It would not
10 hold any value.

11 Q. A SANE exam isn't just to find DNA, is
12 it?

13 A. No.

14 Q. It can also determine if there's
15 bruises or if there's injury?

16 A. You're correct.

17 Q. And for a youthful victim in a case, it
18 could determine if there was actually some type of
19 penetration?

20 A. That's correct.

21 Q. It can determine whether the hymen's
22 intact?

23 A. That's correct.

24 Q. But there was no examination done in
25 this case?

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 A. There was not.

2 Q. And you also investigate drug cases?

3 A. That's correct.

4 Q. And are you familiar with how long
5 marijuana would stay in someone's system?

6 A. Somewhat.

7 Q. It could stay -- marijuana can be
8 detected in someone's system after a week, can't
9 it?

10 A. It's possible.

11 Q. Up to 30 days maybe?

12 A. Maybe.

13 Q. Okay. But you didn't send her for an
14 exam to determine whether or not she had drugs in
15 her system?

16 A. We did not.

17 Q. And you talked about this Pandora's box
18 out at this lake with all these possibly finding a
19 hundred condoms. You said it was a Pandora's box
20 because it might be a lot of condoms out there?

21 A. Yes, I did.

22 Q. Might be one?

23 A. Might be a hundred.

24 Q. How many did you find?

25 A. We did not go to the lake to search for

1 condoms.

2 Q. Okay. Now, let's talk about in your 12
3 years of law enforcement experience, 11 years with
4 the Barnwell County, and in your experience as an
5 investigator since I think you said 2017?

6 A. '18.

7 Q. '18. You've arrested you said hundreds
8 of cases, so potentially hundreds of defendants?

9 A. I've investigated a large number of
10 cases.

11 Q. And you've arrested a large number of
12 defendants?

13 A. There has been some.

14 Q. Okay. And in the investigation even
15 once somebody is arrested, the investigation is
16 still ongoing, isn't it?

17 A. It can be.

18 Q. And in many of the cases you had, you
19 do have forensic evidence that you send to SLED?

20 A. Some of them.

21 Q. And you've arrested those people even
22 before the information comes back from SLED,
23 haven't you?

24 A. Yes, it varies from case to case.

25 Q. So it is possible to arrest somebody

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 and then still send evidence in their case to SLED

2 --

3 A. Yes.

4 Q. -- for an analysis?

5 A. Yes.

6 Q. And SLED takes a long time to analyze
7 the cases?

8 A. They do.

9 Q. Because they have a lot of cases,
10 everybody is sending the cases there; is that
11 right?

12 A. That's correct.

13 Q. But cases can still be prosecuted even
14 when the evidence comes back from SLED after the
15 arrest; right?

16 A. That's true.

17 Q. So it's not uncommon for somebody to be
18 arrested and then evidence to be sent to SLED and
19 then we wait to see what the SLED report shows?

20 A. That happens in certain cases.

21 Q. Okay. So in this case, you didn't have
22 to wait a year or two for DNA. You mean -- you
23 still arrested Mr. Kirkland?

24 A. We did.

25 Q. And you still could have, if you had a

1 condom, you could still have gotten DNA or sent it
2 to SLED for a DNA analysis; is that correct?

3 A. I do not believe so.

4 Q. You couldn't have sent -- if you had a
5 condom, if you had gone out there and looked and
6 seen if there was a condom there, you could have
7 still sent it to SLED even after his arrest,
8 couldn't you?

9 A. We could send any condom to SLED.

10 Q. So you could have sent something to
11 SLED if you had something?

12 A. We could have.

13 Q. If you had something?

14 A. If we had a condom.

15 Q. Okay. And did you make -- did you
16 question the girl about her clothes? Did you seize
17 the clothes?

18 A. We did not.

19 Q. And you could have sent her clothes to
20 SLED even after he was arrested?

21 A. Could have sent some clothes.

22 Q. But you didn't?

23 A. We did not.

24 Q. Okay. And this was -- you first found
25 out about all this July 17th of 2023?

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 A. That's correct.

2 Q. That's about 20 months ago,

3 thereabouts?

4 A. Roughly.

5 Q. Okay. And you could have sent her

6 phone to SLED to be forensically analyzed?

7 A. We could have.

8 Q. But you didn't?

9 A. We did not.

10 Q. Now, you said it takes about a year or

11 longer on the phones; right?

12 A. Typically.

13 Q. All right. But 20 months, we could

14 have had that information?

15 A. I can't answer that.

16 Q. Possible we could have had that

17 information?

18 A. It's possible.

19 Q. SLED could have at least been working

20 on it?

21 A. Possibly.

22 Q. If you had sent it, they would have

23 been -- they could have been working on it?

24 A. They could have.

25 Q. And it's possible we could have had

1 | that information today?

2 | A. We had the information for the case
3 | that we needed off of the cell phone.

4 | Q. If you had sent her phone to SLED, is
5 | it possible we could have had this SLED's full
6 | forensic analysis of that phone back today?

7 | A. It's possible.

8 | Q. And SLED during their forensic analysis
9 | could have pulled up -- possibly have pulled up any
10 | deleted texts?

11 | A. Highly unlikely.

12 | Q. Is it possible?

13 | A. Possible.

14 | Q. Okay. Now, going back to sexual
15 | assault investigations. When you're doing an
16 | investigation regarding an assault with somebody
17 | under the age of 16, you often send them for an
18 | interview by a trained counselor, don't you?

19 | A. Not always, no. Not -- it depends on
20 | the age.

21 | Q. You can do that?

22 | A. We can.

23 | Q. Was it done in this case?

24 | A. No, I interviewed her.

25 | Q. You interviewed her yourself?

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 A. I did.

2 Q. Okay. And is your full interview of
3 her on the video that you did?

4 A. It is.

5 Q. And on that interview, she told you and
6 Investigator Kleinholtz that she had texted him
7 that she thought -- well, she told you she thought
8 she might be pregnant? Or that she told him that
9 she thought she might be pregnant?

10 A. I do not remember if she said that
11 during the interview with her -- my interview with
12 her.

13 Q. But at some point did she tell y'all
14 that?

15 A. At some point that was said, yes.

16 Q. Did y'all at any point send her -- did
17 you at any point arrange to have her sent for a
18 medical exam?

19 A. No, we did not.

20 Q. Now, I want to talk to you about the
21 conversation that you had with Mr. Kirkland on the
22 17th. You said that you did a traffic stop on his
23 vehicle?

24 A. That's correct.

25 Q. And then you talked to him outside his

1 vehicle and then I believe you also talked to him
2 more at the sheriff's department?

3 A. That's correct.

4 Q. Okay. And during this conversation,
5 did you give him information about the case that
6 you were now investigating?

7 A. Some, yes.

8 Q. Did you tell him Ja'Faith's name?

9 A. I do not recall using her name.

10 Q. Okay. Well, when you're talking to
11 somebody that -- you considered him a suspect in
12 this investigation; correct?

13 A. He was a potential suspect, yes.

14 Q. Okay. When you're talking to a
15 potential suspect, do you normally give them
16 information that somebody has given to you or are
17 you trying to get information from them?

18 A. That's a case by case basis as far as
19 what you tell a defendant that you're interviewing.

20 Q. Well, in this case, did you give him
21 information or were you trying to get information
22 from him?

23 A. Gave him some information. Was trying
24 to get information from him.

25 Q. Okay. And that was on the 17th?

MATT DAVIS - CROSS-EXAMINATION BY MS. ALVES

1 A. The night of the 17th, yes, ma'am.

2 Q. Before you had opportunity to talk to

3 MINOR

4 A. Yes, ma'am, that's correct.

5 Q. So the next day until -- so then after
6 you had the conversation with Mr. Kirkland then he
7 left. And then the next day you and Investigator
8 Kleinholtz interviewed MINOR ?

9 A. That's correct.

10 Q. And that's when she gave you details
11 about what she says happened on the 9th?

12 A. That is correct.

13 Q. And then based on the information that
14 she gave you, that's when you obtained an arrest
15 warrant for Mr. MINOR (verbatim)?

16 A. After verifying the location of Lintel
17 Kirkland on July 9, 2023 and getting a statement
18 from our victim MINOR, an arrest warrant was
19 then obtain for Lintel Kirkland.

20 Q. Okay. So you obtained an arrest
21 warrant for Mr. Kirkland on July 18th?

22 A. Yes, that's correct.

23 Q. So that would be after MINOR
24 gave her statement and before she did the lineup?

25 A. Yes, that's correct.

1 Q. Okay. And then you went out and
2 Mr. Kirkland was arrested on July 18th?

3 A. I believe that he was arrested on the
4 same day on the 18th that we obtained the warrant.

5 Q. Okay. And did you have any further
6 conversation with Mr. Kirkland regarding this case
7 after his arrest?

8 A. No, ma'am, we did not.

9 Q. So when he was arrested, you didn't
10 tell him what [REDACTED] MINOR had said?

11 A. I do not believe that we told him word
12 for word what was said.

13 Q. Okay.

14 MS. ALVES: Beg the Court's indulgence
15 just one moment.

16 Q. I wanted to ask you about this. So I
17 want clarify. On the phone, [REDACTED] MINOR testified
18 that an officer had her phone for about a month?

19 A. That's correct.

20 Q. So Sergeant Logan had taken her phone
21 that evening and turned it over to Investigator
22 Kleinholtz?

23 A. That's correct.

24 Q. And then it was kept by your office for
25 about a month?

MATT DAVIS - REDIRECT EXAMINATION BY MR. MILLER

1 A. Approximately.

2 Q. Thank you.

3 MS. ALVES: No further questions.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY MR. MILLER:

7 Q. Now, when MINOR was being
8 interviewed on the 18th and even on the 17th, she
9 didn't allege that she had been injured in any way,
10 did she?

11 A. No, she did not.

12 Q. And there was no medical reason for
13 y'all to say you have to go to the hospital now
14 because you got an injury, was there?

15 A. There was not.

16 Q. And so, in your estimation, there was
17 -- it was not going to be fruitful to send her to
18 the hospital just to have this SANE exam? And I'm
19 separating the two. Because in the absence of any
20 reason to send her to hospital for a medical
21 reason, you're going to take this 14-year-old ten
22 days after the fact and say now you need to go have
23 a SANE exam done so maybe we can find some evidence
24 from something that happened ten days ago?

25 A. That's correct. We were not going to

1 subject her to that.

2 Q. And Ms. Alves was talking to you about
3 a forensic interview. Well, why don't you have a
4 forensic interview done?

5 A. Our victim was 14 at the time and I've
6 had extensive training with interview and --
7 interviews and interrogations, and et cetera.

8 Q. She could tell you what happened,
9 couldn't she?

10 A. Yes. We believe at 14 years old that
11 she can tell us what happened.

12 Q. If it's a 9-year-old or a 10-year-old
13 victim, there's people that are especially trained
14 in interviewing children that are that young?

15 A. That is correct.

16 Q. And younger?

17 A. That's correct.

18 Q. And y'all don't interview anybody under
19 the age of 12 about sex assaults; correct?

20 A. That is correct.

21 Q. But when they're 14 and they are able
22 to communicate with you and answer your questions,
23 then you don't send them for a forensic interview.
24 Where would you have to send her to for something
25 like that?

TUESDAY JOHNSON - DIRECT EXAMINATION BY MS. STAGGS

1 A. The closest location for a child for a
2 forensic interview is in Aiken. Aiken County.

3 MR. MILLER: No further questions.

4 THE COURT: Recross?

5 MS. ALVES: Nothing, Your Honor.

6 THE COURT: All right. The witness may
7 step down. Thank you.

8 MS. STAGGS: State calls Tuesday
9 Johnson.

10 TUESDAY JOHNSON,
11 being first duly sworn, was examined and testified
12 as follows:

13 THE CLERK: If you would please be
14 seated and then state your full name for the
15 record, okay.

16 MS. JOHNSON: Tuesday Regina Johnson.

17 DIRECT EXAMINATION

18 BY MS. STAGGS:

19 Q. Hey, Ms. Johnson. Please tell us how
20 you're related to MINOR

21 A. I'm her foster mother. She was adopted
22 by us.

23 Q. And how old was she when you adopted
24 her?

25 A. Two years old.

1 Q. Okay. So she's been with you a long
2 time now?

3 A. Yes.

4 Q. So you're her mother?

5 A. Yes.

6 Q. And you live with her in Hilda?

7 A. Yes.

8 Q. As far as your, you know, sort of rules
9 around the house, I know everybody sort of does it
10 a little differently; right, who manages the
11 laundry situation in the Johnson home?

12 A. I do.

13 Q. You do?

14 A. Yes, ma'am.

15 Q. Your husband doesn't do the laundry?

16 A. No.

17 Q. I don't let my husband do the laundry
18 either. Do you have a schedule where you do the
19 laundry certain times or you sort of kind of all
20 over the place about it?

21 A. No, I do it every Thursday.

22 Q. And that's your routine?

23 A. Yes.

24 Q. Okay. So you would anticipate that,
25 you know, ten days after something --

TUESDAY JOHNSON - DIRECT EXAMINATION BY MS. STAGGS

1 MS. ALVES: Objection, Your Honor, to
2 leading questions.

3 THE COURT: Okay. Try again.

4 MS. STAGGS: I'll try to get my
5 question out and then rephrase.

6 Q. If you do laundry every ten days -- or
7 every seven days, you wash everyone in the house's
8 clothes; right?

9 A. Yes.

10 Q. MINOR doesn't do her own laundry?

11 A. No.

12 Q. Okay. And after you were made aware of
13 this incident with your daughter and Mr. Kirkland,
14 did you or your husband take her for any follow-up
15 medical care?

16 A. Yes, my husband --

17 MS. ALVES: Your Honor, I'm going to
18 have a matter to take up outside the presence of
19 the jury.

20 THE COURT: All right. We'll take a
21 short break. Go on back to the jury room. Do not
22 discuss the case.

23 (WHEREUPON, the jury left the courtroom
24 at 12 o'clock p.m.)

25 THE COURT: Ms. Alves?

1 MS. ALVES: Your Honor, it now appears
2 that the State is intending to elicit testimony
3 regarding some medical treatment that Miss MINOR
4 [REDACTED] had. There is nothing in the discovery
5 that indicates that there was any medical treatment
6 provided. And in particular, I asked the
7 Solicitor, Ms. Staggs herself on Friday whether or
8 not Miss MINOR [REDACTED] had ever had any type of medical
9 treatment after this incident. The Solicitor told
10 me that she was unaware of any. But now the State
11 is attempting to elicit in their case in chief that
12 there was some medical treatment provided to this
13 child.

14 THE COURT: Well, we didn't hear her
15 answer to the question. The question was --

16 MS. STAGGS: I didn't ask here until --
17 well, actually, Judge, I've actually never asked
18 Ms. Johnson about follow-up medical treatment. I
19 was not seeking to introduce any of the results.
20 Simply, did you take your child to the doctor.
21 Because the Defense has made a big deal that nobody
22 took this kid to seek any medical treatment
23 whatsoever. And all I called Ms. Johnson to
24 testify to was, yes, she has been taken -- or, no,
25 she's been taken for medical treatment by one of

TUESDAY JOHNSON - DIRECT EXAMINATION BY MS. STAGGS

1 her parents following this incident.

2 MS. ALVES: Judge, I never asked about
3 whether the parents took her for medical treatment.
4 I asked about whether the police arranged for her
5 to go to medical treatment and they've all said,
6 no. There's nothing in the report. And the
7 specific question that I asked Ms. Staggs last week
8 was whether or not this child had had any type of
9 medical exam or treatment after -- well, I just --
10 I didn't ask a specific date and I was told that
11 Ms. Staggs did not know of any.

12 MS. STAGGS: Which is the truth.

13 MS. ALVES: And now the witness has
14 just said she answered, yes, to the question.

15 THE COURT: If she did answer, I don't
16 think we got that far because of the objection --

17 MS. STAGGS: I don't think we did. I
18 guess I could be wrong, but I do think the question
19 was asked of the investigator that did anyone take
20 her for follow-up medical treatment. Were you
21 aware that anyone took her for follow-up medical
22 treatment. Which was the reason for my question to
23 Ms. Johnson. I do not expect her to answer, yes,
24 and the doctor said this and this and this. Simply
25 was the victim taken, yes.

1 THE COURT: Okay. Well, at this point
2 we're in camera -- I mean, we can --

3 MS. ALVES: I'd ask to have her proffer
4 the testimony.

5 MS. STAGGS: I'd be happy to do that.

6 THE COURT: All right. You can
7 proceed.

8 MS. STAGGS: Thank you, Judge.

9 PROFFER EXAMINATION

10 BY MS. STAGGS:

11 Q. Ms. Johnson, at any point after you
12 learned of the incident between Mr. Kirkland and
13 your daughter, did you or your husband take your
14 daughter for any sort of follow-up -- for any
15 medical treatment whatsoever?

16 A. Yes.

17 Q. Who took her?

18 A. My husband.

19 Q. Do you know about when that happened?

20 A. I'm not sure.

21 Q. Would you say days? Weeks?

22 A. Within days.

23 MS. STAGGS: I have no further
24 questions.

25 MS. ALVES: I would ask:

1 PROFFER CROSS-EXAMINATION

2 BY MS. ALVES:

3 Q. Did you inform the officers that you
4 had taken her for a medical exam?

5 A. No.

6 Q. No. And when's the first time you've
7 discussed that?

8 A. Well, it's just been discussed between
9 my husband and I.

10 Q. I mean, when's the first time you told
11 the prosecutor about this?

12 A. Just now.

13 Q. So you never mentioned the medical exam
14 before today?

15 A. No.

16 THE COURT: All right. So it sounds to
17 me that the only subject matter is the parent did
18 take her to a physician and the results of that are
19 not -- haven't been put forth and I don't think
20 they're going to be put forth. Is that accurate,
21 Ms. Staggs?

22 MS. STAGGS: Yes, Judge. I think it's
23 probably fairly obvious that, I mean, she wasn't
24 pregnant. So, yeah, we don't intend to seek any
25 medical diagnosis or expect her mother to speculate

1 on what a doctor would have said or put in their
2 notes or anything of that nature.

3 THE COURT: Okay. Anything else on
4 this objection?

5 MS. ALVES: No, Your Honor.

6 THE COURT: All right. Does anybody
7 need anything before we bring the jury back in?

8 MS. STAGGS: Nothing from us, Judge.

9 MS. ALVES: Judge, are you overruling
10 my objection?

11 THE COURT: Okay. Then I think you've
12 had the opportunity to hear, your objection was
13 that they were trying to get in medical evidence, I
14 thought. So do you wish to amend your objection or
15 is it the same objection?

16 MS. ALVES: Well, it's the same
17 objection that we've not been provided any
18 information other -- I mean, I understand that the
19 Solicitor didn't have this information on Friday
20 when I asked the question specifically. But that
21 information was clearly available before this
22 witness got on the witness stand and I think that
23 that should have been provided as discoverable and
24 I would still object to this information being
25 provided to me at this late date.

1 THE COURT: Okay. Any response?

2 MS. STAGGS: Judge, I mean, I think she
3 opened the door for us to introduce this,
4 otherwise, we never would have done so. Except the
5 question was asked, did anyone take this child for
6 medical treatment following this event and here we
7 are.

8 THE COURT: Well, I think at this point
9 -- I haven't dealt with this specific issue in a
10 while, but I don't think it's a Rule 5 issue
11 because law enforcement never had the information.
12 From a *Brady* standpoint, the objection was made, in
13 my opinion, before the information was disclosed.
14 It's been disclosed now. The in camera hearing
15 outside the presence of the jury where both
16 attorneys have had a chance to elicit and
17 cross-examine the information, I don't find there's
18 any prejudice here to deprive the Defendant of a
19 fair trial based upon what I've heard at this point
20 and the objection is overruled.

21 MS. ALVES: Yes, sir.

22 THE COURT: Bring them back in, please.

23 MR. MILLER: What -- I'm sorry, Your
24 Honor, we do have another matter.

25 THE COURT: What?

1 MR. MILLER: Investigator Gunnells
2 approached me when the jury just went back out and
3 I don't know how he got the information, but
4 apparently one of the jurors believes that they
5 might know the victim's family now.

6 THE COURT: Okay. Do we know which
7 juror?

8 THE DEPUTY: Your Honor, I can bring
9 her back in if you'd like to speak with her.

10 THE COURT: Well, I think I'll just
11 bring her in and ask her on the record who she
12 knows.

13 MS. STAGGS: Would you like me to have
14 Ms. Johnson just sit to the side for a minute,
15 Judge?

16 THE COURT: Ms. Johnson, why don't you
17 just --

18 MS. STAGGS: She can sit in the jury
19 box if you're not bringing the jury in yet.

20 THE COURT: Okay. She can sit in the
21 corner where the alternate would be, how about
22 that?

23 MS. STAGGS: Yes, sir.

24 THE COURT: And I'm just going to have
25 the juror stand in the box. Is that okay, madam

1 court reporter?

2 MS. SPIRES: That's fine.

3 THE COURT: All right.

4 (WHEREUPON, Juror No. 103, Ms. LaKera
5 Meyer, entered the courtroom at 12:08 p.m.)

6 THE COURT: Hi there. And your last
7 name?

8 MS. MEYER: Meyer.

9 THE COURT: And you are --

10 MS. MEYER: 103.

11 THE COURT: -- Juror No. 103?

12 MS. MEYER: Yes.

13 THE COURT: Did you think know some
14 people in the case now? It's my understanding she
15 --

16 MS. MEYER: Yes.

17 THE COURT: Exactly who do you think
18 you know?

19 MS. MEYER: Miss Ja'Faith.

20 THE COURT: Miss --

21 MS. MEYER: Ja'Faith.

22 THE COURT: Oh, you know the victim?

23 MS. MEYER: Yes.

24 THE COURT: Okay. How do you know the
25 victim?

1 MS. MEYER: She played AU basketball
2 with my daughter.

3 THE COURT: AAU basketball?

4 MS. MEYER: Yes, I'm sorry.

5 THE COURT: Okay. When was the last
6 time you -- when was that?

7 MS. MEYER: Last summer.

8 THE COURT: Last summer?

9 MS. MEYER: Yeah.

10 THE COURT: Okay. And you didn't -- it
11 didn't click when we heard the name at the
12 beginning in the jury selection; correct?

13 MS. MEYER: No. I didn't know it until
14 I saw her.

15 THE COURT: All right. Knowing that
16 you -- your daughter played basketball with her, do
17 you think that would effect your ability to be fair
18 and impartial moving forward?

19 MS. MEYER: No.

20 THE COURT: Okay. Counsel, will y'all
21 approach me over here.

22 (WHEREUPON, there was a bench
23 conference.)

24 THE COURT: All right. One other
25 question, have you discussed with any members of

1 the jury that you know the victim?

2 MS. MEYER: No.

3 THE COURT: Okay. Do you have all your
4 belongings with you at this time?

5 MS. MEYER: Yes.

6 THE COURT: Okay. I'm going to excuse
7 you from any further service in the jury. I
8 appreciate you disclosing that to us now. I'm not
9 -- I don't know if she was actually present for
10 selection, so I appreciate you telling us. You can
11 grab your gear and we appreciate your service. And
12 if you need anything from the clerk of court's
13 office as far as employment, they'll take care of
14 it. Anything else for the record, counsel?

15 MR. MILLER: No, Your Honor.

16 THE COURT: All right. You're excused.
17 Thank you.

18 (WHEREUPON, Ms. Meyer left the
19 courtroom.)

20 THE COURT: First alternate is 125.

21 MS. STAGGS: Your Honor, may I have Ms.
22 Johnson go back to the witness stand?

23 THE COURT: Yeah. Okay. All right.
24 Anything before we bring the jury back in?

25 MS. STAGGS: Nothing from the State,

1 Your Honor.

2 THE COURT: Defense?

3 MS. ALVES: Nothing, Your Honor.

4 THE COURT: All right.

5 (WHEREUPON, the jury entered the
6 courtroom at 12:11 p.m.)

7 THE COURT: All right. Welcome back,
8 ladies and gentlemen. Juror No. 125, I'm putting
9 you on the jury now. You're an alternate, you are
10 now a member of the jury. It happens from time to
11 time, but I excused one member, but moving forward,
12 you'll be on the jury, okay. So you don't have to
13 move now, but next time y'all take a break, come
14 back I'll have you seat in the box, okay?

15 MR. RENEW: Okay.

16 THE COURT: Counsel?

17 MS. STAGGS: Thank you, Your Honor.

18 CONTINUED DIRECT EXAMINATION

19 BY MS. STAGGS:

20 Q. Ms. Johnson, after you became aware of
21 the interaction between Mr. Kirkland and your
22 daughter, did you or your husband take your
23 daughter for any follow-up medical care?

24 A. Yes.

25 Q. Do you know approximately when -- or

TUESDAY JOHNSON - CROSS-EXAMINATION BY MS. ALVES

1 | who took her?

2 | A. My husband took her.

3 | Q. Okay. And do you know approximately
4 | when he took her? Days? Weeks?

5 | A. Yes, it was a couple of days.

6 | Q. Within a few days.

7 | MS. STAGGS: Thank you. I have no
8 | further questions.

9 | THE COURT: Cross-examination?

10 | CROSS-EXAMINATION

11 | BY MS. ALVES:

12 | Q. Ms. Johnson, did you ever tell either
13 | Investigator Davis or Investigator Kleinholtz that
14 | your daughter was taken for a medical exam?

15 | A. No, ma'am.

16 | Q. And, in fact, today is the first day
17 | you've ever mentioned this to anybody?

18 | A. Yes.

19 | Q. All right. Now, you first became aware
20 | of these charges on July 17th of 2023 when Sergeant
21 | Logan came to your home; is that correct?

22 | A. Yes.

23 | Q. Your daughter never said anything about
24 | this to you beforehand?

25 | A. No.

TUESDAY JOHNSON - CROSS-EXAMINATION BY MS. ALVES

1 Q. And, in fact, you were not aware that
2 she had snuck out of your home on July 19th -- on
3 July 9th, were you?

4 A. No.

5 Q. You were not aware that she was talking
6 to some guy in Walmart in Aiken, were you?

7 A. Yes.

8 Q. You were aware that she was talking to
9 a young man?

10 A. I was with her.

11 Q. And were you aware that she was talking
12 to someone in Aiken?

13 A. Yes.

14 Q. Were you aware that she was then
15 texting with this person?

16 A. No.

17 Q. Were you aware that she snuck out of
18 your house on -- in the evening?

19 A. No.

20 Q. Were you aware that she snuck back in?

21 A. No.

22 Q. And you can't say how many times she's
23 snuck in and out of the house, can you?

24 A. No.

25 Q. But you don't allow -- you weren't

TUESDAY JOHNSON - REDIRECT EXAMINATION BY MS. STAGGS

1 | allowing her to leave your home at 8 o'clock to go
2 | and visit with a guy that she had just texted and
3 | met in Walmart, were you?

4 | A. No, ma'am.

5 | Q. So you would say that that was
6 | disobedient?

7 | A. Yes.

8 | Q. That wasn't truth -- she wasn't
9 | truthful with you, was she?

10 | A. No.

11 | MS. ALVES: Thank you. No further
12 | questions.

13 | THE COURT: Any redirect?

14 | MS. STAGGS: Yes, Your Honor.

15 | REDIRECT EXAMINATION

16 | BY MS. STAGGS:

17 | Q. Just before today, had anybody asked
18 | you about if you had taken your daughter for a
19 | follow-up medical exam?

20 | A. No.

21 | Q. Law enforcement never came back and
22 | asked you that question?

23 | A. No.

24 | MS. STAGGS: I have no further
25 | questions, Judge.

1 THE COURT: Any recross?

2 MS. ALVES: No, Your Honor.

3 THE COURT: All right. The witness may
4 step down. Thank you.

5 MS. STAGGS: Judge, can Ms. Johnson be
6 released from her subpoena?

7 THE COURT: Without objection?

8 MS. ALVES: No objection.

9 THE COURT: All right. She's released.

10 MS. STAGGS: Judge, at this time, the
11 State rests.

12 THE COURT: Very well. Ladies and
13 gentlemen, the State's rested their case. I've got
14 some matters to take up with the attorneys at this
15 time. It also happens to be the lunch break, so
16 let's just head on out for an hour and come on back
17 at 1:15 and we'll continue from there. Okay.
18 Thank you. Please don't discuss the case or do any
19 independent research of the case while you're out.

20 (WHEREUPON, the jury left the courtroom
21 at 12:15 p.m.)

22 THE COURT: All right.

23 MR. HAYES: Judge, at this time, taking
24 all our motions into consideration and all our
25 objections and taking the evidence in the most like

1 favorable to believe the State, I would ask the
2 Court for a directed verdict.

3 THE COURT: Very well. Any response
4 from the State?

5 MR. HAYES: One moment. Judge, as
6 specifics, for a CSC in the second-degree, there
7 would have be penile or some kind of digital
8 penetration to a body orifice. The testimony that
9 was given from the investigators was that there --
10 that the victim spelled sex and did not describe
11 actual penile penetration. While she was on the
12 stand, she said that they had sex. And I believe
13 the only reference to it was the Solicitor asking
14 her if there was sexual intercourse.

15 THE COURT: Okay. Any response from
16 the State?

17 MS. STAGGS: Well, Judge, I think when
18 someone says, sex, I mean, it's sexual intercourse.
19 Sometimes it could mean oral sex. But when I asked
20 her on the stand, she said, yes. He put his penis
21 in my vagina. That is sexual intercourse.

22 So I think that there are sufficient
23 facts to put this case before the jury. The victim
24 is 14 years old, that testimony has been elicited
25 and she testified that she had sexual intercourse

LINTEL KIRKLAND - EXAMINATION BY THE COURT

1 with the Defendant on July 9th of 2023 here in
2 Barnwell County and that is sufficient to put this
3 case before the jury.

4 THE COURT: All right. Any response?

5 MR. HAYES: No, Your Honor.

6 THE COURT: All right. I'll
7 respectfully deny the motion for a directed
8 verdict. I find that there's direct -- there's
9 evidence for the jury to weigh the elements here
10 and at this point I'd be weighing the evidence.
11 I'm concerned with the existence of the evidence
12 and not its weight at this point, so the motion is
13 respectfully denied.

14 Mr. Hayes, Ms. Alves, I think I need to
15 speak with your client now.

16 MS. ALVES: Yes, sir.

17 THE COURT: Madam clerk, if you please
18 swear in the Defendant.

19 LINTEL KIRKLAND,
20 being first duly sworn, was examined and testified
21 as follows:

22 EXAMINATION

23 BY THE COURT:

24 Okay. Mr. Kirkland, good afternoon.
25 We've now reached the point of the case and I'm

LINTEL KIRKLAND - EXAMINATION BY THE COURT

1 | going to explain to you some of your rights. And
2 | if you don't understand anything I say, just please
3 | let me know, okay.

4 | We've reached the stage of the trial
5 | where you may present your defense. You have the
6 | right to claim the protections given to you by the
7 | Fifth Amendment of the Constitution of the United
8 | States. This Amendment states in part that no
9 | person shall be compelled in any criminal case to
10 | be a witness against himself. This means you
11 | cannot be required to testify in this case. You
12 | have the right to testify on your own behalf;
13 | however, no one can make you testify. This is a
14 | personal right and no one can waive this right
15 | except you. Do you understand that?

16 | MR. KIRKLAND: Yes.

17 | THE COURT: Okay. If you decide to
18 | testify, you'll be subject to the same rules that
19 | govern other witnesses and you may be examined and
20 | cross-examined on any relevant issue in this case.
21 | In addition, if you have any convictions involving
22 | dishonesty or false statement, or for crimes
23 | punishable by imprisonment for more than one year
24 | and this Court determines that the probative value
25 | of admitting this evidence outweighs its

LINTEL KIRKLAND - EXAMINATION BY THE COURT

1 prejudicial effect to you, the Solicitor will be
2 able to introduce your record to attack your
3 credibility. You understand that?

4 MR. KIRKLAND: Yes.

5 THE COURT: If you decide to testify,
6 this decision on your part must be freely,
7 voluntarily, and intelligently made with the
8 knowledge of the protections given to you by the
9 Fifth Amendment and the consequences of your
10 decision to testify.

11 If you decide not to testify, I will
12 instruct the jurors that they cannot give the fact
13 you did not testify any consideration whatsoever
14 and there is to be absolutely no prejudice to you
15 because you did not testify.

16 It is left entirely up to you whether
17 or not you testify. You may talk with your
18 attorney, family member or friend or anyone else,
19 but the final decision will be left entirely up to
20 you. Do you understand that?

21 MR. KIRKLAND: Yes.

22 THE COURT: Would you like to discuss
23 this with your lawyer?

24 MR. KIRKLAND: I would like to.

25 THE COURT: Okay. We'll take a few

LINTEL KIRKLAND - EXAMINATION BY THE COURT

1 minutes. Thank you.

2 (Off the record.)

3 THE COURT: All right. We'll -- y'all
4 can talk with your client during the lunch hour and
5 we'll either kick off the Defendant's case in chief
6 between 1:15 and 1:30 or we'll go into closings.

7 So with that said, anyone had a chance
8 to look over the proposed jury charge?

9 (Off the record.)

10 THE COURT: All right. We'll be at
11 ease.

12 (Lunch break.)

13 THE COURT: All right. We're back on
14 the record. So what's our -- where do we go from
15 here? Mr. Kirkland, do you intend to testify?

16 MR. KIRKLAND: No, Your Honor.

17 THE COURT: All right. Does the
18 Defense have a case they intend to put up?

19 MR. HAYES: No, sir. We would rest in
20 front of the jury.

21 THE COURT: All right. We will bring
22 the jury back in. I'll inform the jury it's the
23 opportunity to now hear from the Defense, you can
24 stand up and rest. I'll dismiss them for the
25 afternoon, we can work on our jury charge issues

1 this afternoon and we'll begin closing arguments
2 9:30 tomorrow morning. Okay. Anything else before
3 the jury comes in?

4 MR. HAYES: Nothing from the Defense.

5 MS. STAGGS: Nothing from the State,
6 Judge.

7 THE COURT: All right. Bring them in.

8 (WHEREUPON, the jury entered the
9 courtroom at 1:29 p.m.)

10 THE COURT: All right. Mr. Foreman,
11 ladies and gentlemen of the jury, welcome back. I
12 hope y'all had a nice lunch. When we last left,
13 the State had rested their case. We'll now have
14 the opportunity to hear from the Defense.

15 MR. HAYES: At this time, Your Honor,
16 the Defense would rest.

17 THE COURT: Very well. Ladies and
18 gentlemen, the Defense has rested their case. I've
19 got some matters to take up with the attorneys this
20 afternoon. What we're going to do is recess for
21 the day, we'll begin closing arguments tomorrow
22 morning at 9:30. So just like y'all were today,
23 please be here at the courthouse no later than 9:30
24 and we will conclude tomorrow morning. Okay.

25 Please don't -- while you're out

1 | tonight, please don't discuss the case with anyone
2 | or do any independent research of the case, but
3 | otherwise, have a nice afternoon and we'll see you
4 | tomorrow morning. Thank you.

5 | (WHEREUPON, the jury left the courtroom
6 | at 1:30 p.m.)

7 | THE COURT: All right. So Defense has
8 | rested their case, do you wish to renew your
9 | motions?

10 | MR. HAYES: I do, Your Honor. I wish
11 | to renew all our previous motions as well as my
12 | previous motion for a directed verdict. As to
13 | that, I would also add that there has been no
14 | testimony as to the Defendant's age other than, I
15 | think, there was mention of it only in opening by
16 | the Solicitor.

17 | In the statute, it says, however, a
18 | person may not be convicted of violation of the
19 | provisions of this item if he is 18 years of age or
20 | less when he engages in consensual sexual conduct
21 | with another person who is at least 14 years of
22 | age. And that is specifically sections 16-3-655,
23 | section B(2), last sentence.

24 | On those grounds, again, taking the
25 | like -- taking the evidence in the favorable --

1 most favorable like to the State, we would again
2 ask Your Honor for a directed verdict of not
3 guilty.

4 THE COURT: Very well. Anything in
5 response from the State?

6 MS. STAGGS: The victim did testify
7 that he told her he was 23 and though that is not
8 his actual age, he's older than that. I mean, that
9 certainly is older than 18, Judge. And I don't
10 have anything to add to my previous argument other
11 than that.

12 THE COURT: All right. The record will
13 reflect that your directed verdict motion is
14 renewed and respectfully denied. Also, you're
15 renewing any objections during trial as well?

16 MR. HAYES: Yes, sir, all previous
17 motions and objections.

18 THE COURT: All right. So noted. The
19 jury charge, I've got it in front of me. Anyone
20 have any issues?

21 MR. MILLER: Your Honor, I know this --
22 and I'm not trying to be fanatic about this, but a
23 very wise judge told me one time that he had quit
24 charging direct and circumstantial evidence because
25 the law says there is no difference between direct

1 and circumstantial evidence. For the record, it
2 was Judge Clifton Newman.

3 THE COURT: I was about to say, I don't
4 remember telling you that.

5 MR. MILLER: It was a different wise
6 judge that told me that there was no difference
7 between direct and circumstantial evidence in the
8 law and he had quit charging it and it seems to be
9 one of things that people get hung up on. I
10 understand that the Court is going to charge direct
11 and circumstantial evidence. I would like to put
12 it on the record in case the AG differs and decides
13 to put something they want to talk about.

14 THE COURT: Okay. I will respectfully
15 continue to charge it.

16 MR. MILLER: Yes, sir.

17 MR. HAYES: Judge, I would request that
18 under the criminal sexual conduct second-degree,
19 that the last sentence of section B(2) be added to
20 the charge.

21 THE COURT: Okay. Tell me what that
22 language would be.

23 MR. HAYES: Yes, sir. However, a
24 person may not be convicted of a violation of the
25 provisions of this item if he is 18 years of age or

1 less when engages in a consensual sexual conduct
2 with another person who is at least 14 years of
3 age.

4 MR. MILLER: There is zero evidence in
5 the record that Lintel Kirkland was 18 or younger
6 at the time of this offense because he wasn't. So
7 there is no evidence from which the jury could find
8 that that sentence would be applicable and that,
9 therefore, he could not be guilty.

10 THE COURT: We do have sworn testimony
11 that he said he was 23.

12 MR. MILLER: We do have testimony that
13 he said he was 23. We don't have any evidence
14 whatsoever that he was under 18 years of age or
15 younger and that would be --

16 MR. HAYES: Judge, I believe that would
17 be up to the jury to decide. There is no evidence
18 whatever that he's 30, 23, 18 or younger or older.
19 There's none other than the testimony of the victim
20 who says he said he was 23. I believe that's
21 something the State would have to prove that he's
22 not.

23 THE COURT: Well, there is evidence
24 that he told the victim that he was 23. If y'all
25 want to argue he's not 23, I guess y'all can do

1 | that. But, I mean, the only evidence in the record
2 | on which to base it on is that he told somebody he
3 | was 23. Your objection is noted. And just for --
4 | you're referring to paragraph B(2) of 16-3-655 of
5 | the South Carolina Code which is the statutory
6 | framework for criminal sexual conduct with a minor?

7 | MR. HAYES: Yes, sir.

8 | THE COURT: Okay. Your objection is
9 | noted -- or your exception is noted.

10 | MR. MILLER: Your Honor, on that same
11 | -- on the CSC with a minor second-degree charge, I
12 | don't think there's any evidence to justify number
13 | -- subsection number two there. I would say that
14 | person's guilty of criminal sexual conduct with a
15 | minor in the second-degree if the actor engages in
16 | a sexual battery with a victim who is 14 years of
17 | age or less but who is at least 11 years of age.

18 | There is no testimony that the actor
19 | was in a position of familial, custodial or
20 | official authority to coerce the victim to submit
21 | or is older than the victim. I don't think that
22 | there's any evidence from which that's a possible
23 | outcome. I mean, it's just a...

24 | THE COURT: Mr. Hayes?

25 | MR. HAYES: Judge, I would say that

1 | there is -- the State is in a position they could
2 | argue that there was a coercion by giving her the
3 | drugs as well as being older than the victim.

4 | MR. MILLER: But that's not --

5 | THE COURT: I guess their argument,
6 | custodial doesn't necessarily mean in one's
7 | vehicle. Custodial implies more of a --

8 | MR. MILLER: They have custody --

9 | THE COURT: -- authority or parental --

10 | MR. MILLER: Right. And they would
11 | have to use that authority to coerce the victim to
12 | submit.

13 | MR. HAYES: My argument, Judge, is the
14 | last part of this sentence says, or is older than
15 | the victim.

16 | MR. MILLER: And, Your Honor, I believe
17 | that this is one of those situations of where your
18 | commas are. But the fact is, the only way you can
19 | have a CSC second with a minor with someone who is
20 | 15 years old, okay, the only way you can have a CSC
21 | second with a 15-year-old is under this section.
22 | And you can't go in and just argue, well, the
23 | defendant is older than the victim. That doesn't
24 | get you there.

25 | The defendant has to be in a familial,

1 | custodial or official capacity in relationship to
2 | that victim. Otherwise, every CSC -- where every
3 | CSC where the defendant was older than the age of
4 | 15 and they had sex with somebody who was 15 years
5 | old would be a CSC second with a minor. It's got
6 | to be both. You got to be in that position and you
7 | have to be older and you have to use that position
8 | to coerce.

9 | THE COURT: Where as paragraph 1 --

10 | MR. MILLER: Where paragraph 1 just
11 | says -- paragraph 1 says, hey, 11 to 14...

12 | THE COURT: While we're thinking about
13 | that, we did the *Biggers* hearing, I'm wondering
14 | about --

15 | (Off the record.)

16 | THE COURT: Counsel, anything else from
17 | the State?

18 | MR. MILLER: Nothing with regard to the
19 | verdict form or the jury charge, Your Honor.

20 | THE COURT: All right. I'll let you
21 | know of any changes, I'm still looking at the
22 | language on this CSC statute.

23 | Anything else for the record today?

24 | MS. STAGGS: Nothing from the State,
25 | Your Honor. Thank you.

1 MR. HAYES: Nothing from the Defense.

2 THE COURT: All right. We'll be in
3 recess until tomorrow morning. Thank you.

4 (WHEREUPON, court was adjourned at 1:56
5 p.m.)

6 **MARCH 27, 2025**

7 THE COURT: All right. Good morning.
8 You may be seated. Anything for the record before
9 we get started?

10 MS. STAGGS: Nothing from the State,
11 Judge.

12 MR. HAYES: Nothing from the Defense,
13 Your Honor.

14 THE COURT: Okay. Order of closing?

15 MR. HAYES: Judge, I did enter in
16 evidence, I believe I'm closing first or Ms. Alves
17 is going to close first for the Defense.

18 THE COURT: Okay. That's fine. So
19 Defense will open and close and the State will have
20 the last word?

21 MS. STAGGS: Yes, sir, we talked about
22 it yesterday. I think we're in agreement about
23 that.

24 THE COURT: We're in agreement then
25 suits me.

1 MR. HAYES: Yes, sir. Judge, was there
2 any change as for identification charge?

3 THE COURT: I did not charge
4 identification because it was -- I think I just --
5 it's a broad word, but it's meant for more specific
6 than what we're dealing with here, I believe.

7 MR. HAYES: Yes, sir.

8 THE COURT: Okay. And I elected to
9 keep the full CSC second charge and the jury can
10 make what -- interpret as they see fit. Okay.

11 MR. HAYES: Judge, you're meaning
12 you're going to leave it as it was set -- presented
13 yesterday?

14 THE COURT: Yeah.

15 MR. HAYES: My objection is noted for
16 the record?

17 THE COURT: I'm just leaving it as it
18 was originally proposed.

19 MR. HAYES: Yes, sir. And my objection
20 is noted for the record?

21 THE COURT: I believe so, yeah.

22 MR. HAYES: Thank you.

23 THE COURT: All right. Let's bring in
24 the jury, please.

25 (WHEREUPON, the jury entered the

CLOSING ARGUMENTS BY MS. ALVES

1 courtroom at 9:58 a.m.)

2 THE COURT: All right. Mr. Foreman,
3 ladies and gentlemen of the jury, welcome back. I
4 hope you had a nice evening. The parties have
5 presented their evidence in this case, it is now
6 time for the attorneys to make their closing
7 arguments. The arguments of the attorneys are not
8 evidence in this case. Their statements of
9 argument are to help you understand the evidence
10 and apply the law to the evidence. You should
11 disregard any remarks, statement or argument which
12 is not supported by the evidence presented during
13 the trial or the law that I will explain to you
14 after the arguments.

15 At this time, please give your complete
16 and undivided attention to the attorneys as they
17 make closing arguments.

18 MS. ALVES: May it please the Court?

19 THE COURT: Yes, ma'am.

20 MS. ALVES: Ms. Staggs, Mr. Miller.

21 CLOSING ARGUMENTS

22 BY MS. ALVES:

23 Working on this case made me think back
24 to when I was a teenager. And when I was 14 years
25 old, the only thing I wanted to do was be 16. I

CLOSING ARGUMENTS BY MS. ALVES

1 started school and when I started, I was younger
2 than everybody else, so I was always the youngest
3 one of all of my friends. And when they all
4 started driving, it was killing me that I couldn't
5 get my license. And when they all started going to
6 clubs, it was killing me that I couldn't go to
7 clubs. I couldn't drink. I couldn't go out and
8 party with my friends. That's all I wanted to do.

9 When I was 14, I wanted to be 16. When
10 I was 16, I wanted to be 18. When I was 18, I
11 wanted to be 21. I couldn't take it. I wanted to
12 go hang out with them. I wanted to party with them
13 and sometimes I did even behind my parents' back.

14 Now, why am I telling you that?
15 Because I see a lot of myself in MINOR or rather
16 MINOR in myself. She wanted to be grown. She
17 wanted to be out there partying and having a good
18 time and acting grown and showing off to her
19 friends how grown she was. Whether it was true or
20 not. We can tell that by looking at the pictures
21 in Defense Exhibits No. 1, 2, and 3, you'll have
22 them so you can see the texts.

23 MINOR met a guy in Walmart. Now,
24 her mother saw her talking to the guy in Walmart,
25 didn't think anything of it. And didn't realize

1 that MINOR was handing out her number to a guy
2 she had just met. Didn't know that MINOR was
3 going to sneak out of her house to meet up with a
4 guy she just met. And I know she didn't know that
5 she was going to be sending her friends these
6 messages, she told you. She was telling two of her
7 friends about these messages and you see how grown
8 they're acting in them, you'll see. You don't have
9 very many of them, but you'll see the messages.

10 Where you at bitch? By the lake. Be
11 safe ho. Thank you baby. I love you. Then
12 mentions that she's in somebody baby car. And a
13 picture of what looks like it might be marijuana.
14 We don't know what she was smoking, if anything at
15 all, but posing like she was grown.

16 Now, MINOR wanted to send these
17 pictures and she wanted to brag to her friends that
18 she was grown. And that's what brings us here. We
19 don't know what happened in that car while they
20 were there at that lake, but all we can do is
21 follow the evidence. And the evidence is not
22 enough to convince us beyond a reasonable doubt
23 that there was sexual intercourse.

24 Now you heard a lot of evidence and you
25 heard about a stipulation. And there was a

CLOSING ARGUMENTS BY MS. ALVES

1 stipulation entered in this case and the Solicitor
2 read it to you yesterday, you'll have it in the
3 back and it's actually State's Exhibit Exhibit No.
4 2. And the stipulation is this:

5 That Lintel Kirkland picked up the
6 alleged victim in this matter from her residence on
7 July 9, 2023 at about 8 o'clock.

8 That they were together in the vehicle
9 on July 9, 2023 until he dropped her back off at
10 her residence at about 9:45 and that they were
11 together in his car for about an hour.

12 So now you might be wondering, okay,
13 well, if everybody agrees that's what happened, why
14 are we here? That's not the crime. It is not a
15 crime to just be in a car with somebody. It's not
16 a crime to get somebody's phone number. It's not a
17 crime to talk to them on the phone. It's not a
18 crime to drive from Aiken to Barnwell to meet with
19 them. It's not a crime to sit in a car with
20 somebody. The only thing that is alleged here is
21 that it is a crime for someone who is older to have
22 sex -- sexual intercourse with somebody who is the
23 age of 14. That is the crime that's alleged here.
24 That is what Mr. Lintel Kirkland is accused of and
25 that is what he has pled not guilty of.

CLOSING ARGUMENTS BY MS. ALVES

1 If he was just charged with being in a
2 car, okay, we wouldn't be here. We stipulate we
3 agree that's where he was in the car with her. He
4 has pled not guilty to having sex with this girl.
5 Not S-E-X like she called it, he's charged with
6 having sexual intercourse. In plain and simple
7 language, he's charged with child molesting. And
8 the State has to prove to you beyond a reasonable
9 doubt that that is what happened on July 9th of
10 2023.

11 All they've proved is that he came to
12 Barnwell. He met with her. They were in a car.
13 And that he came back to Barnwell about a week
14 later. But they have to prove and I can't say it
15 enough, they have to prove beyond a reasonable
16 doubt that they actually had sexual intercourse.

17 Now, all we can do is go with the
18 evidence. Go with the exhibits and go with the
19 testimony and use your common sense about what
20 happened. We -- in these kind of cases, the
21 Solicitor is going to tell you there's not usually
22 a lot of evidence, these kind of crimes are done in
23 secret, things like that. She's going to say all
24 of that. Oh, there wouldn't be a lot of evidence.
25 But you know what? That's not for her to say. You

CLOSING ARGUMENTS BY MS. ALVES

1 know who should have been looking to come say what
2 evidence was? The investigators from the police
3 department. They were the ones who were boots on
4 the ground early in the game and they should have
5 been the ones to present the evidence to you.

6 Now was there a lot they could have
7 found? We don't know because they didn't even
8 look. Now what could the police have found? All
9 right. MINOR told them in her interview that
10 this Kirk used a condom. She told them where she
11 was. They asked her specifically and everybody
12 agreed what the questions were. She told them she
13 was at the lake. That she said she was in the
14 parking lot. They asked her specifically where was
15 it near the bridge, she said, yes.

16 But you know -- and Investigator Davis
17 told you, well, it might have opened Pandora's box.
18 It could have been a hundred condoms. Were there?
19 Was there only one? And then, oh, it was ten days
20 later. Oh, we might not have found any DNA. It's
21 a lot of might's, would of, should of, could of's
22 here. But one thing they could have done, yeah, it
23 wasn't ten days later, it was -- this was the 9th,
24 they're investigating this case on the 17th, they
25 talk to her on the 18th. Nine days later. They

1 | could have gone out there. We're not talking about
2 | the woodline where it would have been more private,
3 | we're talking about near the bridge.

4 | And you know what they could have done?

5 | MINOR was there at the sheriff's department with
6 | her dad, the bridge is -- and the lake are, what?
7 | You can probably throw a rock hard enough and hit
8 | the lake from the sheriff's department, they could
9 | have taken MINOR and her dad, she could have
10 | pointed out exactly the area she was. If there was
11 | a lot of condoms there, too many to pick up, it is
12 | what it is. If there was only a couple, wouldn't
13 | it have been worth it to pick up whatever was there
14 | and send it to SLED, have it analyzed for DNA to
15 | determine whether she's telling the truth?
16 | Wouldn't that have been something to do before you
17 | charge somebody and convict them of child
18 | molesting.

19 | What else could they have done? They
20 | could have done a medical exam. We have a
21 | 14-year-old girl who goes to the sheriff's
22 | department and tells them that she had sex with an
23 | adult and she thought she might be pregnant and
24 | that he gave her marijuana. And that she felt
25 | funny after. Yeah, it's nine days later, but weed

CLOSING ARGUMENTS BY MS. ALVES

1 | stays in your system. They could have taken her.
2 | They could have sent her for a medical exam. And
3 | there's two kinds of medical exams that were talked
4 | about. They could have sent her for a SANE exam
5 | which is the Sexual Assault Nurse Examination
6 | that's with the protocol sent down by SLED where
7 | they do the examination. And they don't just check
8 | for DNA. They check for bruising. They check for
9 | anything. They talk to the person to determine
10 | what they're saying happened. They weren't sent
11 | for that examination.

12 | And they said, well, oh, well, it was
13 | to late to send her for that examination. Could
14 | they have been sent Investigator Davis conceded,
15 | yes, she could have been sent for it. Did they
16 | send her for it? No. What else could think have
17 | sent her for? They could have sent her for a
18 | medical examination. They talked about that. They
19 | said, yes, they do medical examinations on minors
20 | to determine whether or not they even had any type
21 | of sexual intercourse. Did they do a medical
22 | examination on her? No.

23 | Now, we heard that her momma took her
24 | to the doctor. As well her mom -- or excuse me,
25 | her dad took her, as well her parents should have

CLOSING ARGUMENTS BY MS. ALVES

1 taken her in this situation, but the police never
2 arranged for them to take her. The police never
3 followed up with her parents to see whether she had
4 a medical examination. The parents never told the
5 police.

6 Now let me tell you this. If that girl
7 had tested positive for marijuana, I'm pretty sure
8 they would have gone back to the police and told
9 them my baby tested positive for weed. You would
10 have heard about my baby tested positive for weed.
11 But you didn't hear about that because she didn't.

12 Why didn't the police send her for a
13 drug test? She's saying she smoked weed, get some
14 proof. She's got pictures of her sitting here
15 smoking -- pretending she's smoking something. We
16 don't know what this is. All this could be is some
17 girl trying to look billy bad for her friends
18 pretending she's smoking weed. We don't know.
19 We'll never know because the investigation wasn't
20 done.

21 What else could they have done? They
22 could have gotten her clothes. Check the clothes.
23 Send the clothes for DNA. The Solicitor tried to
24 question the investigator about, oh, he wore a
25 condom we wouldn't have had any DNA. How do you

CLOSING ARGUMENTS BY MS. ALVES

1 know? Did you try? Did you tend the clothes? Did
2 you look?

3 All right. Now, Ms. Johnson got on the
4 stand and testified she does laundry every
5 Thursday, but that's the first time we heard this.
6 The police didn't know that she did laundry on
7 Thursday's. The police never even asked for the
8 clothes. Did she wash that one piece jumper that
9 MINOR said she was wearing? We don't know
10 because nobody asked any questions about clothes
11 when they talked to her on the 17th and the 18th of
12 July, 2023.

13 They could have sent her to the Child
14 Advocacy Center for a specialized interview. Now,
15 Investigator Davis talked about what type of
16 interviews they do at the Child Advocacy Center.
17 And he said that they don't even talk to children
18 who are less than 12. What they do is they send
19 them to the Child Advocacy Center to talk to
20 counselors who are specialized and trained in
21 talking to minors about these type of sex offenses.

22 And he said that whether they send
23 somebody MINOR's age, that's on a case by case
24 basis. And Investigator Davis said he's worked sex
25 cases and he said he's experienced in interviewing

CLOSING ARGUMENTS BY MS. ALVES

1 people, but he didn't talk about -- he didn't
2 mention that he has any type of specialized
3 training in talking to children or 14-year-olds or
4 teenagers about sex issues.

5 And what happened when the police
6 talked to Ja'Faith? When they asked her what
7 happened, she said -- and they were asking her
8 specifically what happened between her and Kirk at
9 the lake, all she said was S-E-X. She didn't say
10 they had intercourse, she didn't go into any
11 details, that's all she would say. In that
12 situation where you have a child who is not willing
13 to say much to you about what happened, don't you
14 think that maybe you could use the resources that
15 are available to you and send her to Aiken, not
16 that far away, to go to the Child Advocacy Center
17 to have an interview with somebody who is
18 specialized who might have been able to either get
19 more information out of her or not. We don't know
20 and that's the problem. We don't know what could
21 have happened if they had done that. It's not a
22 big deal, they do it in so many cases, but they
23 didn't do it in this one.

24 She said that they got picked up at the
25 Dollar General -- she got picked up at the Dollar

CLOSING ARGUMENTS BY MS. ALVES

1 General on the 9th. You know they got a Dollar
2 General -- you're not coming in here with just not
3 your common sense, we all shop at Dollar General,
4 we know what they got at Dollar General? Cameras.
5 Every time I go to Dollar General, they are not
6 hidden cameras, they're all over the place.
7 Parking lot, inside. Did anybody go to Dollar
8 General? Show me a camera picture from Dollar
9 General.

10 She said she was in a white SUV. The
11 police say when they saw him on the 17th of July,
12 he was in a white car. We don't know what kind of
13 vehicle he was in on the 9th, but we would know if
14 there was a camera. I mean, they were already at
15 the Dollar General when they were sitting there
16 waiting for him on the 17th. What, you can't get a
17 video? Then we would know exactly what car he was
18 in.

19 And if he had another car, the police
20 didn't investigate it. Did they check to see
21 whether he really did have a white SUV? And if he
22 had another car, could they have checked the
23 backseat to see maybe this girl's fluids were in
24 the backseat where she says that they supposedly
25 had sexual intercourse. We'll never know because

CLOSING ARGUMENTS BY MS. ALVES

1 | they didn't check.

2 | And let's talk more about the car. On
3 | the 17th when the police stopped Mr. Kirkland, what
4 | was his demeanor? We can't see it, but they told
5 | you what he was. He wouldn't really talk to them
6 | much. He wouldn't give them much information. And
7 | why should he? Just because the police are asking
8 | you questions, you don't have to answer them.
9 | There's no law that says you do. They stop him.
10 | He's coming -- if he's got texts to come meet
11 | somebody and then all of a sudden the police are
12 | stopping him questioning him about something, he
13 | doesn't have to tell them what he was doing and
14 | where he was going.

15 | They testified he said he was making a
16 | drop. He said he went to the bathroom. So what,
17 | he doesn't have to tell them where he was, what he
18 | was doing, it's a free country. And clearly he
19 | wasn't under arrest and they weren't trying to
20 | detain him, but what did he do? They said, can we
21 | search your car? He said, sure, no problem.

22 | He let's them search his car. What do
23 | they find? A bookbag in the backseat with some
24 | condoms. That is not unusual for a young man to
25 | have a bookbag with some condoms. You know what

CLOSING ARGUMENTS BY MS. ALVES

1 | they didn't find? They didn't find any marijuana.
2 | This substance that she said that he gave her on
3 | the 9th to try to get her compliant to have sex.
4 | They didn't find any weed in his car on the 17th.

5 | And what else did he do? He agreed to
6 | go to the sheriff's department. He went to the
7 | sheriff's -- he talked to them on the side of the
8 | road. He went to the sheriff's department and
9 | talked to them. They let him go. If he was that
10 | cooperative about all that, if that's the car he
11 | was in, had they checked and verified that that was
12 | the vehicle that he was in on the 9th, they could
13 | have swabbed the seats, they could have checked to
14 | see if her DNA was there or not. Very easy to do,
15 | but they didn't.

16 | Now, Investigator Davis talked about,
17 | oh, they didn't want to get DNA because DNA takes
18 | one to two years because SLED takes a long time to
19 | process. So what, you're going to label this man
20 | for life as a child molester, but we can't take a
21 | little bit of time to get some DNA evidence or to
22 | get evidence to either prove or disprove her story?
23 | What's two years? And, plus, that was July of
24 | 2023, 20 months ago. Had they done their job and
25 | gotten the evidence then or at least made some

CLOSING ARGUMENTS BY MS. ALVES

1 effort to look for evidence then, we'd have it by
2 now.

3 And he's talking about, oh, well, it
4 would have took too long. They can still have
5 charged him. Because, obviously, they charged him
6 -- they met with MINOR on July 18th, they got a
7 warrant for Mr. Kirkland on July 18th and arrested
8 him that same day. Investigator Davis testified to
9 that. Yet, she did her lineup on the 19th. So
10 investigation is always ongoing. You heard that.

11 We got evidence yesterday that was
12 testified to that the Solicitor only found out
13 about yesterday. So, obviously, investigation is
14 fluid. It's ongoing. They can still get
15 information even after somebody has been arrested.
16 They didn't even get a lineup. They arrested this
17 man for child molesting before this girl even
18 identified him specifically as the person she was
19 saying had sex with her.

20 So what's the problem with sending
21 information to SLED and getting some information
22 back that proves or disproves the story? They
23 didn't even try. Is there video at the parking
24 area of the lake? I don't know. Wasn't testified
25 whether it was or wasn't. And one more thing I

CLOSING ARGUMENTS BY MS. ALVES

1 want to talk about. She said that they were
2 texting back and forth between July 6th and July
3 9th. She said that after July 9th that she sent
4 him a text saying something about she might be
5 pregnant. And then they texted once again on the
6 day that the police came.

7 Show me some texts. Show me this text
8 where she said she was pregnant. The police took
9 her phones that night. They kept her phone for
10 about a month. And they made copies of some texts
11 that she had on her phone from July 9th. If they
12 have copies of these pictures which she was sending
13 to her friends on July 9th, show me the text
14 message where she told this man she was pregnant
15 and then, oh, yeah, she said something else. She
16 said, by the way, I also sent another text. I
17 don't remember what she said she sent, but she sent
18 another text.

19 Show me these text messages where they
20 were going on. Show me the text messages where she
21 had these conversations with him. You can't
22 because they didn't keep them. They said, oh, they
23 didn't see them on her phone. She said she didn't
24 delete her text messages. Whatever happened to
25 them, you know what you could have done with a

CLOSING ARGUMENTS BY MS. ALVES

1 phone? They could have done a forensic analysis at
2 SLED. Might it have taken a while? Yes. But how
3 long is too long if we're going to convict somebody
4 of child molesting?

5 They could have sent that phone, they
6 could have seen if it's possible to get the deleted
7 texts off of the phone. I don't know how to do it,
8 but I'm not a forensic expert. I don't get paid
9 scientist money at SLED. But there are people at
10 SLED who could have looked at it. First,
11 Investigator Davis said he didn't think it was
12 possible, but then he acknowledged it might have
13 been possible. But we won't know because they
14 didn't try.

15 So there's a lot that could have been
16 done. There's a lot of evidence that could have
17 been before us. There's a lot we could have either
18 argued to prove or disprove the story, but we don't
19 have it. Now the question is, can we just accept
20 this story from MINOR ? This judge is going to
21 tell you about reasonable doubt. It's up to the
22 State to prove to you beyond a reasonable doubt
23 that Mr. Kirkland had sexual intercourse with
24 MINOR on July 9th of 2023.

25 Mr. -- Mr. Kirkland doesn't

CLOSING ARGUMENTS BY MS. ALVES

1 have to get up here and say anything. He doesn't
2 even have to be here. It is solely the State's
3 Exhibit burden that they have to prove to you
4 beyond a reasonable doubt and all they've given you
5 is a girl whose own mother admitted that she lied
6 to her.

7 Now, my grandmother use to say, when
8 somebody tells you who they are, believe them. And
9 that girl told us who she was. You don't want to
10 say somebody's lying, but if that's what it is,
11 that's what it is. First, she -- yes, she's a
12 child. She snuck in and out of her house. Her
13 mother acknowledged that was a lie by omission.
14 She said that she told Kirk she was on her period.
15 That's what she told the police, originally. But
16 then she says, oh, wait, I really lied about being
17 on my period. We don't know if she was on her
18 period or not because they didn't send her for a
19 medical exam. And if she was on her period,
20 wouldn't that condom have been a little more
21 obvious to detect from any others that may or may
22 not have been there?

23 She said that when they were at the
24 lake, Kirk took his clothes off while he was
25 outside the car. She said there were other people

CLOSING ARGUMENTS BY MS. ALVES

1 | there. Now, they're by the bridge at the lake, not
2 | by the treeline, and he is naked standing outside a
3 | car which is basically on this lake by this bridge
4 | which is basically on the public road. That's what
5 | she says happened. And somehow somehow she had on
6 | one of those one piece unitard outfits she
7 | described pretty detailed, like some people would
8 | wear for wrestling, she had one of those kind of
9 | one piecy outfits. Somehow that onesie got off and
10 | she's in the backseat. Is that even believable
11 | that that happened where she said they were?

12 | She told the police that they went to a
13 | gas station. That's what she testified to. But
14 | you heard from Investigator Kleinholtz. He had --
15 | he sat up there and admitted to everything he
16 | didn't do. Told the truth about his lack of
17 | investigation. And then when we asked -- and I
18 | asked him about, did she say that she told you this
19 | about this gas station? No. She never told them
20 | that they went to a gas station. So now she's
21 | sitting up here lying to us about what she told the
22 | police and they're saying that's not what she told
23 | them.

24 | She lied to her dad. I don't know why
25 | she even lied to her dad. She said that her dad --

CLOSING ARGUMENTS BY MS. ALVES

1 | they were texting about a basketball game and all
2 | of sudden she tells her dad her stomach feels funny
3 | and he told her to drink milk. And she said, oh,
4 | she told him that because she thought she might be
5 | pregnant. Why did you even say that? He didn't
6 | even mention anything about that. But she admits
7 | she lied to her dad about that.

8 | This girl has told us who she is.
9 | She's somebody who's willing to tell a lie when it
10 | helps her out. But then you kind of figure, well,
11 | jeez, why is she lying? Who would lie? Go through
12 | all this and have to come to court. Somebody who
13 | didn't know that this was going to be the result.
14 | She was lying to her girls. It's cool to lie to
15 | your girls, they can't catch you. All they see is
16 | a bunch of pictures of what you're telling them it
17 | is. Ooo, you the girl. You had this older dude.
18 | You was smoking weed. That impressed her friends.
19 | The three girls that she was texting and talking
20 | to.

21 | But here's what she didn't know. She
22 | didn't know about Ms. Christianna (verbatim)
23 | Ballard. She didn't know that her girl's momma was
24 | listening to the conversation. She thought she was
25 | just bragging to her friend. She didn't know that

1 she was telling this momma what happened. And what
2 did Christianna do? I can't say nothing about
3 Christianna. She's the mother that we all want
4 looking out for our kids. Somebody who sees
5 something and says something.

6 But in this situation, what did
7 Christianna do? She started calling her, calling
8 MINOR. She started texting MINOR. Telling
9 MINOR, tell your momma you snuck out of the
10 house. Tell her about what you're saying happened.
11 She's the one telling MINOR, oh, this is bad,
12 you have to go and report this to the police.
13 MINOR didn't want to have none of that.
14 Christianna even had to Google MINOR's family to
15 figure out where MINOR lives so she could tell
16 the police because MINOR did not want
17 Christianna coming to tell her momma that she snuck
18 out the house.

19 So now what the situation? Okay. You
20 told your girls a lie, so what. Now, uh-oh, you
21 done got the momma involved. Now your friend might
22 be in trouble with her momma. If you say, oh, it
23 didn't happen, it's going to spread around that
24 you're a liar, you're about to start high school
25 with a rep as a liar, you can't do that. So what's

CLOSING ARGUMENTS BY MS. ALVES

1 | she gonna do? Hope and pray Christianna just goes
2 | away. But she didn't. She Googled that address.
3 | She called the police.

4 | Now the next thing that happens, the
5 | police are at Ja'Faith's house. Uh-oh, you done
6 | lied to your friends now you got the police at your
7 | house. Now you got investigators at your house.
8 | Now you're going to the police department to give
9 | statements. Now you're having to look at a lineup.
10 | Now you're having to come to court. Now you're
11 | having to have your momma come to court. Who knew
12 | that this snowball was going to roll down this hill
13 | that bad? All because you wanted to brag and be
14 | billy bad to your friends. At this point, you
15 | can't stand to tell the truth. You can't stand up
16 | and say, well, I lied. You just have to hope for
17 | the best and see what happens.

18 | As I said, we weren't in that car. We
19 | can't say what happened. But we can look at the
20 | evidence and we can look at the law. The judge is
21 | going to tell you what the law is here and he's
22 | going to tell you that Mr. Kirkland sits over there
23 | an innocent man. He wears a robe of righteousness
24 | around him. That is a robe of innocence. The only
25 | way that robe is cast off of him is if you, the

CLOSING ARGUMENTS BY MS. ALVES

1 jury, find that the State has proven to you beyond
2 a reasonable doubt that Mr. Kirkland did have
3 sexual intercourse with MINOR on July
4 9th of 2023.

5 The judge is going to tell you that
6 they have to prove it to you beyond a reasonable
7 doubt. Now what's reasonable doubt? A reasonable
8 doubt is a doubt that would cause a reasonable
9 person to hesitate before acting. And I know
10 that's kind of, like, what does that mean? That's
11 just fancy language to say that they must have
12 firmly convinced you that there was sexual
13 intercourse in that car.

14 Only thing we have here is a young girl
15 trying to play grown-up. A girl whose own mother
16 sat on that witness stand and had to admit that her
17 child is a liar. Is that reasonable doubt? Does
18 that make you hesitate before saying that he's
19 guilty? You're not sure? Well, then that's
20 reasonable doubt. And if you're not sure, you must
21 find Mr. Kirkland not guilty. Thank you.

22 MS. STAGGS: May it please the Court?

23 THE COURT: Yes, ma'am.

24 MS. STAGGS: Mr. Hayes, Ms. Alves.

25 CLOSING ARGUMENTS

CLOSING ARGUMENTS BY MS. STAGGS

1 BY MS. STAGGS:

2 This case is about sex. S-E-X. Sexual
3 intercourse. This is not a forcible rape. We are
4 not alleging that the Defendant did anything to
5 this victim that she wasn't okay with. But in
6 South Carolina, an adult man having sex with a
7 14-year-old girl is against the law. It is sexual
8 conduct that is criminal. It is criminal sexual
9 conduct with a minor in the second-degree.

10 Now, Ms. Alves is right. The only
11 dispute in this case is whether or not the
12 Defendant had sex with the victim in his car by the
13 lake on July 9th of 2023 here in Barnwell. That's
14 it. There really isn't any other fact in dispute.
15 Maybe law enforcement should have done this. Maybe
16 they should have done that. Would it have resulted
17 in additional evidence? Maybe. Who knows. But
18 the only question that you, as a jury, need to
19 answer is, did they have sex in that car by the
20 lake?

21 Now, MINOR says that they
22 did. Think about that and the timeline. Who did
23 she tell? And when did she tell them? That's
24 important. She didn't make up this story to paint
25 herself as a victim after she got caught sneaking

CLOSING ARGUMENTS BY MS. STAGGS

1 out by her mom and dad. That's not what she did.
2 She didn't manufacture this part about the sex in
3 the car after law enforcement showed up and told
4 her parents. That's not what happened.

5 What happened is that she was afraid
6 she might be pregnant because she recently had sex
7 with Lintel Kirkland. And she did what 14-year-old
8 girls do. She talked to her friends about it. She
9 told them what happened. And she did send her dad
10 that text about a stomach ulcer. She did. Why?
11 We lay a foundation. She knew she might be
12 pregnant because she had recently had sex with
13 Lintel Kirkland. She's a 14-year-old girl, so she
14 probably didn't know what it feels like to be
15 pregnant. Maybe she knows what it feels like to
16 have an ulcer, maybe she doesn't, but she knew she
17 didn't feel good. She knew she had recently had
18 sex with the Defendant and she knew that if she was
19 pregnant at some point she'd need to see a doctor.
20 She starts telling her dad about this ulcer. All
21 of that happened before any adult knew anything
22 except Lintel Kirkland.

23 So in the course of telling one of her
24 friends on the phone, sharing her fears, telling
25 her what happened, her friend's mom overhears this

CLOSING ARGUMENTS BY MS. STAGGS

1 conversation. That's how we end up here.
2 Christasha Ballard got Ja'Faith's address so she
3 could Google the right county to make a report to
4 law enforcement. For no other reason. And she did
5 report it to law enforcement. She didn't call and
6 tell her parents. She reported it because she knew
7 it was a crime. And that's how law enforcement
8 gets involved.

9 Law enforcement shows up at the Johnson
10 home on the 17th. And she tells them what she told
11 her friends. She tells them what happened. She
12 tells them the whole story. Every single piece of
13 that story is later corroborated. Every piece that
14 can be. Now, the only piece that can't be is the
15 part in the car by the lake because there were only
16 two people there when it happened and it didn't get
17 reported until nine days later.

18 MINOR didn't lie to her
19 friends. She wasn't bragging to her friends. She
20 thought she might be pregnant. She didn't lie to
21 police. And she didn't even try to lie to her
22 parents once she's busted. She told the truth.
23 She told the truth to her friends. She told the
24 truth to police. She told the truth to her
25 parents. And she told the truth from that witness

CLOSING ARGUMENTS BY MS. STAGGS

1 stand yesterday.

2 The Defense argued and made a very big
3 deal about law enforcement should have done all of
4 these things; right? They should have done all of
5 these things that they didn't do. They could have,
6 but they didn't. But you know logically just like
7 they did that those things weren't going to lead
8 anywhere except to a possible delay of this case.

9 The question before you is not, did law
10 enforcement do every single thing that they could
11 possibly do? That's not the question. It's, did
12 they gather enough evidence for you to be firmly
13 convinced of the Defendant's guilt? Ladies and
14 gentlemen, I submit to you that they did. They did
15 their jobs. They responded to an urgent situation.
16 That Defendant coming back to Hilda. They
17 responded urgently. Once that was under control,
18 they continued their investigation. They
19 interviewed the victim. They got as many details
20 from her the next day as they could and they set
21 about to confirm one by one every detail that they
22 could confirm. And here's what they found:

23 The victim and Lintel Kirkland met at
24 that Walmart in Aiken. Victim is there with her
25 mom.

CLOSING ARGUMENTS BY MS. STAGGS

1 The victim told law enforcement that
2 Lintel Kirkland picked her up from the dirt road
3 near her house. Not the Dollar General parking
4 lot, but that dirt road near her house in Hilda.
5 The Defendant agreed that that was true.

6 You'll have this in your jury room.
7 The Defendant agreed that he picked her up July 9th
8 in his car.

9 The victim told law enforcement they
10 were together for several hours in his car. He
11 agrees that that's true.

12 The victim told law enforcement that
13 they were parked in his car by the lake for a
14 little over an hour. He agrees that is true.

15 The victim told law enforcement that he
16 dropped her off at about 9:45. He agrees that that
17 is true.

18 Those are all things they agree on.
19 And the victim testified that a little while later,
20 a couple of days, she texted him that she thought
21 she might be pregnant and he didn't respond. She
22 texted him again on the 16th and said, hey. But he
23 didn't respond to that until the next day, the
24 17th, when he said he was coming to Hilda to meet
25 her.

CLOSING ARGUMENTS BY MS. STAGGS

1 So when he gets to Hilda, what about
2 those statements that he made to police? Ms. Alves
3 mentioned that he didn't have to talk to the
4 police. And she's a hundred percent right. He
5 didn't have to talk to the police, but he did and
6 he lied. When he is stopped by them on the 17th,
7 he lied and made up a story about why he was there.
8 A story that made no sense. Nobody drives from
9 Aiken to Hilda to pee outside behind the Dollar
10 General. Nobody. It makes no sense.

11 But he had to have a quick excuse for
12 being on [REDACTED] and that's what he came
13 up with in that moment. But think about this. If
14 he didn't think that he was doing anything wrong,
15 why would he lie? Why would he lie? Because he
16 knew he was on that road to see a 14-year-old girl
17 that he had already had sex with.

18 Eventually, he says he's in Hilda to
19 see a woman. But he doesn't say, well, this is who
20 I'm going to go see, she lives right over there.
21 He maintains he has no idea who she is except by
22 telephone number. He did not tell them that
23 because they might go to that house and find the
24 14-year-old girl that he knows he's already had sex
25 with and she might tell them that. He didn't tell

CLOSING ARGUMENTS BY MS. STAGGS

1 | them that because he was headed back for more with
2 | a 14-year-old child.

3 | And if he wasn't in that car by the
4 | lake doing what she said they were doing in the
5 | dark then what were they doing? What were they
6 | doing in that car for an hour? They weren't
7 | talking. They weren't talking about music. They
8 | weren't talking about sports. They were in that
9 | car doing exactly what MINOR told you
10 | they were doing. They were smoking weed and having
11 | sex.

12 | No case is perfect. Certainly, we wish
13 | that was true; right? There's always evidence that
14 | could have been collected. And let's talk about
15 | the available evidence in this case. There is no
16 | rape kit. Made a big deal that there was no sexual
17 | assault exam done. No, there wasn't. We are nine
18 | days after the sex took place by the time law
19 | enforcement could have sent her for that exam,
20 | eight at the earliest if they'd sent her that
21 | night. And law enforcement decided there was no
22 | point in subjecting this 14-year-old girl to an
23 | invasive medical exam when they didn't think that
24 | it would yield anything. Not just because of that
25 | passage of time; right? But she also told him that

CLOSING ARGUMENTS BY MS. STAGGS

1 he wore a condom when they had sex.

2 The condom. There's no condom from the
3 lake. Well, no. There's no guarantee they would
4 have found a condom by the lake. Maybe they would
5 have found 15, 20, who knows. Maybe one of those
6 would have been the Defendant's, maybe not. But
7 what we do know is no matter what they would have
8 found would have been sitting out in that parking
9 lot for ten days. Did it rain? We don't know. It
10 was hot. It was July. South Carolina. Birds.
11 Other animals. Cars. Who knows. They did not
12 think that they would gain useful evidence.

13 The clothing that MINOR was wearing.
14 Ms. Johnson said she does laundry every Thursday.
15 A great number of people have a laundry routine. I
16 have a laundry routine. I have two small children.
17 There's a lot of laundry. If I don't keep up with
18 it, it's just going to pile up and up and up, so I
19 get it. She does laundry every Thursday. Now, no
20 matter what day it was, July 9th, there was a
21 Thursday before it was nine days later and the
22 police showed up, that laundry had been done.

23 And the text messages. We absolutely
24 would prefer to have those deleted messages. But
25 law enforcement was only able to get what was on

CLOSING ARGUMENTS BY MS. STAGGS

1 her device. You've seen some of them. Defense
2 Exhibit's 1 through 3 are text messages of MINOR
3 [REDACTED] apparently, you know, trying to act grown,
4 sending her friends these text messages. Doing
5 things that 14-year-old girls do. And there's the
6 one where she texted her dad. It would be good if
7 we had those, but they collected what they had
8 available to them.

9 Let's talk about what we do have. We
10 do have is the fact that law enforcement located
11 Lintel Kirkland as he's coming back to her house on
12 the night of the 17th to see her again. What we do
13 have is that law enforcement was able to
14 corroborate every single part of the victim's story
15 that led up to that car being parked at the lake in
16 the dark for an hour.

17 And what we do have is MINOR
18 [REDACTED]'s testimony. All of which is corroborated
19 except for the sex. Y'all, that girl did not get
20 on the stand to perpetuate a two-year-old lie. She
21 got on the stand and told you the same thing she
22 told her friends and the same thing she told the
23 police in July of 2023. She mixed up some details.
24 Did they go to the store? Did they get out? Did
25 they go to a gas station? Maybe they meant this

CLOSING ARGUMENTS BY MS. STAGGS

1 and she meant that, but none of that is what
2 matters here. That's not what matters. Not
3 remembering a detail from almost two years ago is
4 not what matters. The only thing that matters is
5 the sex at the lake.

6 No case is perfect. And no victim is
7 perfect. Sometimes they don't remember all of the
8 details. Sometimes they delete text messages
9 because they're 14-year-old girls that have been
10 sneaking out of their house to have sex and they
11 didn't want their mom and dad to see their text
12 messages with a grown man. That doesn't make them
13 a liar. It makes them a teenager.

14 Now, show me a 14-year-old who has
15 never lied to their parents and I will show you a
16 child that does not exist. And ask yourself, if
17 she's making up a story, if she's making this story
18 up about them having sex, why? Why would she do
19 that? What does she have to gain by saying that
20 she had sex with Lintel Kirkland when she didn't?
21 The answer is, nothing. She has nothing to gain.

22 Mr. Miller and Mr. Hayes both talked to
23 you about witness credibility. And I'd ask you to
24 consider that in the deliberation room. What is
25 MINOR motive to lie? She doesn't have

CLOSING ARGUMENTS BY MS. STAGGS

1 one. And consider that 14-year-old child, 16 now,
2 was 14 at the time, on the witness stand, who has
3 nothing to gain by coming here and telling you
4 about how she snuck out of the house and had sex
5 and lied to her parents about it.

6 And take your common sense into that
7 jury room. It doesn't get left behind. All your
8 life experience. All the things that you know.
9 Use your common sense to determine what makes
10 sense. Does it make sense that she told the truth
11 about everything else that was corroborated but
12 then lied about the sex? Does it make sense that
13 she lied to her friends before the police even
14 knew? What would she have to gain from that?
15 Nothing.

16 The judge will explain the law to you.
17 He will define reasonable doubt and he will define
18 what criminal sexual conduct with a minor in the
19 second-degree is. But essentially it is a sexual
20 battery with a victim who is 14 or less, but older
21 than 11 by an adult. And a sexual battery is any
22 intrusion, however slight, into the body. That
23 includes sexual intercourse.

24 Lintel Kirkland is an adult man. And
25 Lintel Kirkland is a predator. He preyed upon

CLOSING ARGUMENTS BY MS. STAGGS

1 MINOR

2 You saw her yesterday on that
3 stand. She is so very clearly a 16-year-old girl.
4 She's a teenager. She looks like a teenager. She
5 talks like a teenager because she's a teenager.
6 And this is 20 months after this incident occurred.
7 Consider that when you think about this incident,
8 how she looked today and that this occurred 20
9 months ago.

10 Lintel Kirkland is a predator who took
11 advantage of a child. It does not matter that she
12 didn't say, no. She doesn't have the legal
13 capacity to say, yes. Until someone is 16 in the
14 State of South Carolina, they do not have the legal
15 capacity to consent to sexual activity.

16 But you know what? Lintel Kirkland
17 didn't care about that. He didn't care about how
18 old she was. He saw her. He got her phone number,
19 started texting with her, and he thought he could
20 get laid and he did. And he might have gotten away
21 with it if he hadn't come back to do it again.

22 Ms. Alves is also right about the
23 State's Exhibit burden. We absolutely have to
24 prove this to you beyond a reasonable doubt. The
25 Defendant's guilt has to be proven beyond a
reasonable doubt. That he no longer deserves to

JURY CHARGE

1 | wear that robe of righteousness Mr. Hayes talked to
2 | you about at the beginning. And, ladies and
3 | gentlemen, that's exactly what we have done over
4 | the last couple of days. No, there are not a lot
5 | of exhibits. Nope. There's no fancy science or
6 | DNA. Don't have any videos. You have some photos,
7 | some screenshots and a photo lineup, but witness
8 | testimony is evidence. And there's a 16-year-old
9 | girl with no reason to lie who told you that Lintel
10 | Kirkland, an adult man, had sex with her when she
11 | was 14 years old.

12 | And the judge will tell you that proof
13 | beyond a reasonable doubt is proof that leaves you
14 | firmly convinced of the Defendant's guilt. If you
15 | believe MINOR testimony that Lintel
16 | Kirkland had sex with her in his car on July 9th of
17 | 2023 at the lake in Barnwell, that is all you need.

18 | Lintel Kirkland is guilty. And as
19 | Mr. Miller told you at the beginning of this trial,
20 | here we are back before you asking you to render
21 | the only appropriate verdict in this case. Find
22 | Lintel Kirkland guilty of criminal sexual conduct
23 | with a minor in the second-degree. Thank you.

24 | THE COURT: All right. Members of the
25 | jury, it's now my duty as the trial judge to

JURY CHARGE

1 | instruct you on the law applicable to this case.
2 | And in that regard, it is your duty as jurors to
3 | accept, and apply the law as I now state it to you.
4 | Furthermore, it is your exclusive duty to decide
5 | all the issues of fact in this case, and to
6 | determine the effect, value, weight, and truth of
7 | the evidence. All the parties have the right to
8 | expect that you will carefully consider and
9 | evaluate the evidence, and apply the law of this
10 | case to it, so that, in the end, all parties
11 | receive a fair and impartial trial.

12 | Now, during this trial, you and I have
13 | separate duties to perform. As the trial judge, it
14 | is my responsibility to preside over this trial and
15 | to rule upon the admissibility of the evidence
16 | offered during the trial. You, as members of the
17 | jury, are to consider only the evidence before you.

18 | If you have any preconceived ideas as
19 | to what the law is, or what you think the law ought
20 | to be, and it does not agree with what I now tell
21 | you the law is, you are obligated under your oath
22 | to abandon those preconceptions - because you are
23 | sworn to accept the law as I now state it to you.

24 | In this trial, you are the sole and
25 | exclusive judges of the facts. Do not infer that I

JURY CHARGE

1 have any opinion about the facts in this case from
2 anything I have said or done during the course of
3 this trial. The law simply does not permit me to
4 have an opinion about the facts. As jurors, it is
5 your duty, and your duty alone, to determine the
6 effect, value, weight, and truth of the evidence
7 presented during this trial.

8 The evidence from which you are to
9 decide the facts of this case are:

10 (1) The sworn testimony of witnesses,
11 both on direct and cross-examination;

12 (2) The exhibits which have been
13 admitted into evidence; and

14 (3) Any facts to which all the
15 attorneys have agreed and stipulated.

16 Evidence may be direct or
17 circumstantial. Direct evidence is testimony by a
18 witness about what the witness personally saw,
19 heard, or did. Circumstantial evidence, on the
20 other hand, is indirect evidence. Stated
21 differently, it is proof of one or more facts from
22 which one can find another fact.

23 You may consider both direct and
24 circumstantial evidence equally, and crimes may
25 proven by circumstantial evidence. The law makes

JURY CHARGE

1 no distinction between the weight or value to be
2 given to either direct or circumstantial evidence.
3 However, to the extent the State relies on
4 circumstantial evidence, all of the circumstances
5 must be consistent with each other, and when taken
6 together, point conclusively to the guilt of the
7 accused beyond a reasonable doubt. If the
8 circumstances merely portray the Defendant's
9 behavior as suspicious, the proof has failed.

10 The State has the burden of proving the
11 Defendant guilty beyond a reasonable doubt. This
12 burden rests with the State regardless of whether
13 the State relies on direct evidence, circumstantial
14 evidence, or some combination thereof.

15 Now, I remind you, the following things
16 are not evidence and you must not consider them as
17 evidence in deciding the facts of this case:

18 (1) Statements and arguments of the
19 attorneys;

20 (2) Questions and objections to the
21 attorneys; and

22 (3) Any testimony that I instructed
23 you to disregard.

24 While the argument of counsel is a
25 beneficial part of every trial, you should remember

JURY CHARGE

1 | that the statements made by counsel are not
2 | evidence. In presenting arguments, counsel often
3 | refer to the evidence. However, you should base
4 | your verdict on the evidence as you remember it.
5 | Therefore, if there are any conflicts between the
6 | recollection of counsel about the evidence and your
7 | own recollection, you should rely upon your own
8 | understanding of the evidence.

9 | I remind you, the fact the Defendant
10 | was arrested, charged, and indicted in this case,
11 | is not evidence and cannot be considered by you as
12 | evidence of guilt in this case, nor does it create
13 | any presumption or inference of guilt.

14 | Furthermore, it is your job as jurors
15 | to determine the credibility or believability of
16 | the witnesses who have testified in this case. You
17 | must evaluate the evidence and determine which
18 | evidence convinces you of its truth.

19 | In determining the believability of
20 | witnesses who have testified in this case, you may
21 | believe one witness over many or many over one.
22 | You may believe a part of the testimony of a
23 | witness and reject the remaining part. You may
24 | believe the testimony of a witness in its entirety
25 | or reject it in full. You may consider whether the

JURY CHARGE

1 witness has an interest in the result of the trial,
2 whether the witness is prejudiced toward either
3 party, the opportunity for the witness to have seen
4 the matters and things about which the witness may
5 testify, and the way the witness acts on the
6 witness stand.

7 Now, the Defendant has pled not guilty
8 to these indictments -- to this indictment, and
9 that plea puts the burden on the State to prove the
10 Defendant guilty. A person charged with committing
11 a criminal offense in South Carolina is never
12 required to prove his or her innocence.

13 I charge you that as an important rule
14 of the law that the Defendant in a criminal trial,
15 no matter what the seriousness of the charge may
16 be, will always be presumed to be innocent of the
17 crime for which the indictment was issued unless
18 guilt has been proven by evidence satisfying you of
19 that guilt beyond a reasonable doubt. This
20 presumption of innocence does not end when you
21 begin your deliberations, but it accompanies the
22 Defendant throughout the trial unless you reach a
23 verdict of guilt based on the evidence satisfying
24 you of that guilt beyond a reasonable doubt.

25 The presumption of innocence is like a

JURY CHARGE

1 robe of righteousness placed about the shoulders of
2 the Defendant which remains with the Defendant
3 unless it has been stripped from the Defendant by
4 evidence satisfying you of that Defendant's guilt
5 beyond a reasonable doubt.

6 The presumption of innocence is not
7 mere legal theory. It's not just a legal phrase.
8 It is a substantial right to which every defendant
9 is entitled unless you, the jury, are satisfied
10 from the evidence of the Defendant's guilt beyond a
11 reasonable doubt.

12 Now, the State has the burden of
13 proving the Defendant guilty beyond a reasonable
14 doubt. Some of you may have served as jurors in
15 civil cases, where you were told that it is only
16 necessary to prove a fact is more likely true than
17 not true, such as by the greater weight or
18 preponderance of the evidence. In criminal cases,
19 the State's Exhibit proof must be more powerful
20 than that. It must be beyond a reasonable doubt to
21 each element of each offense charged.

22 Now, what is a reasonable doubt in the
23 law? A reasonable doubt is the kind of doubt that
24 would cause a reasonable person to hesitate to act.
25 Proof beyond a reasonable doubt is proof that

JURY CHARGE

1 leaves you firmly convinced of the Defendant's
2 guilt. There are very few things in this world
3 that we know with absolute certainty, and in
4 criminal cases the law does not require proof that
5 overcomes every possible doubt. If, based on your
6 consideration of the evidence, you are firmly
7 convinced that the Defendant is guilty of the crime
8 charged, then you must find the Defendant guilty.
9 If, on the other hand, you think there is a real
10 possibility that the Defendant is not guilty, you
11 must give the Defendant the benefit of the doubt
12 and find him not guilty.

13 Mere suspicion, however strong, is not
14 enough to sustain a conviction. Suspicion implies
15 a belief or opinion as to guilt based upon facts
16 and circumstances which do not amount to proof.

17 I remind you that the fact that the
18 Defendant elected not to testify is not a fact to
19 be considered by you in any way in your
20 deliberations and in your consideration of the
21 question of whether the Defendant is guilty or not
22 guilty. It must not be considered in any manner
23 whatsoever against him. An accused has the
24 constitutional right to remain silent, and the
25 assertion of that right cannot be considered by you

JURY CHARGE

1 in your deliberations. Under your oath, you are to
2 reach no inference and draw no conclusion
3 whatsoever from the fact the Defendant elected not
4 to testify. His decision not to testify should not
5 even be discussed in the jury room.

6 Now, in order to establish criminal
7 liability, criminal intent is required. The
8 dictionary defines intent as "the state of a
9 person's mind that directs his actions toward a
10 specific object."

11 Criminal intent must be proven by the
12 State beyond a reasonable doubt. Criminal intent
13 is always a matter that must be determined by the
14 jury from the circumstances surrounding the
15 situation. There is no way to prove intent to a
16 mathematical certainty. There is no medical
17 science that can dissect a person's brain and
18 determine what the person had in mind, so the law
19 says that criminal intent may be inferred from the
20 circumstances shown to have existed. This is how
21 you will make a determination of whether or not the
22 element requiring intent was present.

23 Criminal intent is a mental state, a
24 conscious wrongdoing. It is up to you to determine
25 what the Defendant intended to do, based upon the

JURY CHARGE

1 | circumstances shown to have existed.

2 | I'm now going to explain to you the law
3 | as it applies to the charge against the Defendant.

4 | The Defendant is -- in this case is
5 | charged with second-degree criminal sexual conduct
6 | with a minor. A person is guilty of criminal
7 | sexual conduct with a minor in the second-degree
8 | if:

9 | (1) The actor engages in sexual
10 | battery with a victim who is 14 years of age or
11 | less, but who is at least 11 years of age; or

12 | (2) The actor engages in sexual
13 | battery with a victim who is at least 14 years of
14 | age, but who is less than 16 years of age and the
15 | actor is in a position of familial, custodial, or
16 | official authority to coerce the victim to submit
17 | or is older than the victim.

18 | The law defines sexual battery as
19 | "sexual intercourse, cunnilingus, fellatio, anal
20 | intercourse, or any intrusion, however slight, of
21 | any part of a person's body or any object into the
22 | genital or anal openings of another person's body,
23 | except when such intrusion is accomplished for
24 | medically recognized treatment or diagnostic
25 | purposes."

JURY CHARGE

1 Now, a verdict in this case cannot be
2 based upon sympathy, passion, prejudice or emotion,
3 or some other consideration not found in the
4 evidence. I charge you that as jurors you must
5 decide the issues involved in this proceeding based
6 solely on the evidence you hear during the course
7 of the trial. Your verdict must be without bias
8 and without prejudice to any party. You cannot
9 allow yourselves to be governed by sympathy, by
10 prejudice, by passion, by public opinion, or some
11 other consideration not found in the evidence.

12 Now let me say something about your
13 deliberations. "Deliberation" is defined as
14 "careful consideration, weighing up with a view to
15 decision."

16 The genius of jury system is it allows
17 12 good men and women from 12 different
18 backgrounds, life experiences, and perspectives to
19 consider the evidence, talk about it, and
20 ultimately reach a verdict.

21 We call them deliberations for a reason
22 - you are to consider the evidence in this case
23 carefully and deliberately - and discuss it in a
24 calm, thorough, and courteous manner.

25 Listen to the views of all of your

JURY CHARGE

1 fellow jurors; consider other people's points of
2 view, and talk through and discuss the evidence.
3 And remember: If you're doing something
4 deliberately, you are not in a big hurry, and you
5 should not be in a hurry here. This case is very
6 important to all the parties, and this trial is
7 their only day in court.

8 When you retire to the jury room, you
9 should discuss the case with your fellow jurors to
10 reach an agreement, if you can do so. Your verdict
11 must be unanimous.

12 Each of you must decide the case for
13 yourself, but you should do so only after you have
14 impartially considered all the evidence, discussed
15 it fully with the other jurors, and listened to the
16 views of your fellow jurors.

17 Do not be afraid to change your opinion
18 if the discussion persuades you that you should.
19 But do not come to a decision simply because other
20 jurors think it is right.

21 It is important that you attempt to
22 reach a unanimous verdict but, of course, only if
23 each of you can do so after having made your own
24 decision. Do not change an honest belief -- do not
25 change an honest belief about the weight and effect

JURY CHARGE

1 of the evidence simply to reach a verdict. In
2 other words, do not change your opinion solely for
3 the sake of reaching a unanimous verdict.

4 Now, I will give you a copy of these
5 instructions in written form during your
6 deliberations, you may refer to the instructions to
7 guide your decision-making. You must consider the
8 instructions as a whole and not follow some and
9 ignore others. Please return the instructions to
10 the Court at the time your verdict is rendered.

11 There are two possible verdicts in this
12 case which you -- there are two possible verdicts
13 which you may find in this case: Guilty or not
14 guilty. There is no significance whatsoever in the
15 order in which I state the possible verdicts; it's
16 simply one must be stated first.

17 Ladies and gentlemen, your verdict must
18 be a unanimous one. Mr. Foreman, when the jury
19 agrees on the verdict, you will write the verdict
20 on the verdict form. Then knock on the jury room
21 door and inform the bailiff that you've reached a
22 verdict. At that time, we will receive you back
23 into the courtroom.

24 Now, I ask that you now return to your
25 jury room but to not begin your deliberations until

JURY CHARGE

1 | you are told to do so by the clerk or bailiff.
2 | There are some matters which I need to discuss with
3 | the attorneys before you can begin your
4 | deliberations.

5 | At this time, you may return to the
6 | jury room. Do not discuss the case. Thank you.

7 | (WHEREUPON, the jury left the courtroom
8 | at 11:03 a.m.)

9 | THE COURT: Any issues with the charge
10 | other than previously noted?

11 | MS. STAGGS: Nothing from the State,
12 | Judge.

13 | MR. HAYES: Judge, I would just note
14 | that I would still request the portion stating,
15 | however, a person may not be convicted of a
16 | violation of this provisions of this item if he is
17 | 18 years of age or less when he engages in
18 | consensual sexual conduct with another person who
19 | is at least 14 years of age.

20 | In the instructions that was read, the
21 | sentence before that was also read. The
22 | instruction was given to the jury as to this --
23 | everything up to this sentence. And I would just
24 | request that sentence be included.

25 | THE COURT: Your -- that request was

1 | yesterday and that exception was noted and
2 | preserved.

3 | MR. HAYES: Thank you, Your Honor.

4 | THE COURT: All right. Next thing we
5 | need to -- Mr. Hayes?

6 | MR. HAYES: I think we just need to
7 | check the evidence; right?

8 | THE COURT: You do and I will also let
9 | the alternate go. Get the evidence in order and
10 | let's get Juror No. 86.

11 | (WHEREUPON, Court's Exhibit No. 2 was
12 | marked and entered.)

13 | THE COURT: Yes, Juror No. 86. Thank
14 | you for your service over the last three days. We
15 | didn't lose a second juror, so we didn't have to
16 | put you on the jury for deliberations. We
17 | appreciate you being here. Appreciate you paying
18 | attention, but we're going to start deliberations
19 | with our current 12. I hope your jury service has
20 | been a memorable experience for you. We appreciate
21 | your service, but you're free to go at this time.

22 | MR. JOHNSON: Thank you.

23 | THE COURT: You're welcome to stay, but
24 | you're free to go.

25 | (WHEREUPON, deliberations began at

1 11:07 a.m.)

2 (Off the record.)

3 THE COURT: I am informed we have a
4 verdict. Anything for the record before the jury
5 is brought in?

6 MS. STAGGS: Nothing from the State,
7 Your Honor.

8 MR. HAYES: Nothing from the Defense,
9 Your Honor.

10 THE COURT: As with all jury verdicts,
11 we never know what the verdict is going to be. I
12 remind everyone regardless of the verdict, to keep
13 a decorum this courtroom requires. No outbursts,
14 please.

15 All right. Let's bring them in,
16 please.

17 (WHEREUPON, the jury entered the
18 courtroom at 12:35 p.m.)

19 THE COURT: Ladies and gentlemen,
20 Mr. Foreman, I understand you have verdict; is that
21 correct?

22 MR. FOREMAN: Yes, sir.

23 THE COURT: Is your verdict unanimous?

24 MR. FOREMAN: Yes, sir.

25 THE COURT: Please hand it to the

VERDICT

1 bailiff. Bring it to me, please.

2 Madam clerk, if you would please
3 publish the verdict.

4 THE CLERK: Yes, sir.

5 In the State of South Carolina, County
6 of Barnwell, the *State verses Lintel Kirkland* in
7 the Court of General Sessions Second Judicial
8 Circuit. Indictment No. 2024-GS-06-00214, we the
9 jury as to Indictment 2024-GS-06-00214 for the
10 charge of criminal sexual conduct with a minor in
11 the second-degree, unanimously find above a
12 reasonable doubt, the Defendant, Lintel Kirkland,
13 guilty. Signed by the jury foreperson, James
14 Martin. Today's date, 03/27/2025.

15 THE COURT: Any matters for the jury
16 before they are discharged?

17 MR. HAYES: Can I poll the jury,
18 please?

19 THE COURT: Very well. Please poll the
20 jury.

21 THE CLERK: Lewis Brown, was that
22 verdict?

23 MR. BROWN: Yes, ma'am.

24 THE CLERK: Is it still your verdict?

25 MR. BROWN: Yes, ma'am.

1 THE CLERK: Wendell Bruner, was that
2 your verdict?

3 MR. BRUNER: Yes, ma'am.

4 THE CLERK: Is it still your verdict?

5 MR. BRUNER: Yes, ma'am.

6 THE CLERK: Zandra Beth Cross, was that
7 your verdict?

8 MS. CROSS: Yes, ma'am.

9 THE CLERK: Is it still your verdict?

10 MS. CROSS: Yes, ma'am.

11 THE CLERK: Furman Dicks, was that your
12 verdict?

13 MR. DICKS: It was.

14 THE CLERK: Is it still your verdict?

15 MR. DICKS: It is.

16 THE CLERK: Jonathan Dyches, was that
17 your verdict?

18 MR. DYCHES: Yes, ma'am.

19 THE CLERK: Is it still your verdict?

20 MR. DYCHES: Yes, ma'am.

21 THE CLERK: Terrin Gathers, was that
22 your verdict?

23 MR. GATHERS: Yes, ma'am.

24 THE CLERK: Is it still your verdict?

25 MR. GATHERS: Yes, ma'am.

1 THE CLERK: Ricky Grubbs, was that your
2 verdict?

3 MR. GRUBBS: Yes, ma'am.

4 THE CLERK: Is it still your verdict?

5 MR. GRUBBS: Yes, ma'am.

6 THE CLERK: James Martin, was that your
7 verdict?

8 MR. MARTIN: Yes, ma'am.

9 THE CLERK: Is it still your verdict?

10 MR. MARTIN: Yes, ma'am.

11 THE CLERK: Tyler Renew, was that your
12 verdict?

13 MR. RENEW: Yes, ma'am.

14 THE CLERK: Is it still your verdict?

15 MR. RENEW: Yes, ma'am.

16 THE CLERK: Kimberly Richardson, was
17 that your verdict?

18 MS. RICHARDSON: Yes, ma'am.

19 THE CLERK: Is it still your verdict?

20 MS. RICHARDSON: Yes, ma'am.

21 THE CLERK: Trina Thomas, was that your
22 verdict?

23 MS. THOMAS: Yes, ma'am.

24 THE CLERK: It is still your verdict?

25 MS. THOMAS: Yes, ma'am.

1 THE CLERK: Timothy Williamson --

2 MR. WILLIAMSON: Yes, ma'am.

3 THE CLERK: That was your verdict?

4 MR. WILLIAMSON: (Nodded.)

5 THE CLERK: Is it still your verdict?

6 MR. WILLIAMSON: Yes, ma'am.

7 THE CLERK: I think that's all.

8 THE COURT: Any other matters for the
9 jury to decide?

10 MR. HAYES: No, Your Honor.

11 MS. STAGGS: None, Your Honor.

12 THE COURT: All right. Ladies and
13 gentlemen, thank you for your service on jury duty
14 this week. We appreciate you paying attention to
15 this important case. Jury service is public
16 service and you've certainly done that this week.
17 We appreciate your time. You're free to go at this
18 time, however, if you have all of your belongings
19 with you, but if not, you can retrieve them from
20 the jury room. Free to stay, but you're free to
21 go. Have a nice day. Thank you.

22 (WHEREUPON, the jury left the courtroom
23 at 12:39 p.m.)

24 THE COURT: Any motions?

25 MR. HAYES: Judge, I would motion for a

1 new trial taking the evidence in the like most
2 favorable to the State, there was no evidence that
3 the jury could have based their decision on that
4 there was criminal sexual conduct. I also base
5 that on all my prior motions as well as objections.

6 THE COURT: Very well. Any response
7 from the State?

8 MS. STAGGS: No, Your Honor. Thank
9 you.

10 THE COURT: As far as your motion for a
11 new trial, I find there was sufficient evidence for
12 the jury to weigh the question of whether or not he
13 was guilty of the charge of criminal sexual conduct
14 with a minor in the second-degree, I will deny that
15 motion at this time. All your pretrial motions and
16 objections are hereby renewed and preserved.

17 All right. Do we need a short break?

18 MS. STAGGS: We're ready to go, Judge.

19 MR. HAYES: I will need a short break.

20 THE COURT: All right. Let's take five
21 minutes or so. Well, let's take five minutes.
22 Thank you.

23 (There was a short break.)

24 THE COURT: All right. We finished the
25 jury portion of this case, anything from the State

1 regarding sentencing?

2 MS. STAGGS: Judge, no. I would like
3 to say that --

4 THE COURT: Any further victim impact
5 --

6 MS. STAGGS: Yes. The victim's parents
7 are present in the courtroom and asked me to read a
8 statement that they provided in lieu of them
9 speaking.

10 THE COURT: Okay.

11 MS. STAGGS: "In defense of my
12 daughter, MINOR she's an A/B honor roll
13 student. She's already taking college courses at
14 MINOR. Last year she was awarded a scholar
15 athlete. She's on the track team, varsity
16 basketball team, and plays basketball for Barnwell
17 County and travels the east coast.

18 This is not a happy day for me and my
19 family. The defense tried to make her out to be a
20 liar and trying to be grown. This man introduced
21 her to marijuana and who knows what else. I just
22 want to thank the Court and the jurors for their
23 hard work throughout the week."

24 THE COURT: All right. Anything else?

25 MS. STAGGS: Nothing from the State,

1 Judge, unless Mr. Miller has something.

2 MR. MILLER: Just one thing, Your
3 Honor. As a result, and I know that the Court is
4 aware of this, the Defendant was on bond on a
5 number of Aiken County charges at the time this
6 offense was committed, we moved very quickly after
7 he was arrested to have his bonds on his Aiken
8 County charges revoked. Those bonds were all
9 revoked July 27th of 2023.

10 Likewise, Your Honor, pursuant to
11 Section 24-13-40, the Defendant is entitled to zero
12 days credit for time served because he was on bond
13 at the time these charges arose. I wanted to note
14 that for the Court. And there was a plea offer
15 that was made in this case that we need to put on
16 the record at the appropriate time.

17 MR. HAYES: If you would print out the
18 email.

19 MR. MILLER: I got it.

20 MR. HAYES: We'll make it a Court
21 exhibit.

22 MR. MILLER: Okay. Your Honor, as far
23 as the offer that was made, this is the email to
24 myself -- from me to David Hayes and to Dayne
25 Phillips who represents the Defendant on his Aiken

1 charges. We made a global offer in the case on
2 March 12th and, obviously, that offer was rejected.
3 But I would ask that this be made a Court's exhibit
4 for the record.

5 THE COURT: Very well.

6 (WHEREUPON, Court's Exhibit No. 3 was
7 marked and entered.)

8 MR. HAYES: As for the no credit,
9 Judge, I would object to that. I think that
10 statute unfairly creates a situation where a
11 defendant can get more time than what the statute
12 constitutionally allows and what the legislature
13 has given Your Honor the authority to give for
14 these charges.

15 If he was to get no credit in this case
16 and then be sentenced to the 20-year maximum, he
17 would be losing 618 days. That's -- we're looking
18 at almost three years -- two years and some change
19 worth of credit that he would be doing for a second
20 time. I don't think that was the intention of the
21 legislature. I believe their intent was that if he
22 were on bond in another county --

23 THE COURT: He's been in Barnwell for
24 618 days?

25 MR. HAYES: 618 if I'm doing my math

1 correct, Your Honor. My understanding -- the way
2 I'm reading it and I think they way their intent
3 was is that you cannot be arrested on other
4 charges, like, Aiken coming to Barnwell and then
5 sit in Barnwell County for two years and expect
6 that the two years while you were on bond or had it
7 revoked in Barnwell County is going to apply to the
8 Aiken County charge.

9 I understand that, but if we give no
10 credit for the time that he's been in Barnwell
11 County, he could end up getting two years -- I
12 believe about 20 months. Two years and 20 months
13 or 20 years and 20 months which is more than what
14 is statutorily allowed.

15 THE COURT: Are you telling me that, if
16 I understand you correctly, that the statute allows
17 for him not to get further credit in Aiken, but --

18 MR. HAYES: That's the way I -- that's
19 what I believe they were intending to do at the
20 legislature. But the way it is written it says,
21 when the prisoner is serving, serving a sentence on
22 one offense and awaiting trial and sentence for a
23 second offense in which he shall not receive credit
24 for time served prior to trial in a reduction of
25 his sentence for the second offense.

1 And then Section 3 says, when the
2 prisoner commits a subsequent crime while out on
3 bond for, has his bond revoked on any charge prior
4 to trial or plea. I believe that in this
5 situation, he's having his bond revoked and that he
6 would be entitled to zero credit for the time that
7 he has been in Barnwell toward his Aiken charges.
8 However, his charges for Barnwell, I argue that he
9 gets credit for that time because if he's not given
10 the credit for that time, he could actually get a
11 sentence that's larger than what we allow.

12 THE COURT: Okay.

13 MR. MILLER: I have a copy of the
14 statute if the Court would like it. But this is
15 exactly what is contemplated by that third
16 subsection. As Mr. Hayes says, provided however,
17 credit for time served prior to trial and
18 sentencing shall not be given when the prisoner
19 commits a subsequent crime while out on bond. He
20 was out on bond in Aiken, he committed the
21 subsequent crime in Barnwell, he gets no credit for
22 time served.

23 MR. HAYES: And I believe that is
24 unconstitutional and is outside the limits of what
25 our law allows with him being able to only receive

1 20 years for this charge. In effect, that would
2 create a sentence that where he could receive 20
3 years plus whatever the additional time is that
4 they sat in jail.

5 THE COURT: This is becoming an issue
6 on sentencing sheets outside of this courthouse.
7 It's an appellate issue that will have to get
8 flushed out unfortunately.

9 You got the statute in your hand?

10 MR. MILLER: Yes, sir.

11 THE COURT: It's 24 --

12 MR. MILLER: 24-13-40.

13 MR. HAYES: Judge, I think the argument
14 could be too that after being sentenced today,
15 because of this statute, he goes to SCDC, it might
16 be a year or two years that he's serving this time,
17 but zero of that time will count toward the Aiken
18 charge. But I don't think their intent was to say
19 he gets no credit here and you can actually give
20 him more time than what the statute allows.

21 THE COURT: All right. What else can
22 you tell me?

23 MR. HAYES: Judge, I know we've had a
24 little bit of discussion, you know that
25 Mr. Kirkland is facing a very serious situation now

1 that he has a conviction for the most serious
2 charge and he's got multiple charges pending out of
3 Aiken that Mr. Dayne Phillips represents him on.

4 He is 32 years of age. Prior to being
5 arrested, he had been driving trucks since 2021.
6 He attended Allendale High School through the
7 eleventh grade. At this time, he's got one
8 daughter who is three years old and lives with his
9 mother.

10 His mother has been here with him all
11 week and she would like to address the Court at the
12 appropriate time.

13 THE COURT: Now would be fine. Yes,
14 ma'am.

15 MS. KIRKLAND: Good afternoon, my name
16 is Barbara Jean Kirkland. I'm the mother of Lintel
17 Kirkland. I stand before you today, Your Honor, to
18 let you know, I'm just trying to pull myself
19 together because this is another shocking news to
20 me today. But I'm standing before you today
21 because that's the son that help me take care his
22 deceased brother that be gone now for another six
23 months to go to court for his death.

24 He love his daughter. He's a loving
25 son. We all makes mistake, but I do really not

1 | believe that my son ever did what they say he did.
2 | He don't introduce no drugs to nobody. What he do
3 | on his own is his business, but I love my son. He
4 | love his daughter. They just rob him from his
5 | three-year old girl. They just rob him from his
6 | life. He would never see her start school. He
7 | would never see her graduate. He would never see
8 | her take her first dance to the prom. I mean, we
9 | all do make mistake, but this is one of them that I
10 | know he did not do. I know this son. I know he do
11 | things, but this is one of them he did not do.

12 | And I'm sorry, I'm trying not to be so
13 | emotional because I have to go before a court for
14 | my other son for being murder. I'm raising his
15 | autistic daughter. His other daughter. They would
16 | never -- his first daughter just took her first
17 | date to a ball. So, I mean, it's hard. I'm trying
18 | to keep myself together, but it's hard. Because I
19 | feel that when you going to accuse somebody of
20 | something, you got to have enough evidence to prove
21 | that he did what they say he did.

22 | But like I say, he wouldn't see his
23 | daughter play basketball, he wouldn't see his
24 | daughter go off to college, because he going to be
25 | serving time for something he know he didn't do.

1 And I just stand here before you for that. Thank
2 you.

3 THE COURT: Thank you, ma'am. Yes,
4 sir?

5 MR. HAYES: Judge, as we were just
6 arguing about, he's got 618 days that he has served
7 in Barnwell County on this charge, I'd ask the
8 Court to consider giving him credit for those
9 charges. I did have discussions with Mr. Dayne
10 Phillips, we did have a discussion over the plea
11 agreements. He maintained that he did not do this
12 and he wanted to go to trial. We've done the
13 trial. He still maintains that he did not do this.
14 I'm not sure what his plans are in Aiken, but I
15 think that the situation for him is much more grave
16 now in Aiken than it was 30 minutes ago and I'd ask
17 the Court for his leniency.

18 THE COURT: Does Mr. Kirkland wish to
19 say anything? He doesn't have to.

20 MR. HAYES: No, Your Honor. He said he
21 does not wish to.

22 THE COURT: Y'all put this plea offer
23 on the record or you made it a Court's exhibit, was
24 it published? What was the offer? It was made a
25 Court's exhibit, might as well say it.

SENTENCE

1 MR. HAYES: Judge, it says, "Dayne and
2 Dave, I am making a plea offer to resolve all
3 Lintel Kirkland's pending charges and I have
4 outlined my thought process for why it's a good
5 offer below.

6 He would need to plead to the Barnwell
7 County CSC with a minor charge and at least one of
8 the Aiken County armed robbery charges. In
9 exchange for the plea, we would agree to negotiate
10 a 25 years on the armed robberies and a concurrent
11 20-year sentence on the CSC charge from Barnwell.
12 All other Second Circuit pending charges would be
13 dismissed.

14 So we're saying 25 years gets it done.
15 It is very likely not going to like that, but here
16 are a few things to keep in mind."

17 THE COURT: All right. Well, you've
18 told me the number.

19 MR. HAYES: Okay.

20 THE COURT: All right. We just heard
21 the verdict from the jury on this case and we've
22 heard the evidence on this case. Obviously, this
23 plea offer y'all discussed have to deal with a
24 variety of other cases in Aiken County which I
25 don't know the facts to and I'm certainly not going

1 to consider in my sentence for this one.

2 While it was certainly -- I believe the
3 words were said from the lawyers, it wasn't a --
4 sort of a voluntary situation, but statutorily
5 unacceptable regardless of the circumstances. I
6 tried to craft a sentence that I think is
7 appropriate for the age and the facts involved here
8 and CSC has a wide range. I think there are CSC
9 second cases that are more aggravated than this
10 one. Involving physical threats and that sort of
11 thing. We didn't hear any evidence of that in this
12 case, I tried to take that into account.

13 As far as the credit for time served,
14 I'm just checking the box to follow the statute. I
15 noted that he had to the side he had a time in
16 Barnwell County, but his bond was revoked. But on
17 the charge of criminal sexual conduct with a minor
18 in the second-degree, the sentence is eight years
19 in the Department of Corrections. That is all.

20 MR. HAYES: Thank you, Your Honor.

21 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

22

23

24

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF BARNWELL)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Barnwell County, South Carolina, on the 25th through 27th of March, 2025.

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

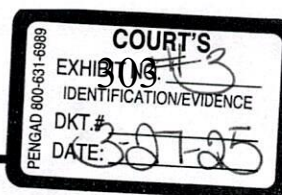
July 18, 2025

s/Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

David Miller



From: David Miller
Sent: Wednesday, March 12, 2025 6:03 PM
To: Dave Hayes; 'Dayne Phillips'
Cc: Courtney Powers; Leigh Staggs; David Rittgers
Subject: Lintel Kirkland Plea Offer

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
I, Rhonda D. McElveen, Clerk of Court for Barnwell County,
South Carolina do hereby certify that the foregoing
constitutes a true and correct copy of the original
documents which have been filed in my office.

Dayne and Dave:

I am making a plea offer to resolve all of Lintel Kirkland's pending charges and I have outlined my thought process for why it's a good offer below. He would need to plead to the Barnwell CSC w/ minor charge and at least one of the Aiken County armed robbery charges. In exchange for the plea, we would agree to a NEGOTIATED sentence of 25 years on the armed robbery(ies) and a concurrent 20 year sentence on the CSC charge from Barnwell. All other 2nd Circuit pending charges would be dismissed. So we are saying 25 years gets it done and he is very likely not going to like that. But here are a few things to keep in mind:

1. Since his July 19, 2023 arrest on his Barnwell County charges, he has not been getting credit for any time he has been locked up on that case pursuant to 24-13-40 (because he committed another crime while on bond for his Aiken charges).
2. Since he was arrested for a new criminal offense while he was on bond on his Aiken charges, he doesn't get credit for any time he was on house arrest from the time he was released on bond (January 11, 2023) until he was arrested on the Barnwell charge (July 19, 2023).
3. Since I successfully moved to have his Aiken bond revoked in Barnwell County on July 27, 2023, he has been getting no credit for time served on his AIKEN charges (because he had his bond revoked on those charges). I believe he gets credit for the 8 days from the time he was locked up in Barnwell until I got his bond revoked the next week.
4. A conviction in Barnwell will give him a most serious strike. A conviction on ANY of the Aiken County armed robberies would then result in him getting a mandatory LWOP sentence.
5. I BELIEVE at a plea we could ask the Judge to give him credit for any time he served (despite the statute) because the Judge can always award time served if the parties agree.
6. If he was to plead to 25 for the armed robbery concurrent with 20 for the CSC w/ minor 2nd degree, and we gave him credit for the time he has *actually* been locked up, he would have 1162 days of credit on his Aiken charge and 615 days of credit on his Barnwell charge. With that calculation, he would max out April of 2043.
7. If he goes to trial and gets 20 years on his Barnwell charge, and we assume that he is convicted on March 27, 2025, he would max out March of 2042. He would still be looking at all of the Aiken armed robberies.
8. Despite the aggravated nature of any armed robbery, no one was hurt in any of them (that I am aware of). Despite the aggravated nature of the CSC w/ a 14 year old, there is little doubt that the victim was a willing partner (as much as a 14 year old can consent).

This leaves two possibilities:

1. He goes to trial on the Barnwell case and takes a chance that he gets lucky. If he does, we still have plenty to try him on in Aiken. If he gets convicted, I think given his history and the circumstances of the case, there is a good chance that Judge McLeod gives him the 20 years and he is in prison until March of 2042 no matter what. Even if he doesn't get the full 20 years, we have seven chances to strike him out and then he never gets out of prison.
2. He pleads to 25 for an Aiken Armed Robbery and a concurrent 20 for the Barnwell CSC w/ minor. No risk of him getting LWOP'd and he is out April 2043. He can look at it as either he's getting away on the Aiken armed robberies for THIRTEEN whole extra months in prison (a GREAT deal for him), or if he wants to look at it another way, he is getting 25 on his Aiken armed robberies and the sex with a 14 year old is a freebie. And I would note that according to the statute, he is only *entitled* to 547 days of credit for time served on his Aiken charge prior to

posting the bond on those charges. The incentive to him pleading is that he actually gets credit for every day he has served in jail, he limits his exposure, and all of his charges get resolved.

Let me know what your guy wants to do. The current Aiken prosecutor (David Rittgers) is copied on this email and has approved the offer. I will leave it open until Monday, March 24. After that, we start picking juries and having fun.

DWM

"We are Lawyers on the Side of People. Never let us forget that the Law is never settled until it is settled right, it is never right until it is just, and it is never just until it serves society to the fullest."

- Harry Philo

CONFIDENTIALITY NOTE: THIS E-MAIL MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION AND IS INTENDED SOLELY FOR THE USE OF THE PERSON OR PERSONS NAMED ABOVE. IF YOU ARE NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR DUPLICATION OF THIS E-MAIL IS PROHIBITED AND THAT THERE SHALL BE NO WAIVER OF ANY PRIVILEGE OR CONFIDENCE BY YOUR RECEIPT OF THIS TRANSMISSION. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY US BY COLLECT TELEPHONE CALL TO THE NUMBER INDICATED BELOW:

David W. Miller
Deputy Solicitor,
2nd Judicial Circuit
Post Office Box 845
Barnwell, South Carolina 29812

ARREST WARRANT

2023A0610400170

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Barnwell

THE STATE

23-07-03388

against

Lintel Lazzil Kirkland

Address:

Phone: SSN:

Sex: M Race: Height: 5 9 Weight: 165

DL State: SC DL #: 104341970

DOB: 10/22/1992 Agency ORI #: SC0060000

Prosecuting Agency: Barnwell County Sheriff

Prosecuting Officer: Noah C Kleinholz - S00426

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

Offense Code: 0396

Code/Ordinance Sec: 16-03-0655(B)(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on Lintel C. Kirkland
07/19/23

Signature of Court Reporter/Deputy Clerk

RETURN WARRANT TO:

General Sessions
141 Main Street
P O Box 723
Barnwell, SC 2981

BY:

JUL 18 2023

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Barnwell

Personally appeared before me the affiant Noah C Kleinholz

who

being duly sworn deposes and says that defendant Lintel Lazzil Kirklanddid within this county and state on or about 7/9/2023

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Barnwell)

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second
deg.I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:BASED ON AN INVESTIGATION BY THE BARNWELL COUNTY SHERIFF'S OFFICE, THAT ON 7-9-2023 LINTEL
KIRKLAND DID COMMIT THE CRIME OF SEX / CRIMINAL SEXUAL CONDUCT WITH MINOR, OR ATTEMPT - VICTIM
11 TO 14 YRS OF AGE INCLUSIVE - SECOND DEG. THIS OCCURRED WHEN LINTEL KIRKLAND ENGAGED IN
SEXUAL INTERCOURSE AGAINST THE VICTIM'S WILL WHO IS FOURTEEN YEARS OF AGE. THIS ACT OCCURRED AT
EDGAR A BROWN LAKE, AT OR NEAR WELLINGTON RD, BARNWELL, SOUTH CAROLINA, WITHIN THE COUNTY OF
BARNWELL. THIS BEING IN DIRECT VIOLATION OF SC CODE OF LAWS, 1976, AS AMENDED.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Barnwell

Affiant's Address 599 Joey Zorn BlvdBarnwell, SC 29812-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/9/2023 defendant Lintel Lazzil Kirkland

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Barnwell) as set forth below:DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second
deg.Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before meon 7/18/2023Signature of Issuing Judge
Susan W AndersonJudge Code: 7235

(L.S.)

Judge's Address P O Box 1205Barnwell, SC 29812-Judge's Telephone (803)541-1035Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

2023 JUL 21 AM 10:52
FILED
CLERK OF COURT
BARNWELL COUNTY, S.C.

305

BAIL set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

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Telephone:

CODEFENDANTS



STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
I, Rhonda D. McElveen, Clerk of Court for Barnwell County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office.

Rhonda D. McElveen
Clerk of Court, Barnwell County, SC

Date: 5-29-2025

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE GENERAL SESSIONS COURT
SECOND JUDICIAL CIRCUIT

ORDER REVOKING BOND

STATE OF SOUTH CAROLINA,

v.

LINTEL L. KIRKLAND,
Defendant.

Warrant Nos. 2021A0220102081,
2021A0220102082, 2021A0220102083,
2021A0220102084, 2021A0220102085,
2021A0220102086, 2021A0220102087,
2021A0220102088, 2021A0220102089,
2021A0220102090, 2021A0220102091,
2021A0220102092, 2021A0220102093,
2021A0220102094, 2021A0220102095,
2021A0210700290, 2021A0210700292

This matter came before the Court for a hearing on July 25, 2023. All parties appeared virtually. Present for the hearing were the Defendant and his attorney, Dayne Phillips. The State was represented by Deputy Solicitor David Miller and Assistant Solicitor Cassie Hall. The Court heard from the State and Defense counsel. Based upon the information offered at the hearing, I find and rule as follows:

The Defendant was arrested on the above referenced warrants on July 14, 2021 and granted bond totaling one hundred thousand dollars (\$100,000) on January 6, 2023. In addition to the standard conditions of bond, the Defendant was placed on house arrest with GPS monitoring through the Aiken County Detention Center. The enumerated conditions of house arrest allowed the Defendant to attend work, school, medical appointments, attorney visits, church services, and all scheduled court appearances. Additionally, the bond order provided the Defendant must be at his residence from 9:00 PM through 6:00 AM. The Defendant posted bond on or about January 9, 2023 and was released from the Aiken County Detention Center.

On July 18, 2023, the Defendant was arrested and charged with Criminal Sexual Conduct with a Minor in the Second Degree for an incident alleged to have occurred on July 9, 2023. According to Defendant's electronic monitor records, the Defendant was out past his 9:00 PM curfew in Barnwell County the night of the Criminal Sexual Conduct with a Minor Second Degree incident. Additionally, Defendant's ankle monitor showed Defendant in multiple locations after his 9:00 PM curfew on July 14, 2023. Defendant was

Cert. copies to:

Jail
C. Hall
D. Phillips

Page 1 of 2

FILED July 27 2023

Robert J. White
C.C.P. & G.S.

Paige Barnes
Deputy Clerk

PB

also stopped by Barnwell County Sheriff's Deputies going to meet the alleged victim again on July 17, 2023 after his 9:00 PM curfew.

Based on the foregoing, the State's motion to revoke bond is hereby GRANTED. The Defendant shall be held at the Aiken County Detention Center pending resolution of this case without bond.

IT IS SO ORDERED.


Courtney Clyburn Pope
Resident Judge
Second Judicial Circuit

July 27, 2023
Aiken, South Carolina

WITNESSES

Barnwell Sheriffs Office

Noah C Kleinholz *NK*

Law Enforcement Case #: 23-07-03388

DWM

ARREST WARRANT NUMBER

2023A0610400170

ACTION OF GRAND JURY

True Bill

Sharon W. Bechtold

Foreperson of Grand Jury
Date: July 11, 2024

VERDICT

Guilty

J. W. Ma

Foreperson of Petit Jury
Date: *03/27/2025*

DOCKET NO. 2024GS0600214

The State of South Carolina

County of Barnwell

COURT OF GENERAL SESSIONS

JULY TERM 2024

THE STATE

vs.

LINTEL LAZZIL KIRKLAND

CDR #: 0396

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH
MINOR- SECOND DEGREE**

§ 16-03-0655(B)(1)

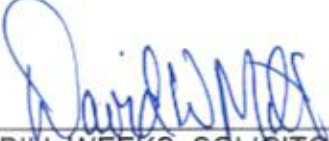
BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH MINOR-
COUNTY OF BARNWELL	)	SECOND DEGREE
	)	
		§ 16-03-0655(B)(1)

At a Court of General Sessions, convened on July 15, 2024, the Grand Jurors of Barnwell County present upon their oath:

That **LINTEL LAZZIL KIRKLAND** did in Barnwell County on or about July 9, 2023, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery, to wit: sexual intercourse upon **MINOR** a minor who was fourteen years of age at the time of the incident. All in violation of §16-3-655 of the Code of Laws of South Carolina (1976), as amended.

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


BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BARNWELL

STATE

VS.

Lintel Lazzil Kirkland

AKA: SSN: XXX-XX-2124

RACE: Black SEX: Male

DOB: [REDACTED] 1992

) INDICTMENT/CASE#: 2024GS0600214

) AW#: 2023A0610400170

) Date of Offense: 07/09/2023

) S.C. Code §: 16-3-655(B)(1)

) CDR Code #: 0396

) Range of Offense: 0-20 years

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

TO: Criminal Sexual Conduct With Minor - 2nd Degree, Victim 11 to 14

Range of Offense Pled: _____

In violation of § 16-3-655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)
The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
 The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____
 Leigh Bilodeau Staggs 101118 Dave Hayes 77834
 Solicitor SC Bar # Attorney For Defendant SC Bar #

 The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
 for a determinate term of 6 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☒ The sentence shall run CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.
BOND REVOKED 7/27/2023 618 days at BARNWELL COUNTY DET. CTR.
 _____ days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

Katherine M. Spiras

Clerk of Court/Deputy Clerk

Court Reporter

Fine/Costs and Assessments are to be paid to the

Clerk of Court within _____ days/months

Restitution \$

FINE: \$

\$

\$100 \$ 100

\$100 \$

\$12 \$

\$25 \$

\$25 \$ 25

\$150 \$

\$41 \$

\$50 \$

\$40/ea \$

TBD \$ 3.75

\$500 \$

TBD \$

TOTAL \$ 128.75

SCCA217B

01/27/2025

2765
Judge Code3/27/2025
Sentence Date[Signature]
Presiding Judge

10-502
10-DAT-312

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
STATE OF SOUTH CAROLINA,

v.

LINTEL KIRKLAND,
Defendant.

IN THE GENERAL SESSIONS COURT
SECOND JUDICIAL CIRCUIT

ORDER TO CLARIFY SENTENCE

2024GS0600214

RHONDA D. McELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.

2025 MAY 28 PM 4:25

FILED FOR RECORD

This matter came before the Court to clarify the sentence imposed on the above referenced indictment. The Defendant was convicted of Criminal Sexual Conduct with a minor, 2nd Degree on March 27, 2025 following a jury trial in Barnwell County. At the sentencing hearing, the State outlined the procedural history of the case. Notably, the Defendant was arrested on this Barnwell County charge on July 18, 2023. At the time of his arrest on the Barnwell County charge, the Defendant was on bond for several charges of Armed Robbery in Aiken County. Those bonds were revoked as a matter of law at the time of Defendant's arrest on the subsequent violent Barnwell County charge pursuant to §17-15-55(C)(1). A hearing was held on July 25, 2023 before the Honorable Courtney Clyburn Pope to confirm the revocation of those bonds and to consider bond on the Barnwell charge, which had been denied by the Barnwell magistrate. The revocation of the Aiken County bonds and denial of bond on the Bamberg County charge was confirmed by Judge Clyburn Pope in a formal order dated July 27, 2023. The Defendant remained incarcerated from his July 18, 2023 arrest until his sentencing in Barnwell County on March 27, 2025.

At the sentencing, counsel for the State argued the Defendant was not entitled to any credit for the time he spent awaiting trial following his arrest on the Barnwell County charge pursuant to §24-13-40 (...credit for time served prior to trial and sentencing shall not be given: ...; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge

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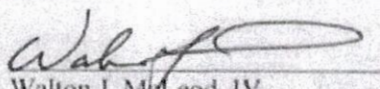
STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
I, Rhonda D. McElveen, Clerk of Court for Barnwell County,
South Carolina do hereby certify that the foregoing
constitutes a true and correct copy of the original
documents which have been filed in my office.

By: *Rhonda D. McElveen*
Clerk of Court, Barnwell County, SC
Date: 7-30-2025

prior to trial or plea.). Counsel for the Defendant objected to the application of §24-13-40 proposed by the State. This Court noted the statute appeared clear on its face, and indicated the computation of the credit for time served would be properly handled by the South Carolina Department of Corrections (SCDC). This was noted on the sentence sheet, along with the additional information requested by Defense counsel, including the date the Defendant's Aiken County bond was revoked (July 27, 2023) and the number of days the Defendant had been incarcerated on the Barnwell County charge (618 days).

It was the intent of this Court to allow the Department of Corrections to apply §24-13-40 and to give the Defendant any time he is *authorized by the statute* to receive. If, as alleged by the State, he is not entitled to any time served following his arrest on the Barnwell County charge, the Defendant's eight (8) year sentence should commence from March 27, 2025. The additional information regarding the date the Defendant's bond was revoked and the amount of time Defendant had been incarcerated in the Barnwell County jail was provided for the convenience of SCDC, but only if they determined that information was needed to compute the Defendant's credit in accordance with the statute.

IT IS SO ORDERED.


Walton J. McLeod, IV
Chief Administrative Judge
Second Judicial Circuit

May 28, 2025
Aiken, South Carolina

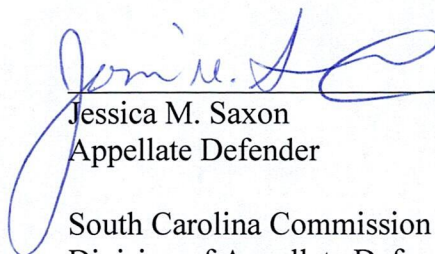
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

RECEIVED

Apr 03 2026

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 3RD day of April, 2026.