

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Charleston County

Honorable Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER ROBERT WHITE,

APPELLANT

APPELLATE CASE NO. 2025-001671

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County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2024-GS-10-05513
Plaintiff,	)	2024-GS-10-05514
	)	
vs.	)	
	)	
CHRISTOPHER R. WHITE,	)	JURY TRIAL
	)	
Defendant.	)	TRANSCRIPT OF RECORD
_____	)	

August 4-6, 2025
Charleston, South Carolina

B E F O R E:

The Honorable Jennifer B. McCoy

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

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and MS. TYRA S. ROBERTS,
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for the Plaintiff;

MS. CAMERON J. BLAZER,
Circuit Public Defender,
for the Defendant.

Jamie Bickett
Official Court Reporter

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1 (Court called to order at 11:02 a.m., August 4, 2025,
2 outside the presence of the potential jurors.)

3 THE COURT: All right. Everybody be seated.

4 Okay. Well, you know, normally I like to pick juries
5 first. However, this is a little bit peculiar, and the
6 reason is really timing because that other case, obviously
7 you heard me say downstairs, is kind of a two-weeker. My
8 idea was to let him pick first because I suspect there will
9 be a lot of people who say, "Oh, my God. Two weeks. I can't
10 do it." So we would just get those people back in our jury
11 pool, so much so that we can then have a nice big pool to
12 select jurors from.

13 And all of that again has to do -- we only had 87 people
14 show up this morning. I don't know why.

15 MS. FRIERSON: It looked really small when we were
16 there.

17 THE COURT: So that was kind of the decision I was faced
18 with this morning. It was like, we don't have any -- hardly
19 any jurors, Number 1. Number 2, one of these trials is two
20 weeks. And knowing that this one is, like, probably going to
21 end up about a three-day, I was like, "Well, let them get it
22 over with and we'll take all their leftovers that can't take
23 the two-weeker."

24 So that's that little bit of an unusual situation this
25 morning.

1 So Christopher Robert White?

2 THE DEFENDANT: Yes.

3 THE COURT: Good morning. Have a seat. I'm just going
4 through my documents.

5 You are first up for trial this week. You're
6 represented by Ms. Blazer, who's sitting next to you. We've
7 got representatives from the solicitor's office at the other
8 table. I'm just going to take this time, if it's okay, to
9 kind of talk to y'all -- I know I've got the rest of your
10 office mates here -- about the trial docket and just kind of
11 where we are in terms of kind of our week.

12 So this is obviously up first. I know there are several
13 pretrial motions from the defense. And just going -- I'm not
14 necessarily -- we don't need to argue these right this
15 minute. I'm just kind of going through.

16 We've got a motion to sequester, a motion in limine from
17 the defense regarding the opinion testimony of lay witnesses,
18 a motion in limine regarding Rule 702, a motion in limine
19 *State v. Lyle* 404(b), and then a defense motion in limine
20 regarding admissibility under Rule 106/910.

21 Are those all of the pretrial motions, or have your
22 filed any more?

23 MS. BLAZER: That's it, your Honor.

24 THE COURT: That's all? Okay.

25 I don't think the State has any pretrial motions at this

1 time. Not that I'm aware of, but I don't --

2 MS. FRIERSON: There are.

3 THE COURT: Okay.

4 MS. FRIERSON: We seek to admit the screenshots, which
5 are also kind of addressed in her authentication one. We did
6 have one about no undue delay in this case.

7 I also -- not so much a motion, and I don't think it's
8 an issue but I meant to bring it up. But I just needed to
9 add two people to the witness list: my investigator and my
10 victim's advocate. But I would also be asking not to have
11 them sequestered. I don't think they'll be needed, but just
12 out of an abundance of caution.

13 THE COURT: Okay. Is that -- who's your investigator?

14 MS. FRIERSON: Jennifer Hall.

15 THE COURT: Okay.

16 MS. FRIERSON: And then my victim's advocate is Denise
17 Mackendrick.

18 THE COURT: Okay.

19 Do you have any objection to them not being sequestered?

20 MS. BLAZER: I don't, your Honor.

21 THE COURT: Okay.

22 MS. BLAZER: And in my sequestration motion, usually
23 when witnesses -- like complaining witnesses or children --
24 we sort of handle it differently. This young lady is now an
25 adult.

1 THE COURT: Okay.

2 MS. BLAZER: So she would fall under my request.

3 THE COURT: Okay.

4 MS. FRIERSON: And we're prepared for that, your Honor.
5 We're fine with that.

6 THE COURT: Okay. All right. Well, let's do -- I'm
7 just kind of back in scheduling mode.

8 These pretrial matters we think will take how long then
9 to dispense with?

10 MS. FRIERSON: We both had discussed that there's not
11 going to be any testimony that we believe is needed. I think
12 we can probably knock them out in, I mean, 30 to 45 minutes.

13 MS. BLAZER: I agree.

14 THE COURT: Okay.

15 MS. FRIERSON: The only one that might require testimony
16 would be that of the blind expert, which we had also
17 discussed. I would not -- we wouldn't be dealing with that
18 now. We would be dealing with that before she testifies.

19 THE COURT: At the time prior to her --

20 MS. FRIERSON: Correct.

21 THE COURT: -- you calling her? Okay.

22 MS. BLAZER: Right. And so then the only thing that
23 would have to be established on the record is that my request
24 under the motion in limine is that she -- that her testimony
25 not be referred to in --

1 THE COURT: Opening.

2 MS. BLAZER: -- openings. Yes, ma'am.

3 THE COURT: Okay.

4 MS. FRIERSON: Which is fine.

5 THE COURT: Were you planning on referencing her in your
6 opening?

7 MS. FRIERSON: No, your Honor.

8 THE COURT: Okay. All right. Looks like that's not
9 going to be an issue. Great.

10 Okay. I'm just trying to get a road map in my head.
11 That's all for today.

12 All right. So great. So my hope is that they're
13 starting to pick already next door, I believe.

14 Right? Or they're not?

15 CLERK OF COURT: Not yet, your Honor.

16 THE COURT: What, are they meeting?

17 Well, all right. They're going to pick next door and
18 then send their leftovers back down. And we'll just bring
19 our panel right up here and we'll get started.

20 Strikes in this case -- remind me; it's been a minute
21 since I've tried a CSC second -- are they five and five?

22 MS. FRIERSON: Five and ten.

23 THE COURT: Five and ten.

24 MS. FRIERSON: Yes, ma'am.

25 MS. BLAZER: Yes.

1 THE COURT: So they are ten. I thought that earlier,
2 and then I was like, well -- okay.

3 All right. So five and ten. So yeah, even more so
4 we'll need as many as we can get up here.

5 And then how many alternates do y'all think you're going
6 to want?

7 MS. FRIERSON: I would request two.

8 MS. BLAZER: I think two.

9 THE COURT: I think two is appropriate too, especially
10 with our recent weather and streets here.

11 Okay. What else did I want to ask?

12 I guess that's it.

13 So we'll try to obviously do pretrial this afternoon.
14 And I mean, I'd love to open and maybe do a witness if we
15 can.

16 MS. BLAZER: I think we both agree that if we can get
17 there, we are ready for that.

18 THE COURT: You're ready for that. You're prepared to
19 open today and maybe do a witness or two?

20 MS. BLAZER: Or three.

21 THE COURT: Or three. All right. Good.

22 Okay. And then behind y'all -- and we think this is
23 going to wrap up Wednesday? Thursday? When are y'all
24 thinking?

25 MS. FRIERSON: Well, initially when we thought this was

1 a short week, your Honor, we really thought that we would be
2 able to finish by Wednesday. Now that we're a little bit
3 less under the gun, I mean, I still think that we very well
4 could finish by Wednesday, Thursday morning at the latest.

5 THE COURT: Okay. That's what I was kind of thinking
6 too.

7 (An off-the-record discussion regarding unrelated
8 matters was had.)

9 THE COURT: All right. Well, there's no doubt this case
10 is going forward. There's no new offers extended, nothing
11 like that, right?

12 MS. BLAZER: No.

13 THE COURT: Okay.

14 MS. BLAZER: The only thing I would say, since Mr. King
15 isn't here, is Ms. Frierson and I have both had the
16 experience recently -- and I think they were both with you --
17 of jurors trying to get out of these kinds of cases.

18 THE COURT: Mm-hmm.

19 MS. BLAZER: And we have such a small panel --

20 THE COURT: Mm-hmm.

21 MS. BLAZER: -- that I would ask you not to cut the
22 murder loose until we actually select a jury just in case we
23 can't.

24 THE COURT: Yeah. We had that happen not long ago.

25 MS. FRIERSON: Right.

1 THE COURT: Was it this year?

2 MS. FRIERSON: No. Last year with Mary.

3 MS. BLAZER: Yeah, and we had it -- I had it in Berkeley
4 with Kamila.

5 THE COURT: Yeah, it's tough. Okay. Yeah, I mean,
6 let's just -- let's just wait until we're good and started
7 'til we kind of make those decisions. But we'll know today,
8 obviously.

9 (An off-the-record discussion regarding unrelated
10 matters was had.)

11 THE COURT: Well, anything else we can talk about while
12 we wait?

13 Well, listen, you're not held hostage in here. You can
14 go back to your office and do something for a while. We'll
15 just give you a heads-up when the panel's coming up. Okay?

16 And I don't have a clerk, so it's only me this week. I
17 mean, I just don't have one yet. She starts late next week.
18 So yeah, any emails and that, just direct straight to me
19 and/or Brooke. Okay?

20 All right. Great. Then we'll be at ease until we get
21 our panel up.

22 Thank y'all.

23 (Court recessed.)

24 (Court resumed in the presence of the potential jurors.)

25 THE COURT: All right. Y'all be seated.

1 MS. FRIERSON: Your Honor, may we approach?

2 THE COURT: Sure.

3 (The following discussion was had on the record at the
4 bench in the presence of the potential jurors but outside the
5 hearing of the potential jurors.)

6 MS. FRIERSON: Just real quick.

7 THE COURT: Go ahead, Mr. Frierson.

8 MS. FRIERSON: I would like to strike Juror Number 135,
9 J. Wesley Kornahrens, Jr., for cause. He is the cousin of my
10 late husband, and the family has not only spoken with me but
11 our office in general in their handling of the Sofa Super
12 Store fire. I've had no communication with him ever, but I
13 don't know that it would be appropriate given the
14 circumstances.

15 THE COURT: Okay.

16 Do you have any objection?

17 MS. BLAZER: I do not.

18 THE COURT: All right. That's 135?

19 MS. FRIERSON: 135.

20 THE COURT: All right. 135 will be struck for cause.

21 And appreciate you bringing it up.

22 MS. BLAZER: I don't think we have to actually -- do we
23 even have to let him know that at this point?

24 THE COURT: No.

25 MS. BLAZER: Okay. Good.

1 THE COURT: Hm-mm. I'm not going to make --

2 MS. BLAZER: Yeah, because -- okay. Good.

3 THE COURT: I mean, we'll just know --

4 MS. BLAZER: Not to put him on the --

5 THE COURT: I mean, we'll just take the responses as
6 they come.

7 MS. BLAZER: Okay.

8 THE COURT: But I'll alert the clerk of court at the end
9 just to make sure to remove his number from the possible
10 candidates on the list. Okay?

11 MS. FRIERSON: I don't know if he'll know me.

12 THE COURT: He might not. And that's fine. And
13 sometimes people get scared and they don't say anything.

14 So thanks.

15 MS. FRIERSON: Thank you.

16 (The following proceedings were had in open court in the
17 presence and hearing of the potential jurors.)

18 THE COURT: All right. Ladies and gentlemen, welcome to
19 Courtroom 4C. I met you downstairs. My name is Jennifer
20 McCoy.

21 We are now going to begin the jury selection in the case
22 of the State of South Carolina versus Christopher Robert
23 White. Mr. White has been charged in indictments. This is
24 just pieces of paper through which charges are brought to the
25 Court. It is not evidence whatsoever as to these charges.

1 But nonetheless, he has been charged with criminal
2 sexual conduct with a minor in the second degree and criminal
3 sexual conduct with a minor in the third degree.

4 That in Charleston County, South Carolina, between
5 September 1, 2019, and October 27, 2020, the defendant
6 Christopher Robert White, who was over 14 years age, did
7 willfully and lewdly commit or attempt to commit a lewd or
8 lascivious act upon or with the body or its parts of MINOR
9 [REDACTED], a child under 16 years of age, with
10 the intent of arousing, appealing to, or gratifying the lust,
11 passions, or sexual desires of the defendant or the child;
12 that if, in addition, the defendant was 18 years of age or
13 less and the child victim was at least 14 years of age, said
14 lewd or lascivious conduct was nonconsensual, in violation of
15 16-3-655(C) of the South Carolina Code of Laws. That's the
16 third-degree charge.

17 And the second-degree indictment here charges that in
18 Charleston County, South Carolina, between September 1, 2019,
19 and October 27, 2020, the defendant Christopher Robert White
20 did commit a sexual battery upon a minor, MINOR [REDACTED]
21 [REDACTED], who was 14 years of age or less but who was at
22 least 11 years of age, in violation of Section 16-3-655(B)(1)
23 and 16-3-656 of the South Carolina Code of Laws.

24 To these indictments the defendant has pled not guilty.
25 Thus, we will begin jury selection in the trial of these

1 charges for Mr. Christopher Robert White. In that respect,
2 I'm going to now ask a series of questions to begin this
3 process.

4 First of all, ladies and gentlemen, is any member of the
5 jury panel related by blood or marriage or have a social or
6 personal relationship with Christopher Robert White? If so,
7 please stand.

8 I find none.

9 I'm now going to ask the attorneys from both sides to
10 stand and introduce themselves and their clients, if
11 applicable. We'll begin with the State.

12 MS. FRIERSON: Thank you, your Honor.

13 Good afternoon, ladies and gentlemen. My name is Lauren
14 Frierson. I work as an assistant solicitor for your elected
15 solicitor, Scarlett Wilson. Working with me on this case is
16 Tyra Roberts. You'll also see our victim advocate Denise
17 Mackendrick and my investigator Jen Hall, formerly with the
18 Charleston Police Department.

19 Thank you.

20 MS. BLAZER: Good afternoon, everyone. My name is
21 Cameron Blazer, and I represent Christopher White.

22 THE COURT: All right. Thank you very much.

23 Is anybody in the jury panel related by blood or
24 marriage to either Ms. Frierson, Ms. Roberts, Solicitor
25 Wilson, or anybody else working with the Ninth Circuit

1 Solicitor's Office? If so, please stand.

2 I find none.

3 Is anybody in the jury panel related by blood or
4 marriage or have a close personal or social relationship with
5 Public Defender Cameron Blazer or anybody in her Ninth
6 Circuit Public Defender's Office? If so, please stand.

7 I find none.

8 Ladies and gentlemen, the next is a series of questions,
9 and some of them are going to require information that might
10 be personal in nature. And that will require you at that
11 time for some of these responses I will call you up to the
12 bench on a more one-on-one basis -- okay? -- so that your
13 answers won't necessarily be announced amongst your peers.
14 Okay?

15 Please keep in mind that you are still under oath
16 pursuant to the oath that you took downstairs. All right?

17 And with that, we'll get started.

18 Ladies and gentlemen, have any of you or any members of
19 your family or personal friends been the victim of, a witness
20 to, or accused of a sexual assault? If that applies to you
21 or any member of your family or friends, please stand at this
22 time. And I'll take individual responses at the bench.

23 Attorneys and everybody can come up here as well.

24 If the bailiffs could assist me in them coming forward
25 on a one-on-one basis.

1 All right. Thank y'all so much.

2 You can go ahead and call the first person.

3 THE BAILIFF: 166. One six six.

4 (At bench.)

5 THE COURT: All right, 166. Tell me -- obviously it's
6 something on the topic. Tell me if it was or a --

7 POTENTIAL JUROR: It wasn't me. It was my sister was a
8 victim.

9 THE COURT: Okay. And tell me a little bit about that.
10 Was it --

11 COURT REPORTER: Can you -- I'm sorry. Just one second.

12 THE COURT: Yeah.

13 COURT REPORTER: I'm afraid I'm just not --

14 THE COURT: It's all right.

15 COURT REPORTER: I'm not able to hear you very well so I
16 just want to make sure I'm getting it.

17 THE COURT: Okay.

18 All right. Your sister was the victim?

19 POTENTIAL JUROR: Yeah.

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

21 POTENTIAL JUROR: It was probably six years ago.

22 THE COURT: Okay. Did any criminal charges get filed or
23 anything like that?

24 POTENTIAL JUROR: No.

25 THE COURT: Okay. Would it be difficult for you to sit

1 on a case that involves this type of allegations given that?

2 POTENTIAL JUROR: Yeah, it would be.

3 THE COURT: Okay. I'm going to excuse you from being on
4 this trial then. You haven't done anything wrong. It's just
5 that we have some other trials that might come up later this
6 week that don't involve this topic. So just have a seat for
7 now. And you don't have to respond to any other questions.
8 Okay?

9 Okay. Thank you.

10 (To entire courtroom.)

11 THE COURT: 166 is excused.

12 THE BAILIFF: Juror 109.

13 THE COURT: 109.

14 (At bench.)

15 THE COURT: All right. Hey, how are you?

16 POTENTIAL JUROR: Good.

17 THE COURT: Good.

18 Can you tell me if it was you or a family member?

19 POTENTIAL JUROR: Me and my friend.

20 THE COURT: Were y'all victims?

21 POTENTIAL JUROR: Mm-hmm.

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

23 POTENTIAL JUROR: 1993.

24 THE COURT: Okay. Any criminal charges brought or
25 anything like that?

1 POTENTIAL JUROR: No.

2 THE COURT: Okay. If this case involves allegations of
3 sexual assault, would it be difficult for you to be fair to
4 both sides?

5 POTENTIAL JUROR: I think so.

6 THE COURT: Okay. That's okay. There's no wrong
7 answer.

8 Okay. What I'm going to do is excuse you.

9 POTENTIAL JUROR: Okay.

10 THE COURT: And you don't have to answer any other
11 questions.

12 POTENTIAL JUROR: Okay.

13 THE COURT: We have some other cases this week that
14 might involve different topics, so just --

15 POTENTIAL JUROR: Okay.

16 THE COURT: -- sit tight, but you don't have to answer
17 any other questions.

18 POTENTIAL JUROR: Okay. Thank you.

19 THE COURT: Thank you.

20 (To entire courtroom.)

21 THE COURT: 109 is excused.

22 THE BAILIFF: 236.

23 THE COURT: 236.

24 (At bench.)

25 THE COURT: If y'all have any objections, chime in and

1 we can hash it out further if you want to. Okay.

2 All right. Hey, how are you?

3 Do you mind telling me was it you or a friend or family
4 member?

5 POTENTIAL JUROR: Me.

6 THE COURT: Okay. Victim or accused?

7 POTENTIAL JUROR: I was a victim.

8 THE COURT: Okay. I'm sorry. How long ago about was
9 that?

10 POTENTIAL JUROR: When I was in high school.

11 THE COURT: Okay. Would it be difficult for you to sit
12 on a case that involves allegations of sexual assault?

13 POTENTIAL JUROR: No.

14 THE COURT: Okay. Do you think you can be fair to both
15 sides then?

16 POTENTIAL JUROR: Mm-hmm.

17 THE COURT: Okay. Any other followup questions for this
18 juror?

19 Okay. Hearing none, just have a seat. Thank you very
20 much.

21 (To entire courtroom.)

22 THE COURT: 236 will remain.

23 THE BAILIFF: Juror 75.

24 THE COURT: 75.

25 (At bench.)

1 THE COURT: Hey.

2 POTENTIAL JUROR: Hi. How are you?

3 THE COURT: Good.

4 Was it you or a family member or a friend?

5 POTENTIAL JUROR: Family member. It was my mom and my
6 sister.

7 THE COURT: Your mom and sister?

8 POTENTIAL JUROR: So when my mom was growing up, my
9 mom's mom split up with her dad, so she had a lot of
10 boyfriends growing up. So one of her boyfriends ended up
11 touching my mom when she was younger.

12 THE COURT: Okay.

13 POTENTIAL JUROR: So, I mean, doing that, she struck him
14 in the face and then he ended up just trying to hurt her
15 more. So from that side, I don't know all the details.

16 THE COURT: Mm-hmm.

17 POTENTIAL JUROR: Also, in high school my sister's
18 ex-boyfriend forced her to have sex as well.

19 THE COURT: They were what? I'm sorry.

20 POTENTIAL JUROR: She was forced.

21 THE COURT: Oh. I'm sorry.

22 Okay. Based on that, do you think you would have a hard
23 time sitting on a case involving allegations of sexual
24 assault?

25 POTENTIAL JUROR: I feel I would be pretty biased,

1 especially with children as well. So yeah.

2 THE COURT: Okay. All right. Okay. What I'm going to
3 do is excuse you from the trial of this case. There'll be
4 other trials later this week potentially, so just sit tight
5 with us. But you don't have to answer any other questions.
6 Okay?

7 POTENTIAL JUROR: Okay.

8 THE COURT: All right. Thank you.

9 (To entire courtroom.)

10 THE COURT: 75 is excused.

11 THE BAILIFF: 203.

12 THE COURT: 203.

13 (At bench.)

14 THE COURT: Hey.

15 POTENTIAL JUROR: Hi.

16 THE COURT: Is it you or a family member or a friend?

17 POTENTIAL JUROR: Huh?

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

19 POTENTIAL JUROR: No. It -- me.

20 THE COURT: Okay.

21 POTENTIAL JUROR: Me and a friend of mine was accused --
22 was falsely accused of rape --

23 THE COURT: Okay.

24 POTENTIAL JUROR: -- back in about the '80s.

25 THE COURT: Okay.

1 POTENTIAL JUROR: And even though our evidence and
2 everything proved that we were innocent --

3 THE COURT: Mm-hmm.

4 POTENTIAL JUROR: -- they still found us guilty. And I
5 had a lawyer.

6 THE COURT: What state was that in? South Carolina?

7 POTENTIAL JUROR: That was right here. Yeah.

8 THE COURT: Oh, okay.

9 POTENTIAL JUROR: Yeah. And I had a lawyer, and my
10 friend didn't. So he ended up doing a -- he had to go to
11 jail and I stayed out. And now when we did the appeal, they
12 just throwed the whole thing out.

13 THE COURT: Okay. Well, based on your experience, do
14 you think you could be fair to both sides in this case?

15 POTENTIAL JUROR: Yes, ma'am.

16 THE COURT: Okay. Do y'all have any followup?

17 MS. FRIERSON: Was it prosecuted by this office? By the
18 Ninth Circuit Solicitor's Office?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Was this case in Charleston?

21 POTENTIAL JUROR: Huh?

22 THE COURT: Was it here in Charleston County where you
23 were prosecuted? Is that right?

24 POTENTIAL JUROR: Was it what?

25 THE COURT: Was it here in Charleston County?

1 POTENTIAL JUROR: Yes. It was right here in this court
2 right here. It was Capers Barr. I know Capers Barr was one
3 of the attorneys over here.

4 THE COURT: Okay. And that was in the '80s you said?

5 POTENTIAL JUROR: I think it was about the '80s.

6 THE COURT: Okay.

7 POTENTIAL JUROR: It was so far back I can't remember.

8 THE COURT: Okay.

9 Do y'all have any other followup questions at this time?

10 All right. Well, have a seat for me right now.

11 What's your jury number one more time? It's 203, right?

12 POTENTIAL JUROR: Yeah, 203.

13 THE COURT: Just wanted to check.

14 Okay. Thank you. Have a seat.

15 POTENTIAL JUROR: Okay. Thank you.

16 (To entire courtroom.)

17 THE BAILIFF: 22.

18 (At the bench.)

19 THE COURT: Hey, how you doing?

20 POTENTIAL JUROR: Okay.

21 So I was sexually assaulted and raped, but not as a
22 minor.

23 THE COURT: Okay. And I'm sorry this brings up tough
24 memories.

25 POTENTIAL JUROR: Yeah.

1 THE COURT: But do you think it would interfere with
2 your ability to be fair to both sides in this case?

3 POTENTIAL JUROR: I think because it's different -- this
4 is, like, against a minor, right?

5 THE COURT: Mm-hmm.

6 POTENTIAL JUROR: So it's different than -- it's like
7 two different things, kind of.

8 THE COURT: Okay. Do you think you could be fair to
9 both sides in this trial?

10 POTENTIAL JUROR: Yes.

11 THE COURT: Even with your own personal experience that
12 you've had?

13 POTENTIAL JUROR: Mm-hmm.

14 THE COURT: Okay.

15 Do y'all have any followup questions for her?

16 Okay. Have a seat. Thank you, ma'am.

17 (To entire courtroom.)

18 THE COURT: 22 will remain.

19 THE BAILIFF: 268.

20 THE COURT: 268.

21 (At bench.)

22 THE COURT: Hey. Okay. Was it you or a family member
23 or a friend who was involved in these allegations?

24 POTENTIAL JUROR: Thirty-six, thirty-seven years ago, it
25 was my father. He sexually assaulted my stepsisters.

1 THE COURT: I'm sorry to bring this up. Okay? Would it
2 make it -- would that make it tough for you to sit on this
3 type of a case?

4 POTENTIAL JUROR: Yeah.

5 THE COURT: Okay. I understand. We're going to excuse
6 you from the trial of this case. Okay? Just have a seat.
7 You don't have to answer any other questions. Okay?

8 Thank you.

9 (To entire courtroom.)

10 THE COURT: 268 will be excused.

11 THE BAILIFF: 28.

12 (At bench.)

13 THE COURT: Hey, how are you?

14 POTENTIAL JUROR: Good.

15 THE COURT: Good.

16 POTENTIAL JUROR: So it was a family member.

17 THE COURT: Okay.

18 POTENTIAL JUROR: My sister-in-law when she was 12 years
19 old was groped and sexually assaulted in a bathroom --

20 THE COURT: Okay.

21 POTENTIAL JUROR: -- while they were at a family party.

22 THE COURT: Okay.

23 POTENTIAL JUROR: And my wife is the one that found her
24 in the stall, and they ran back and told their dad. And by
25 that time, they couldn't find the actual perpetrator. But

1 she went through the whole process saying that she was
2 sexually assaulted and everything else. And so I know it
3 bothers her to this day.

4 THE COURT: Okay. Would that experience that your wife
5 and your sister-in law had make it hard for you to sit on a
6 case involving these allegations?

7 POTENTIAL JUROR: Also, I'm nine years coming out of law
8 enforcement too, so I've dealt with it too. So I don't know.
9 It might be hard.

10 THE COURT: Okay. Do you think you could be fair to
11 both sides?

12 POTENTIAL JUROR: I could try.

13 THE COURT: Okay. Well -- all right. I'm going to
14 excuse you from the trial of this case just based on your own
15 unsolicited answers.

16 POTENTIAL JUROR: I'm sorry.

17 THE COURT: Just have a seat. You don't need to answer
18 any other questions of the Court at this time. Okay?

19 POTENTIAL JUROR: Yes, ma'am.

20 THE COURT: Thank you so much.

21 (To entire courtroom.)

22 THE BAILIFF: 275.

23 THE COURT: 275.

24 And 28 was excused.

25 (At bench.)

1 THE COURT: Hey, how are you?

2 POTENTIAL JUROR: Good. How are you?

3 THE COURT: Good.

4 Was it you or a family member or a friend?

5 POTENTIAL JUROR: It was a friend.

6 THE COURT: Okay. Were they the victim or were they the
7 accused?

8 POTENTIAL JUROR: Two. Turns out one of my friends was
9 the victim and one of my friends was the accused.

10 THE COURT: Okay. About how long ago was that?

11 POTENTIAL JUROR: It was, I would say, October of last
12 year, or November.

13 THE COURT: Okay. Are there any criminal charges
14 pending?

15 POTENTIAL JUROR: No.

16 THE COURT: Okay.

17 POTENTIAL JUROR: Nothing came of it.

18 THE COURT: Okay.

19 POTENTIAL JUROR: They got, like, the Coast Guard
20 involved, but --

21 THE COURT: Mm-hmm.

22 POTENTIAL JUROR: -- they just wrote him, like, a --

23 THE COURT: Okay. All right. Would their experience
24 make it hard for you to sit on a trial involving sexual
25 allegations?

1 POTENTIAL JUROR: No.

2 THE COURT: Okay.

3 All right. Any followup questions for this juror?

4 All right. Have a seat. Thank you very much.

5 (To entire courtroom.)

6 THE COURT: 275 will remain.

7 THE BAILIFF: 44.

8 THE COURT: Okay.

9 (At bench.)

10 THE COURT: Hey. Was it you or a family member or a
11 friend involved in these allegations?

12 POTENTIAL JUROR: With these allegations, I'm not --

13 THE COURT: No, no. I meant -- I mean in response to
14 the question. Could you tell me a little bit more about why
15 you came forward.

16 POTENTIAL JUROR: Oh. Have you heard about Eddie
17 Fischer, the molester teacher? My high school boyfriend and
18 I were part of that.

19 THE COURT: Okay. I don't have, like, personal
20 knowledge about that. But okay.

21 So were you a victim then?

22 POTENTIAL JUROR: I personally was not.

23 THE COURT: Okay. But you know some people who were?

24 POTENTIAL JUROR: Yes.

25 THE COURT: Is that why --

1 POTENTIAL JUROR: My boyfriend was.

2 THE COURT: I see.

3 POTENTIAL JUROR: And we would go to his house.

4 THE COURT: Okay. All right. I'm sorry this brings up
5 difficult memories, but it's important that we get honest
6 answers to these questions, obviously.

7 POTENTIAL JUROR: I didn't know if that would count.

8 THE COURT: Okay. Yeah.

9 Would that experience that you and your boyfriend at the
10 time had make it hard for you to sit on a case involving
11 sexual allegations?

12 POTENTIAL JUROR: (Indicated.)

13 THE COURT: Okay. There's no wrong answer. I just have
14 to make sure. And we have other cases this week that we
15 could use you on.

16 POTENTIAL JUROR: Okay.

17 THE COURT: Okay?

18 POTENTIAL JUROR: Be happy to.

19 THE COURT: So what I'd love to do, I'm going to let you
20 have a seat. I'm going to excuse you from the trial of this
21 case. You don't have to answer any other questions this
22 morning. Okay?

23 POTENTIAL JUROR: Okay.

24 THE COURT: Okay. Thank you.

25 (To entire courtroom.)

1 THE COURT: 44 is excused.

2 THE BAILIFF: 147.

3 (At bench.)

4 THE COURT: Hey.

5 POTENTIAL JUROR: My grandfather was charged with sexual
6 abuse --

7 THE COURT: Okay.

8 POTENTIAL JUROR: -- of his granddaughter.

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

10 POTENTIAL JUROR: I was maybe 5.

11 THE COURT: Okay.

12 POTENTIAL JUROR: It was a long time ago.

13 THE COURT: Okay. Was it here in South Carolina?

14 POTENTIAL JUROR: No.

15 THE COURT: It was not?

16 POTENTIAL JUROR: It was in Pennsylvania.

17 THE COURT: Okay. Would that make it difficult for you
18 to sit on this type of case?

19 POTENTIAL JUROR: I don't think so.

20 THE COURT: Okay. Could you be fair to both sides?

21 POTENTIAL JUROR: I believe so.

22 THE COURT: Okay.

23 Any other questions for this young lady?

24 All right. You --

25 MS. ROBERTS: What was the relationship again? I didn't

1 catch it.

2 POTENTIAL JUROR: It was my grandfather was charged with
3 sexual abuse of his granddaughter.

4 MS. ROBERTS: Okay.

5 THE COURT: Okay. Have a seat. Thank you so much.

6 (To entire courtroom.)

7 THE COURT: 147 will remain.

8 THE BAILIFF: 226.

9 THE COURT: 226.

10 (At bench.)

11 THE COURT: Hey.

12 POTENTIAL JUROR: How you doing?

13 THE COURT: Good.

14 POTENTIAL JUROR: I had a friend that was sexually
15 assaulted in the past. And my girlfriend, before I knew her,
16 was sexually assaulted.

17 THE COURT: Okay. Would those experiences that they had
18 make it hard for you to sit on this type of a case, you
19 think?

20 POTENTIAL JUROR: I think it'll be okay.

21 THE COURT: Okay.

22 POTENTIAL JUROR: Yeah.

23 THE COURT: Could you be fair to both sides?

24 POTENTIAL JUROR: Yeah. Certainly.

25 THE COURT: Okay.

1 Any followup questions for this gentleman?

2 All right. You can have a seat. Thank you so much.

3 (To entire courtroom.)

4 THE COURT: 226 will remain.

5 THE BAILIFF: 291.

6 (At bench.)

7 POTENTIAL JUROR: So we're talking about people we know
8 or our family members?

9 THE COURT: Yeah.

10 POTENTIAL JUROR: Okay. My mother was sexually abused
11 when she was young.

12 THE COURT: Okay. I'm sorry that you have that
13 experience. Would it make it difficult for you to be fair to
14 both sides in this case?

15 POTENTIAL JUROR: Well, on the other hand, I've worked
16 with somebody who has been on the registry.

17 THE COURT: Mm-hmm.

18 POTENTIAL JUROR: So in the other direction I have that.

19 THE COURT: Okay.

20 POTENTIAL JUROR: So it's kind of hard to say for me.

21 THE COURT: Okay. Do you think you could be fair to
22 both sides in the trial of this case?

23 POTENTIAL JUROR: Yeah.

24 THE COURT: Okay.

25 Do you have any followup for this gentleman?

1 All right. Have a seat then. You will remain. Thank
2 you so much.

3 (To entire courtroom.)

4 THE COURT: 291 will remain.

5 THE BAILIFF: 232.

6 (At bench.)

7 THE COURT: Hey. So can you tell me a little bit. Was
8 it you or a family member that was involved?

9 POTENTIAL JUROR: My 7-year-old sister was raped when I
10 was 5.

11 THE COURT: Okay. Is it going to be difficult, in light
12 of that, for you to sit on a case such as this, do you
13 believe?

14 POTENTIAL JUROR: I think so.

15 THE COURT: Okay.

16 POTENTIAL JUROR: I mean, I'm being honest. I'm trying
17 to --

18 THE COURT: That's okay.

19 POTENTIAL JUROR: It's not working as well as I thought
20 it would.

21 THE COURT: That's okay. I've got -- we have other
22 types of cases this week that we might could use you for.

23 POTENTIAL JUROR: Okay.

24 THE COURT: So what I'm going to ask you to do is just
25 have a seat. And you don't need to answer any other

1 questions this morning -- er, this afternoon while you're in
2 this courtroom. Okay?

3 POTENTIAL JUROR: Okay.

4 THE COURT: So just sit tight for now. All right?

5 THE WITNESS: Okay.

6 (To entire courtroom.)

7 THE COURT: 233 is excused.

8 Okay. Anybody else?

9 All right. I think that's it for that question.

10 I'm just going to stay down here for the rest of this,
11 but y'all are welcome to have a seat.

12 All right, ladies and gentlemen. The next question is
13 have you -- if you have not already stood and come forward,
14 have you or any member of your family or a personal friend
15 been the victim of any violent crime or been accused of a
16 violent crime? If you have not already disclosed that to us,
17 please stand at this time and come forward.

18 Any violent crime?

19 Okay. I find none -- or no additional.

20 Do any of you or any members of your family or close
21 personal friends, are any of them currently incarcerated or
22 been previously incarcerated in a prison or penitentiary?
23 Any members of your family or close personal friends
24 currently or previously incarcerated in a prison or state
25 penitentiary? If so, please stand.

1 Okay. All right. And just give me your juror number,
2 if you will.

3 Yes, ma'am, here in the front.

4 POTENTIAL JUROR: Number 1.

5 THE COURT: Number 1. Current or formerly?

6 POTENTIAL JUROR: Formerly?

7 THE COURT: Okay. Would that affect your ability to be
8 impartial to both sides?

9 POTENTIAL JUROR: No.

10 THE COURT: All right. Have a seat.
11 1 will remain.

12 Yes, ma'am, in the yellow.

13 POTENTIAL JUROR: 85.

14 THE COURT: 85. Currently or previously?

15 POTENTIAL JUROR: Formerly. It was my uncle. I don't
16 know if that --

17 THE COURT: Okay. Would that affect your ability to be
18 fair to both sides in this case?

19 POTENTIAL JUROR: Not that, no.

20 THE COURT: Okay. Have a seat. Thank you very much.
21 All right. Yes, ma'am. Your number?

22 POTENTIAL JUROR: 122.

23 THE COURT: 122. Is it currently or formerly?

24 POTENTIAL JUROR: Currently.

25 THE COURT: Okay. Would that affect your ability to be

1 fair to both sides in this case?

2 POTENTIAL JUROR: No. It's my brother. He's in prison
3 right now.

4 THE COURT: Okay. Thank you very much. Have a seat.
5 122 will remain.

6 And yes, sir, in the back.

7 POTENTIAL JUROR: 226.

8 THE COURT: 226. Currently or formerly?

9 POTENTIAL JUROR: Formerly.

10 THE COURT: Okay. Would that affect your ability to be
11 fair to both sides?

12 POTENTIAL JUROR: No.

13 THE COURT: All right. Have a seat.

14 226 will remain.

15 Members of the jury panel, has anybody previously sat on
16 a jury for a criminal trial? Is so, please stand.

17 Yeah. Okay. In the pink lanyard, what's your number?

18 POTENTIAL JUROR: 102.

19 THE COURT: 102. About how long ago was that?

20 POTENTIAL JUROR: This was 2017 in Florida.

21 THE COURT: Okay. Would that previous experience make
22 it difficult for you to be fair to both sides in this case.

23 POTENTIAL JUROR: No.

24 THE COURT: All right. Have a seat. You will remain.

25 All right. And yes, ma'am. Your number?

1 POTENTIAL JUROR: 96.

2 THE COURT: 96. And where was your prior service on a
3 criminal jury?

4 POTENTIAL JUROR: Edgefield, South Carolina.

5 THE COURT: Okay. About how long ago was that?

6 POTENTIAL JUROR: Eons. Twenty-five years.

7 THE COURT: Okay. Would that affect your ability to be
8 fair to both sides in this case?

9 POTENTIAL JUROR: It would not.

10 THE COURT: Thank you very much, ma'am. Have a seat.

11 Anybody on the jury panel or any member of your
12 immediate family ever had any criminal charges adjudicated by
13 or currently pending with the Ninth Circuit Solicitor's
14 Office in Charleston or Berkeley County? Or has any member
15 of your family been represented by the public defender's
16 office in the Ninth Circuit? If so, please stand.

17 All right. I find none.

18 Has anybody on the jury panel ever been a witness in a
19 criminal case before? If so, please stand.

20 I find none.

21 Anybody on the jury panel or household relatives or
22 close friends employed in any form with law enforcement? If
23 so, please stand. That is to say police officers. Okay?

24 All right. However you interpret law enforcement. If
25 you're not sure, stand and we'll flesh it out.

1 Okay. We'll start over here.

2 Yes, sir, in the yellow. Tell me your number.

3 POTENTIAL JUROR: 139.

4 THE COURT: 139. And you work for the Charleston Police
5 Department?

6 POTENTIAL JUROR: Yes, ma'am.

7 THE COURT: And remind us in what capacity you work with
8 them.

9 POTENTIAL JUROR: Crime analyst in the crime
10 intelligence unit. We support detectives in their
11 investigations.

12 THE COURT: All right. And in that capacity and with
13 that experience, would it make it hard for you to be fair to
14 both sides in the trial of this case?

15 POTENTIAL JUROR: No, ma'am.

16 THE COURT: All right. 139 will remain.

17 And yes, ma'am. Your number again.

18 POTENTIAL JUROR: 1.

19 THE COURT: 1. I should remember that.

20 Okay. And who -- are you or your family -- or who's in
21 law enforcement?

22 POTENTIAL JUROR: My fiance works for North Charleston
23 Police Department. He's a patrolman.

24 THE COURT: He's a patrolman?

25 POTENTIAL JUROR: Yes.

1 THE COURT: Okay. Would that make it hard for you to be
2 fair and impartial in the trial of this case?

3 POTENTIAL JUROR: No, ma'am.

4 THE COURT: All right. Be seated at this time.
5 I will remain.

6 Yes, ma'am. Your number?

7 POTENTIAL JUROR: 22.

8 THE COURT: 22.

9 POTENTIAL JUROR: I wasn't sure if this was the same,
10 but my uncle is a criminal defense lawyer.

11 THE COURT: Okay. Who is that?

12 POTENTIAL JUROR: It's in Illinois.

13 THE COURT: Oh, okay. In Illinois he is? Okay.

14 Would that make it hard for you to be fair to both
15 sides?

16 POTENTIAL JUROR: No.

17 THE COURT: Okay. Have a seat.

18 Yes, ma'am?

19 POTENTIAL JUROR: 91.

20 THE COURT: 91. Okay.

21 POTENTIAL JUROR: My fiance is a state game warden.

22 THE COURT: A game warden.

23 POTENTIAL JUROR: Yes.

24 THE COURT: They have the largest jurisdiction of any
25 law enforcement, I hear.

1 Okay. Would his experience make it hard for you to be
2 fair to both sides?

3 POTENTIAL JUROR: No.

4 THE COURT: All right. 91 will remain.

5 Yes, sir. Your number?

6 POTENTIAL JUROR: 62.

7 THE COURT: 62.

8 POTENTIAL JUROR: My sister-in-law used to be a public
9 defender here in Charleston.

10 THE COURT: Used to be a public defender?

11 POTENTIAL JUROR: Yeah.

12 THE COURT: Okay. When was that? Do you know?

13 POTENTIAL JUROR: I think she got a new job a couple
14 years ago.

15 THE COURT: What's her name?

16 POTENTIAL JUROR: Katie Dahlheim.

17 THE COURT: Oh, okay. All right. Yeah, I think she was
18 with the City.

19 Would that experience that she had make it hard for you
20 to be fair to both sides?

21 POTENTIAL JUROR: No.

22 THE COURT: All right. Have a seat, please.

23 62 will remain.

24 Yes, sir?

25 POTENTIAL JUROR: I have an uncle that was a police

1 officer, and then I have a cousin that's with North
2 Charleston.

3 THE COURT: All right. Are you 226?

4 POTENTIAL JUROR: 226.

5 THE COURT: That's right. Okay.

6 And would those relatives' experiences make it hard for
7 you to be fair to both sides?

8 POTENTIAL JUROR: No.

9 THE COURT: All right. Have a seat.

10 Yes, ma'am. You number?

11 POTENTIAL JUROR: 108.

12 THE COURT: 108.

13 POTENTIAL JUROR: My brother's a public defender in
14 Hendersonville, North Carolina.

15 THE COURT: Okay. Great. Would that make it hard for
16 you to be fair to both sides?

17 POTENTIAL JUROR: No.

18 THE COURT: All right. Have a seat.

19 108 will remain.

20 Anybody else?

21 All right. Hearing none, we'll move on.

22 Ladies and gentlemen, are any of you members of or
23 donate money to or have you received assistance from any
24 community law enforcement or victim advocacy group which
25 would include groups such as Mothers Against Drunk Driving,

1 South Carolina Law Enforcement Officers Association, Sister
2 Care, the state office of victim assistance, South Carolina
3 Victim Assistance Network, any neighborhood watch group, or
4 People Against Rape, Tri-County SPEAKS, Darkness to Light, or
5 any other organization that advocates for harsher punishment
6 for crimes or for victims rights? If so, please stand.

7 Yes, sir. Tell me your number.

8 POTENTIAL JUROR: 205.

9 THE COURT: 205. And what group do you --

10 POTENTIAL JUROR: Just donate into the South Carolina
11 Sheriff's Association.

12 THE COURT: Okay. And would the fact that you donate to
13 them make it hard for you to be fair to both sides in this
14 case?

15 POTENTIAL JUROR: No.

16 THE COURT: All right. Have a seat.

17 205 will remain.

18 Ladies and gentlemen, does anybody on the jury panel
19 believe that just because a defendant is charged with a crime
20 he must be guilty? If so, please stand.

21 I find none.

22 Is anybody on the jury panel or a member of your family
23 or a friend currently serving as or formerly served as a rape
24 counselor, a social worker, psychotherapist, psychologist, or
25 psychiatrist? If so, please stand.

1 All right. 226.

2 POTENTIAL JUROR: Yeah, 226.

3 THE COURT: All right.

4 POTENTIAL JUROR: My mother worked at a -- I think at a
5 women's shelter. She's a behavioral counselor.

6 THE COURT: Okay. Is she currently serving in that
7 capacity?

8 POTENTIAL JUROR: Yes, she is. Yeah.

9 THE COURT: Okay. Would --

10 POTENTIAL JUROR: I do have friends that also work in
11 mental health.

12 THE COURT: In mental health?

13 POTENTIAL JUROR: Yeah, mental health.

14 THE COURT: Okay. Would their involvement make it hard
15 for you to be fair to both sides in this case?

16 POTENTIAL JUROR: No.

17 THE COURT: All right. Have a seat.

18 226 will remain.

19 Yes, sir?

20 POTENTIAL JUROR: 289.

21 THE COURT: 289.

22 POTENTIAL JUROR: My sister-in-law is a sex therapist.

23 THE COURT: Okay. To the best of your knowledge, would
24 that make it hard for you to be fair to both sides in this
25 case?

1 POTENTIAL JUROR: No.

2 THE COURT: All right. Have a seat.

3 289 will remain.

4 Anybody now or previously worked as a professional
5 counselor for children or teenagers or as a teacher to
6 children in middle or high school? If so, please stand.

7 Yeah. 226 again.

8 POTENTIAL JUROR: Yes.

9 THE COURT: All right. Who do you know that's a
10 counselor? Are you talking about your mother that's a
11 counselor?

12 POTENTIAL JUROR: Yeah.

13 THE COURT: Okay.

14 POTENTIAL JUROR: Yeah. She's done different kinds of
15 counseling too.

16 THE COURT: Okay.

17 POTENTIAL JUROR: She's worked with kids and adults.

18 THE COURT: All right. And once again, would that make
19 it hard for you to be fair to both sides?

20 POTENTIAL JUROR: No.

21 THE COURT: All right. Have a seat.

22 226 will remain.

23 Yes, ma'am. Your number?

24 POTENTIAL JUROR: 213.

25 THE COURT: 213.

1 POTENTIAL JUROR: I'm a teacher and also sell computers
2 for high schoolers.

3 THE COURT: Okay. Would that make it hard for you to be
4 fair to both sides?

5 POTENTIAL JUROR: No.

6 THE COURT: All right. Have a seat.

7 213 will remain.

8 Yes, sir. Your number?

9 POTENTIAL JUROR: 266. My wife is a special ed resource
10 teacher --

11 THE COURT: Mm-hmm.

12 POTENTIAL JUROR: -- in middle school on Johns Island.

13 THE COURT: Okay. To the best of your knowledge, would
14 that make it hard for you to be fair to both sides in this
15 case?

16 POTENTIAL JUROR: No, ma'am.

17 THE COURT: All right. Have a seat.

18 266 will remain.

19 That's it? All right.

20 All right. Ladies and gentlemen, I am going to read out
21 a list of people who may testify during the course of the
22 trial. If you know them, you're related to them by blood or
23 marriage, or you have any personal or social relationship
24 with them, I'd ask that you stand. Okay?

25 [REDACTED]; Sam G [REDACTED]; Annabelle Johnson;

MINOR

1 BROTHER ; Isabelle Noy-McCall; SRO Paula Wilson of Mount
2 Pleasant Police; Deputy Christian Longhi, Charleston County
3 Sheriff's Office; Detective Taylor Miller, Charleston County
4 Sheriff's Office; Annalise Gunn of the Dee Norton Lowcountry
5 Children's Center; Kathy Fabrizio, MUSC; Diane Austin with
6 Shine Counseling Services; Jordan Neeley, formerly with Dee
7 Norton, now with Tidal Shift Counseling; Carole Swiecicki,
8 formerly of Dee Norton, now with Harbor Maple Counseling;
9 Jennifer Hall; Denise Mackendrick; Elizabeth Gusler; Eric
10 McCall; and Julie Stover, who is now deceased.

11 Does anybody have any personal or social relationships
12 with any of those individuals whose names I have called?

13 Yes. A few of you. That's fine.

14 Let me just start and take it -- your number?

15 POTENTIAL JUROR: My number?

16 THE COURT: Yeah.

17 POTENTIAL JUROR: 68.

18 THE COURT: 68.

19 POTENTIAL JUROR: I think SRO Paula Wilson is my
20 neighbor.

21 THE COURT: You think she's your neighbor?

22 POTENTIAL JUROR: I think she's my neighbor.

23 THE COURT: Okay. Would that make it hard for you to be
24 fair to both sides if she were to testify in the course of
25 this trial or make it difficult for you in any way?

1 POTENTIAL JUROR: No.

2 THE COURT: Okay. Have a seat.

3 68 will remain.

4 Yes, ma'am. Your number?

5 POTENTIAL JUROR: So 85. I know Paula Wilson as well.

6 THE COURT: You know her well?

7 POTENTIAL JUROR: Yes.

8 THE COURT: Okay. Would you say you're friends with
9 her?

10 POTENTIAL JUROR: I worked at the office of Moultrie
11 Middle School for about five years as a volunteer.

12 THE COURT: Okay.

13 POTENTIAL JUROR: And she was the --

14 THE COURT: That was the school where she was assigned
15 at the time?

16 POTENTIAL JUROR: Yes.

17 THE COURT: Okay. Do you believe that it would make it
18 difficult for you then if she were to testify?

19 POTENTIAL JUROR: Absolutely.

20 THE COURT: Okay. Just have a seat then for me.

21 We will excuse 85 from the trial of this case.

22 So just sit tight. You don't need to answer any other
23 questions. We might could use you for a different trial.
24 Okay?

25 POTENTIAL JUROR: Okay.

1 THE COURT: All right. And yes, sir. Your number?

2 POTENTIAL JUROR: 159.

3 THE COURT: 159. Who do you know?

4 POTENTIAL JUROR: I'm sorry. Did you say Jennifer Paul?

5 THE COURT: Jennifer Hall.

6 POTENTIAL JUROR: Oh.

7 THE COURT: H-A-L-L.

8 POTENTIAL JUROR: Then no.

9 THE COURT: I probably didn't -- I should have
10 enunciated better.

11 Okay. All right. So that's a never mind for you; is
12 that right, 159?

13 POTENTIAL JUROR: Yep.

14 THE COURT: All right. 159 will remain. Great.

15 All right. Any other witnesses the Court did not call
16 for the State or the defense?

17 MS. FRIERSON: No, your Honor.

18 MS. BLAZER: No, Judge.

19 THE COURT: I think I got everybody, right? Okay.

20 All right. And finally, ladies and gentlemen, this
21 case, ladies and gentlemen, involves the defendant accused of
22 sexually assaulting a minor. Do you feel so strongly about
23 the topic that you would be unable to render a fair and
24 impartial decision based on the facts presented? If that
25 applies to you, I'd ask that you stand at this time and come

1 forward.

2 Okay. I find none.

3 Is anybody on the jury panel aware of any reason
4 whatsoever why they could not be fair and impartial to both
5 the State and the defense in the trial of this case? If so,
6 once again I ask that you stand now.

7 Any additional voir dire from the State or the defense
8 not posited by the Court?

9 MS. FRIERSON: Nothing from the State, your Honor.

10 MS. BLAZER: None, your Honor. Thank you.

11 THE COURT: All right. Thank you very much.

12 Then, ladies and gentlemen, at this time the clerk of
13 court has taken down those numbers of those of you who were
14 excused. We will now begin to select the jury once those
15 numbers are removed from the jury pool. And I'll ask you to
16 follow the instructions of the clerk of court. I'm going to
17 turn around and take the bench again, so just sit tight for a
18 minute again.

19 MS. FRIERSON: May we approach?

20 THE COURT: Yes.

21 (The following discussion was had on the record at the
22 bench in the presence of the potential jurors but outside the
23 hearing of the potential jurors.)

24 THE COURT: All right. I'm happy to entertain. Do you
25 have a motion to strike?

1 MS. FRIERSON: I have a motion to strike for cause,
2 Kornahrens, the one we already --

3 THE COURT: Yes. And that was number who?

4 MS. FRIERSON: Oh, shoot.

5 MS. BLAZER: I'll tell you.

6 THE COURT: I got it. Hold on. I got it. 135.

7 You got it, Lauren?

8 MS. FRIERSON: 135. Yes.

9 THE COURT: Okay. I'll alert the clerk.

10 MS. FRIERSON: And --

11 THE COURT: Hold tight real quick, Clerk.

12 MS. FRIERSON: I was also going to make a motion to
13 strike for cause 203, the individual who said he was
14 prosecuted by our office but then it was overturned. I'm not
15 really sure how anybody who's sent to prison for something
16 and then it's overturned can be impartial.

17 MS. BLAZER: Well, he said he didn't. He said his
18 friend went to prison, but he didn't.

19 THE COURT: 203?

20 MS. FRIERSON: 203.

21 MS. BLAZER: I would ordinarily disagree, but I'm going
22 to concede that one because he also appeared to be very hard
23 of hearing.

24 THE COURT: He did. And then he didn't stand when I
25 asked --

1 MS. BLAZER: Right.

2 THE COURT: -- if anybody had been prosecuted by the
3 Ninth Circuit Solicitor's Office. I mean, I gave him some
4 benefit of the doubt because maybe he felt like he'd already
5 disclosed to that to us.

6 MS. BLAZER: Right. Right.

7 THE COURT: But nonetheless, he didn't respond to
8 that --

9 MS. BLAZER: Right.

10 THE COURT: -- which is a little bit alarming.

11 Okay. So 203 and 135.

12 Any motions from the defense?

13 MS. BLAZER: Yes, your Honor. Sorry.

14 THE COURT: That's okay.

15 MS. BLAZER: I feel like I have to move for cause on
16 Number 147.

17 THE COURT: What did they respond to? Anything that --

18 MS. BLAZER: She said that she had a grandfather who was
19 charged with sexual assault of a grandchild. And it's just
20 -- you know, I think that's just too close.

21 THE COURT: Okay. Do you have any position on 147?

22 MS. FRIERSON: I mean, I understand hers. I felt like
23 she was very --

24 MS. BLAZER: She was unemotional.

25 MS. FRIERSON: -- much more than others as far as she

1 seemed --

2 THE COURT: She had a very flat affect, but she did
3 indicate that she was 5 at the time. She didn't really --

4 MS. FRIERSON: And she didn't say "my grandfather." It
5 was, like, "a grandfather." I just felt like there wasn't a
6 connection. But I obviously understand why she's doing it.

7 THE COURT: Well --

8 MS. BLAZER: You know, the concern that I have is you
9 can watch people's body language, you can use all these
10 things, and the thing that would be devastating is to get
11 somebody on a jury who is not able to say that there is
12 something that's really bothering them --

13 THE COURT: Uh-huh.

14 MS. BLAZER: -- and that they would then take that out
15 on a defendant.

16 THE COURT: Okay. I think out of on abundance of
17 caution we'll excuse 147 then.

18 MS. FRIERSON: Okay.

19 THE COURT: Okay. So those three. Any others?

20 MS. BLAZER: I believe that was the only other person
21 who said they could be fair. I'm just double checking.

22 And I'm not going to move to strike the crime analyst
23 from the City of Charleston because I don't think it's close
24 enough.

25 THE COURT: This is a North Charleston case?

1 MS. FRIERSON: It's actually County.

2 MS. BLAZER: It's County.

3 THE COURT: County and not North Charleston.

4 MS. BLAZER: Mm-hmm.

5 THE COURT: Okay. That's right. Okay.

6 MS. BLAZER: And then, yeah, I guess that's -- I think
7 that's it.

8 THE COURT: All right. So just to go over: 135, 147,
9 and 203?

10 MS. BLAZER: Mm-hmm.

11 MS. FRIERSON: Yes.

12 THE COURT: Okay. I'll relay that to the clerk now.

13 MS. FRIERSON: Thank you, your Honor.

14 THE COURT: Sure.

15 (The following proceedings were had in open court in the
16 presence and hearing of the potential jurors.)

17 THE COURT: All right. Ladies and gentlemen, now,
18 according to the clerk's office, they are drawing up your
19 numbers randomly with the computer. I'll let them give you
20 further instruction.

21 And just as a reminder for the attorneys, strikes are
22 five and ten. And we'll be seating two alternates for this
23 case.

24 CLERK OF COURT: All right. Ladies and gentlemen, when
25 I call your juror number if you could please stand, gather

1 all your belongings, come through, and you're going to stand
2 at the podium right there in the middle, turn around, and
3 face everybody else. Okay?

4 Juror Number 153. One five three.

5 What say you for the State?

6 MS. FRIERSON: Please excuse this juror.

7 CLERK OF COURT: Sir, please have a seat back in the
8 audience. You've been excused from the trial of the case.

9 Juror Number 1.

10 What say you for the State?

11 MS. FRIERSON: Please present this juror.

12 CLERK OF COURT: What say you for the defense?

13 MS. BLAZER: Please excuse the juror.

14 CLERK OF COURT: Ma'am, please have a seat back in the
15 audience. You've been excused from the trial of this case.

16 Juror Number 166. One six six.

17 THE COURT: Oh, he was excused.

18 CLERK OF COURT: I apologize.

19 THE COURT: He was excused, yeah.

20 CLERK OF COURT: Juror Number 213. Two one three.

21 What say you for the State?

22 MS. FRIERSON: Please present this juror.

23 CLERK OF COURT: What say you for the defense?

24 MS. BLAZER: Please excuse the juror.

25 CLERK OF COURT: Ma'am, please have a seat back in the

1 audience. You've been excused from the trial of this case.

2 Juror Number 113. One one three.

3 What say you for the State?

4 MS. FRIERSON: Please present this juror.

5 CLERK OF COURT: What say you for the defense?

6 MS. BLAZER: Please seat the juror.

7 CLERK OF COURT: Sir, please have a seat in the jury
8 box. You've been selected as a juror in the trial of this
9 case.

10 Juror Number 42. Four two.

11 What say you for the State?

12 MS. FRIERSON: Please present this juror.

13 CLERK OF COURT: What say you for the defense?

14 MS. BLAZER: Please seat the juror.

15 CLERK OF COURT: Sir, please have a seat in the jury
16 box. You've been selected as a juror in the trial of this
17 case.

18 Juror Number 289. Two eight nine.

19 What say you for the State?

20 MS. FRIERSON: The Court's indulgence, please.

21 THE COURT: Mm-hmm.

22 (Pause in proceedings.)

23 MS. FRIERSON: Please seat this juror.

24 CLERK OF COURT: What say you for the defense?

25 MS. BLAZER: Please seat the juror.

1 CLERK OF COURT: Sir, please have a seat in the jury
2 box. You've been selected as a juror in the trial of this
3 case.

4 Juror Number 139. One three nine.

5 What say you for the State?

6 MS. FRIERSON: Please seat this juror.

7 CLERK OF COURT: What say you for the defense?

8 MS. BLAZER: Please excuse the juror.

9 CLERK OF COURT: Sir, please have a seat in the
10 audience. You've been excused from the trial of this case.

11 Defense has exhausted three out of ten strikes.

12 Juror Number 275. Two seven five.

13 What say you for the State?

14 MS. FRIERSON: Please present this juror.

15 CLERK OF COURT: What say you for the defense?

16 MS. BLAZER: Please seat the juror.

17 CLERK OF COURT: Ma'am, please have a seat in the jury
18 box. You've been selected as a juror in the trial of this
19 case.

20 Juror Number 22. Twenty-two.

21 What say you for the State?

22 MS. FRIERSON: Please present this juror.

23 CLERK OF COURT: What say you for the defense?

24 MS. BLAZER: Please excuse the juror.

25 CLERK OF COURT: Ma'am, please have a seat back in the

1 audience. You've been excused from the trial of this case.

2 Juror Number 20. Twenty.

3 What say you for the State?

4 MS. FRIERSON: The Court's indulgence.

5 (Pause in proceedings.)

6 MS. FRIERSON: Please excuse this juror.

7 CLERK OF COURT: Sir, please have a seat back in the
8 audience. You've been excused from the trial of this case.

9 Juror Number 104. One zero four.

10 What say you for the State?

11 MS. FRIERSON: Please present this juror.

12 CLERK OF COURT: What say you for the defense?

13 MS. BLAZER: Please seat the juror.

14 CLERK OF COURT: Sir, please have a seat in the jury
15 box. You've been selected as a juror in the trial of this
16 case.

17 Juror Number 97. Nine seven.

18 What say you for the State?

19 MS. FRIERSON: The Court's indulgence.

20 (Pause in proceedings.)

21 MS. FRIERSON: Please excuse this juror.

22 CLERK OF COURT: Sir, please have a seat back in the
23 audience. You've been excused from the trial of this case.

24 The State has exhausted three out of five strikes.

25 Juror Number 140. One four zero.

1 What say you for the State?

2 MS. FRIERSON: Please present this juror.

3 CLERK OF COURT: What say you for the defense?

4 MS. BLAZER: Please excuse the juror.

5 CLERK OF COURT: Sir, please have a seat back in the
6 audience. You've been excused from the trial of this case.

7 Defense has exhausted five of the ten.

8 Juror 207. Two zero seven.

9 What say you for the State?

10 MS. FRIERSON: The Court's indulgence.

11 (Pause in proceedings.)

12 MS. FRIERSON: Please present this juror.

13 CLERK OF COURT: What say you for the defense?

14 MS. BLAZER: Please excuse the juror.

15 CLERK OF COURT: Ma'am, please have a seat back in the
16 audience. You've been excused from the trial of this case.

17 Juror Number 95. Nine five.

18 What say you for the State?

19 MS. FRIERSON: The Court's indulgence.

20 (Pause in proceedings.)

21 MS. FRIERSON: Please present this juror.

22 CLERK OF COURT: What say you for the defense?

23 MS. BLAZER: Please seat the juror.

24 CLERK OF COURT: Sir, please have a seat in the jury
25 box. You've been selected as a juror in the trial of this

1 case.

2 Juror Number 292. Two nine two.

3 What say you for the State?

4 MS. FRIERSON: Please present this juror.

5 CLERK OF COURT: What say you for the defense?

6 MS. BLAZER: Please seat the juror.

7 CLERK OF COURT: Ma'am, please have a seat in the jury
8 box. You've been selected as a juror in the trial of this
9 case.

10 Juror Number 60. Six zero.

11 What say you for the State?

12 MS. FRIERSON: The Court's indulgence.

13 (Pause in proceedings.)

14 MS. FRIERSON: Please present this juror.

15 CLERK OF COURT: What say you for the defense?

16 MS. BLAZER: Please seat the juror.

17 CLERK OF COURT: Sir, please have a seat in the jury
18 box. You've been selected as a juror in the trial of this
19 case.

20 Juror Number 224. Two two four.

21 What say you for the State?

22 MS. FRIERSON: The Court's indulgence.

23 (Pause in proceedings.)

24 MS. FRIERSON: Please present this juror.

25 CLERK OF COURT: What say you for the defense?

1 MS. BLAZER: Please seat the juror.

2 CLERK OF COURT: Sir, please have a seat in the jury
3 box. You've been selected as a juror in the trial of this
4 case.

5 Juror 102. One zero two.

6 What say you for the State?

7 MS. FRIERSON: Please present this juror.

8 CLERK OF COURT: What say you for the defense?

9 MS. BLAZER: Please seat the juror.

10 CLERK OF COURT: Ma'am, please have a seat in the jury
11 box. You've been selected as a juror in the trial of this
12 case.

13 Juror 236. Two three six.

14 What say you for the State?

15 MS. FRIERSON: Please present this juror.

16 CLERK OF COURT: What say you for the defense?

17 MS. BLAZER: Please excuse the juror.

18 CLERK OF COURT: Ma'am, please have a seat back in the
19 audience. You've been excused from the trial of this case.

20 Defense has exhausted seven out of ten.

21 Juror 205. Two zero five.

22 What say you for the State?

23 MS. FRIERSON: Please present this juror.

24 CLERK OF COURT: What say you for the defense?

25 MS. BLAZER: Please excuse the juror.

1 CLERK OF COURT: Sir, please have a seat back in the
2 audience. You've been excused from the trial of this case.

3 Juror Number 200. Two hundred.

4 What say you for the State?

5 MS. FRIERSON: The Court's indulgence.

6 (Pause in proceedings.)

7 MS. FRIERSON: Please present this juror.

8 CLERK OF COURT: What say you for the defense?

9 MS. BLAZER: Please seat the juror.

10 CLERK OF COURT: Sir, please have a seat in the jury
11 box. You've been selected as a juror in the trial of this
12 case.

13 Juror 217. Two one seven.

14 What say you for the State?

15 MS. FRIERSON: Please present this juror.

16 CLERK OF COURT: What say you for the defense?

17 MS. BLAZER: Please seat the juror.

18 CLERK OF COURT: Ma'am, please have a seat in the jury
19 box. You've been selected as a juror in the trial of this
20 case.

21 Now striking for the first alternate.

22 Juror 50. Five zero.

23 What say you for the State?

24 MS. FRIERSON: Please present this juror.

25 CLERK OF COURT: What say you for the defense?

1 MS. BLAZER: Please seat the juror.

2 CLERK OF COURT: Ma'am, please have a seat in the jury
3 box. You've been selected as an alternate juror in the trial
4 of this case.

5 Juror Number 80. Eight zero.

6 What say you for the State?

7 MS. FRIERSON: Please present this juror.

8 CLERK OF COURT: What say you for the defense?

9 MS. BLAZER: Please seat the juror.

10 CLERK OF COURT: Ma'am, please have a seat in the jury
11 box. You've been selected as an alternate juror in the trial
12 of this case.

13 THE COURT: Any objections or exceptions by the State or
14 the defense from the jury selection process?

15 MS. FRIERSON: None from the State, your Honor.

16 MS. BLAZER: Nothing from the defense, your Honor.

17 THE COURT: All right. Ladies and gentlemen, those of
18 you in the gallery then, you were not chosen for the trial of
19 this case. You are free to go. They'll have you turn your
20 lanyards in on the way out. You'll just need to call back on
21 the juror hotline after 6:00 tonight. Make sure you wait
22 until after 6:00 so you have the most updated information.

23 Take care. Thank you very much.

24 (Remaining potential jurors released from service and
25 exited the courtroom at 1:31 p.m.)

1 THE COURT: All right. Ladies and gentlemen, those of
2 you who were selected, welcome. It's obviously lunchtime and
3 we're all very hungry so we are going to turn you loose for
4 lunch. Now, it is 1:32. I'm going to ask that you be back
5 at 2:45. The bailiffs will probably have you come back a
6 little before that.

7 So by all means, you're free to move about. I just
8 caution you if you leave a parking garage that sometimes
9 midday downtown it can be harder to come back. So just make
10 sure you leave yourself plenty of time to park and come back
11 if you decide to go that route.

12 We will start this afternoon. Typically our hours run
13 about 9:00 to 5:00. I really try very hard not to keep
14 jurors past 5:00 when at all possible. So that's kind of how
15 we will start and go by that timeframe. I anticipate this
16 case going until potentially Wednesday or Thursday -- early
17 Thursday. Okay? But some of that just depends on some
18 factors that we just don't know quite yet. Okay?

19 So I'm going to give you a much more lengthy
20 introduction to jury service and the trial once you get back
21 from lunch. But everybody's hungry, so I'm going to turn you
22 loose to the bailiffs. And we will see you back here about
23 2:45.

24 (The jury was released for lunch and exited the
25 courtroom at 1:33 p.m.)

1 (The following proceedings were had outside the presence
2 of the jury.)

3 THE COURT: Okay. We'll also be at ease until -- how
4 about 2:30? Okay?

5 Thank you. See you then.

6 MS. BLAZER: Thank you.

7 THE COURT: All right.

8 (Court recessed.)

9 (Court resumed outside the presence of the jury.)

10 THE COURT: Thank you. Y'all can be seated.

11 All right. We're ready to proceed. I'm happy to take
12 up some of these pretrial motions at this time to the extent
13 that we can. We're just going to go through them one at a
14 time.

15 Defense made a motion to sequester witnesses.

16 Is there any objection to that from the State?

17 MS. FRIERSON: Other than my victims advocate and my
18 investigator being allowed to stay in, we have no objection.

19 THE COURT: Great.

20 MS. BLAZER: That's fine by me.

21 THE COURT: All right.

22 Next -- and are all these filed?

23 MS. BLAZER: They were not when you got them, but they
24 have been.

25 THE COURT: Good. Just wanted to double check.

1 MS. BLAZER: Yes, ma'am.

2 THE COURT: All right. Defense motion in limine
3 regarding the opinion testimony of lay witnesses.

4 Happy to hear from you, Ms. Blazer.

5 MS. BLAZER: Thank you.

6 What prompted me to file this motion is that there is
7 some information in the discovery that indicates that, sort
8 of in hindsight, the alleged victim's mother is connecting
9 the dots with certain of her behaviors and calling those "red
10 flags" for sexual assault. And, you know, the State has a
11 blind expert who can talk about certain things related to
12 child abuse dynamics, but I don't think it's appropriate to
13 allow the mother to essentially testify to what I think is
14 the ultimate issue: Did a sexual assault occur here?

15 THE COURT: Mm-hmm.

16 MS. BLAZER: Because this is not a situation where it's
17 something happened and we're calling it consent and they're
18 calling it -- we're saying it didn't happen.

19 THE COURT: Okay.

20 MS. BLAZER: And so for the mom to say that these
21 behaviors that existed before the disclosure are now in
22 hindsight red flags for sexual abuse I think puts her in the
23 realm of an expert trying to give expert testimony as to the
24 ultimate issue when, in fact, she's just a lay witness.

25 THE COURT: Okay. So really it's mostly the

1 characterization of sort of these hindsight whatever --
2 behaviors or -- you know, I don't know what it is.

3 MS. BLAZER: Right.

4 THE COURT: Whatever she's going to call a red flag.

5 MS. BLAZER: Right. I mean, she can testify to the
6 behaviors.

7 THE COURT: Right.

8 MS. BLAZER: I simply think --

9 THE COURT: But not the --

10 MS. BLAZER: -- that she needs to be instructed not to
11 go there into characterizing them as being indicative of
12 sexual assault.

13 THE COURT: Okay.

14 Do you have any objection to that?

15 MS. FRIERSON: We have no intention to ask her those
16 questions. You know, we've made it very clear she cannot
17 testify as to her belief of MINOR or anything like that.
18 I think she can certainly say anything -- she can testify to
19 anything she observed.

20 THE COURT: Right.

21 MS. FRIERSON: She was withdrawn. She was quiet. You
22 know, she was reluctant to go over there.

23 She just can't get into why.

24 THE COURT: Yeah.

25 MS. FRIERSON: She can't say "it was because."

1 THE COURT: Right. Yeah.

2 MS. FRIERSON: "In hindsight now I realized." But I
3 think anything that she witnessed or observed she can
4 absolutely testify to.

5 THE COURT: Yeah. And I don't think they're contesting
6 that.

7 Right?

8 MS. BLAZER: That's correct.

9 THE COURT: Well, great. So it's really just sort of
10 the characterization of such things as a red flag or her
11 saying "I wish" -- you know, "Now I know" or something, "why
12 she was doing that" or something. I think that would be
13 another way that she could -- that would be improperly
14 characterizing. But certainly I know that she has -- she's
15 got to testify to observations, and there's no issue with
16 that.

17 Okay. All right. So -- thank you. So we'll just make
18 sure that to the extent -- you would need to just give her a
19 heads-up about that. That would be helpful if you could just
20 say "Hey, don't" -- "Try not to say, 'Hey,' you know, 'this
21 was a red flag' or connect that."

22 MS. FRIERSON: She is -- you know, in all candor to the
23 Court, she's very emotional.

24 THE COURT: Sure. I'm sure she is.

25 MS. FRIERSON: And, you know --

1 THE COURT: I know you can't prevent everything. I
2 realize that. Just know that if she does say it, I'm
3 probably going to have to order it stricken.

4 MS. FRIERSON: Understood.

5 THE COURT: Yeah. We'll just deal with it as it comes,
6 but certainly we'll try to prohibit that.

7 Okay. That takes care of that one.

8 The next one in my stack is a motion in limine regarding
9 Rule 702.

10 MS. BLAZER: And your Honor, we briefly addressed this
11 earlier today.

12 THE COURT: Mm-hmm.

13 MS. BLAZER: The State intends to bring a blind expert,
14 but they've shared with you and me this morning that they
15 don't intend to make any reference to that in their opening.
16 And so that's really no longer an issue. And I think we all
17 agree that the appropriate in-camera qualification will need
18 to occur before they put her up as a witness. And I think --
19 so I think that one's resolved.

20 THE COURT: Okay.

21 All right. And then the next one is pursuant to *State*
22 *v. Lyle*. And *State v. Lyle* of course would be other crimes,
23 wrongs, and acts. You don't want them to refer to it
24 obviously until I've made the appropriate rulings.

25 MS. BLAZER: That's right.

1 And to give you some clarity -- and I think we're on the
2 same page about this. There is -- as part of her disclosure,
3 she alleges that there was an incident outside of South
4 Carolina that took place. That is obviously not the charged
5 conduct here, and that --

6 THE COURT: With this defendant?

7 MS. BLAZER: Yes.

8 THE COURT: Okay.

9 MS. BLAZER: And that is distinct in terms of some of
10 its characteristics. She claims that in that single instance
11 he tried to pull her pants off of her. She says that never
12 happened at any other time.

13 And so because it is an out-of-jurisdictional allegation
14 that is different in kind from all of the other allegations,
15 we would certainly object to it coming in at all. And so
16 we -- you know, to the extent that obviously if I would open
17 the door, that would be an issue. But I think that's the
18 only 404(b) information I'm aware of that I need to be
19 concerned about at all.

20 THE COURT: Okay.

21 MS. FRIERSON: And the State does not plan to go into
22 that other conduct. I mean, our case involves a continuing
23 course of conduct that, you know, started with what we would
24 argue were grooming behaviors, walking in on the shower, and
25 then ended up with this resulting in sexual assault.

1 But as far as the Jacksonville stuff, no, we don't plan
2 to.

3 THE COURT: Was it a trip? Just give me some context so
4 that I don't have to look it up.

5 MS. FRIERSON: So they went on a trip to go see some
6 family down there. I will -- I mean, and I've told the
7 victim and her mom we're not discussing that. I will say
8 that it was as a result of that trip or on that trip -- they
9 couldn't remember if it was on that trip or afterwards -- was
10 when she was caught looking up something inappropriate on her
11 phone, which she says is because of this, like, and what was
12 going on.

13 So I just say that to caution, like, if that comes up,
14 they sometimes equate it with that. But we are not eliciting
15 any testimony as far as "Did something happen somewhere else
16 outside of his house?" or anything like that. We don't
17 intend to make reference to that case. And I've told them
18 we're only talking about what happened on **RESIDENCE**.

19 THE COURT: Okay. Well, it sounds like it's been
20 instructed. And again, we'll just try to take it as it
21 comes, obviously. But --

22 MS. BLAZER: And I guess the only question I would ask
23 for clarification is the -- to be clear, during this trip --
24 and I believe it was during the trip -- the mother had the
25 ability to see what the child was searching on the internet.

1 And there were some searches for sexual content on the
2 child's phone. And those are, I think, probably -- you know,
3 I think certainly the child can testify "Those were things I
4 was curious about because of the things that happened with me
5 and my stepdad."

6 THE COURT: Mm-hmm.

7 MS. BLAZER: But I don't think that by my
8 cross-examining her about those things that we're opening the
9 door to the Jacksonville trip.

10 THE COURT: To what -- the acts in Jacksonville?

11 MS. BLAZER: That's right.

12 THE COURT: Yeah, I think I would agree. And then --

13 MS. FRIERSON: I wholeheartedly agree.

14 THE COURT: Good.

15 MS. FRIERSON: I said it as a cautionary.

16 MS. BLAZER: Yes.

17 MS. FRIERSON: In their mind that's part and parcel.
18 I've talked to them about it. I've tailored my questions as
19 such. But just so that you're aware that that --

20 MS. BLAZER: Preaching to the choir.

21 MS. FRIERSON: That's how their brain is working on
22 that.

23 THE COURT: Yeah. Okay.

24 All right. Then that takes us to the last one, which is
25 defendant's motion in limine regarding admissibility under

1 Rules 106 and 910.

2 MS. BLAZER: Right.

3 THE COURT: Any evidence of text messages between
4 himself and the victim until a hearing can be held regarding
5 the authenticity, completeness, and admissibility.

6 So tell me about this.

7 MS. BLAZER: There are six images of text messages
8 between Isabelle Noy, the child's mother, and Christopher
9 White.

10 THE COURT: Okay.

11 MS. BLAZER: And those six screenshots were taken by
12 Isabelle Noy and provided to Taylor Miller from the
13 Charleston County Sheriff's Office. And they -- you know,
14 they certainly appear to be screenshots of Isabelle Noy's
15 phone and Isabelle Noy's communications with Chris White from
16 a period of time. But there's no way of knowing whether she
17 deleted messages that were part of the course of discussion
18 beforehand. There were certainly much better ways to
19 authenticate --

20 THE COURT: Mm-hmm.

21 MS. BLAZER: -- what actually was said back and forth
22 between the two of them.

23 THE COURT: Mm-hmm.

24 MS. BLAZER: And certainly Mr. -- I'm sorry, Deputy
25 Miller would have had the opportunity to ask to download just

1 that portion of her phone in order to preserve everything in
2 a row. But none of those things were done. They were
3 emailed to Detective Miller at some point a good -- a few
4 weeks after the initial disclosure.

5 And so because I don't think that they represent
6 anything that we can be confident is complete and not the
7 best evidence of these communications, I think that they fail
8 for authenticity and completeness and are, therefore, more
9 prejudicial than probative.

10 THE COURT: Okay. Well, I guess, you know, to make a
11 ruling I'll have to review them obviously and mark them as a
12 Court exhibit.

13 Do you have an extra copy you can share?

14 MS. FRIERSON: I can make extra copies.

15 THE COURT: You can bring it in later?

16 MS. FRIERSON: I have this marked as a State's exhibit,
17 but for purpose of our arguments --

18 THE COURT: Yeah.

19 MS. FRIERSON: -- would you like to review it, your
20 Honor?

21 MS. BLAZER: And I --

22 THE COURT: Yes.

23 MS. FRIERSON: May I approach, your Honor?

24 THE COURT: Yeah. Yeah.

25 (Pause in proceedings.)

1 THE COURT: Okay. So I've been shown five pages that
2 were premarked State's 3, 4, 5, 6, and 7. And I'll collect a
3 copy of that later to be marked as Court's 1. It's the
4 exchange of text messages, as stated I guess, between the
5 victim's mother and the defendant. It's sort of an apology
6 sort of situation -- accusation/apology thing.

7 So, you know, how does the State intend to produce this
8 or introduce this at trial?

9 MS. FRIERSON: Thank you, your Honor.

10 We would first like to say that, you know, the burden to
11 authenticate is not very high. It requires only that the
12 proponent, being the State here, offers satisfactory
13 foundation that those are in fact what they purport to be.
14 It only requires a prima facie showing that it's the true
15 author.

16 These texts -- and as you can see in the first one, it's
17 -- I think it's State's Exhibit Number 3 -- the first one
18 starts at 10:03 p.m. When the victim disclosed that day at
19 school --

20 THE COURT: 9:48.

21 MS. FRIERSON: Oh, 9:48.

22 THE COURT: Oh, no. I'm sorry -- yeah. I think it
23 looks like it was --

24 MS. FRIERSON: So --

25 THE COURT: Anyway, there's two times.

1 MS. FRIERSON: Yeah. There's a screenshot, and then
2 there's -- you're correct.

3 THE COURT: Yeah.

4 MS. FRIERSON: But it's in the evening.

5 THE COURT: Yeah.

6 MS. FRIERSON: And this, according to the mother, she
7 will testify that after the disclosure, DSS removes their
8 shared son from Mr. White's residence. When she gets back
9 home and the kids are asleep, she starts sending these texts
10 to confront him.

11 THE COURT: Mm-hmm.

12 MS. FRIERSON: From her understanding, there was nobody
13 else at the residence. She went with DSS. There was no
14 other cars. So presumably at that time of evening he would
15 have been home alone. He was not at work. It was right
16 after, again, all of these allegations came up. She'll
17 testify that she texted the number that she had saved in her
18 phone for the defendant during the duration of their marriage
19 and dating.

20 It clearly references the allegations and not just in
21 general saying something about sexual assault. There's
22 specifics to tickling and rubbing her legs. He was
23 responding -- a person responding clearly was aware of what
24 the allegations were and the specifics.

25 THE COURT: Mm-hmm.

1 MS. FRIERSON: Something about watching movies, all of
2 the things that had come out through her disclosure.

3 Further, the texts -- the person responding, which we
4 believe to be the defendant, is referring to the victim as
5 "M" which is what he called her. He was her stepfather, but
6 he believed -- he, allegedly, prior to this loved her and
7 would refer to her as his daughter.

8 So there's also these other indicia of having ownership
9 in them.

10 THE COURT: Mm-hmm.

11 MS. FRIERSON: Mom did take the screenshots. She
12 provided them to the detective.

13 I can't argue with Ms. Blazer that more could have been
14 done by the detective, but those are things that she can
15 cross-examine her on. Those don't go to the authenticity.

16 So basically, the content of the message, the temporal
17 proximity to the allegations, and the mom testifying that
18 this is the number -- this is the only number she's had for
19 the defendant throughout the duration of their marriage and
20 separation would serve as a significant and more than prima
21 facie showing of a foundation to authenticate those. And
22 that's referencing Rule 901 of the South Carolina Rules of
23 Evidence.

24 But also *State v. Benton*, 435 S.C. 250, a court of
25 appeals opinion from as recent as 2021 where they said that

1 the messages that were sent from the defendant's phone, their
2 timing, the distinctive characteristics, in addition to the
3 identification parts, provided the circumstantial evidence
4 necessary for authentication. And so we think that they more
5 than surpass the prima facie showing.

6 They would also be considered adoptive admissions and
7 admissible under 801(D)(2)(a), and also under *State v. Benton*
8 and *State v. Green*, which is 427 S.C. 231. Because it's not
9 being -- it's not hearsay when it's offered against the party
10 and it appears to be a statement in which he has manifested a
11 belief and ownership.

12 So for those reasons, we believe that the screenshots
13 which are premarked as State's Exhibit 3 through 7 would be
14 admissible.

15 THE COURT: Okay. Any response?

16 MS. BLAZER: I'm going to hold off on responding about
17 the adoptive admissions argument because I think the adoption
18 is in the eye of the beholder. Whether he, you know, adopted
19 these claims being made by his wife -- ex-wife at the time or
20 not is, I think, in the eye of the beholder.

21 I think the Court characterized the messages as being a
22 "sort of apology," and I think that that is certainly a way
23 that the messages can be read. And it's certainly the reason
24 that the State seeks to introduce them is that the State
25 seeks to characterize them as an apology. I think that there

1 is an alternate way to read the messages. But I do not think
2 it's an admission of guilt or an admission against interest.

3 But with that said, I think -- I'm still not sure that I
4 heard anything from the State with regard to the completeness
5 of these messages other than that I can cross her about it.

6 THE COURT: Yeah. I mean, you know, I think -- you
7 know, obviously this is developing law. But, I mean, I rely
8 on *State v. Benton*. Admissibility is a low bar, you know, in
9 South Carolina -- oh, excuse me, authenticity.

10 Getting to the admissibility with regards to the
11 completeness, I think, you know, certainly that is open for
12 cross-examination. And I'm sure it would be great fodder on,
13 you know, "Why didn't you subpoena the provider and get all
14 the messages?" or whatever it was. But, you know, these
15 things -- these tools that they would have had, I think
16 you're going to have wide breadth to do so.

17 But I don't believe that -- you know, we don't have --
18 we don't have anything in the exchange that leads me to see
19 any great discrepancy that looks like something's just
20 totally incomplete or anything like that. I mean, he makes
21 an identification of the person at issue in there. And I
22 think that just the exchange itself, the identity of "M"
23 reference to the daughter, is enough reliability and they've
24 at least made a prima facie showing for authenticity.

25 And I think, you know, it's certainly not inadmissible

1 based on any potential lack of completeness, which again
2 could be handled under cross.

3 So that's how I would rule on those. Okay?

4 I mean, I -- you know, right now, you know, the apology
5 is -- it's a little incomplete or something. It seems as if
6 the person's apologizing, at least to the Court, for the
7 whole situation. It's a little unclear as to what exactly
8 the apology is for. And maybe that's part of the State's
9 case.

10 Okay. So I don't think I need to rule on whether or not
11 it's even, like, an admission at this point. I think it's
12 admissible without that. So just to be clear. Okay?

13 All right. What else?

14 MS. FRIERSON: On that note, and it's -- I didn't
15 include it in my packet. It came to me last night.

16 Ms. Blazer and I have talked about this in reference to
17 those text messages. At one point she had shared that, you
18 know, this happened after DSS came and that there was -- I
19 guess her client had a belief that, I guess, law enforcement
20 was present and maybe these were precipitated or the result
21 of fear or some kind of response.

22 Since then we've talked and I've provided her on
23 November 13 of 2024 with an email letting her know that the
24 victim's mother actually insisted that law enforcement not go
25 because she didn't want the younger child to be scared. But

1 also that we researched the consolidated dispatch system.

2 And I have -- I do not believe that Ms. Blazer would
3 attempt to commit a fraud on the Court by eliciting that
4 information, but I would just like to make sure that the
5 defendant is aware that should he take the stand that he
6 cannot reference law enforcement's presence there because we
7 have in fact determined that there was no law enforcement
8 present.

9 THE COURT: There at the time that these texts were
10 exchanged?

11 MS. FRIERSON: At his house that night when the child
12 was picked up or while he was sending these messages such
13 that he was in some kind of panic or fear.

14 THE COURT: Okay. All right.

15 MS. BLAZER: And just to be clear, Mr. White has shared
16 with me, as I've shared with Ms. Frierson, that he did
17 believe there was law enforcement outside of the home, that
18 he never claimed that law enforcement came in the home. But
19 when I presented him with information to show him that
20 actually, no, that's not the case, he certainly accepted that
21 as the truth.

22 THE COURT: Okay. All right. Great.

23 Anything else before we bring the jury in?

24 MS. FRIERSON: The only other thing I had, your Honor,
25 is that -- just post-COVID, I have done this in all my

1 trials.

2 As you're well aware, as is everyone, we had COVID and
3 there's a backlog. This happened in 2020. But since then,
4 Ms. Blazer and I have worked hard to get this case on
5 dockets. There was a scheduling order back in 2023. It has
6 been on two dockets. One it wasn't reached; one there was a
7 continuance through no fault of either party. He has not
8 been incarcerated.

9 And so while the jury is obviously going to hear the
10 dates that it happened, the date of his arrest, and things
11 like that, that there's no reference of any undue delay or
12 this is -- you know, sometimes -- I started this after I had
13 some defense attorneys say they've been waiting for their day
14 in court for five years. I don't think that she would do
15 that. I mean, the jury can do math on their own. But just
16 that there was anything nefarious or uncalled for by the
17 State to create this delay.

18 THE COURT: Okay. Well, the State's not on trial, so
19 I'm not sure --

20 MS. BLAZER: Right. And I mean, I certainly would not
21 suggest that any -- that the fact that it's been almost five
22 years is creditable to the State. But it does not change the
23 fact that this person has been waiting for today.

24 THE COURT: Yeah. I don't have a problem with her
25 saying, "My client's been waiting for this day." I don't

1 think that necessarily, like, intimates some delay on behalf
2 of the State.

3 MS. BLAZER: And I certainly would not suggest
4 otherwise.

5 THE COURT: I think it's a pretty common thing to say.
6 So yeah, as long as we're not saying like, "Man, we tried and
7 tried. And just, finally, we're here." You know, I think
8 that's fine.

9 All right. Well, great.

10 Anything else?

11 MS. FRIERSON: Nothing from the State, your Honor.

12 THE COURT: All right. So, you know, we'll try to --
13 I'm kind of a 9:00 to 5:00 person typically. I really don't
14 like to go past 5:00 if at all possible. So if that --

15 MS. BLAZER: In that event --

16 THE COURT: -- affects anybody's plans --

17 MS. BLAZER: -- do you want to discuss now, Judge,
18 whether or not you're going to be taking Mr. White into
19 custody so that's not a scramble at the end of the day?

20 THE COURT: No one has moved as such, so I don't know.
21 Do you want him --

22 MS. FRIERSON: You know, your Honor, at -- and we have
23 discussed this. My default is always in these cases when
24 they're looking at such significant time -- I do recognize
25 that he does not have a record. However, the stakes are

1 high. He's looking at up to 45 years in prison if he is
2 convicted. And so the State would defer to your Honor's
3 decision on that.

4 THE COURT: Okay.

5 MS. BLAZER: And the last time that this was likely to
6 go to trial, I shared with Ms. Frierson a letter from Warren
7 Holliday, who is the bondsman in this case, who has expressed
8 a willingness to remain on the bond.

9 If I may approach?

10 THE COURT: Sure.

11 MS. BLAZER: And technically, Mr. Holliday could've
12 moved to come off of that bond a long time ago because of,
13 you know, the state law that says the bond expires at a
14 certain point. But he's certainly expressed a willingness to
15 remain on the bond.

16 And Mr. White turned himself in when these charges were
17 made known to him. He -- and the disclosure occurred on
18 October 27 of 2020, and he learned of it that day. He
19 retained me very shortly thereafter. And he was notified of
20 the pending arrest warrant in December of 2020, drove himself
21 to the jail to turn himself in, was granted bond, and has
22 been compliant.

23 I believe this is his third time coming for jury
24 selection.

25 THE COURT: Mm-hmm.

1 MS. FRIERSON: You know, we've been -- we've never been
2 at the top of the docket before. So we've, you know, been
3 here a good bit but not all the way to this point. So I
4 think he's certainly -- Ms. Frierson is right. The risks to
5 him should this trial not go the way he hopes it does are
6 very substantial.

7 THE COURT: Mm-hmm.

8 MS. BLAZER: But he's exhibited absolutely no indication
9 of flight and no violations of his conditions of bond. There
10 was a family court case that was a part of all of this.
11 There were contested issues with regard to custody of the son
12 that he and Ms. McCall adopted.

13 THE COURT: Mm-hmm.

14 MS. BLAZER: Never once has there been an indication
15 that he has violated any condition of his bond, including
16 inappropriate communications with the alleged victim in this
17 case or her mother.

18 And so for all of those reasons, I would ask you to
19 allow him to remain out of custody during the duration of the
20 trial.

21 THE COURT: Okay. Well, you know, there's obviously no
22 indication of danger to the community or flight risk, apart
23 from the allegations and then the potential sentence carried
24 if convicted. However, I -- I'm going to ask that he be
25 incarcerated during the course of trial.

1 You know, that's nothing personal, Mr. White. That's
2 just my policy, if you will, during the course of trials. I
3 find it protects not only witnesses and all those involved,
4 but yourself as well during the course of trial. We want to
5 make sure that your lawyer knows where to find you and can
6 get in touch with you and there's no issue about that either.

7 So respectfully, he'll be incarcerated during the course
8 of the trial. Okay?

9 Anything else before we bring the jury in?

10 MS. FRIERSON: Nothing from the State, your Honor.

11 THE COURT: All right.

12 MS. BLAZER: No, your Honor.

13 THE COURT: Okay. Well, let's bring them in. Thank
14 you, sir.

15 (The jury entered the courtroom at 3:03 p.m.)

16 THE BAILIFF: All jurors are present, your Honor.

17 THE COURT: All right. Thank you so much.

18 Everybody can come on in and be seated.

19 Okay. Welcome back this afternoon, ladies and
20 gentlemen. We are glad to have you here. I'm going to give
21 you a little opening charge on what to expect during the
22 course of this trial momentarily, but first I want to take
23 the opportunity to thank you for showing up today. Next to
24 military service, I think jury duty is one of the highest
25 honors you can do for your country and for your county,

1 obviously. So I really appreciate y'all showing up for that.
2 Okay? That's to be commended.

3 To my immediate left and to the right from your side is
4 the court reporter. She's the most important person in the
5 room at all times. Ms. Bickett is taking down every word
6 that is said during the course of this trial and creating a
7 record. And so we absolutely cannot start court without her.

8 Over here we have members of our clerk's office. Our
9 clerk of court is Julie Armstrong. She's your elected clerk
10 of court for Charleston County. Her staff ensures that
11 things are kept and filed and kept in an orderly fashion and
12 that the court runs smoothly -- as smoothly as possible. So
13 we've got her representatives in here with us today to make
14 sure that happens.

15 This courthouse is a public building, ladies and
16 gentlemen. You'll see folks coming in the gallery from time
17 to time. They come in to watch. Sometimes they're recent
18 law graduates who have to get a certain number of judicial
19 observations in before they're released in the wild to try
20 things on their own.

21 And so, you know, it's not unusual to see people come in
22 and out during the course of the trial. It's a public
23 building. You, yourself, can come in and watch court anytime
24 you wanted to if you felt like it. So don't pay any
25 attention to folks coming in and out. And please don't try

1 to associate where they sit with any meaning or anything like
2 that. It's just simply that they got to sit down somewhere.
3 Okay?

4 We've also got, of course, your bailiffs. You already
5 got to meet one or two of them. They are your ambassadors to
6 the Court, to me. If you need to get me a message, if you
7 have any concern that you need to bring to my attention,
8 they'll probably have you write it on a little note and
9 they'll pass it to me and we'll certainly try to get that
10 taken care of for you. Whatever you need -- excuses, work
11 excuses, anything like that, any logistical questions about
12 parking or anything -- they'll help you out. Okay?

13 And, you know, don't be afraid to ask questions. That's
14 what we're here for. Okay? We want this to be a good
15 experience for everybody. Okay?

16 All right. Of course you've met the attorneys and their
17 parties at the tables before you. The State sits closest to
18 the jury because they bear the burden of proof, and we'll
19 talk a little bit more about that here shortly. But that's
20 how we know where everybody sits in the courtroom.

21 Of course you've got some un-uniformed sheriff's office
22 deputies with us. They wear coats and ties in the courthouse
23 here, but they are sheriff's deputies. From time to time
24 you'll see them talking to each other on their microphones or
25 changing shifts. Don't be alarmed. That's their normal

1 course of business. They'll move in and out of the
2 courtroom. And of course, they're always here to keep the
3 peace and help us all out as we need them. Okay?

4 So with that, we will go ahead and begin. Before we
5 begin, I'm going to tell you this is going to be maybe a
6 little different than what some of you might expect. A lot
7 of you think from, you know, reading John Grisham novels or
8 watching "Law and Order" that trials are always full of
9 exciting circumstances.

10 And while that can be true at times, my job is to remind
11 you that this trial is not for your entertainment. Okay?
12 It's a fundamental part of our justice system to make sure
13 that justice is done between the parties. And to do that, we
14 pull folks off the street, just like you, to come in and
15 render a decision or a verdict based on the facts as you find
16 them during the course of the trial. Okay? So this is a
17 serious trial. It's a place of honor in this courtroom.
18 It's dedicated to the preservation of your rights.

19 And the attorneys that appear before you, they're
20 advocates for the parties that they represent, but they've
21 also taken an oath to be ethical in doing so. So you can
22 expect them to be professional, competent, and ethical in
23 their representation of their clients' interests.

24 In a moment you will also take an oath to try this case
25 as well, and we will expect you to be ethical and

1 professional in doing so.

2 What I'm going to say now is going to be intended as
3 sort of an introduction to the trial. These aren't a charge
4 on the law. That comes at the end of the trial. The law
5 that applies to this case will be read to you or told to you
6 by myself at the end of the trial. But what I'm going to
7 tell you now is just sort of an explanation of the procedure
8 that's going to follow during the course of this trial so you
9 kind of have an idea of what's going to happen.

10 You can take notes if you want during the course of the
11 trial. After we swear you in here momentarily, they'll pass
12 out some notebooks and pens. I'm happy for you to take notes
13 if you're a note-taker. If you're not, that's fine too. But
14 if you are going to take notes during the course of the
15 trial, make sure that it's not taking your attention too much
16 away from the witnesses on the witness stand. Okay? It's
17 going to be important for you to watch those witnesses and
18 determine whether or not you find them to be believable or
19 credible during the course of the trial.

20 Now, on this case, ladies and gentlemen, as stated to
21 you earlier today, this case is the State of South Carolina
22 versus Christopher Robert White. Mr. White is charged by
23 indictments to the charges of criminal sexual conduct with a
24 minor in the second degree and criminal sexual conduct with a
25 minor in the third degree. As I indicated earlier, these

1 indictments are not evidence in this case. They're just
2 pieces of paper through which charges are brought to court.
3 Okay?

4 The State, ladies and gentlemen -- and those are the
5 folks sitting at the table closest to you. The State bears
6 the burden of proof in this case, and that burden of proof is
7 beyond a reasonable doubt. They must prove each element of
8 these charges against the defendant beyond a reasonable
9 doubt. It will be your duty, ladies and gentlemen, to decide
10 whether the State has met that burden by the end of the
11 trial.

12 Now, your purpose as jurors will be to find and
13 determine the facts. You all are the sole judges of the
14 facts in this case. You will determine the facts from the
15 testimony you hear from that witness stand right there, any
16 documents or anything like that that are produced as evidence
17 during the case, and any inferences which you feel may be
18 properly drawn from the evidence.

19 On the other hand, the same law that makes you all the
20 judges of the facts makes me the judge of the law. The law
21 as I give to you at the end of the case is the only law you
22 may consider. You must accept it and follow it even if you
23 disagree with it. I cannot tell you what the facts are, and
24 you will not be able to disagree with me about what the law
25 is or what the law should be. Your job will be to take the

1 law as I give it to you, apply it to the facts as you find
2 them from the testimony of the witnesses and any other
3 evidence presented during the course of the trial, and render
4 a verdict under the solemn oath that you will take
5 momentarily.

6 Now, until I advise you to begin your deliberations, you
7 must not discuss this case with anyone, including each other
8 or your family members or friends at home. Okay? This is a
9 very serious charge which I am giving you, and we expect you
10 to fulfill it. And I will remind you at the end of each day
11 not to discuss it with anybody until the case is over and
12 your verdict has been rendered and published. Okay?

13 Now, this communication with people would include
14 obviously face to face, but also telephone, email, text
15 messages, social media, anything like that. Okay? Anything
16 of that sort would be inappropriate during the course of this
17 trial. Okay?

18 I don't anticipate this being a case that is followed by
19 our media. I have not gotten any media requests. But
20 nonetheless, I will tell you that if you were to come across
21 any media coverage of this case, of course your duty would be
22 to turn it off immediately and disregard that. Okay? All
23 right. So during the course of this trial, make sure you do
24 not watch any television articles, you don't read any news
25 articles about this case.

1 And really, ladies and gentlemen, in this age of
2 technology it can be tempting to use your cell phone or your
3 laptop to do your own independent research. I am cautioning
4 you at this time do not do that. Okay? That would also be
5 inappropriate conduct.

6 Please do not attempt to do any research on the people
7 who show up in court, the parties that are in court, any of
8 the issues that are brought up in court, and certainly any of
9 the legal issues that are brought up in court. Okay? Do not
10 do any independent research on your own whatsoever. All
11 right? All of the evidence which you will be allowed to
12 consider in rendering a verdict will be presented to you
13 right here in this courtroom. Okay? I want you to keep an
14 open mind.

15 And of course, don't discuss the case until all the
16 evidence has been presented, the parties have made their
17 closings, I've instructed you on the law, and you have been
18 told to begin your deliberations.

19 In just a moment the solicitor is going to make what's
20 called an opening statement in which the solicitor explains
21 to you the issues in the case, or at least what the solicitor
22 thinks the issues in the case are. After that, the attorney
23 for the defendant may also make an opening statement,
24 although she's not required to do so.

25 Now, I will tell you that what the attorneys tell you in

1 their openings and closings I'd like for you to pay attention
2 to, but understand that what they say is not evidence in the
3 case. Okay? The attorneys' remarks are not evidence in the
4 case.

5 Now, from time to time during the trial you're going to
6 hear these attorneys object to some bit of evidence the other
7 side is trying to get in. And that's just their way of
8 bringing something to my attention that I need to make a
9 ruling on. Okay? It's just like in sports and I'm sort of
10 like the umpire or the referee. All right? So when these
11 attorneys make objections, please don't hold it against them
12 or their clients. Okay? They're just doing their job and
13 they're giving me the signal that I need to make a call one
14 way or the other. Okay?

15 All right. In evaluating the evidence in the case,
16 you're going to be able to decide, as I stated earlier,
17 whether or not the testimony of the witnesses is believable.
18 It's going to be my responsibility to determine whether or
19 not they could even testify or what they could testify to.
20 But once that testimony is admitted, whether or not you
21 believe it is solely for you to determine.

22 In deciding whether to believe a witness, you can
23 consider many things. You might consider the interests of
24 that witness, the bias of the witness, the prejudice of the
25 witness, the opportunity for them to have seen the things

1 they testify about, and the way the witness acts on the
2 witness stand. You have a right to consider anything in the
3 record that will help you evaluate the testimony of the
4 witnesses. And that means it's your duty to pay close
5 attention to them, observe them, listen to them.

6 Please pay close attention to the attorneys and to the
7 Court. After the arguments of counsel at the end of the
8 trial and the charge of the law by the Court, you will be in
9 a position to determine what the facts are, to apply the law
10 to those facts, and to render a verdict.

11 By the end of the trial I will have appointed a
12 foreperson, and that foreperson won't have any greater weight
13 of a vote than anybody else. It's simply going to mean that
14 person will sign the verdict form. Okay? But we'll talk
15 about that a little bit more at the end.

16 In order to preserve everyone's rights, I'm going to
17 give the parties an opportunity to object to anything I have
18 said.

19 Are there any exceptions or objections to the opening
20 charge from the Court from the State?

21 MS. FRIERSON: None from the State, your Honor.

22 THE COURT: Any from the defense?

23 MS. BLAZER: No, your Honor.

24 THE COURT: All right. Thank you very much.

25 We will now begin.

1 All right. Now, y'all got your notebooks and a writing
2 utensil if you'd like one?

3 Okay. Excellent.

4 Who will be opening for the State?

5 Ms. Roberts, happy to hear from you.

6 Oh, wait a minute. I've got to swear them in. Sorry,
7 Ms. Roberts. I jumped the gun on that. That's my fault.

8 Ladies and gentlemen, the clerk of court will swear you
9 in now, as I referenced earlier.

10 CLERK OF COURT: Ladies and gentlemen, if you'd stand
11 and raise your right hand.

12 (The jury was sworn to try the issues.)

13 CLERK OF COURT: If you have accepted this oath, please
14 take a seat. If you have not, please remain standing.

15 Let the record reflect all jurors have been seated.

16 THE COURT: All right. Thank you so much.

17 Sorry about that, ladies and gentlemen.

18 Now, Ms. Roberts, happy to hear from you.

19 MS. ROBERTS: May it please the Court.

20 Ladies and gentlemen of the jury, this case is about a
21 horrific betrayal of trust and about a father's inability to
22 protect his own child. We are here today because from
23 September of 2019 to October of 2020, this defendant
24 committed sexual acts on a child, on someone he called his
25 daughter.

1 Specifically, he would stay up late with the victim and
2 they would watch movies. And often these movies contained
3 sex scenes. And when those sex scenes would come on, he
4 would stick his hand in her shirt and he would rub her
5 breasts. He would stick his hand in her pants. He would rub
6 her thighs and her butt. He would rub her vagina, and he
7 would even stick his fingers inside of her vagina.

8 Now, you're going to hear from several witnesses today,
9 including the victim herself. She's going to tell you how
10 she's known the defendant since she was a very young girl.
11 She's going to tell you how the defendant and her mom got
12 married when she was in middle school. And although she is
13 -- although he's not her biological father, he's the only
14 father she's ever known. So she considered him to be her
15 dad. And even after her mom and the defendant got divorced,
16 she would still go to his house every other weekend because
17 she wanted to spend time with him and because she loved him.

18 And everything was fine until it wasn't. The house that
19 she grew up in became a house of horrors. And she's going to
20 account for you the horror that she had to endure for over a
21 year.

22 You're also going to hear from Sam G [REDACTED], who was one
23 of her friends from middle school. And he was the first
24 person that she felt that she could tell.

25 You're going to hear from the school resource officer,

1 Paula Wilson, who was there on October 27, the day that she
2 first disclosed what happened to her to adults.

3 You're going to hear from her mother, Isabelle. She's
4 going to tell you about the day that changed her life, the
5 day that she found out that her ex-husband had been sexually
6 assaulting her daughter. She's going to recount for you how
7 she confronted him that day via text and he all but admitted
8 to what he did. He even said, "I'm not going to call
9 MINOR a liar."

10 You're going to hear from other witnesses about the case
11 also, like the examiner that conducted a physical exam of
12 MINOR and the interviewer that gave her an interview. And
13 you'll also hear from the detective that investigated this
14 case.

15 Now, I don't want to go too much into the law because,
16 as the judge said, she's going to go over the law with you in
17 full detail at the end of the trial. But I just want to
18 quickly give you an idea of what you need to be on the
19 lookout for as far as elements.

20 The defendant is charged with two separate crimes:
21 criminal sexual conduct with a minor in the second degree and
22 criminal sexual conduct with a minor in the third degree.

23 Criminal sexual conduct with a minor in the second
24 degree requires that he commit a sexual battery. When the
25 defendant stuck his fingers inside of his stepdaughter, he

1 committed a sexual battery.

2 Criminal sexual conduct in the third degree requires
3 that he commits lewd acts. And when the defendant was
4 groping her breasts and her butt and rubbing her thighs while
5 sex scenes played in the background, he was committing lewd
6 acts.

7 Now, as the judge said, we have to prove this beyond a
8 reasonable doubt. And that doesn't mean beyond every single
9 doubt or beyond all doubt. It just means that at the end of
10 this trial, you have to be firmly convinced that he committed
11 these crimes. And once all the evidence is presented, you
12 will be firmly convinced that he is guilty and you must find
13 the defendant guilty of criminal sexual conduct with a minor
14 in the second degree and in the third degree.

15 Thank you.

16 MS. BLAZER: May it please the Court.

17 THE COURT: Ms. Blazer, happy to hear from you.

18 MS. BLAZER: Loneliness. Frustration. Isolation.
19 Rejection. These are all common emotions experienced by the
20 average middle school girl. Layer in the global pandemic, a
21 new school, parents divorcing, and more you'll hear about,
22 and it's a recipe for confusion.

23 On October 27, 2020, Christopher White was getting his
24 son **BROTHER** ready for bed. **BROTHER** mom, Isabelle, and Chris
25 adopted him from Puerto Rico when he was very young, and he

1 had had some physical and emotional challenges that arose out
2 of having been neglected in the foster home he was in in
3 Puerto Rico.

4 A few weeks before October 27, although they had been
5 fighting quite a lot about money as part of their pending
6 divorce, Chris and Isabelle had agreed on at least one thing.
7 And that was that it made sense for Chris to have primary
8 physical custody of [BROTHER] because Chris and [BROTHER] were very
9 deeply bonded and Chris was just more comfortable handling
10 [BROTHER]'s behavioral and health issues.

11 In the time since their separation, [BROTHER]'s sister
12 [MINOR] -- Chris's stepdaughter -- had continued to have
13 visitation on and off with Chris even though he was only her
14 stepdad. They butted heads from time to time the way parents
15 and teenagers do. But Chris thought of her as his own,
16 having known her since she was a little girl. And so she
17 continued, as the State told you, to spend every other
18 weekend with him at the home in Awendaw that she and her
19 brother had lived in for years prior to her parents' breakup,
20 the house that had chickens and pigs out back and neighbors
21 whose horses they could ride.

22 So on October 27, when there was a knock at the door
23 after dark, Chris really had no idea what was coming next.
24 His life had already forever changed that day; he just didn't
25 know it. The woman at the door was from the Department of

1 Social Services. She was there to take [BROTHER] away from
2 Chris.

3 The woman -- Chris never even processed what her name
4 was -- came into the house, told him why she was there. It
5 boiled down to this: As far as DSS was concerned, a few
6 hours after [MINOR] had made her claims to her guidance
7 counselor, Chris was a child abuser and he had sexually
8 abused his stepdaughter [MINOR]. There was no discussion,
9 no opportunity to really ask questions, no interest in what
10 Chris might have to say.

11 He tried to keep [BROTHER] from being afraid. He didn't
12 fight or argue. He was in shock. He watched this woman
13 whose name he couldn't even remember take his son out of his
14 home and feared he might never see him again.

15 A little while later, Isabelle began texting him. Chris
16 is still unaware of the magnitude of what [MINOR] had said.
17 He didn't know the content of what she had told her guidance
18 counselor, her mother, and SRO Wilson and all these other
19 people that she had told this story to that day. He was
20 still in shock, so he responded as best he could, but he was
21 just in a fog.

22 And the State is going to try to convince you that his
23 texts that night, after his son was taken out of his home,
24 are some sort of apology, a sort of confession. And you
25 might hear from Isabelle how she interpreted them. But you

1 are also going to get to hear from Christopher White. He's
2 kind of a quiet, introverted guy, but he can tell you himself
3 what was going through his head when he sent those texts.

4 In the days and weeks that followed October 27, Chris
5 learned the details of MINOR's accusations, accusations
6 you heard the State refer to in clinical detail: digital
7 penetration, fondling her breasts. And the accusations
8 became more and more detailed and shocking as time went on.
9 And he waited. He waited for word of what the police would
10 do. He felt frozen.

11 When he was told that there was a warrant for his
12 arrest, he drove himself to the jail and turned himself in.
13 And then he waited some more. He waited nearly five years
14 for this day to come, for the chance to defend himself before
15 all of you from these accusations, for hope of any end to
16 this nightmare. He goes to work. He comes home. BROTHER is
17 not there.

18 He's tried to go back to a normal life, but nothing will
19 ever be the same for Christopher White. Nothing will ever be
20 the same for MINOR. Nothing will ever be
21 the same for BROTHER. Their lives all changed forever
22 on October 27, 2020, when MINOR told her guidance
23 counselor that Chris had been sexually abusing her.

24 The State gave you a list of some of the witnesses that
25 they're going to bring in front of you, with one exception.

1 They're all here because the State hopes that they might
2 convince you to trust [MINOR]'s accusations. But there are
3 only two people who will be in this room who know the truth:
4 [MINOR] and Chris. You'll hear from them both, and you can
5 decide who to believe.

6 Prosecutors who specialize in criminal sexual conduct
7 cases will tell you that sexual abuse of children is an
8 insidious crime because sexual abusers often leave no
9 physical evidence behind. And that is true. But it's also
10 what makes it so easy to falsely accuse someone. It's really
11 hard to prove a negative. There's no physical evidence here.
12 And the State's witnesses are going to turn themselves into
13 pretzels to try to convince you that that is somehow proof
14 that it did happen. But it's not, because it didn't.

15 The way criminal prosecutions work in this country is
16 that the State alone bears the burden of proving to you
17 beyond a reasonable doubt that this terrible thing happened.
18 And it sounds like a pretty heavy burden.

19 The State starts with a couple of advantages. They get
20 to go first, and they've already sort of teed up for you
21 [MINOR]'s story. And their witnesses will spend the next
22 couple of days trying to reinforce that very first
23 impression. And when the evidence is finished being
24 presented to you and the trial is over, they will be the last
25 people to talk to you.

1 You don't know MINOR and you don't know Chris. And
2 you would not be a terrible person if your first instinct was
3 to believe a child. You would not be a terrible person if
4 you're already sitting in the jury box asking yourself why on
5 earth a child would lie about something so terrible as sexual
6 abuse, if you're asking how on earth do people defend those
7 people. You saw how many people in the jury pool simply did
8 not think they could be fair because of the nature of the
9 case before us today, because this is a sexual abuse case.
10 But we chose you as jurors because we trust that you can set
11 aside those instincts and be fair judges of the facts.

12 Because here is what it actually means to be presumed
13 innocent, what it means to require the State to meet its
14 burden of beyond a reasonable doubt. It means that each of
15 you has to sit here for the next few days and treat Chris
16 White just like you might a neighbor or a friend. You have
17 to scrutinize MINOR's story with the same skepticism you
18 would have if someone came to you today and told you that
19 someone you know had done such a terrible thing.

20 You would be in disbelief. You would go into logical
21 overdrive. You would have a hundred questions. You'd
22 inspect the accuser's memory or her ability to be influenced
23 or what might motivate her to lie. You'd ask whether her
24 mother played a role in all of this. And you would not
25 accept an accusation as true until it was proven to you

1 beyond a reasonable doubt.

2 And that's the promise of our country's constitution
3 because our founding fathers understood how important it was
4 to protect each of us as citizens from the awesome power of
5 the government. They knew how dangerous it could be. The
6 State could just make accusations and haul people away
7 without scrutiny. They knew how dangerous it would be if
8 citizens could weaponize the power of the State to settle
9 their private scores.

10 So here's something I think we can all agree with
11 without fail. Something terrible was going on in MINOR
12 's life. And we don't know what. And I don't
13 just mean being an eighth-grader in the middle of a COVID-19
14 pandemic who was in public school for the first time in her
15 life, though all that's pretty terrible. I don't just mean
16 going through her mom and her stepdad's divorce or trying to
17 understand why BROTHER got to spend more time with Chris than
18 she did.

19 Whatever else was going on with MINOR at the time, we
20 know this much is true: If Chris did what she said he did,
21 then that was terrible; but if she made it up, that's pretty
22 terrible too.

23 There are lots of reasons that kids lie, whether it's
24 attention seeking or manipulating their parents or
25 distracting from their own bad behavior. You don't have to

1 know what her motivation is. You just have to decide after
2 you've heard all the evidence whether you can believe her or
3 Chris. So I want you to listen now especially to things
4 about [REDACTED] MINOR 's story that don't ring true to you. And when
5 you hear those things, don't be tempted to ignore them or
6 explain them away just because you don't want to believe that
7 a child could lie.

8 For the next few days I'm asking you to treat Chris like
9 you would someone you know, to scrutinize the State's
10 witnesses the way you would if they were accusing your
11 neighbor or your friend. Because that is the only way that
12 the constitution's promises about presumption of innocence
13 and the burden of proof have any real meaning.

14 I thank you for your service here this week and for the
15 attention I know you're going to give to all of the evidence
16 in the case and for the care with which you're going to
17 handle your duties.

18 At the end of trial, after you've heard from all the
19 witnesses, I'm going to get to come back and talk to you one
20 more time. And at that time I'm going to ask you to return
21 the only fair verdict in this case. And while the State will
22 get to go last -- first and last in this trial, actually you,
23 the jury, will get the last word. So when you get to have
24 that last word, I will ask the 12 of you to speak with one
25 voice and to return a verdict of not guilty for Christopher

1 White.

2 THE COURT: All right. The State may call your first
3 witness.

4 MS. FRIERSON: Thank you, your Honor.

5 The State calls MINOR .

6 THE COURT: And, ladies and gentlemen, while the witness
7 is coming in, I didn't specifically say this earlier, but if
8 at any time anybody needs to go to the bathroom or needs a
9 break for any reason, just throw your hand up. Or if you're
10 shy you can pass a note down to the bailiff. They'll get
11 word to me, and we'll take a break. Okay? As I stated, we
12 take a lot of breaks, but just in case you need one, don't be
13 shy in letting us know. All right?

14 CLERK OF COURT: If you can raise your right hand and
15 place your left hand on the Bible.

16 (Witness sworn.)

17 CLERK OF COURT: Okay. Please be seated.

18 State your full name and spell your last name loudly for
19 the court reporter.

20 THE WITNESS: MINOR

21 .

22 THE COURT: You may proceed.

23 MS. FRIERSON: Thank you, your Honor. May it please the
24 Court.

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MINOR

called as a witness on behalf of the State, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. FRIERSON:

Q. Good afternoon, MINOR .

Could you please tell the jury how old you are now.

A. I'm 18 years old.

Q. And where do you live?

A. I live in Awendaw.

Q. Now, it's summertime. You're 18. Are you headed to college this fall?

A. Yes.

Q. And where is that?

A. In Florida.

Q. What are you planing to study?

A. Marine biology.

Q. I'm sorry?

A. Marine biology.

Q. And tell the jury a little bit about what you've done this summer. Have you been working?

A. I went on a mission trip to Kenya. I went to a summer camp. I traveled. I worked. That's about it.

Q. And you said you live in Awendaw?

A. Yes.

1 Q. And is that where you grew up primarily?

2 A. On and off.

3 Q. Okay. Where in Awendaw did you grow up initially?

4 A. I grew up off of THE RESIDENCE .

5 Q. And who did you live with?

6 A. I lived with my mom, Chris, and my little brother.

7 Q. And when you say "Chris" are you referring to the
8 defendant?

9 A. Yes.

10 Q. Do you see him here in the courtroom today?

11 A. Yes.

12 Q. If you could, please point to him and tell the jury what
13 he's wearing.

14 A. He's wearing a suit and a tie.

15 Q. Thank you.

16 MS. FRIERSON: Your Honor, at this time I'd like to
17 acknowledge that the victim identified the defendant.

18 THE COURT: Okay. All right.

19 BY MS. FRIERSON:

20 Q. Now, do you know approximately when you lived there over
21 on RESIDENCE

22 A. I think I was -- I was, like, I think from, like, 10
23 to -- I was around 10. Like, 8 to maybe 11.

24 Q. And you said you lived there with a sibling as well?

25 A. Yeah. My little brother.

1 Q. Okay. And what's his name?

2 A. **BROTHER**.

3 Q. How would you describe your relationship with your mom
4 growing up?

5 A. We've always been super, super close.

6 Q. Did you always get along?

7 A. Just normal mother-daughter, I guess, fights and stuff
8 like that.

9 Q. Would you describe her as strict?

10 A. She was, yeah. But, like, not like a normal mom was.

11 Q. And when you say that, what would be your definition or
12 how would you explain what she was strict about?

13 A. I wasn't allowed to text boys until I was, like, 14. I
14 always -- she always had to know parents whenever I would go
15 to sleepovers and stuff like that. I never really had a
16 whole lot of sleepovers. She was always just very careful
17 about who I hung out with and who I was around and what I was
18 doing and stuff like that.

19 Q. And how would you describe the relationship with the
20 defendant, your stepfather, growing up?

21 A. We had a good relationship.

22 Q. What kind of things did you guys do together?

23 A. We played board games, watched movies. We traveled as a
24 family and stuff like that. Yeah.

25 Q. And what did you call him?

1 A. I called him "Daddy."

2 Q. Now, I'd like to go back to the beginning of 2019. How
3 old were you?

4 A. In 2019 I was -- oh, my gosh -- 12.

5 Q. And at that point were you living on THE RESIDENCE?

6 A. Yes. Well, I was -- on and off I was because my parents
7 were separated.

8 MS. FRIERSON: Permission to approach the witness?

9 THE COURT: Sure. Uh-huh.

10 BY MS. FRIERSON:

11 Q. MINOR, at this time I'd like to show you what's been
12 premarked as State's Exhibits 1 and 2. Can you look at these
13 and tell me if you know what they are.

14 A. That's my house.

15 Q. And what's the address? Do you know?

16 A. I just know it was off of THE RESIDENCE.

17 Q. And is this where you lived with the defendant and your
18 mom and BROTHER?

19 A. Yes.

20 Q. Are these an accurate depiction of the house that you
21 recall living in?

22 A. Yes.

23 MS. FRIERSON: Your Honor, at this time the State would
24 seek to enter State's Exhibit 1 and 2 and publish to the
25 jury.

1 THE COURT: Any objection to 1 and 2?

2 MS. BLAZER: No objection.

3 THE COURT: Without objection, they will be admitted.

4 (State's Exhibit Numbers 1 and 2 admitted into
5 evidence.)

6 (Exhibit displayed on screen in open court.)

7 BY MS. FRIERSON:

8 Q. So is this the driveway kind of coming up?

9 A. Yes.

10 Q. Okay. And that's where you were living with your mom
11 and **BROTHER** and the defendant?

12 A. Yes.

13 Q. And is this -- State's Exhibit 2 -- the same house?

14 A. Yes.

15 Q. Just a closer-up picture?

16 A. Yes.

17 Q. At some point did your mom and the defendant separate?

18 A. Yes.

19 Q. And who continued to live in the house on **THE RESIDENCE**?

20 A. Chris did.

21 Q. And do you recall around what time of year that was in
22 2019?

23 A. Like, what month?

24 Q. (Indicated.)

25 A. I believe it was around September.

1 Q. And as a result of their separation, did your mom have
2 you start seeing a therapist?

3 A. Yes.

4 Q. And was her name Danielle Austin?

5 A. Yes.

6 Q. And based on -- I don't know if you remember exactly
7 when you started seeing her, but is it fair to say it was
8 sometime around the beginning of the pandemic?

9 A. I believe so, yes.

10 Q. Okay. So were -- most of your appointments, were they
11 in person or telehealth?

12 A. Telehealth, I believe.

13 Q. And did your mom attend any of those telehealth
14 appointments with you?

15 A. Yes.

16 Q. During that time did you ever make any disclosures of
17 anything to Ms. Austin?

18 A. No.

19 Q. And would you say you were able to connect with
20 Ms. Austin during those few telehealth visits?

21 A. I honestly don't remember many of our visits, so I
22 honestly can't say whether or not I did. I feel like I
23 probably didn't if I don't really remember a whole lot of our
24 sessions.

25 Q. Now, going back to their separation, what was the

1 arrangement as far as visiting with the defendant?

2 A. I was with my mom most of the time. I saw -- I only
3 went to Chris's house I believe it was every other weekend.

4 Q. And did he have the same rules as your mom?

5 A. No.

6 Q. Tell me -- tell the jury a little bit about what was
7 different when you would go visit him.

8 A. I mean, the only really difference was I was allowed to
9 stay up later, which is not crazy. But, like, he allowed me
10 to see a lot of movies that my mom would have never let me
11 watch, and he always told me to not tell my mom that I was
12 watching those movies.

13 Q. Do you need a tissue?

14 A. I don't, but thank you.

15 Q. Can you tell the jury a little bit about what these
16 movies were.

17 A. They weren't, like, bad movies. Just as a -- obviously
18 my mom was strict when it came to certain things. And they
19 would just, like, have, like, sexual innuendo or, like, sex
20 scenes in them. And my mom was always, like, I absolutely
21 could not watch those things. And he did let me watch those
22 things and then would tell me not to tell my mom that we were
23 watching those.

24 Q. Did he have any different rules or discipline for you
25 versus BROTHER

1 A. He was more lenient on me than he was BROTHER. But also
2 BROTHER and I are very different people.

3 Q. And when you say he was "more lenient," like, give us an
4 example.

5 A. Well, I guess when I did something bad, sometimes I
6 would get a second chance versus if my brother did something
7 bad, it was, like, immediately, like, "You're in trouble."

8 Q. And would being bad -- like being disrespectful or
9 like -- kind of where on the scale of bad are you talking
10 about?

11 A. Like being disrespectful, talking back, just not
12 listening.

13 Q. And I believe you said this was around you're 12 years
14 old at this time?

15 A. Yes.

16 Q. MINOR, did anything ever happen at that house on
17 THE RESIDENCE with the defendant that made you uncomfortable?

18 A. Yes.

19 Q. Did anything ever happen in the bathroom that made you
20 uncomfortable?

21 A. Yes.

22 Q. Can you please tell the jury what you're referring to.

23 A. There was one time I was taking a shower, and him and my
24 brother were playing. He had taught my brother how to pick
25 locks with, like, butter knives. And they were just messing

1 around, and they would come and I would like -- once I had,
2 like -- they would, like, unlock the door but they wouldn't
3 open it. They would just unlock it and I would relock it,
4 and then they would unlock it again. And they would just,
5 like, run around. You could hear him giggling.

6 But then once I got out of the shower, he came without
7 my brother, unlocked the door and then opened it, stuck his
8 head in to look at me, and then I yelled at him to close the
9 door.

10 Q. And did that happen one time or more than one time?

11 A. Just once.

12 Q. Did anything else ever happen at **THE RESIENCE** that made you
13 uncomfortable?

14 A. Yes.

15 Q. Did it happen one time or more than one time?

16 A. More than one time.

17 Q. Do you recall one of the times it happened?

18 A. Yes.

19 Q. Can you tell us a little bit about what you recall.

20 A. We were watching a movie, and I don't remember what
21 movie it was. But he -- I was sitting on the couch. Our
22 couch is kind of like an L shape, and he was on this part and
23 I was sitting next to him. And my brother had already gone
24 to bed. And it was, like, a little past 7:00 when we sat
25 down to watch a movie. And he got up to get Twizzlers from

1 the cabinet and came and sat back down. And he started
2 putting his hands under my clothes and touching my breasts
3 and under my pants and stuff like that and -- yeah.

4 Q. Now, our -- my job is -- does not allow me to guess.
5 And so while I understand some of these question are hard --
6 and if you need a minute, please just let me know.

7 A. Okay.

8 Q. You said that **BROTHER** was asleep at this time?

9 A. Yes.

10 Q. And you remember him going to get a snack?

11 A. Yes.

12 Q. And who -- where exactly were you? Were you in -- you
13 said the couch?

14 A. In the living room.

15 Q. Did he say anything during this?

16 A. No.

17 Q. And what did he do with his hands?

18 A. He would just, like, touch my breasts. And then he put
19 his hands under my clothes and would -- started touching my
20 vagina and, like -- with his fingers and -- yeah.

21 Q. And did his fingers -- were they on the outside of your
22 vagina or on the inside of your vagina?

23 A. Both.

24 Q. And you mentioned your breasts. And again, we'll just
25 kind of go down the body.

1 Did he touch your breasts with his hand?

2 A. Yes.

3 Q. And did he touch your breasts over or under your
4 clothing?

5 A. Under.

6 Q. And did that happen one time or more than one time?

7 A. More than one time.

8 Q. Did -- you mentioned he would touch your vagina. And
9 did that happen one time or more than one time?

10 A. More than one time.

11 Q. Did he ever touch your buttocks?

12 A. Yes, but that was, like -- it was -- actually, I don't
13 know if I can talk about that one.

14 Q. And do you -- did he ever touch somewhere else on your
15 body that made you uncomfortable?

16 A. It was mainly just those two areas.

17 Q. And what -- do you know what made him stop on the
18 different occasions? Was there anything that was said or
19 done?

20 A. No. He would just stop on his own.

21 Q. Would he say anything?

22 A. No.

23 Q. [REDACTED], can you share maybe some of the thoughts that
24 are going through your head while this is happening.

25 A. I was confused, but -- and scared, but I didn't say

1 anything because it just felt weird and I didn't know how to
2 bring it up. And I feel like deep down I knew it was not
3 right, but I, like, told myself and, like, brainwashed myself
4 into thinking that, like, because he was my dad he wouldn't,
5 like, do something that would hurt me like that. And so I
6 convinced myself that, like -- I basically brainwashed myself
7 into thinking that it wasn't, like, a bad thing and that even
8 if it's not normal, it wasn't, like, a bad thing.

9 Q. And you mentioned that this happened more than one time.
10 Are there -- is there another instance that you remember?

11 A. There was one time I -- there was a storm and I got
12 scared. And so I went -- because I did this a lot of times
13 with my mom. And so -- and I still had a good relationship
14 with him. So I went and I got in bed with him to sleep
15 because I was scared.

16 And as I was, like, sleeping, I could feel him, like,
17 trying to put his hands under my underwear, and I would kind
18 of pull away. And then he just started touching me on my
19 vagina. And I was -- like, I was trying to sleep. And I
20 don't really remember what happened after that, if I got up
21 or not. I don't think I did. I think he just stopped.

22 But --

23 Q. You kind of referenced this earlier. You said you were
24 12, and you said -- and please correct me if I misunderstood.
25 But I believe your testimony was you didn't quite realize

1 that you were being -- that this was wrong.

2 A. Yes.

3 Q. Were you, as a family, pretty religious?

4 A. Yes.

5 Q. And prior to the first time it happened, had you
6 attended, like, a purity camp with your mom?

7 A. We did, like, these little activities that -- she took
8 me on a mother-daughter trip, and we did these little
9 activities. I think it was called, like, "Pathway to Purity"
10 or something like that. And that's basically -- I think I
11 was 11 or 12 when we did these. I think I was 11.

12 And that's where -- this was before I went to middle
13 school. And that's where I learned what, like, sex and that
14 kind of stuff was. But it didn't specify, like, what --
15 like, other things like oral sex or, like, sex with your
16 hands and stuff like that. It didn't specify that.

17 But, yes, I did do that.

18 Q. And when you returned from that purity path camp that
19 you were talking about, did the defendant give you anything?

20 A. He gave me a ring to resemble, like, to keep my purity
21 until I was married.

22 Q. And so you don't -- if I understand correctly, you don't
23 recognize that this is wrong based on what you knew at that
24 time?

25 A. (Indicated.)

1 Q. And if you don't understand what's going on, did it at
2 all make you curious?

3 A. It did.

4 Q. And is there anything that you did as a result of that
5 curiosity?

6 A. I started searching things on the internet.

7 And it wasn't just that. It was also in middle school
8 people would make sexual jokes and stuff like that. And I
9 became very curious as to what all those things were. And so
10 I began looking up what sex was and, like, what oral sex was.

11 And I didn't really find anything because, like I said,
12 my mom was very strict and so she had my phone on a lockdown.
13 And I never was able to find anything. But her phone was
14 connected to mine, and so she saw the search results. And I
15 didn't necessarily get in trouble, but she did talk with me
16 about it because she wanted me to understand what those
17 things were and why they were -- like, "Okay. If you're
18 going to be, like, looking it up" and stuff like that.

19 Q. And so, you know, at this point the sexual abuse has
20 been going on. You've looked it up. Your mom's had the
21 talk.

22 I think the question is: What holds you back from
23 telling your mom during that discussion or some other time?

24 A. Well, 1, I didn't think it was wrong. And, 2, I
25 honestly feel like I had this pit in my stomach that I knew

1 something bad would happen if I spoke up about it. And I
2 felt like my family was already kind of falling apart with
3 the separation, and I didn't really want to do anything that
4 would, like, compromise that even more.

5 And, yeah, I just -- I think I just was scared. And
6 also, I just -- I didn't think it was wrong. It's honestly
7 hard to explain. I just, like, genuinely, like, had
8 brainwashed myself into thinking that it wasn't a bad thing.
9 And I just kept it myself because I was also embarrassed
10 because I felt like it was -- like, in the back of my mind I
11 knew it was bad, but I just convinced myself it wasn't.

12 Q. Were you worried about how your mom would respond?

13 A. Yes.

14 Q. And what are you -- when you say you were worried, like,
15 what do you mean? What were you worried about?

16 A. I guess I was worried she would -- I knew she would get
17 upset if I mentioned something like that and that I don't --
18 I don't even know. I guess I was worried about hurting her
19 with that and her getting mad at him and then a huge fight
20 breaking out and just creating all that tension in our
21 family, because there was already a lot of tension there.

22 Q. Did you ever tell your mom that you didn't want to go
23 over to the defendant's house?

24 A. Yes.

25 Q. And -- but did you tell her why you didn't want to go

1 over?

2 A. No.

3 Q. And how did she respond to that?

4 A. She didn't even question it. She just told me I didn't
5 have to go.

6 Q. Now, at any point, MINOR, did you tell a friend?

7 A. Yes.

8 Q. And who was that?

9 A. Sam G. .

10 Q. And tell the jury a little bit about, like, what you
11 told him.

12 A. I didn't tell him very much. I basically was looking
13 for someone to almost, like, explain to me if I was crazy for
14 thinking this could be a bad thing or, like, explain to me
15 what it was. And I basically just texted him and, like, told
16 him my dad's touching me very weirdly, like -- and I almost
17 said it jokingly because I genuinely didn't think it was a
18 bad thing. I was just looking for some, like -- not
19 reassurance but, like, someone to tell me if, like, this was
20 bad or not.

21 And, you know, I just told him, like, "Yeah, my dad's
22 touching me in this really weird way. It makes me
23 uncomfortable." And he immediately was like, "Yeah, that's
24 bad. You need to tell somebody."

25 Q. Okay. Did you ask him to tell someone?

1 A. No.

2 Q. So if I understand correctly, you tell Sam first but
3 tell him not to tell.

4 Did you ever eventually tell someone else?

5 A. I told my guidance counselor.

6 Q. And who was that?

7 A. Her name was Julia, I think. I don't remember what her
8 last name was right now.

9 Q. Tell the jury a little bit about how it came up to tell
10 Julia.

11 A. We were at recess. When I was at school, we were at
12 recess and it was right after lunch. And I got in a fight
13 with my friends. I don't remember exactly what it was about.
14 I think it was something stupid like a boy or something. But
15 I was mad and I kind of stormed off and was just crying. And
16 she saw me crying, and she came up to me and she's like, "Do
17 you want to come in my office and talk?" And at first I was
18 going to say no, but then I was like, "Yes."

19 I went up and I talked with her about the boy stuff and
20 whatever else it was that I was upset about. And then at the
21 end of our conversation, she asked me -- she said, "Is there
22 anything else that you want to tell me?" And I was going to
23 say no. I wasn't planning on saying anything. But I just --
24 I said yes and I ended up telling her everything.

25 And when I told her, I was like -- I didn't expect,

1 like, for her to, like, end up calling, like, Officer Wilson
2 to come talk to me. I didn't expect any of that, and it
3 scared me. But at the same time I was, like, relieved that I
4 had told them that.

5 Q. And you said you weren't planning on telling her that
6 day?

7 A. No.

8 Q. Was there anything at school that prompted you to share
9 that with her?

10 A. We learned about Erin's Law, which is like -- we
11 basically watched a video that talked about a girl who was
12 sexually abused by her friend's uncle at her first sleepover.
13 And she talked about how she was sexually abused twice. The
14 first time was with her best friend's uncle at her very first
15 sleepover, and the second time I believe was from her cousin.
16 And then after we heard, like, her testimony, she -- and
17 she's the one that, like, started looking for ways to make a
18 law for that.

19 And then we started watching these videos about, like,
20 what could be abuse that doesn't look like abuse. And there
21 was one that was a video about this girl, and she was on the
22 soccer team and it was with her coach. And her coach was
23 always very sweet to her compared to all of the other girls.

24 But the last time it happened she -- he gave her a pair
25 of sneakers and he told her "Don't tell your mom. Don't tell

1 your mom I gave you these sneakers." And he would always
2 tell her, like, whenever he was nice to her and stuff, you
3 know, "Just don't tell your mom." And when he gave her the
4 sneakers and she got in the car, she told her mom. And her
5 mom realized it was really strange.

6 And that was, I think, the end of the video.

7 Q. And so watching that, coupled with meeting with the
8 guidance counselor, brought it all up?

9 A. Yes.

10 Q. Now, after that, you mentioned something about the SRO.
11 Is that the school resource officer?

12 A. Um --

13 Q. Wilson?

14 A. Oh, yes. She was the school police officer.

15 Q. And so did she get involved?

16 A. She did.

17 Q. And was that when there was a police report that was
18 made?

19 A. I believe so, yeah.

20 Q. And after that did you go to a child advocacy center for
21 an interview?

22 A. Yes. I went to Dee Norton.

23 Q. And did these sexual assaults change you, MINOR?

24 A. Yeah.

25 Q. Can you tell the jury a little bit about that.

1 A. After that -- I had already kind of struggled with
2 depression and anxiety, but it made it a lot worse with
3 everything going on.

4 So once I opened up, a lot of things started happening.
5 Like, I'd be constantly visited by these people that worked
6 -- like, I don't necessarily -- I think they worked with Dee
7 Norton. And they would come, I believe, once a month, and
8 they would come and talk to us.

9 And I started seeing a trauma therapist. I just
10 struggled a lot with my self-worth and seeing myself the way,
11 like, my family sees me. And I struggled with a lot of
12 anxiety and just trusting people, especially men, after that.
13 And -- yeah, I just -- I struggled a lot mentally afterwards.

14 MS. FRIERSON: The Court's indulgence.

15 (Pause in proceedings.)

16 MS. FRIERSON: MINOR, I have no further question at
17 this time. Please answer any that Ms. Blazer has.

18 MS. BLAZER: May it please the Court.

19 THE COURT: Yes.

20 CROSS-EXAMINATION

21 BY MS. BLAZER:

22 Q. Hi, MINOR. My name is Cameron.

23 You've had to talk about this case a lot. It's been
24 five years?

25 A. (Indicated.)

1 Q. And you had to talk to the guidance counselor?

2 A. (Indicated.)

3 Q. And if you would say "Yes," the court reporter doesn't
4 get it when you nod. Okay?

5 A. Yes.

6 Q. Okay. Thanks. It kind of feels weird sometimes.

7 A. Yes, it does.

8 Q. Okay. And so you had to talk to the guidance counselor?

9 A. Yes.

10 Q. And you had to talk to the school resource officer?

11 A. Yes.

12 Q. And an interviewer at Dee Norton?

13 A. Yes.

14 Q. And then your mom sent you to the trauma counselor --

15 A. Yes.

16 Q. -- who was different from the counselor you were seeing
17 before?

18 A. Yes.

19 Q. Right. You have since talked about it with your close
20 friends?

21 A. Yes.

22 Q. You've talked to the prosecutor a bunch of times?

23 A. Yes.

24 Q. And she walked you through the kinds of questions that
25 she would ask?

1 A. Yes.

2 Q. And what it might feel like for me to cross-examine you?

3 A. Yes.

4 Q. Okay. And you talked with her about everything you can
5 remember?

6 A. Yes.

7 Q. You were in the eighth grade when you revealed all of
8 this?

9 A. Yes.

10 Q. Okay. And that's a tough time for most kids, right?

11 A. Yes.

12 Q. But it was an especially tough year for eighth-graders
13 the year that you were an eighth-grader; would you agree?

14 A. Yes.

15 Q. Because that was year of the COVID-19 pandemic?

16 A. Yes.

17 Q. Yeah? And so not only was it the year of the COVID-19
18 pandemic, but it was really the first full year you'd been in
19 public school, right?

20 A. Yes.

21 Q. Because before that you were home schooled?

22 A. Yes.

23 Q. Was your mom your home-school teacher?

24 A. Yeah.

25 Q. Okay. So prior to the separation of your parents, your

1 -- home school was the way that you did school from the time
2 you were a little kid until seventh grade; is that right?

3 A. Yes.

4 Q. Okay. And in seventh grade you went to Moultrie?

5 A. Yes.

6 Q. And in seventh grade, that's -- it was in seventh grade
7 that your parents separated?

8 A. Yes.

9 Q. And so you guys moved out of THE RESIDENCE?

10 A. Yes.

11 Q. And where did you live when you moved out of THE RESIDENCE?

12 A. We moved to Mount Pleasant to this little apartment
13 complex off of 17.

14 Q. And so that was in the school zone for Moultrie?

15 A. Yes. For Moultrie, yes.

16 Q. But then at some point you moved to North Charleston off
17 of Dorchester Road; is that right?

18 A. Yes. I believe so.

19 Q. Okay. So then you were commuting to Moultrie?

20 A. Yeah.

21 Q. Okay. And Chris was still living in Awendaw the whole
22 time?

23 A. Yes.

24 Q. Okay. So how was public school?

25 A. I mean, it was hard, but I made a lot of friends. I

1 guess it was fine. It was middle school. It wasn't, like,
2 the best time of my life, but it was survivable.

3 Q. And up until the pandemic, it was -- you had -- you got
4 to meet new friends? You got to socialize?

5 A. Yes.

6 Q. But -- and you got to meet boys that you -- there
7 probably weren't a lot of boys hanging around during home
8 school?

9 A. Yeah.

10 Q. So do you remember a boy named Alex?

11 A. Um --

12 Q. A girl named Layla Grace?

13 A. Yes.

14 Q. Do you remember that on the day that all of this
15 happened you and Layla Grace were disagreeing about something
16 related to Alex?

17 A. I don't remember that.

18 Q. You don't remember telling that to the SR0?

19 A. No.

20 Q. Okay. You don't remember saying that -- when the
21 guidance counselor brought you off of the recess field that
22 you were fighting about a boy you'd been dating?

23 A. I know that it was about -- I was talking to her about a
24 boy. I can't remember which boy it was.

25 Q. Okay. You talked a little bit about your friends that

1 you met in school. Was Sam someone you met in school or at
2 church?

3 A. In school.

4 Q. Okay. So he was a Moultrie middle kid with you?

5 A. Yes.

6 Q. Okay. Are you still friends with Sam?

7 A. No.

8 Q. You said it was hard -- public school was hard. Did you
9 mean academically or socially? What did you mean?

10 A. Kind of socially. Obviously I was, like, the
11 home-school kid so I was kind of the oddball out. But I met
12 a lot of really cool people. But also, you know, like, I was
13 bullied, like -- but not like crazy bullied. But, like, I
14 was the home-school kid, so I was different from a lot of the
15 other kids. So it was hard in that aspect and just meeting
16 people that kind of understood me. But -- yeah.

17 Q. You went to Seacoast Church at that time?

18 A. Yes.

19 Q. So there were a lot of kids at Moultrie that also went
20 to Seacoast, right?

21 A. A fair amount, yes.

22 Q. In 2020 you did start seeing a counselor because your
23 mom was worried about you, right?

24 A. Yes.

25 Q. And you said you weren't sure and you didn't really

1 remember much about your visits with Danielle Austin because
2 those were telehealth visits; is that right?

3 A. Yes.

4 Q. So was -- did your mom send you to see Danielle before
5 or after you ran away from her house?

6 A. I believe it was after when I started seeing her.

7 Q. So do you think that that situation prompted the
8 counseling?

9 A. Yes, definitely. I think that's when she really
10 realized that I wasn't doing well mentally.

11 Q. Okay. And you were having anger outbursts sometimes
12 that were not normal for you?

13 A. Yes.

14 Q. And you told Danielle that the things that were
15 bothering you were your parents' separation?

16 A. I don't really remember what I told her, if I'm being
17 honest.

18 Q. Do you think you told her that going from home school to
19 public school was something that was stressing you out?

20 A. I'm sure I did, yeah.

21 Q. Did you think quarantine was something you told her was
22 stressing you out?

23 A. I don't want to say yes because I don't know.

24 Q. Do you remember telling her about being bothered by your
25 mom's relationships with members of the opposite sex?

1 A. I do believe I remember telling her that, yes.

2 Q. And I think I know what you meant when you said that,
3 but you were bothered by all the people that your mom was
4 dating?

5 A. No. I think I was just -- I was upset because I really
6 thought my parents would maybe get back together.

7 And also I just -- I was very protective over my mom.
8 So when she would date people I would get kind of
9 uncomfortable -- not uncomfortable, but just, like, upset
10 because it's -- I don't know. I wanted my mom to meet
11 someone that was good.

12 And I know that there was this one guy that he did
13 absolutely nothing wrong, but she -- they went on, like, two
14 dates and I was so mean to him for no reason. But it was one
15 of the first guys that she went on dates with. And it's not
16 that he made me uncomfortable or anything. I just was like,
17 "That's my mom. She's mine. She's not yours."

18 I was just very protective of her when it came to that.

19 Q. There was one guy in particular that you didn't like
20 that she dated for about three months?

21 A. Yeah. That was him, yeah.

22 Q. That was the same guy?

23 A. Yeah.

24 Q. The guy who relapsed and went back to meth?

25 A. Oh, no, not that one.

1 Q. Oh. Well, then tell me about that one.

2 A. The one I'm talking about or --

3 Q. No. The one who she dated for three months before he
4 relapsed.

5 A. Well, I never actually met him in person. She -- I
6 don't remember how she met him, but he was -- yeah, he was, I
7 believe, trying -- he was a really good Christian when she
8 met him. And when he would Facetime, he would put these
9 little filters on that, like, Facetime had built in and he
10 would mess with them to me and my brother. And we really
11 liked him. And he was funny. He was great.

12 And from what I had seen, she went to -- well, I had
13 never met him in person. And then she went to go visit him
14 in -- I believe it was Georgia that he lived, and she went to
15 go visit him. And I think she went twice maybe -- once or
16 twice because I think she went once and it was fine and then
17 she went again and that's when she realized he wasn't good.

18 But basically the second time she went, he -- they -- I
19 guess they went out and he got a little bit drunk and he
20 started just yelling and having these outbursts. And that
21 kind of freaked her out. She was like, "That's weird.
22 That's not good." And that was -- like, she said it was a
23 side she'd never seen of him before and she didn't want to
24 again.

25 And I don't -- I was so young, so she probably just

1 didn't tell me all the details about what happened with the
2 drugs. But I do know he had, like, been on drugs before but
3 he was better now, and then he relapsed but I don't remember
4 how exactly he ended up relapsing because she didn't tell me.

5 Q. But so everything that you just shared is stuff that you
6 learned from her, right?

7 A. Yes.

8 Q. Do you remember telling your counselor in the late -- I
9 think late September or early October of 2020 that you had
10 gotten in a fight with Chris?

11 Do you remember getting in a fight with Chris?

12 A. I do remember -- the only -- I only remember one fight
13 that we had that was, like, a big fight.

14 Q. Yeah. And that was a fight because you wanted to see
15 friends and --

16 A. Yes.

17 Q. -- he did not want to change his plans?

18 A. Yes.

19 Q. And you were frustrated? You were a kid?

20 A. Yes.

21 Q. You wanted to see your friends?

22 A. Yes.

23 Q. And he was not letting you do that?

24 A. Mm-hmm.

25 Q. And so you called your mom?

1 A. Yes.

2 Q. And she came to get you, right?

3 A. Yes.

4 Q. And he told her in front of you that you shouldn't come
5 back, right?

6 A. No. I don't remember that.

7 Q. You don't remember that? Okay.

8 A. I don't want to say it didn't happen, but I don't
9 remember that.

10 Q. Okay. Did you go back after that?

11 A. I think that was the last time I went.

12 Q. I'm going to change gears for a minute.

13 You talked a little bit about your brother **BROTHER**

14 A. Yes.

15 Q. Tell me about what it was like to get an overnight
16 little brother.

17 A. It was different. Like, he was very weirded out by us
18 at first. Like, he had already met my parents because they
19 would go to Puerto Rico and stay with him, but he had never
20 met me before. So when we picked him up from the airport, he
21 was like -- he gave me this, like, disgusted look, like, the
22 whole car ride home.

23 But it was great. Like, he was -- I remember he -- one
24 of his first things we gave him was -- well, first we gave
25 him a little stuffed monkey. And then we gave him this

1 little plastic shopping cart that he could, like, put stuff
2 in. And he would run around the cul de sac with it. And
3 this was when we lived in Ibis Glade, which is, like, when I
4 was really little.

5 He was 2 1/2 when we adopted him. And yeah, it was
6 definitely really different, but it was really cool because
7 -- I don't know.

8 Q. It had to be a little bit hard from being the one and
9 only for such a long time to having a little brother, right?

10 A. It definitely was, yes.

11 Q. Did you guys have sort of like the normal sibling
12 rivalry-type stuff?

13 A. Yeah. I mean, I think especially since we were both
14 pretty young, we kind of grew up never really seeing each
15 other as anything but siblings.

16 Q. Mm-hmm. And you were about 5, maybe, when you met
17 Chris?

18 A. Yes.

19 Q. And you started -- you and your mom moved in with him
20 when you were about 6; does that sound right?

21 A. Yes.

22 Q. Okay. And **BROTHER** came when you were about 8? 9?

23 A. I believe so, yeah, because I'm six years older than him
24 and he was 2 1/2.

25 Q. Okay. And so **BROTHER** was adopted by Chris and your mom?

1 A. Mm-hmm.

2 Q. Did Chris ever adopt you?

3 A. No.

4 Q. Okay. And at the time that your parents separated, you
5 had to move out to a little apartment in Mount Pleasant; is
6 that right?

7 A. Yes.

8 Q. Okay. And your mom worried a lot about money at that
9 time and she had to get a job?

10 A. (Indicated.)

11 Q. Yes?

12 A. Yes. I'm sorry.

13 Q. I know it's hard.

14 And she couldn't home school you anymore?

15 A. Yes.

16 Q. But even though Chris wasn't your dad and he had not
17 adopted you, when things -- when they first separated, you
18 were going to his house? Not as much as **BROTHER**, but every
19 other weekend, right?

20 A. Yes.

21 Q. And that was to the house out in Awendaw that was in the
22 country?

23 A. Yes.

24 Q. And y'all had pigs and chickens?

25 A. Yes.

1 Q. And the neighbors had horses?

2 A. Yes.

3 Q. And you're a horse girl, right?

4 A. I am.

5 Q. Are you still doing horse stuff?

6 A. I don't.

7 Q. Okay. But you were a horse rider for a while?

8 A. I was, yes.

9 Q. And I think I remember you did English and western; is
10 that right?

11 A. Yes.

12 Q. Okay. So middle-of-nowhere Awendaw might not be my idea
13 of a good time, but there were things out there that you
14 liked?

15 A. Yes.

16 Q. Okay. And there were other kids out there that were
17 your age that I think were associated with the horses, right?

18 A. Yes. We didn't really hang out with them a whole lot --
19 every now and then -- but they were in the barn with all the
20 horses.

21 Q. Is it fair to say Chris was sometimes a "my way or the
22 highway" kind of dad?

23 A. Yes. Yeah.

24 Q. Like that day that you guys had the argument?

25 A. Yes.

1 Q. And this has been a long time, so it's not surprising
2 that, you know, things have changed with your family again.
3 And you now have a -- you have a different stepfather now,
4 right?

5 A. Yes.

6 Q. And do you have stepsiblings?

7 A. Yes.

8 Q. Okay. And **BROTHER** lives full time with your mom?

9 A. Yes.

10 Q. And has not had any contact with Chris since 2020?

11 A. I don't believe so, no.

12 Q. You talked about an incident with the bathroom that made
13 you feel uncomfortable?

14 A. Yes.

15 Q. How many bathrooms were in that little house?

16 A. Two.

17 Q. So on the night that this happened -- correct me if I'm
18 wrong -- **BROTHER** was in the bathtub and you were in the shower?

19 A. No. **BROTHER** was -- I was in the shower, and **BROTHER** and Chris
20 were playing outside -- I mean, were playing in the house
21 with the butter knives unlocking doors.

22 Q. Okay. And it was kind of like loud and chaotic and --
23 you know --

24 A. Yeah.

25 Q. Right?

1 A. Yeah.

2 Q. And the door jiggles because that's -- you know, whether
3 that's the butter knife or him shaking on the door saying, "I
4 gotta get in there. Don't use all the hot water"?

5 A. It wasn't because he, like, didn't want me to use the
6 hot water. They were just playing with the locks with the
7 butter knives.

8 Q. Okay. And then the door opened and you slammed it shut?

9 A. Yes.

10 Q. Okay. You've talked in all of the times that you've
11 spoken to people about this situation about the movies that
12 you watched?

13 A. Yes.

14 Q. I have never once heard a single actual movie title.
15 What movies were you watching?

16 A. The one that I remember the most was called "Click," and
17 it had Adam Sandler in it. And then -- I'm trying to
18 remember other ones. There were a couple other ones that I
19 don't remember. That was, like -- that -- I don't know why
20 that's, like, the main one I remember. But that's one of
21 them.

22 Q. Okay. Nobody ever asked you, did they?

23 A. I think someone did once, but I don't really remember.

24 Q. You described a couple of incidents with inappropriate
25 touching?

1 A. Yes.

2 Q. And you described Chris touching you in ways that
3 anybody would agree would be inappropriate if he did that,
4 right?

5 A. Yes.

6 Q. Do you remember where in the house you were?

7 A. We were in the living room. And something -- I think
8 one time it was in his room.

9 Q. Okay. So you're in the living room of this little
10 house.

11 Do you know how big the house was?

12 A. I don't know the measurements, but it was a small,
13 little, like -- it was small. It wasn't very big.

14 Q. Yeah. So, like, you're not a real estate kid. You
15 haven't --

16 A. Yeah.

17 Q. You're barely an adult. But if I told you it was a
18 three-bedroom, two-bath house --

19 A. Yeah.

20 Q. -- that was about 1,200 square foot, does that sound
21 about right?

22 A. Yeah.

23 Q. Okay. And so these times that this happened were, all
24 but one time, you're saying in the living room. Where's the
25 couch?

1 A. The couch is, like -- like, this side's against the
2 wall, and then this side's just kind of out in the open.

3 Q. So like an L shape?

4 A. Yeah. And then, like, the TV's here, and there's, like,
5 a little ottoman in the middle?

6 Q. Okay. And **BROTHER** is in his bedroom?

7 A. He's sleeping, yes.

8 Q. At 7:00?

9 A. Yeah.

10 Q. Okay. When **BROTHER** came home to live in South Carolina
11 from Puerto Rico, one of the things that he struggled with
12 was sleeping, right?

13 A. Yes.

14 Q. Tell me about that.

15 A. Well, he has really bad ADHD. And he's -- especially
16 when he was little it was really bad and he really struggled.
17 Like, his mind just couldn't calm down, and so it was really,
18 really hard for him to sleep. And so we would give him
19 melatonin to sleep. And he still takes melatonin to sleep
20 because he literally was, like, incapable of falling sleep
21 unless he took something to help him fall asleep.

22 Q. Would he cry at night?

23 A. Not when all of this was happening. Not that I
24 remember, no. He was pretty good.

25 Q. You're saying that when all of this is happening he had

1 gotten better about sleeping?

2 A. No. Like, he wouldn't, like, just, like, sit in his
3 room and cry.

4 Q. Oh, okay. So he had not gotten better about sleeping;
5 he just was --

6 A. Yeah.

7 Q. -- less emotional about it?

8 A. Yeah. He's always -- he's still not very good about
9 falling asleep.

10 Q. Okay. So as far as you know, these things are happening
11 in the living room and he's in his bedroom but you don't know
12 if he's awake or asleep?

13 A. Yeah.

14 Q. So I was struck by how much detail you remember of the
15 Erin's Law videos. They really made an impact on you.

16 A. Yes.

17 Q. And you said you weren't planning -- I think I got -- I
18 think I made a note of this accurately during your direct
19 testimony. You said that you weren't planning on saying
20 anything that day?

21 A. Yes.

22 Q. But then the Erin's Law video came up?

23 A. Yes.

24 Q. And in the Erin's Law video, what happened to these
25 people who -- you know, whether it was Erin or the girl with

1 the soccer coach, did -- you know, did something happen once
2 they told people what had happened to them?

3 A. She never talked -- I don't remember her ever talking
4 about what happened after she opened up. She basically --
5 the whole video was just about why you should open up and how
6 to, like -- I think really teaching us what abuse is.

7 Q. So you were unprepared then, despite that video, for the
8 fact that your guidance counselor and SRO Wilson were going
9 to make a big deal out of it?

10 A. Yes.

11 Q. Okay. The guidance counselor Julie, right?

12 A. Julia, I think, or something, yeah.

13 Q. Okay. She's actually passed away. I don't know if you
14 knew this.

15 A. Yeah.

16 Q. But she was a really nice lady, right?

17 A. Mm-hmm. Yes.

18 Q. Just, like, calm? Kind?

19 A. Yes.

20 Q. She just kind of let you say what you needed to say?

21 A. Yes.

22 Q. Not super reactive, right?

23 A. Yes.

24 Q. Just she asked questions but not too many?

25 A. Yes.

1 Q. Right? My kid's 19 so I know --

2 A. Yes.

3 Q. -- we can ask too many questions and they shut down.

4 But she didn't do that. She asked just the right amount
5 of questions, right?

6 A. Yes.

7 Q. And then she brought in School Resource Officer Wilson?

8 A. Yes.

9 Q. And Officer Wilson was nice too?

10 A. Yes.

11 Q. She was super nice to you. Like, in fact, she praised
12 you over and over and over again for telling them what you
13 told them that day?

14 A. I don't necessarily remember that, but I'm sure she did.
15 She was always really nice.

16 Q. And she, you know, called you "Sweetie" and said she was
17 proud of you. Do you remember that?

18 A. I don't, but --

19 Q. You testified earlier that you're really close with your
20 mom --

21 A. Yes.

22 Q. -- and you always have been?

23 A. Yes.

24 Q. But just because you're close with her doesn't mean that
25 you don't fight?

1 A. Of course. Yes.

2 Q. And I'm sure the things you argue about now are a little
3 different than the things you argued about in eighth grade?

4 A. Yes.

5 Q. And your mom is -- I've only met your mom once, but
6 she's a very expressive person, wouldn't you say?

7 A. Yes.

8 Q. Sometimes maybe a little emotional?

9 A. Yes.

10 Q. Good or bad, she's going to react quickly?

11 A. Yes.

12 Q. All right. And she's shared a lot with you about her
13 life because it's not a one-way street between the two of
14 you, right?

15 A. Yes.

16 Q. She shared with you fear that if you don't go through
17 with this that **BROTHER** -- that Chris will try to get **BROTHER** back?

18 A. It was both her and my fear. It was kind of a question
19 that I had, and she kind of answered it. But she did mention
20 that she was worried that that was a worry for her. But she
21 never pressured me into this.

22 Q. But that's a worry for you too?

23 A. Yes.

24 Q. Because you are afraid he'll take **BROTHER** away from you?

25 A. Yes.

1 Q. Because [BROTHER] is his adopted child and you're not?

2 A. Yes.

3 MS. BLAZER: Beg the Court's indulgence for one moment.

4 (Pause in proceedings.)

5 MS. BLAZER: Thank you, [MINOR]. I have nothing else.

6 MS. FRIERSON: Briefly, your Honor.

7 THE COURT: Mm-hmm.

8 REDIRECT EXAMINATION

9 BY MS. FRIERSON:

10 Q. [minor], Ms. Blazer brought up a lot of information
11 about these other men your mom dated. Did you ever accuse
12 any of them of sexual assault?

13 A. No.

14 Q. And she also referenced that this one time that you
15 referenced that the sexual assault occurred, the defendant
16 had sent [BROTHER] to bed at 7:00; was that correct?

17 A. Yes.

18 Q. Okay. But he let you stay up?

19 A. Yes.

20 Q. I think, you know, most people think when a kid is
21 sexually assaulted they run and tell, and in this case you
22 didn't. And I just want to make sure I understand some of
23 your reasons.

24 Did you know that when someone puts their finger inside
25 of you that that was sexual abuse?

1 A. No.

2 Q. When you were 12?

3 A. Yes.

4 Q. And was there fear for your -- how this would affect
5 your family if you told?

6 A. Yes.

7 Q. Was there a concern about what would even happen to the
8 defendant?

9 A. Yes.

10 Q. Was that because you loved him?

11 A. Yes.

12 Q. And when it finally came out with the guidance counselor
13 that day, did I hear you correctly that you weren't even
14 planing to tell?

15 A. Yes.

16 Q. So did it just, like, bubble up?

17 A. Well, it was churned, 1, by obviously the video we had
18 watched. And, 2, she followed up with the question of "Is
19 there anything else you want to tell me?" And that's what
20 really made me decide to tell her.

21 Q. Did you feel relieved after you got it out?

22 A. I did, yes.

23 MS. FRIERSON: The Court's indulgence.

24 (Pause in proceedings.)

25

1 BY MS. FRIERSON:

2 Q. You said something stuck out to you in the Erin's Law
3 video that helped prompt you to tell. What was that again?

4 A. Well, there was a lot in the video. One was the -- I
5 think the big thing was the soccer coach video, the fact that
6 he told her "Don't tell your mom." He told her that multiple
7 times. I think that really resonated with me because that's
8 what he would always tell me after we would watch, like,
9 certain movies. He'd be like, "Don't tell your mom we're
10 watching this movie." And that was -- I think really hit me
11 because he said the same thing that Chris would say.

12 MS. FRIERSON: No further questions. Thank you,

13 MINOR

14 THE COURT: Any recross?

15 MS. BLAZER: No, your Honor.

16 THE COURT: All right. Okay. You can have a seat back
17 in the gallery. Okay?

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 THE COURT: All right. Can I see the attorneys for one
21 second at the bench for scheduling.

22 (An off-the-record discussion was had at the bench.)

23 THE COURT: Okay. Ladies and gentlemen, we were just
24 talking about scheduling real quick. We're going to call, I
25 think, one other witness today and then call it a day.

1 So State, call your next witness.

2 MS. ROBERTS: The State calls Sam G [REDACTED].

3 THE COURT: Okay.

4 Hey, yeah, just come on up. Yeah, come on up. And then
5 you'll be going right over there. She'll tell you where to
6 go. Okay?

7 All right. So before you sit down, you're going to
8 stand right behind that Bible.

9 CLERK OF COURT: Raise your right hand and put your left
10 hand on the Bible.

11 (Witness sworn.)

12 CLERK OF COURT: Okay. Please be seated.

13 Please state your full name and spell your last name
14 loudly for the court reporter.

15 THE WITNESS: Samuel A. G [REDACTED], G [REDACTED].

16 THE COURT: All right. Go ahead.

17 SAMUEL G [REDACTED],
18 called as a witness on behalf of the State, being first duly
19 sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. ROBERTS:

22 Q. Good afternoon, Sam. How you doing today?

23 A. Great.

24 Q. Can you start by telling the jury where you currently
25 live.

1 A. I live in Mount Pleasant on 17 right next to Lucy
2 Beckham High School.

3 Q. And do you work also?

4 A. Yeah. I work at Gerald's Tires and Brakes and Page's
5 Okra Grill.

6 Q. And do you know MINOR ?

7 A. I went to middle school with her.

8 Q. And what middle school was that?

9 A. Moultrie Middle School.

10 Q. Is that how you both met?

11 A. Mm-hmm.

12 Q. During that time in middle school, were y'all friends?

13 A. Through, like, seventh and eighth grade, yes.

14 Q. Would you say y'all had a relationship where you could
15 talk to each other about things?

16 A. Yes.

17 Q. Do you know the defendant in this case, Christopher
18 White?

19 A. Can you repeat that?

20 Q. Do you know the defendant in this case, Christopher
21 White?

22 A. No.

23 Q. Do you recall a time back in eighth grade where there
24 was an incident where MINOR was very upset?

25 A. Yes.

1 Q. And can you tell us about what happened.

2 A. I just remember her being not her usual self at school.

3 Q. Did you do anything in response to that?

4 A. I texted her either during or after school what was
5 going on, just kind of asking.

6 Q. Okay. And you said she wasn't being like her normal
7 self, right?

8 A. Mm-hmm.

9 Q. And don't say what MINOR had told you, like word for
10 word, but did she tell you that she had been sexually
11 assaulted?

12 A. Yes.

13 Q. And did she tell you when it happened?

14 A. No. Not specifically.

15 Q. Did she tell you where it happened?

16 A. At a house.

17 Q. Did you say "a house"?

18 A. Yeah. I don't know where.

19 Q. Did you ask her any more specifics?

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

21 Q. And what did you tell her to do after she shared this
22 information with you?

23 A. I said to either tell an adult that you trust or the
24 school guidance counselor.

25 Q. And why didn't you ask her more specifics about the

1 details?

2 A. I don't know. I think I was just a kid, so I just kind
3 of said, "You gotta tell somebody," and that was it.

4 Q. Okay. And when you told her to tell someone, without
5 saying exactly what she said, how did she respond to that?

6 A. I don't really remember. She was reluctant to, though.
7 I remember that.

8 Q. And did you ever tell anyone about what [MINOR] had
9 told you?

10 A. I told my mother.

11 Q. And after that day where you checked up on her, did
12 y'all ever talk about the incident again?

13 A. I don't think so. I don't remember it all.

14 MS. ROBERTS: Beg the Court's indulgence.

15 THE COURT: Sure.

16 (Pause in proceedings.)

17 MS. ROBERTS: Nothing further. Please answer any
18 questions the defense may have for you.

19 CROSS-EXAMINATION

20 BY MS. BLAZER:

21 Q. Hi, Sam. My name's Cameron. How are you?

22 A. Good.

23 Q. So you said that you were friends with [MINOR] through
24 seventh and eighth grade, right?

25 A. Mm-hmm.

- 1 Q. But not after that?
- 2 A. No. I haven't really much spoken to her since.
- 3 Q. Just because you went to different schools?
- 4 A. Yeah.
- 5 Q. Nothing happened or anything?
- 6 A. No. Just kind of grew apart.
- 7 Q. Okay. And you said that it was sometime in eighth grade
- 8 that MINOR was not her usual self that particular day?
- 9 A. Yes.
- 10 Q. Okay. And you checked up on her by texting her?
- 11 A. Mm-hmm.
- 12 Q. And she texted you back?
- 13 A. Mm-hmm.
- 14 Q. Did -- any of the information that you shared with the
- 15 jury just a few minutes ago, did any of that happen in
- 16 face-to-face conversation, or was that all in text?
- 17 A. I think it was all text messages.
- 18 Q. Okay. And had you met MINOR in seventh grade when
- 19 she came to Moultrie for the first time, or did you know her
- 20 before that?
- 21 A. That's when I met her, yeah.
- 22 Q. Okay. So you gave her good advice. You said, "Talk to
- 23 an adult. I'm just a kid." Right?
- 24 A. Mm-hmm.
- 25 Q. Did any adults ever come -- other than your mom, who you

1 told -- ever come talk to you about what MINOR had told
2 you?

3 A. No.

4 Q. Nobody from the police came and asked could they see
5 your text messages?

6 A. (Indicated.)

7 Q. You never --

8 THE COURT: Try to say no if you can.

9 THE WITNESS: No. Sorry.

10 MS. BLAZER: Thank you, Judge. Appreciate it.

11 THE COURT: So instead of a nod.

12 BY MS. BLAZER:

13 Q. So you remember the SRO at school, Ms. Wilson. She
14 didn't ever come talk to you?

15 A. No.

16 Q. Okay. If she had, you'd have given her your text
17 messages?

18 A. Yeah. Yes.

19 Q. All right.

20 MS. BLAZER: I have nothing further. Thank you.

21 THE COURT: Okay. Any redirect for this witness?

22 MS. ROBERTS: Briefly, your Honor.

23 REDIRECT EXAMINATION

24 BY MS. ROBERTS:

25 Q. So you said on the day that y'all had this text

1 conversation she was not being like her normal self?

2 A. Yes.

3 Q. So can you tell the jury what is her normal self -- or
4 what was her normal self?

5 A. From what I remember, she was very outgoing and always
6 pretty smily. But this time she wasn't talking as much, and
7 we were pretty close friends so at least she would talk to me
8 a lot. And that wasn't really happening.

9 Q. Okay. When you told her to tell someone, how did you
10 say she responded?

11 A. Reluctant to. I don't really remember.

12 Q. Did she tell you why?

13 A. I don't remember.

14 MS. ROBERTS: Beg the Court's indulgence.

15 THE COURT: Okay.

16 (Pause in proceedings.)

17 MS. ROBERTS: Nothing further.

18 THE COURT: All right. Any recross?

19 MS. BLAZER: No.

20 THE COURT: Okay. You can step down as well.

21 Any objection to him being released?

22 MS. BLAZER: No, your Honor.

23 MS. FRIERSON: Not from the State.

24 THE COURT: Okay. You're free to go. Thank you, sir.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: All right. So next one's a little
3 lengthier?

4 MS. FRIERSON: Yes, your Honor.

5 THE COURT: All set then, you think, for today?

6 MS. FRIERSON: Yes, your Honor.

7 THE COURT: Okay. Just checking.

8 All right. Ladies and gentlemen, we're going to turn
9 you loose a little bit early. And I know it takes y'all a
10 little bit more time to get to your cars today.

11 So we will start back in the morning at 9:30. The
12 bailiffs are going to tell you to be here a little earlier
13 than that. I'll be here earlier than that, but that's what
14 time we're going to try to get y'all in these chairs and
15 ready to go tomorrow morning. Okay?

16 So we will see y'all back then. And once again, please
17 do not discuss the case or do any independent research
18 overnight.

19 You can leave your notebooks.

20 Can they leave them in their seats?

21 THE BAILIFF: Leave them in the chairs.

22 THE COURT: Leave them in your chairs. You might want
23 to put some sort of a mark on the front or something so you
24 know it's yours tomorrow. Maybe write your initials on the
25 front of it or something like that just so you know you're

1 picking up your own notebook tomorrow. Okay?

2 All right. With that, we'll see you back in the
3 morning.

4 (The jury was released for the day and exited the
5 courtroom at 4:39 p.m.)

6 (The following proceedings were had outside the presence
7 of the jury.)

8 THE COURT: All right. So just to have kind of an idea
9 of what tomorrow will look like --

10 MS. FRIERSON: I think we could have gotten through that
11 third one.

12 THE COURT: I'm sorry, but we already turned them loose.
13 Well, sometimes it's hard to tell.

14 Who is it again? Who's the next witness, do you know?

15 MS. FRIERSON: Paula Wilson, the SRO.

16 THE COURT: Okay. And then --

17 MS. FRIERSON: And then we will have the mom.

18 THE COURT: Yeah.

19 MS. FRIERSON: Isabelle.

20 THE COURT: Yep.

21 MS. FRIERSON: Then the detective.

22 THE COURT: Miller?

23 MS. FRIERSON: Yes.

24 THE COURT: All right. Okay. That's at least how we'll
25 start tomorrow. Great.

1 All right. Well, we will see you all back tomorrow
2 morning. I'll be here, you know, 9:00 or 9:15. I'll be up
3 in here, you know, doing research and different things. But
4 if you need anything between now and then, just make sure you
5 direct any emails to me personally. Okay?

6 All right. See y'all back. We'll try to start at 9:30.
7 Okay?

8 MS. BLAZER: Thank you, your Honor.

9 MS. FRIERSON: Thank you.

10 (Court recessed at 4:41 p.m., to resume at 9:30 a.m.,
11 Tuesday, August 5, 2025.)
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1 (Court resumed at 9:21 a.m., Tuesday, August 5, 2025,
2 outside the presence of the jury.)

3 (Court's Exhibit Number 2 marked for the record.)

4 THE COURT: All right. Y'all have a seat.

5 I got a note, obviously this morning, and just wanted to
6 run this by y'all real quick.

7 Justin Ortiz, Number 200: "Have a speeding class,
8 mandatory attendance to drop ticket at 4:00. Need to leave
9 by 3:15 to 3:20."

10 (Juror Number 200 entered the courtroom.)

11 THE COURT: Hey, come on up.

12 JUROR: How you doing?

13 THE COURT: I'm good. You're not in trouble. I'm just
14 trying to find out more about this.

15 You have a class to attend. Where is that?

16 JUROR: It's online. So I have to get to my house in
17 Hollywood.

18 THE COURT: It's online?

19 JUROR: Yes, ma'am. I have it on my phone.

20 THE COURT: How long does it take you to do this?

21 JUROR: It's a four-hour online class, so 4:00 to 8:00.

22 THE COURT: 4:00 to 8:00?

23 JUROR: Mm-hmm.

24 THE COURT: And you can't -- I mean, you have to --
25 you're going to have to reschedule it.

1 JUROR: They ordered it in court. I have, like, my
2 court case is on the letter.

3 THE COURT: And what -- where is that?

4 JUROR: That's what's on this.

5 THE COURT: Is it, like, in the town of Summerville?

6 JUROR: It's in --

7 THE COURT: Do you know where your court is?

8 JUROR: It's, like, 210 Sloane Street or something.

9 THE COURT: Okay. I'm going to give you -- I can't
10 excuse you for this --

11 JUROR: Mm-hmm.

12 THE COURT: -- but it's not going to keep you from being
13 able to do it later. Okay? I will give you a letter signed
14 by me with instructions for people to call me if they have a
15 question, that this takes precedence over this. Okay?

16 JUROR: All right.

17 THE COURT: And I'm sorry.

18 JUROR: No, you're fine.

19 THE COURT: That's just the deal. If I'd known about
20 this yesterday morning --

21 JUROR: Yes, ma'am.

22 THE COURT: -- you know, we might could have tried to
23 work around it. But here we are, and you're sitting on this
24 jury.

25 JUROR: I got it.

1 THE COURT: So what I'll do is I'll have my office draft
2 a letter -- we do this all the time -- and just indicate
3 that, you know, you're sitting on a jury in state court and
4 that you need to be excused from anything you were to
5 mandatorily attend and have it rescheduled.

6 JUROR: Well, the thing is --

7 THE COURT: But you got court, right?

8 JUROR: Yes. So it's the 11th. They told me if I went
9 to this class they would drop that.

10 THE COURT: Take this letter that I'm going to give you.
11 I would take it to your court date too.

12 JUROR: Yes, ma'am.

13 THE COURT: And just say, "Hey, this is why. I was on a
14 state jury." Okay?

15 JUROR: Yes, ma'am.

16 THE COURT: Okay. So that's what we're going to do.
17 Okay?

18 JUROR: Yes, ma'am.

19 THE COURT: All right. That's fine. You can go.

20 He can go back with the rest of them.

21 (Juror Number 200 exited the courtroom.)

22 THE COURT: Okay. Any exceptions or objections to how I
23 handled the juror?

24 MS. BLAZER: No, your Honor.

25 THE COURT: Okay. Because obviously I'm just going to

1 give him a note -- we do this from time to time -- and just
2 say, "Hey, he's sitting on an active jury during these hours
3 of the day. If you have any questions about this," you know,
4 "give me a call." Okay?

5 All right. Thanks. We can go back --

6 MS. BLAZER: Can I put one more thing on the record?

7 THE COURT: Yeah.

8 MS. BLAZER: As you know, Mr. White was taken into
9 custody yesterday afternoon and was taken to the detention
10 center.

11 THE COURT: Yes.

12 MS. BLAZER: He spent the entire night in a plastic
13 chair in processing. I expect him to need to testify
14 tomorrow. He has had no sleep.

15 THE COURT: Okay.

16 MS. BLAZER: He got no sleep last night. I don't think
17 he'll come out of processing tonight. This is why we -- you
18 know, when people are out of custody and they go back into
19 custody, it's very challenging to prep them for trial. I'm
20 very concerned that he is -- you know, if he comes into court
21 tomorrow potentially to testify with two nights of no sleep,
22 you know, he's going to be at a disadvantage that is
23 different from somebody who -- you know, even somebody who
24 has been in custody for an extended period of time, that's a
25 disadvantage of one kind --

1 THE COURT: Mm-hmm.

2 MS. BLAZER: -- but at least you've gotten accustomed
3 and you've been able to sleep. But, I mean, if you've ever
4 been in the processing area at the Charleston County
5 Detention Center, it's basically the airport waiting lobby
6 from hell. And there's just plastic chairs everywhere, and
7 you grab a chair you can get.

8 And so I just wanted to put that on the record that that
9 is a very real concern that I have.

10 THE COURT: Okay. All right.

11 Anything else from the State on that?

12 MS. FRIERSON: Nothing from the State, your Honor.

13 THE COURT: Okay. All right.

14 MS. FRIERSON: I do have --

15 THE COURT: The Court's 1? Thanks.

16 MS. FRIERSON: The Court's exhibit.

17 THE COURT: Okay. Appreciate it.

18 MS. FRIERSON: May I approach, your Honor?

19 THE COURT: Yeah. That's fine. Thanks. I'll hand it
20 to the court reporter.

21 (Court's Exhibit Number 1 marked for the record.)

22 THE COURT: If you need to go back to the hallway,
23 that's fine. I just needed to take care of that one juror
24 issue.

25 You know, somebody in the back, you can come on up.

1 MS. FRIERSON: Did you say we're at ease?

2 THE COURT: Yes.

3 (Court recessed.)

4 (Court resumed outside the presence of the jury.)

5 THE COURT: All right. All good?

6 MS. FRIERSON: Yes, your Honor.

7 THE COURT: Okay.

8 All right. You can bring the jury in. Thanks.

9 (The jury entered the courtroom at 9:38 a.m.)

10 THE COURT: Good morning, everybody. Come on in. Have
11 a seat. Thank you.

12 THE BAILIFF: All jurors are present, your Honor.

13 THE COURT: Excellent. Everybody can be seated.

14 State can call your next witness.

15 MS. ROBERTS: The State calls Paula Wilson.

16 THE COURT: All right.

17 All right, Ms. Wilson. Come on up to the witness stand
18 over here.

19 THE WITNESS: Thank you.

20 THE COURT: The clerk will show you where to go.

21 CLERK OF COURT: If you can raise your right hand, left
22 hand on the Bible.

23 (Witness sworn.)

24 CLERK OF COURT: Okay. Please be seated.

25 THE WITNESS: Thank you.

1 CLERK OF COURT: Please state your full name and spell
2 your last name for the court reporter.

3 THE WITNESS: Paula Wilson, W-I-L-S-O-N.

4 PAULA WILSON,
5 called as a witness on behalf of the State, being first duly
6 sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. ROBERTS:

9 Q. Good morning, Ms. Wilson.

10 A. Good morning.

11 Q. How are you doing today?

12 A. Great. How are you?

13 Q. I'm doing well.

14 Can we start by telling the jury where you're currently
15 employed.

16 A. I'm currently retired. I just retired in June from
17 Mount Pleasant Police Department.

18 Q. And before you were retired, where were you employed?

19 A. I was employed with Mount Pleasant Police Department.

20 Q. And how long were you employed with the Mount Pleasant
21 Police Department?

22 A. I started February of 1997, so over 27 years.

23 Q. And what were some of your assignments while you were
24 employed with them?

25 A. I started out in patrol. Then I went in the schools for

1 three years. Then I went in the detective office for 13
2 years. And then I went back in the schools for nine years.

3 Q. And what was your specific assignment in October of
4 2020?

5 A. I was assigned as a school resource officer at Moultrie
6 Middle School.

7 Q. And how long were you a school resource officer at
8 Moultrie?

9 A. At Moultrie? I just completed nine years.

10 Q. And were you working as a school resource officer at
11 Moultrie back in October -- or when you were working there,
12 did you become involved in this case?

13 A. I did.

14 Q. And can you please tell the jury how you became
15 involved.

16 A. I received a radio call over the school radio by Ms. --
17 at the time her name was Ms. Stover, but she had been married
18 so she changed it to Ms. Wigley -- over the radio to come to
19 her office.

20 Q. And Ms. Wigley, is she still a guidance counselor at
21 Moultrie?

22 A. She is not. Unfortunately, she passed away a few months
23 ago.

24 Q. And after Ms. Wigley called you over, was it your
25 understanding that you had to respond to a student in a

1 crisis?

2 A. I assumed that because that's normally what I get called
3 to the guidance counselor's office for.

4 Q. Okay. And what kind of crisis is that usually?

5 A. Sometimes it's suicide. Sometimes it's welfare checks.
6 When I got there, I assumed it was a suicide, but I learned
7 quickly that that's not what I was there for.

8 Q. So who was in Ms. Wigley's office when you arrived?

9 A. It was Ms. Wigley and a student, MINOR .

10 Q. What was MINOR 's demeanor when you arrived to the
11 office?

12 A. She was quite visibly upset.

13 Q. And did you recognize MINOR from any prior
14 experience?

15 A. I recognized her just because I recognize all of my
16 students. But I didn't really have any interactions with her
17 before that day.

18 Q. So once you arrived to the office and recognized it was
19 MINOR and Ms. Wigley, what did you do next?

20 A. I just listened to what they were saying.

21 Q. And did you realize what was actually going on?

22 A. Yes. Then I realized she was disclosing a sexual
23 assault.

24 Q. And then what did you do after you realized that?

25 A. Conducted a minimal facts interview with her.

1 Q. What is a minimal facts interview?

2 A. We try to determine if a crime could have been committed
3 and where the crime was committed.

4 Q. And when speaking with the victim, did you learn that a
5 sexual assault had occurred?

6 A. I did.

7 Q. And did you learn when this assault occurred?

8 A. I did.

9 Q. And in that minimal facts interview, you said you learn
10 if a crime was committed. And did you -- what else do you
11 need to learn?

12 A. Where it was committed.

13 Q. Okay. And why is it important to learn where it was
14 committed?

15 A. Because students at Moultrie come from different areas.
16 Most of them are Mount Pleasant, but some can come from
17 outside our jurisdiction. And in realizing what happened, I
18 discovered that the crime had taken place at THE RESIDENCE
19 [REDACTED], which is in Awendaw, which is Charleston County's
20 jurisdiction.

21 Q. Okay. So what did you do once you determined that the
22 crime did not occur in your jurisdiction?

23 A. Eventually I called Detective Bowen with Charleston
24 County. I used to work with him when I was in investigations
25 on sexual assault cases. And he sent a deputy out to the

1 scene.

2 Q. Okay. And just so I'm clear, your jurisdiction was
3 Mount Pleasant?

4 A. I have jurisdiction in Mount Pleasant, so I can only
5 investigate crimes that happen in Mount Pleasant. Since it
6 happened in Charleston County, Charleston County would have
7 to investigate that.

8 Q. And it happened at THE RESIDENCE ?

9 A. Correct.

10 Q. And that's not in Mount Pleasant. So where is it?

11 A. It's in Awendaw, South Carolina, which is Charleston
12 County.

13 Q. Okay. So who responded to the school once you contacted
14 the Charleston County Sheriff's Office?

15 A. Deputy Longhi.

16 Q. And did you call anyone else to come to the school?

17 A. I called MINOR 's mom.

18 Q. Once Longhi and the mom were at the school, what
19 happened next?

20 A. We met in the principal's office. We called down
21 MINOR and Ms. Wigley, and they came down. And then
22 Detective Longhi got a minimal facts interview for his
23 report.

24 Q. So he wrote a report in this case?

25 A. He did.

1 Q. And did you also write a report?

2 A. I wrote an agency assist report.

3 Q. What is an agency assist report?

4 A. Because it didn't happen in Mount Pleasant but I still
5 spoke to the victim and obtained information, I put that in
6 my report. And then County can get a copy of that report as
7 well.

8 Q. What else did you do in this case?

9 A. After MINOR and her mom left, I called DSS to make a
10 report because I'm a mandatory reporter. And I also called
11 the Dee Norton Lowcountry Children's Center to make a
12 referral so she could get an interview there.

13 Q. And did you do anything else in this case or have any
14 other involvement?

15 A. Not after that day, until today.

16 MS. ROBERTS: Beg the Court's indulgence.

17 THE COURT: Mm-hmm.

18 (Pause in proceedings.)

19 MS. ROBERTS: Nothing further. You can now answer any
20 questions that the defense may have for you.

21 THE WITNESS: Thank you.

22 MS. ROBERTS: Thank you.

23 CROSS-EXAMINATION

24 BY MS. BLAZER:

25 Q. Good morning, Ms. Wilson.

1 A. Good morning.

2 Q. My name's Cameron. How are you?

3 A. Good. How are you?

4 Q. I'm all right. Thank you.

5 So SRO at Moultrie for nine years. Whew.

6 A. Yes.

7 Q. Nine years with middle school students.

8 A. Yep.

9 Q. That must have been interesting.

10 A. It was lovely.

11 Q. Yeah?

12 A. Yeah.

13 Q. So would you agree with me that there's a special brand
14 of adults who can work with middle school kids?

15 A. Maybe.

16 Q. Yeah?

17 In the time that you were an SRO at Moultrie, did you
18 investigate crimes involving children? Like, that children
19 had committed?

20 A. Yes.

21 Q. Okay. What kinds of crimes were those?

22 A. Assaults, carrying a knife on school grounds, things
23 like that.

24 Q. Thefts?

25 A. Thefts, yeah.

1 Q. Uh-huh. Threats?

2 A. Yeah.

3 Q. Okay. Bullying kind of behavior?

4 A. Bullying we investigate, but it's more on the school to
5 investigate the bullying.

6 Q. I see. Okay.

7 So because you were in this -- I guess talk a little bit
8 more about what an SRO really is. Because it's a special
9 kind of law enforcement officer, right?

10 A. It is. It's got a -- like a three-prong thing. You're
11 a teacher, you're sort of a counselor, and you're a law
12 enforcement officer.

13 Q. Okay. So developing rapport is important?

14 A. Yeah.

15 Q. And you're there for student safety and sort of
16 community safety, right?

17 A. Yeah.

18 Q. Okay. And because you -- one of those prongs is the law
19 enforcement prong. And just like every law enforcement
20 officer these days, you have to wear a body camera, all that
21 kind of stuff?

22 A. Yeah.

23 Q. Yeah. And so in this instance, you had a body camera
24 that you turned on when you -- as soon as you met MINOR ?

25 A. I didn't turn it on as soon as I met MINOR because I

1 thought I was there for a suicide assessment.

2 Q. I see. Okay. But, I mean, pretty quickly you turned it
3 on?

4 A. Yeah.

5 Q. Did you review that body camera in anticipation of
6 today?

7 A. I did.

8 Q. Okay. And so you actually had your body camera on
9 twice, if I'm right?

10 A. I did.

11 Q. Right. So a short minimal facts interview with MINOR
12 and then sort of a longer period of time where you were
13 meeting in the principal's office with MINOR and her mom
14 and Deputy Longhi?

15 A. Yes.

16 Q. Okay. In the minimal facts interview, you know, you're
17 not -- you're trying not to introduce any persuasion or new
18 facts other than what the kid is telling you, right?

19 A. Correct.

20 Q. And you didn't? You let her talk --

21 A. Yes.

22 Q. -- right?

23 And you're not probing her for the truth. You're just
24 finding out "What is she saying today?"

25 A. Yes.

1 Q. Okay. And you're not doing an investigation to try to
2 go and corroborate what she's saying? That's not your role?

3 A. No. I was just finding out what happened and where it
4 happened.

5 Q. All right. And you were encouraging to her, would you
6 say?

7 A. I was listening to her I would say. After she disclosed
8 I was encouraging and complimented her -- not complimented,
9 but said I was proud of her for disclosing.

10 Q. And you told her you were proud of her three or four
11 times; does that sound about right?

12 A. After she did the disclosure, I did.

13 Q. Mm-hmm. And you used gentle language with her. You
14 called her "Sweetie." You were gentle with her. Right?

15 A. Yeah.

16 Q. Yeah. And you were gentle with her mom?

17 A. Yeah.

18 Q. But you met with her mom before you met with them all
19 together, right?

20 A. Correct.

21 Q. So you brought mom in and said, "Listen, there's some
22 stuff that we need to tell you that [REDACTED] MINOR has told us"?

23 A. Yes.

24 Q. And mom was upset?

25 A. Yes.

1 Q. And mom was worried about custody of the children. Do
2 you remember that?

3 A. Mom -- when I advised that we have to call DSS and get
4 DSS involved, mom was worried that the younger brother would
5 stay with the father.

6 Q. She was worried about him being taken into foster care
7 too, wasn't she?

8 A. She was. She didn't want him to go into DSS custody.

9 Q. And you told her that generally when the mom believes
10 the kid that doesn't happen.

11 A. Well, what I said is when there's an investigation and
12 if it's between parents and the parent is believing of the
13 child, they will let the mom make decisions as to what
14 happens, if she wants to prosecute or if she doesn't want to
15 prosecute. But if it's like the mom doesn't believe the
16 father -- doesn't believe the child and supports the father,
17 then the State can take action.

18 Q. Okay. And MINOR was worried -- when you first met
19 with her, when you told her about going to Dee Norton, she
20 was worried about money. Do you remember that?

21 A. Yes.

22 Q. She was worried that it would cost money to go to Dee
23 Norton?

24 A. Yes.

25 Q. And you told her, "No. It's free," right?

1 A. I told her that it can be covered under other things
2 like victims rights bills and stuff like that.

3 Q. And I think you told her, you know, "Don't worry about
4 that. If it came to it, I'd pay for it myself"?

5 A. I told her that the second time, when the mom was in
6 there.

7 Q. Okay. But you did say that?

8 A. Yes.

9 MS. BLAZER: Nothing further, your Honor.

10 THE COURT: Okay.

11 Any redirect for this witness?

12 MS. ROBERTS: No redirect, your Honor.

13 THE COURT: Okay. All right. You can step down.

14 THE WITNESS: Thank you.

15 THE COURT: Thank you, ma'am.

16 (Witness excused.)

17 THE COURT: Who's your next witness.

18 MS. FRIERSON: Your Honor, the State calls Isabelle
19 Noy-McCall.

20 THE COURT: Okay.

21 CLERK OF COURT: Place your right hand in the air and
22 left hand on the Bible.

23 (Witness sworn.)

24 CLERK OF COURT: Okay. Please have a seat.

25 If you can state your full name and spell your last name

1 loudly for the court reporter.

2 THE WITNESS: Isabelle Noy-McCall, N-O-Y, hyphen,
3 M-C-C-A-L-L.

4 MS. FRIERSON: Thank you, your Honor. May it please the
5 Court.

6 ISABELLE NOY-MCCALL,
7 called as a witness on behalf of the State, being first duly
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. FRIERSON:

11 Q. Good morning, Isabelle.

12 Could you please tell the jury where you live.

13 A. I live in Awendaw.

14 Q. And are you currently employed?

15 A. Yes.

16 Q. Where do you work?

17 A. I work for FirstLight Home Care.

18 Q. Have you ever been married to the defendant?

19 A. Yes.

20 Q. And when did y'all get married?

21 A. In January of 2013.

22 Q. And when did you separate?

23 A. August of 2019.

24 Q. Do you have any children together?

25 A. Yes.

1 Q. Could you tell us who those are.

2 A. MINOR and BROTHER.

3 Q. Are they -- and explain to the jury, are they biological
4 children? Adopted?

5 A. No. BROTHER is adopted. We adopted him when he was 2.
6 And MINOR, I was a single mom up until I met Chris when
7 she was 3 and then we got married.

8 Q. How would you describe the relationship between MINOR
9 and the defendant growing up?

10 A. Oh, growing up?

11 Q. Mm-hmm.

12 A. They were really close. They had a really close
13 father-daughter relationship.

14 Q. And did I hear you correctly, he met her when she was 3?

15 A. Yes.

16 Q. Was she -- was he the only father she knew?

17 A. Yes.

18 Q. Did he have a nickname for her?

19 A. M

20 Q. Or MINOR?

21 A. Or MINOR, yeah.

22 Q. And what did she call him?

23 A. Daddy.

24 Q. Were you involved with a church while she was growing
25 up?

1 A. Yes.

2 Q. Which church was that?

3 A. Seacoast.

4 Q. Did the defendant attend church with you?

5 A. Yes.

6 Q. You attended as a family?

7 A. Yes.

8 Q. Would you say that the church and religion were a big
9 part of your family dynamics?

10 A. Yes.

11 Q. Did you participate in a purity pass with MINOR ?

12 A. Yes. We did the curriculum "Passport to Purity."

13 Q. "Passport to Purity." Excuse me.

14 A. Right.

15 Q. Can you tell the jury a little bit about what that
16 curriculum is.

17 A. Mm-hmm. Basically bees and the birds. Just pretty much
18 introducing her to, you know, what God intended intimacy
19 would be with her husband when she does get married. It
20 talked about pornography. You know, just kind of introducing
21 her to that world in a way that is how God meant it to be.

22 Q. And approximately when did you attend that?

23 A. So it was before she started middle school. So it was
24 August -- it was either late July or early August 2019.

25 Q. And when she returned, had you and the defendant made

1 arrangements to give her a gift?

2 A. Yes.

3 Q. Can you tell the jury a little bit about that.

4 A. Yeah. So the curriculum does encourage for the father
5 to introduce a purity ring, which he gave her that night --
6 that evening that we got back home from our trip.

7 Q. And so that was July or August of 2019?

8 A. Mm-hmm.

9 Q. And I think you said August was when you separated, of
10 2019?

11 A. Right. August is when we decided we were going to
12 separate. I moved out. I think my lease started the first
13 week of September.

14 Q. So did the defendant stay in the marital home?

15 A. Yes.

16 Q. Was that the home on [RESIDENCE]?

17 A. Yes.

18 Q. Okay. And what was the arrangement between you two with
19 the kids?

20 A. Basically, we would split them. [BROTHER] we split half and
21 half. And then [MINOR] would go every other weekend on the
22 weekends that [BROTHER] was there, just to kind of maintain that
23 sibling relationship.

24 Q. Can you tell the jury a little bit about the separation
25 in terms of was it amicable, or were you guys at each other's

1 throats then?

2 A. No. No. It was very amicable. We talked it through.
3 I mean, we had what you would call the perfect separated
4 marriage, separated relationship. Like, he was very active
5 with the kids, and so was I. And him and I had a very
6 cordial, very good relationship after that.

7 Q. And so if I understand, there wasn't a court order that
8 was making them go there; this is you guys had worked it
9 out and this is --

10 A. Yeah, we worked it out.

11 Q. Everything was going along fine?

12 A. Yes.

13 Q. At some point after that August and the separation, did
14 you ever notice a change in MINOR's behavior?

15 A. Yes.

16 Q. And what -- if you could, tell the jury what you
17 physically and personally observed.

18 A. Yes. So it was a little good bit into after we got
19 separated she started becoming a little bit more withdrawn.
20 She did start acting out. And just in her room a ton,
21 pitching fits, which was unlike her, things of that nature.

22 Q. And as a result of this new behavior and the separation,
23 did you make a decision to put her into counseling?

24 A. Yes.

25 Q. And was that, like, a religious-based counseling?

1 A. It was.

2 Q. And in fact, did you get a referral from the church or
3 something?

4 A. Yeah. I can't remember honestly how I got her name, but
5 she was referred to me by someone.

6 Q. Okay. Was that Danielle Austin?

7 A. Yes.

8 Q. And that would have been when? Like, was that the end
9 of 2019?

10 A. No. It was during the summertime of 2020.

11 Q. Okay. So peak of COVID?

12 A. Mm-hmm.

13 Q. Were those visits pretty much telehealth, or were they
14 in person?

15 A. No. They were telehealth.

16 Q. And did you and MINOR attend some of the visits
17 together on telehealth?

18 A. I believe so, yes.

19 Q. Were you -- I mean, did she go to her for long?

20 A. Not very long. A few months.

21 Q. And as this counseling's going on -- you mentioned she
22 had some changes in behavior -- did she -- was it your
23 understanding ever that she didn't want to go back to the
24 defendant's house?

25 A. Yeah. There were times that she -- there was one

1 specific time -- actually, I was working at Ragamuffin at the
2 time, and she called me to pick her up on a weekend that she
3 was supposed to be there.

4 Q. Did you ever become aware of an incident at his house
5 involving a time she was in the shower?

6 A. Yes.

7 Q. Did you confront the defendant about that?

8 A. I did.

9 Q. And did he admit that it happened?

10 A. Yes. He just said he was being playful and he didn't
11 mean anything bad about it.

12 Q. Was it your understanding that that made MINOR
13 uncomfortable?

14 A. Yes.

15 Q. I want to shift gears for a minute and ask you a little
16 bit about you.

17 How would you describe your parenting?

18 A. A lot of people would say strict. I call it more I
19 protect my children. I protect their innocence. I protect
20 -- I've always tried to, you know, encourage them to seek the
21 Lord and have a personal relationship with Christ. And you
22 could call it maybe, like, helicopter mom, but not really. I
23 don't know. I was very -- I am very protective over my kids.

24 Q. And as part of that protection, did you monitor
25 MINOR 's phone?

1 A. Yes.

2 Q. Was there ever a time that you saw something on it that
3 was concerning?

4 A. Yes.

5 Q. Can you tell the jury a little bit about that.

6 A. Yes. They took a trip. And she came back from that
7 trip and, you know, I was -- I've always monitored her phone,
8 just taken it away. She's freely given it to me as well.
9 And I noticed some searches on the phone where she was
10 searching, you know, "a man kissing a woman" and things of
11 that nature. It would pop up some images, but because her
12 phone was on lockdown for parental controls, it wouldn't just
13 completely reveal the full images that she was trying to
14 search.

15 Q. And sometime after discovering that, were you made aware
16 of the sexual assault allegations in this case?

17 A. Yes.

18 Q. How did you find out?

19 A. The principal called me.

20 Q. And did you go to the school?

21 A. Yes.

22 Q. Was that Moultrie Middle?

23 A. Yes.

24 Q. Did DSS get involved?

25 A. Yes.

1 Q. And where -- you're at the school. Do you hear more
2 about the allegations there?

3 A. When I got to the school?

4 Q. Yes. And is this the first time that this is all coming
5 out?

6 A. Yes.

7 Q. And where was [BROTHER] at this point?

8 A. As far as in school or -- it was a school day, so he was
9 in school.

10 Q. And then after school, where would he have gone?

11 A. It was Chris's week with [BROTHER]

12 Q. And so at some point did DSS go to retrieve [BROTHER] from
13 his house?

14 A. Yes.

15 Q. Was it your understanding that it was based on an
16 investigation that was now open?

17 A. Yes.

18 Q. Did you go with DSS?

19 A. Yes.

20 Q. Were you in your own personal vehicle?

21 A. Yes.

22 Q. Was that the same vehicle that Chris would have known
23 that you had?

24 A. Yes.

25 Q. And who else went to the house?

1 A. Just her and I.

2 Q. A female DSS worker?

3 A. Yes.

4 Q. Did she drive a marked vehicle?

5 A. No. We drove separate vehicles, but her vehicle wasn't
6 marked.

7 Q. And she's in a uniform?

8 A. No.

9 Q. No gun? No badge?

10 A. No. Hm-mm.

11 Q. And was there any drama while you were there?

12 A. No. I waited in the car the whole time.

13 Q. So you didn't even go up to the door?

14 A. No.

15 Q. And did law enforcement come with you?

16 A. No. I requested for law enforcement not to come.

17 Q. What do you mean by that?

18 A. Because of **BROTHER** and the fact that he's adopted and he
19 probably -- you know, he already had some trauma in his life.
20 I just didn't want any blue lights, and I specifically
21 requested for no blue lights.

22 Q. And so there was -- would you classify that as
23 uneventful --

24 A. Yes.

25 Q. -- as far as --

1 A. Yes.

2 Q. -- you know, there was no yelling, screaming, fighting?

3 A. Mm-hmm.

4 Q. Were there any other cars there?

5 A. I can't remember.

6 Q. Now, later that night did you confront the defendant
7 about these allegations?

8 A. Yes.

9 Q. Was that the first time that you had confronted him?

10 A. Yes.

11 Q. And did you do this, like, on the telephone or in a text
12 message?

13 A. I text messaged him.

14 Q. How did you have the defendant in your phone? Was he
15 saved?

16 A. Mm-hmm.

17 Q. As a contact?

18 THE COURT: If you can -- I don't want to interrupt.
19 And I know it's hard, but instead of saying mm-hmm or hm-mm
20 do you mind trying to say yes or no for me.

21 THE WITNESS: No. That's fine.

22 THE COURT: Thank you so much.

23 Sorry. Go ahead.

24 MS. FRIERSON: Thank you, your Honor.

25 THE COURT: Mm-hmm.

1 BY MS. FRIERSON:

2 Q. Did you have him saved as a contact in your phone?

3 A. Yes.

4 Q. And what was he saved as?

5 A. "Chris."

6 Q. And was the number that you had for him the same number
7 you had --

8 A. Yes.

9 Q. -- for the past ten or so years that you'd all been
10 together?

11 A. Yes.

12 Q. And was that the number you texted that evening?

13 A. Yes.

14 Q. Was he living with anyone else at the time?

15 A. Not that I recall, no.

16 Q. And again, when you went to the house you don't recall
17 any other cars being there?

18 A. No.

19 Q. Was there anything in the text that led you to believe
20 you were actually talking to him?

21 A. Yes, I was talking to him.

22 Q. What made you believe that?

23 A. Because that was his number that was saved on my phone.
24 It was the only number I had for him. So I knew I was
25 texting the right person.

1 I don't understand your question. I'm sorry.

2 Q. Okay. Let me clarify.

3 During the texts, was there anything in what he was
4 writing -- in the content, in the substance -- that led you
5 to believe that this was in fact Chris?

6 A. Yes.

7 Q. And what was that? Was he referring to anybody by name?

8 A. Yeah. Well, we -- when we text messaged we shortened
9 MINOR's name to "M" I believe he used that name. He
10 also called her "my daughter," which he always did while we
11 were married.

12 Q. And did he reference any of the allegations that had
13 been made?

14 A. What do you mean by "reference"?

15 Q. During your texts back and forth, was he talking about
16 some of the allegations, the disclosures that --

17 A. Yes.

18 Q. -- MINOR had made?

19 A. Yes.

20 Q. So it was something that he was clearly aware of?

21 A. Yes.

22 MS. FRIERSON: Your Honor, at this time the State would
23 like to approach the witness.

24 THE COURT: Okay.

25

1 BY MS. FRIERSON:

2 Q. Isabelle, I'd like you to take a look at what's been
3 marked as State's Exhibits 3 through 7 and just take a minute
4 to review those and let me know if you know what they are.

5 A. They're text messages between him and I.

6 Q. And how do you recognize them?

7 A. What do you mean? I'm sorry.

8 Q. Well, as you look at them, how do you recognize that
9 they're text messages between you and he?

10 A. Well, Number 1, his name is on the top. And Number 2,
11 just the whole conversation.

12 Q. The contents of the conversation?

13 A. Correct. I'm the one that sent out that first text
14 message.

15 Q. Okay. And that is how you have him saved in your phone,
16 as "Chris"?

17 A. Mm-hmm.

18 Q. And it, I guess, abbreviates as "CW"?

19 A. For "White," yes.

20 Q. And after looking at these, is that -- does that capture
21 the conversation you had that night when you confronted him?

22 A. Yes.

23 Q. Via text?

24 A. Via text.

25 MS. FRIERSON: Your Honor, at this time the State would

1 seek to enter State's Exhibits 3 through 7 and publish to the
2 jury.

3 THE COURT: Okay.

4 MS. BLAZER: Subject to my previous objection.

5 THE COURT: Okay. Sure. Over the standing objection,
6 I'll allow it. So it will be admitted and you can publish.

7 MS. FRIERSON: Thank you, your Honor.

8 (State's Exhibit Numbers 3, 4, 5, 6, and 7 admitted into
9 evidence.)

10 (Exhibit displayed on screen in open court.)

11 BY MS. FRIERSON:

12 Q. Isabelle, I'm going to have you -- so this is State's
13 Exhibit 3. I would like to go through -- now you can --

14 MS. FRIERSON: Actually, is that screen a touch screen?

15 THE COURT: I haven't been in here in a while. Try to
16 just give it a shot. I don't know if that is a touch or not.

17 Yep. There you go. Okay.

18 BY MS. FRIERSON:

19 Q. All right. So that is a touch screen. So I'd like you
20 to show the jury how you know that this is Chris you're
21 talking to. You can point or circle.

22 A. (Indicated.)

23 Q. And what are you circling there?

24 A. "M"

25 Q. "M"?

1 A. It's what we would call her.

2 Q. Okay. And what is this up here?

3 A. His name.

4 Q. Okay. And that's how you had him saved in your phone?

5 A. Yes.

6 Q. Now, looking at these bubbles, I'm guessing is this an
7 Apple phone? Like an iPhone?

8 A. Mm-hmm.

9 Q. And can you tell me whether you're the blue bubble or
10 the gray bubble.

11 A. I'm the blue bubble.

12 Q. Okay. If you could read for me the blue bubble.

13 A. "How could you, Chris? How could you have done this to
14 us? How could you have done this to her? I've been so sick
15 to my stomach all day recounting her words over and over in
16 my head. Look at what this has all come down to. You need
17 psychological psychiatric help. I can't believe this. I
18 just can't. This is a nightmare."

19 Q. And then the gray is who?

20 A. It's Chris.

21 Q. And how did he respond?

22 A. I'm trying to read it. I haven't read these messages in
23 a long time.

24 Do you want me to read what he responded?

25 Q. Yes, ma'am.

1 A. "I never intended or consciously meant to hurt M in any
2 way or to do anything like that. But this is how she feels
3 and perceives it, and it has hurt me so much. I love her as
4 my daughter, not anything else. I'm so sick right now I can
5 barely handle it. Please pray."

6 Q. And to that how do you respond?

7 A. Oh, my gosh.

8 Q. If you need a minute, please let us know.

9 A. "Touching her vagina is not an innocent act, Chris.
10 What were you thinking?"

11 Q. I'm going to move to State's Exhibit 4, which continues.
12 (Exhibit displayed on screen in open court.)

13 BY MS. FRIERSON:

14 Q. Isabelle, who are you continuing to text here?

15 A. Chris.

16 Q. And how did he respond?

17 A. "I tickle, rubbing her arms or legs and back as we watch
18 TV or as we pray before bed. I must have done something for
19 her to say this. I truly didn't have the intentions in a
20 sexual way. This is so sickening."

21 Q. How are you feeling right now when you're receiving this
22 that night?

23 A. At a loss. Devastated.

24 Q. Are you searching for answers?

25 A. Yes.

1 Q. And so you continue to ask him questions. What do you
2 say next?

3 A. "You put your hands inside her panties and touched her
4 vagina. How is that not sexual?"

5 Q. And what was his response?

6 A. "I totally understand for you to keep her away from me.
7 I would as well if I heard it. I'm so sorry, truly sorry for
8 hurting her and you. I don't recall intentionally doing
9 that. I really don't.

10 Q. And you say?

11 A. "So you did it unintentional?"

12 Q. Is this making sense to you?

13 A. His responses?

14 Q. Mm-hmm.

15 A. No, not really.

16 Q. And so when you ask him if he did it unintentionally,
17 what does he say?

18 A. "But if she is saying I did, then I wish I could take
19 that back."

20 Q. I'd like to move on to State's Exhibit Number 5.

21 (Exhibit displayed on screen in open court.)

22 BY MS. FRIERSON:

23 Q. We're at the top here, "could take that back." So is
24 this the continuance of the conversation that y'all have?

25 A. Correct.

1 Q. And so he says he wishes he could take it back. What
2 does he say next?

3 A. "I would never mean to hurt her in any way, Isabelle. I
4 truly mean that, truly. I'm so embarrassed and shocked right
5 now."

6 Q. And do you continue to question him and try and find
7 answers?

8 A. Yes.

9 Q. And so what do you ask?

10 A. "Did you have her touch you as well? Did you have sex
11 with her?"

12 Q. And how does he respond?

13 A. "Hell, no. She's my daughter."

14 Q. What do you say?

15 A. "But you touched her vagina. Just please explain what
16 motivated you to touch your daughter cha cha."

17 That's what we called the vagina.

18 Q. And when you say that's what you called it, is that,
19 like, the family word that you used?

20 A. The family word, yeah.

21 Q. And is that what MINOR would have know it as back
22 then?

23 A. Yes.

24 Q. So after you ask him, you know, to please explain what
25 his motivation would be, what does he say?

1 A. "I don't remember or intend to do so. I'm just so sick
2 right now thinking of her and how she feels. I don't want
3 any motivation to do so either."

4 Q. State's Exhibit 6.

5 (Exhibit displayed on screen in open court.)

6 BY MS. FRIERSON:

7 Q. Here it picks up where we just -- you read the "Hell,
8 no." And you just finished "I don't want any motivation to
9 do either."

10 Can you continue to tell the jury what he proceeds to
11 say.

12 A. "There was no motivation and didn't mean to do if she is
13 saying I touched. I don't and I won't call her a liar
14 either. That is how she sees it, and I'm truly saddened by
15 this. I'm so sorry, Isabelle, by anything I did. But I
16 truly mean what I said; I am not intending to do anything to
17 hurt MINOR."

18 Q. So he says he won't call her a liar?

19 A. Yes.

20 Q. I'd like to move on to State's Exhibit Number 7, the
21 last one. I know this has been hard, Isabelle.

22 (Exhibit displayed on screen in open court.)

23 BY MS. FRIERSON:

24 Q. And I think you ended with "I'm so saddened by this" on
25 the last one. So could you please tell us what he continues

1 to say.

2 A. "I am so sorry, Isabelle, for anything I did. But I
3 truly mean what I said; I'm not intending to do anything to
4 hurt **MINOR**."

5 Q. And how do you respond?

6 A. "Where exactly did you touch her? I need to know so I
7 can help her heal. What exactly were you intending to do? I
8 need to help her process this, so I need to know where you
9 touched, Chris."

10 Q. And what is the last thing he says?

11 A. "Isabelle, I told you that I rub, tickled her arm, leg,
12 and at times back. I didn't have any intentions for anything
13 more. I really didn't."

14 Q. Thank you.

15 Is that how the conversation more or less ended, or did
16 it continue to go on?

17 A. No. I believe it ended there.

18 Q. And did you guys discuss it again?

19 A. Yes.

20 Q. And in those text messages he clearly says, "I don't and
21 I won't call her a liar." Did he ever call her a liar?

22 A. No.

23 Q. Did detective -- did you send those to Detective Austin
24 -- or Detective Miller?

25 A. Yes.

1 Q. Did she ever get your phone to look into it?

2 A. They did. A while after, yes, they did.

3 Q. Was it your phone or [REDACTED] 's phone?

4 A. It was my phone and [REDACTED] 's phone.

5 Q. Okay.

6 A. Both.

7 Q. Okay. And obviously you're emotional. I can imagine
8 that was hard to read. But if you could, tell the jury
9 what's going through your head after that conversation. How
10 are you feeling?

11 A. After that text? After that day? All of the emotions:
12 hopeless; confused; extremely saddened; like, in despair;
13 like, questioning myself what could I have done to avoid it.

14 Q. You describe yourself as a "helicopter mom"?

15 A. Mm-hmm. Yes.

16 Q. And I think that most people know what that means. But
17 what does that mean to you?

18 A. I know everything that's happening in my kids' life. I
19 like to be a part of every little detail, every moment, every
20 stepping stone, everything. I home schooled [REDACTED] for a
21 reason. And that's how I feel like I can protect them is
22 just stepping into their lives and leading that life with
23 them versus just being on the sidelines.

24 Q. Does protecting them include shielding them from certain
25 things?

1 A. Yes.

2 Q. Certain subject matter?

3 A. Yes.

4 Q. Certain people?

5 A. Of course.

6 Q. Were you the type of parent that wants to know if
7 somebody's parents are home before your kids can go over
8 there?

9 A. One hundred percent.

10 Q. Did you have to know the family before your kids went
11 over there?

12 A. Yes.

13 Q. Did you ever think you had to worry about your own
14 husband?

15 A. No.

16 MS. FRIERSON: The Court's indulgence, your Honor.

17 (Pause in proceedings.)

18 MS. FRIERSON: I have no further questions at this time,
19 Isabelle. Please answer any that Ms. Blazer has.

20 CROSS-EXAMINATION

21 BY MS. BLAZER:

22 Q. Good morning, Ms. Noy-McCall. My name's Cameron. How
23 are you?

24 A. Good. How are you?

25 Q. I'm okay. Thank you.

1 So you met Chris in 2011; is that right? 2012?

2 A. I met Chris in 2011.

3 Q. 2011. On Christian Mingle, right?

4 A. Mm-hmm. Yes.

5 Q. And you met up -- you learned through Christian Mingle
6 that you actually went to the same church?

7 A. Yes.

8 Q. And your first date was really just a meet-up at the
9 church, right?

10 A. Yes.

11 Q. And [MINOR] was there with you?

12 A. Yes.

13 Q. So he met you and [MINOR] the first day -- he met
14 [MINOR] the first day he met you?

15 A. Well, it wasn't planned. We ran into each other at
16 church, but yes.

17 Q. I see. Okay.

18 And then you dated for about a year before you got
19 married?

20 A. Yes.

21 Q. During that year did you live together?

22 A. No.

23 Q. You courted and then you got married?

24 A. Correct.

25 Q. Okay. And so you got married in 20- -- was it January

1 of 2013?

2 A. January of 2013.

3 Q. Okay. So a little over a year of dating, and that's --

4 A. Yes.

5 Q. -- when you got married.

6 And at that time, as you testified earlier, MINOR was
7 a little girl?

8 A. Yes.

9 Q. Okay. And because she was so young and because she had
10 not had a father figure before that, you encouraged her to
11 view Chris as a dad?

12 A. I didn't encourage her. That's just something that
13 happened.

14 Q. Okay.

15 A. That was the only father figure she had ever had.

16 Q. Okay. But you weren't bothered by her seeing him as a
17 father?

18 A. No, I was not.

19 Q. Okay. And you and Chris talked about having more
20 children?

21 A. Yes.

22 Q. You talked about having biological children?

23 A. Yes.

24 Q. But that was not in the cards, right?

25 A. No.

1 Q. And so ultimately you decided to adopt?

2 A. Well, we always -- that was always the plan anyway.

3 Q. So it was MINOR, try for a biological child, and
4 adopt a child. Right? That was the plan?

5 A. Yes.

6 Q. Okay. And you did go through with adopting BROTHEE?

7 A. Yes.

8 Q. And adoption is a very big decision and a big commitment
9 because, like you were just talking about, wanting to have
10 control over all these inputs, you adopt a child and you
11 don't know what's happened in their life before they come to
12 you, right?

13 A. Correct.

14 Q. And so one of the things that you had to do in order to
15 be an adoptive parent was a lot of training, right?

16 A. Correct.

17 Q. You had to do -- each of you had to do training, right?

18 A. Yes.

19 Q. It's, like, I think DSS requires -- is it 36 hours of
20 training per adoptive parent?

21 A. I can't remember, but there's certain classes, yes, that
22 are mandatory.

23 Q. And you had to have a background check and all that
24 stuff?

25 A. Yes.

1 Q. And they go through -- those mandatory classes address
2 lots of different parenting topics, right?

3 A. Yes.

4 Q. Topics like child development?

5 Yes?

6 A. Yes.

7 Q. Attachment, yes?

8 A. Yes.

9 Q. How to keep kids safe?

10 A. Yes.

11 Q. Parenting a child with sexual trauma is actually
12 something that they teach you about, right?

13 A. Yes.

14 Q. There's a whole class in cultural humility.

15 It's just a very broad set of topics, right?

16 A. Correct.

17 Q. Okay. And so let's talk a little bit about how **BROTHER**
18 came to live with you.

19 He came in 2015; is that right?

20 A. Correct.

21 Q. Okay. And when you adopted him, he had been living in a
22 foster home in Puerto Rico; is that right?

23 A. Yes.

24 Q. With a bunch of other children?

25 A. Yes.

1 Q. And he seemed to have been neglected under those
2 circumstances?

3 A. I wouldn't -- I wouldn't say that he seemed like he had
4 been neglected. He was a healthy kid.

5 Q. Okay. But he had some physical and behavioral issues,
6 right?

7 A. Behavioral, yes.

8 Q. So he didn't have something called hypotonia?

9 A. He did.

10 Q. So what is that?

11 A. It is a muscle -- they call them "floppy babies" when
12 they're first born because it's a lack of muscle tone.

13 Q. Okay. Did they explain to you what caused that?

14 A. What caused it?

15 Q. Right.

16 A. No.

17 Q. Okay. But -- and then he came here in December of 2015
18 after you met him once down in Puerto Rico?

19 A. Correct.

20 Q. And he was brought here by a social worker from Puerto
21 Rico, right?

22 A. Correct.

23 Q. Okay. And you said just a second ago that he did have
24 some behavioral issues. Talk a little bit about those. What
25 were those?

1 A. He was just very defiant. He didn't have any
2 boundaries. He had never been shown boundaries. So he just
3 struggled a lot with authority and us trying to parent him
4 and trying to teach him.

5 Q. Mm-hmm.

6 A. There was a lot of setbacks.

7 Q. He had also some issues at night, issues with sleeping?

8 A. Yes.

9 Q. Talk about those.

10 A. He just has never been a good sleeper. So he takes
11 melatonin to sleep.

12 Q. When he couldn't sleep, what would -- would he not want
13 to stay in his room? Would he, you know, cry? How did that
14 work?

15 A. He would cry.

16 Q. And he still struggles with sleep?

17 A. He still takes melatonin --

18 Q. Okay.

19 A. -- to sleep.

20 Q. Okay. So **BROTHER** and **MINOR** are about six years apart?

21 A. Yes.

22 Q. And so that meant that developmentally they've sort of
23 always been at different phases?

24 A. Mm-hmm. Yes.

25 Q. And I guess she became a teenager when he was in first

1 grade, give or take, or second grade?

2 A. Yes.

3 Q. At some point during your separation with Chris, you and
4 Chris agreed that **BROTHER** should be full time with Chris; is
5 that right?

6 A. It's a conversation that we had. It wasn't necessarily
7 something that was set on stone.

8 Q. Okay. But it was something that you were openly --

9 A. We had discussed, yes.

10 Q. Okay. And that was because **BROTHER** was a behavioral
11 challenge and Chris seemed to have more ability to
12 successfully navigate those behavioral challenges, right?

13 A. Correct.

14 Q. Okay. While you were still married, you had your share
15 of struggles while you're trying to make it work for about, I
16 guess, four years after **BROTHER** came home?

17 A. "Share of struggles" meaning?

18 Q. Whatever. I mean, all marriages have challenges.

19 A. Marriages?

20 Q. Yeah.

21 A. Yes, we did.

22 Q. Okay. And during -- but despite all those challenges,
23 you were never concerned, as you testified earlier, that
24 Chris would do something like what **MINOR** ultimately
25 accused him of?

1 A. No.

2 Q. And you trusted him?

3 A. Yes.

4 Q. You know, you left the kids at home with him to go visit
5 North Carolina?

6 A. Yes.

7 Q. Okay. But at the end of the day, a marriage isn't just
8 about parenting; and the two of you were not compatible?

9 A. We were compatible. The reason that we separated wasn't
10 because of compatibility.

11 Q. Okay. You would agree with me -- well, I don't know.
12 Maybe you won't.

13 Would you describe yourself as outgoing or introverted?

14 A. I'm outgoing.

15 Q. And would you agree with me that Chris is a little
16 introverted?

17 A. Yes.

18 Q. So it was 2019 when you decided to separate and you
19 moved out?

20 A. Yes.

21 Q. And you moved out to an apartment in Mount Pleasant at
22 first?

23 A. Correct.

24 Q. And then later to an apartment in North Charleston? Or
25 was it a house?

1 A. It was a -- I purchased a duplex.

2 Q. A duplex. Okay.

3 A. Yes.

4 Q. And so that was -- when did -- do you remember when you
5 purchased the house in North -- the duplex in North
6 Charleston?

7 A. January of 2020.

8 Q. Okay. So right before the pandemic?

9 A. Yes.

10 Q. Okay. And so you were commuting with MINOR to school
11 in Mount Pleasant during that time?

12 A. Yes.

13 Q. Okay.

14 A. And BROTHER

15 Q. Yes, of course.

16 And that's when she was at -- she went to Moultrie
17 Middle for seventh grade, right?

18 A. Correct.

19 Q. Okay. And up until that time, you, as you testified
20 earlier, had been able to home school her exclusively and
21 that was something that you really valued?

22 A. Up until that point, yes.

23 Q. Yeah. And you described your separation from Chris as
24 very amicable. But you did argue about things?

25 A. Like any other person would, yes, we did.

1 Q. You argued about money probably more than anything else?

2 A. We argued some about money.

3 Q. And the kids knew when you argued?

4 A. No.

5 Q. No?

6 A. No. Absolutely not.

7 Q. Okay. So you know that MINOR was, you know, becoming
8 a teenager and had the ability to sort of make observations
9 about things that were happening in her life at that time?

10 A. Of course.

11 Q. And so she knew that you had money troubles after the
12 separation?

13 A. I wouldn't say that I had money troubles after my
14 separation. I had a full-time job.

15 Q. She knew that you were dating?

16 A. She knew, yes.

17 Q. There was a guy you started dating who was really nice
18 to her but she was mean to him for no reason?

19 A. Correct.

20 Q. And then you dated a guy in Georgia?

21 A. Mm-hmm.

22 Q. A really nice Christian guy, right?

23 A. Yes.

24 Q. But then he ended up relapsing on meth?

25 A. Correct.

1 Q. And she knew all of these things when she was 12 or 13
2 years old?

3 A. She didn't know the specifics, that it was meth. She
4 does now. But she did know that I took him to rehab, yes.

5 Q. Up until the separation, you had been a stay-at-home
6 mom; is that correct?

7 A. I still worked full time even if it was from home.

8 Q. Okay. But you were able to stay at home?

9 A. Yes. I worked from home, yes.

10 Q. Okay. And it was hard for both of you for home
11 schooling to end?

12 A. Yes.

13 Q. Because it was not just a way to maintain connection,
14 but a way for you to be sure that **MINOR** was only learning
15 the things that you thought she should learn, right?

16 A. She was ready. I never hesitated. I never thought -- I
17 never hesitated. I never thought that she wouldn't be ready
18 for school. She was 12 years old.

19 Q. Okay.

20 A. And I had raised her right, so I was a firm believer
21 that she was ready.

22 Q. But she had a tough time transitioning?

23 A. She had a tough time after -- about six months after
24 transitioning, ten months after transitioning.

25 Q. Well, and -- okay. And so she started the transition in

1 the fall of 2019, right?

2 A. Correct.

3 Q. And then the spring of 2020, everybody was having a
4 tough time, right?

5 A. No. The summer of 2020.

6 Q. Well, but I'm talking about everybody in the world was
7 having a hard time in the spring of 2020.

8 A. Oh, you were being specific. I'm sorry. Yes. It was
9 COVID.

10 Q. Yeah. So COVID affected everybody.

11 A. Correct.

12 Q. It meant that she went -- was no longer in in-person
13 school; she was back to being at home?

14 A. Correct.

15 Q. Everybody was on lockdown.

16 A. Mm-hmm. Correct.

17 Q. So she spent the end of seventh grade in quarantine?

18 A. Correct.

19 Q. But was able to go back to in-person school in the fall
20 of 2020?

21 A. Correct.

22 Q. And in the fall of 2020 she was -- as you've described,
23 the transition was less easy at that point, right? She was
24 struggling?

25 A. She was struggling from end of the summertime --

1 Q. Okay.

2 A. -- to the beginning of fall, yes.

3 Q. Okay. And she was struggling in math, I think, right?

4 A. Math has always been a struggle for her.

5 Q. Right. But I mean that was -- she specifically had
6 failing grades in math at that time, right?

7 A. She didn't fail, no.

8 Q. Okay. So you testified earlier that even before these
9 allegations arose you considered yourself a helicopter mom.
10 You're not a helicopter mom because of this bad thing that
11 happened; you've always been a helicopter mom?

12 A. I've always been, yes.

13 Q. Yeah. And you told us that you didn't let her have
14 sleepovers with parents that you didn't know?

15 A. Correct.

16 Q. You let her have a phone but only with restrictions?

17 A. Correct.

18 Q. She was not, in middle school, supposed to talk to boys
19 on the phone?

20 A. No, she wasn't, unless they were on speaker phone and in
21 a common area where I could hear the conversation.

22 Q. So no private conversations with boys on the phone?

23 A. No.

24 Q. Okay. And you said earlier that you were able to track
25 her internet use. Was that through an app or just because

1 she would let you see her phone?

2 A. She would let me see. I mean, she would give me her
3 phone if I asked for it.

4 Q. Okay. And so you testified earlier today that you did
5 ask her for her phone after a trip that she took with Chris?

6 A. Correct.

7 Q. And today you said that she looked up -- I believe you
8 said "man kissing woman," right?

9 A. Correct.

10 Q. But you told investigators that what she looked up was
11 "man licking woman," right?

12 A. It could have been that as well, to be honest with you.

13 Q. Okay.

14 A. The verbatim. Nevertheless, that's what she was
15 searching.

16 Q. And so as you described earlier, in the summer of 2020
17 is really when the behavioral --

18 A. Yes.

19 Q. -- changes started, correct?

20 And she was acting more teenagery?

21 A. Correct.

22 Q. Arguing more?

23 A. Yes.

24 Q. Sort of trying to be independent?

25 A. Just more withdrawn --

1 Q. Okay.

2 A. -- than anything.

3 Q. Okay. And you and she had a fight one day and she ran
4 away?

5 A. Correct.

6 Q. Okay. What was the fight about?

7 A. Her and her brother were fighting in the living room.
8 We were all at home. It was during COVID, so I was working
9 from home as well.

10 Q. And did she get in trouble?

11 A. Both of them did. I put them both in timeout.

12 Q. And how did she run away?

13 A. Because her door for her bedroom was really close to the
14 front door. I was in my work -- er, I was in my bedroom
15 where my desk was, and I just didn't even realize it. I
16 didn't hear the door.

17 Q. How long was she gone?

18 A. Ten, fifteen minutes maybe. Maybe more or less.

19 Q. When you realized she was gone, you called Chris and
20 told him?

21 A. Mm-hmm. Yes.

22 Q. And I think you were actually on the phone with him when
23 a neighbor found her; is that right? Or when you found her;
24 I'm not clear.

25 A. I cannot remember, to be honest.

1 Q. Okay. She actually hadn't gone very far?

2 A. No.

3 Q. She was at a park down the street?

4 A. She was at the neighborhood pool.

5 Q. A pool.

6 A. Yes.

7 Q. I'm sorry.

8 But is that the event that precipitated you deciding it
9 was time for counseling?

10 A. Yes.

11 Q. Okay. And that's when you sent her to Danielle Austin?

12 A. Correct.

13 Q. And on October 27, 2020, you got called to the school
14 because of what **MINOR** had disclosed?

15 A. Repeat that one more time.

16 Q. Sure.

17 On October 27, 2020, you got called to the school
18 because of what **MINOR** had disclosed to her guidance
19 counselor?

20 A. October of 2020. I can't remember the exact date, but
21 yes.

22 Q. Okay. And you were devastated?

23 A. Correct.

24 Q. You were tearful, like any mom would be?

25 A. Correct.

1 Q. You were worried at one point when you were talking to
2 the detectives about whether DSS would take [BROTHER] or whether
3 Chris would be able to keep [BROTHER]?

4 A. No. That was something that was done immediately. It
5 said the safety -- it's a piece of paper that says that in
6 the time being he cannot -- a safety -- I can't -- to be
7 honest with you, I can't remember. But no, that was -- the
8 DSS case worker is the one that assigned that.

9 Q. So you don't remember asking Ms. Wilson, the school
10 resource officer, if DSS was going to get involved and take
11 your kid into foster care?

12 A. To be honest with you, that day was a complete blur.
13 But I do remember DSS showing up at my house that afternoon.

14 Q. Okay. And then later -- well, actually, so you don't
15 remember Officer Wilson reassuring you that since you
16 believed [MINOR], that wasn't going to be an issue?

17 A. When did she tell me that? At school?

18 Q. Mm-hmm.

19 A. Honestly, I mean, as soon as the principal started
20 talking, everything after that is just a whole blur. So I
21 can't say yes or no. Sorry.

22 Q. That's okay.

23 So then you don't remember telling her that you were
24 paranoid about sexual activity with [MINOR] and Chris?

25 A. I don't recall telling her that.

1 Q. You don't recall telling her that you had instructed
2 MINOR to wear black clothing to bed?

3 A. Oh, no, that's a hundred percent true.

4 Q. Okay. And you told her to wear black clothing to bed
5 because Chris was not her biological father?

6 A. No. Just -- no. It's just modesty. I never allowed
7 Chris to see MINOR naked or vice versa, even when she was
8 little and throughout our marriage.

9 Q. And you asked -- you told -- do you remember telling
10 Officer Wilson that you had asked MINOR a lot of questions
11 about whether or not Chris had ever been -- seen her naked?

12 A. Questions? I wouldn't say that I bombarded her with
13 questions. But I would remind her of making sure that she
14 was modest, making sure that she closed her door. That was
15 something that we even discussed prior to us getting married
16 specifically because we went through a parenting program and
17 that's what they encouraged us to do.

18 Q. That was -- that parenting program was not -- that was
19 separate from the --

20 A. It was from "Growing Kids God's Way."

21 Q. "Growing Kids God's Way."

22 A. Yes.

23 Q. Okay. That was a church program that you took?

24 A. It was --

25 Q. Okay.

1 A. -- another curriculum for different phases of childhood.

2 Q. Was that before or after the purity passport?

3 A. Way before. When she was little.

4 Q. Okay.

5 A. When we first got married.

6 Q. Um --

7 A. No, we weren't even married. I apologize. It was right
8 before we got married.

9 Q. Okay. And that was sort of something you wanted to make
10 sure you were all on the same page about before you lived
11 together?

12 A. One hundred percent, yes.

13 Q. So Chris participated in that --

14 A. Yes.

15 Q. -- curriculum with you?

16 A. Mm-hmm.

17 Q. And that curriculum was about discipline in addition to
18 other issues, right?

19 A. No. It wasn't about discipline. That was a different
20 curriculum that we did.

21 Q. Okay.

22 A. But this specific one -- I can't remember the name of it
23 right now, but it was specifically about how to protect your
24 children from visuals. It encourages parents to not let your
25 child see you naked after a certain age, I mean, because they

1 can become curious, or even vice versa.

2 I wish I could remember the name of it.

3 Q. That's okay.

4 The day of the disclosure, that's not the day you gave
5 Deputy Miller your text messages because they hadn't happened
6 yet?

7 A. I don't understand your question.

8 Q. The State showed you a series of text messages during
9 your direct testimony, right?

10 A. Between Chris and I?

11 Q. Yes.

12 A. Yes.

13 Q. And those are screenshots of conversations you had with
14 Chris late in the evening of the day of --

15 A. The night of, yes.

16 Q. Okay. And so nobody asked you for those in the
17 afternoon because they hadn't happened, right?

18 A. Well, you're saying nobody asked me for those. I don't
19 understand.

20 Q. Nobody from law enforcement asked you to see your phone
21 that day because you hadn't even had any communication with
22 Chris at that point, right?

23 A. Correct.

24 Q. But later you had the opportunity to send these
25 screenshots to Deputy Miller, right?

1 A. The day of?

2 Q. No. Later.

3 A. I did send it to them -- to her. Yes, I did.

4 Q. To her. And do you know about when that was?

5 A. I don't.

6 Q. But you sent them by email?

7 A. Yes, I emailed them to her.

8 Q. Okay. So you were -- I'm sorry. You were outside of
9 Chris's house when the DSS worker went to go get **BROTHER**, right?

10 A. Yes.

11 Q. And you were in the car waiting for them?

12 A. Yes.

13 Q. Was it dark out?

14 A. Yeah. It was early evening hours.

15 Q. 7:00-ish?

16 A. Ish, yeah.

17 Q. Okay. And you were not inside so you didn't hear any of
18 the conversation between the DSS --

19 A. No, I did not.

20 Q. Okay. So you don't actually know what the DSS
21 caseworker told him about why **BROTHER** was having to leave the
22 house?

23 A. No, I do not.

24 Q. And you have since ended up with full custody of **BROTHER**
25 and **MINOR**, right?

1 A. Correct.

2 Q. And over the last few years, you have been afraid that
3 if MINOR didn't go through with this, Chris could try to
4 get custody back of BROTHER?

5 A. No.

6 Q. No?

7 A. No.

8 Q. So you're not worried about that at all?

9 A. I am worried that he would get custody back of my son
10 after he -- you know, the allegations with my daughter.

11 MS. BLAZER: Nothing further, your Honor. Thank you.

12 THE COURT: All right. Any redirect?

13 MS. FRIERSON: Just briefly, your Honor.

14 REDIRECT EXAMINATION

15 BY MS. FRIERSON:

16 Q. Isabelle, there's been quite a few questions about DSS
17 and their investigation. And you mentioned something about a
18 safety paper?

19 A. Yes.

20 Q. Can you tell us a little bit more about that.

21 A. It's a document that the DSS gives us to give to
22 school -- which it was created at the time people were
23 bringing environmental education into our school -- that
24 states that he has -- he cannot come close to BROTHER or to
25 MINOR .

1 Q. Was that part of a safety plan they issued?

2 A. A safety plan. Yes.

3 Q. Okay.

4 A. That's it.

5 Q. And did you have to cooperate in order to get the safety
6 plan?

7 A. Yes.

8 Q. Did you cooperate?

9 A. Yes.

10 Q. So you have a safety plan?

11 A. We did.

12 Q. Did the defendant cooperate?

13 A. Yes.

14 Q. Did he have a safety plan?

15 A. We have a safety plan.

16 Q. Who's "we"?

17 A. The kids.

18 Q. Okay.

19 A. MINOR and BROTHER.

20 Q. But I guess my question is did he cooperate with DSS to
21 have his own safety plan with the children?

22 A. I believe so.

23 Q. Okay. Now, there's been lots of talk about BROTHER Did
24 BROTHER ever make any allegations in this case?

25 A. No, he did not.

1 Q. Has he ever accused the defendant of something?

2 A. No.

3 Q. The case isn't about **BROTHER**?

4 A. No.

5 Q. Okay. So let's move on.

6 Now, you dated after your divorce. It's fair to say
7 some of these men just were duds?

8 A. Were what?

9 Q. Duds.

10 A. Duds?

11 Q. Yeah. You moved on. They weren't good picks.

12 A. Oh, yeah.

13 Q. And **MINOR** never accused them of anything, did she?

14 A. No.

15 Q. Ms. Blazer was asking you a little bit about this
16 transition to public school in 2019, and you said that she --
17 I believe your -- you said she had a tough time
18 transitioning. And you said -- was that in, like, kind of
19 the summer of 20- -- spring/summer of 2020?

20 A. Sorry. Repeat that one more time.

21 Q. Her tough transition --

22 A. Mm-hmm.

23 Q. -- if I understood you correctly, it was in the summer
24 and spring of 2020?

25 A. Summer/early fall, yes, of 2020.

1 Q. And, yes, we're all aware COVID was going on then. But
2 when was it in 2020 that you learned about the sexual abuse?

3 A. October.

4 Q. And how long had it been going on?

5 A. The whole time --

6 Q. Since --

7 A. -- since we were separated.

8 Q. Which was?

9 A. August of 2019.

10 Q. So roughly August of 2019 to October of 2020?

11 A. Correct.

12 Q. So would that tough transition have fallen within that
13 period of sexual abuse?

14 A. Yes.

15 MS. FRIERSON: I have no further questions.

16 THE COURT: Okay. Any recross?

17 MS. BLAZER: No, thank you.

18 THE COURT: Okay.

19 All right, ma'am. You can step down. Thank you so
20 much.

21 (Witness excused.)

22 THE COURT: All right. Ladies and gentlemen, we've been
23 going for a little while. We'll take a morning break at this
24 time for about ten minutes so you can use the restroom and
25 stretch your legs. We'll see you back here shortly. Okay?

1 Thank you very much. We'll be at ease.

2 (The jury exited the courtroom at 10:45 a.m.)

3 (The following proceedings were had outside the presence
4 of the jury.)

5 THE COURT: All right. We'll be at ease for ten
6 minutes. Thank you very much.

7 MS. FRIERSON: Thank you, your Honor.

8 (Court recessed.)

9 (Cour resumed outside the presence of the jury.)

10 THE COURT: Thank you. Please be seated.

11 All right. You can bring the jury back in.

12 (The jury entered the courtroom at 11:08 a.m.)

13 THE BAILIFF: All jurors are present, your Honor.

14 THE COURT: Excellent. Thank you so much.

15 Everybody can be seated.

16 The State can call your next witness.

17 MS. FRIERSON: Thank you, your Honor.

18 The State calls Detective Austin.

19 THE COURT: Austin?

20 MS. FRIERSON: Yes.

21 THE COURT: Okay.

22 CLERK OF COURT: Please place your left hand on the
23 Bible and raise your right hand.

24 (Witness sworn.)

25 CLERK OF COURT: Okay. Please be seated.

1 Please state your name and spell your last name for the
2 court reporter.

3 THE WITNESS: It's Taylor Austin, A-U-S-T-I-N.

4 THE COURT: All right. Please proceed.

5 MS. FRIERSON: Thank you, your Honor. May it please the
6 Court.

7 TAYLOR AUSTIN,
8 called as a witness on behalf of the State, being first duly
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. FRIERSON:

12 Q. Good morning, Detective Austin.

13 A. Good morning.

14 Q. Could you tell the jury where you're employed.

15 A. The Charleston County Sheriff's Office.

16 Q. And how long have you been employed with them?

17 A. Eight years.

18 Q. What is your current assignment?

19 A. I'm an inspector sergeant, excuse me, in internal
20 affairs.

21 Q. What is internal affairs?

22 A. Internal affairs maintains the integrity of the
23 sheriff's office, ensures that all policies and procedures
24 are being followed. We handle the investigations of any
25 complaint, whether it be internal or external, for the

1 sheriff's office but also the Sheriff Al Cannon Detention
2 Center.

3 Q. If somebody complains on a sheriff's deputy, it's going
4 to come to your office?

5 A. Yes.

6 Q. Now, were you ever a detective in, like, the detective
7 bureau?

8 A. I was.

9 Q. And what unit were you in?

10 A. I started in the property division for about four or
11 five months, and then I moved to the special victims unit.

12 Q. And when about was that when you were in the detective
13 division?

14 A. Yeah, so I was assigned to the property unit starting
15 December of 2019 for about four or five months, worked
16 property crime, and then was assigned to the special victims
17 unit. And then I stayed there until June of 2022 when I was
18 promoted to sergeant and moved to internal affairs.

19 Q. I'm sorry. When you what?

20 A. When I was promoted to sergeant and moved to internal
21 affairs.

22 Q. Okay. Now, were you assigned to investigate this case
23 back in November of 2020?

24 A. Yes, I was.

25 Q. And where did the -- where did this incident happen?

1 What was the incident address?

2 A. [REDACTED] in Awendaw.

3 Q. And is that in Charleston County?

4 A. It is.

5 Q. Did you ever meet or speak with the victim in this case?

6 A. I did not.

7 Q. And why is that?

8 A. She had already been interviewed by Dee Norton.

9 Q. And when you say she had already been interviewed, was
10 that prior to your assignment of the case?

11 A. It was.

12 Q. Did you ever meet or speak with the victim's mother?

13 A. I did speak with the victim's mother over the phone.

14 Q. And I meant to ask you, in terms of the interview at Dee
15 Norton, if you had been assigned the case before that was
16 scheduled, do you typically attend those interviews?

17 A. I do.

18 Q. And when I say "attend," do you actually, like,
19 participate in the interview or are you an observer?

20 A. I'm just an observer.

21 Q. And what is the point of observing?

22 A. To see if there was any disclosure made regarding the
23 allegations. Also, it would allow me the opportunity to see
24 if any followup questions could be asked, whether -- er, with
25 the details that were disclosed.

1 Q. And would you ask those questions?

2 A. No, I would not. I apologize. The forensic interviewer
3 would.

4 Q. So logistically, how does that work? Do they take a
5 break and --

6 A. The forensic interviewer usually will take a quick
7 break, come and speak with the investigator to see if there
8 was anything needed from that interview.

9 Q. Okay. Now, going back, you said you spoke with the
10 victim's mother?

11 A. Yes.

12 Q. And what would be the point of speaking with, like, a
13 victim's mother on a child case like this?

14 A. To obtain any background information, any family
15 information, see if the parent or guardian had any
16 information regarding the allegations.

17 Q. Was it your understanding at some point that the mother
18 -- is it Isabelle?

19 A. Yes.

20 Q. That Isabelle confronted the defendant about these
21 allegations?

22 A. Yes.

23 Q. And did she send you screenshots?

24 A. She did.

25 Q. Did -- was there anything significant in those

1 screenshots to you?

2 A. Yes. During the conversation, or what I observed in the
3 text messages, the defendant did not deny the allegations.
4 He said that he did not intend to harm the juvenile victim.

5 MS. BLAZER: Objection, your Honor. Those are in
6 evidence, and I don't think we need any further --

7 THE COURT: Yeah, I mean, that's fine. She's just at
8 this point testifying as to her recollection, I guess. I'm
9 not sure.

10 Okay. So overruled. You can continue on.

11 BY MS. FRIERSON:

12 Q. I can rephrase the question.

13 Were those text messages -- those screenshots, how did
14 they play a role in your investigation?

15 A. I mean, he -- it influenced the investigation with the
16 fact that he said he was not calling the child victim a liar
17 and what she was alleging occurred.

18 Q. Did he outright deny that there was any touching that
19 happened?

20 A. No, he did not deny.

21 Q. And so based on your investigation at this point, you go
22 and you get a warrant for his arrest?

23 A. Yes.

24 Q. Did you dump any phones?

25 A. I did not.

1 Q. Did you get any search warrants?

2 A. No, I did not.

3 Q. Can you tell us a little bit about the hurdles that you
4 face in cases where there's these delayed disclosures as an
5 investigator.

6 A. From what I've experienced, the physical evidence is
7 usually either nonexistent or lacking when there's been a
8 delay in disclosure.

9 Q. And in this particular case, there was some allegations
10 that the touching happened on a couch. Did you go and swab
11 the couch for DNA?

12 A. No, I did not.

13 Q. And why not?

14 A. For the investigation, I mean, I already knew that she
15 was there in the house so -- and they both had access to the
16 house. So I don't know what else that physical DNA or buccal
17 swab would have added.

18 Q. I kind of want to break that down for the jury.

19 A. Okay.

20 Q. Was it your understanding that she lived in the house at
21 some point as well?

22 A. Yes.

23 Q. And she had visited the house?

24 A. Yes.

25 Q. Did you assume that she'd sat on the couch?

1 A. Yes.

2 Q. So what would -- from an investigative standpoint, what
3 would her DNA on the couch prove?

4 A. That she was present.

5 Q. What would his DNA on the couch prove?

6 A. That he was present.

7 Q. Would it further your investigation into these
8 allegations?

9 A. No, it would not.

10 Q. We've heard a lot about it. You know, this is late 2020
11 that this came up, and obviously COVID was going on. How did
12 COVID affect how y'all conducted business at the sheriff's
13 office, particularly when it came to investigations and
14 getting out in the field?

15 A. Yeah, the normal procedure was altered. It was very
16 fluid and changing constantly based on federal regulations
17 with the social distancing. And at times we were forced to
18 or required to work at home. We were splitting the
19 detectives office in half, and the access to the office was
20 sometimes limited. They quarantined it multiple times due to
21 exposure. So I mean, it kind of turned operations a little
22 upside down.

23 Q. There wasn't a protocol for this?

24 A. There was not.

25 Q. So it was kind of -- I mean -- and is it fair to say

1 that as a result of the pandemic and the actual allegations
2 in this case, the fact that it was delayed disclosure, it
3 impacted the investigation as a whole?

4 A. Yes.

5 MS. FRIERSON: The Court's indulgence.

6 THE COURT: Mm-hmm.

7 (Pause in proceedings.)

8 MS. FRIERSON: I have no further questions at this time.
9 Please answer any from Ms. Blazer.

10 THE WITNESS: Okay.

11 CROSS-EXAMINATION

12 BY MS. BLAZER:

13 Q. Good morning.

14 A. Good morning.

15 Q. How are you?

16 A. Good, ma'am. How are you?

17 Q. My name's Cameron.

18 A. Okay.

19 Q. Detective Austin, you were assigned to this case after
20 receiving -- after the department received an incident report
21 taken by Deputy Longhi; is that right?

22 A. Yes.

23 Q. Okay. And you -- when you got assigned the case, you
24 read his incident report?

25 A. Yes.

1 Q. He had a body camera, and you watched that body camera?

2 A. I don't recall if I -- if he had a body camera activated
3 or not.

4 Q. You -- okay. Do you recall watching any body-camera
5 footage?

6 A. For this case, no, I do not.

7 Q. So you did not watch the initial disclosure by MINOR
8 at school that was captured on two different body cameras?

9 A. If I did, I don't recall.

10 Q. Okay. And you said you got assigned the case sometime
11 in November?

12 A. Yes.

13 Q. And that was after she had gone to the Dee Norton Center
14 to give an interview?

15 A. Yes.

16 Q. And had you been assigned, you would have been there?

17 A. If they would have allowed, yes.

18 Q. Right. But you weren't assigned, so you couldn't be at
19 a thing that happened before you were assigned?

20 A. Right.

21 Q. But that interview was also recorded?

22 A. Yes.

23 Q. And you watched that video?

24 A. Yes.

25 Q. So you knew that one of the unique claims that MINOR

1 made was that these assaults happened while she and her dad
2 were watching movies?

3 A. Yes.

4 Q. Okay. You didn't make any effort to follow up on that
5 disclosure?

6 A. Regarding the movies?

7 Q. Yes.

8 A. No.

9 Q. So you didn't try to find out what movies she was
10 talking about?

11 A. No.

12 Q. You didn't try to find out what kind -- what ways she
13 and her dad would watch movies, whether that was Netflix or
14 Amazon Prime or DVDs?

15 A. No.

16 Q. And so you didn't seek any search warrants for
17 Mr. White's Amazon Prime account or his Netflix account?

18 A. No.

19 Q. And you didn't attempt to line up the times that he had
20 custody of **MINOR** with the times that he watched -- what
21 kinds of movies he watched with her during those times?

22 A. No.

23 Q. You didn't visit the house on **RESIDENCE**, did you?

24 A. No.

25 Q. You didn't look it up on property records, did you?

1 A. No.

2 Q. So you didn't know that it was 1,140 square feet?

3 A. No.

4 Q. With three bedrooms?

5 A. Hm-mm.

6 Q. With two bathrooms?

7 A. No.

8 Q. You did speak to MINOR's mom on the phone?

9 A. Yes.

10 Q. Okay. And she told you that she had had a confrontation
11 with him about the allegations the night of -- that they were
12 made?

13 A. Yes.

14 Q. And you asked her to send you screenshots?

15 A. Yes.

16 Q. And she emailed those to you?

17 A. Mm-hmm.

18 Q. But you did not ask to see her phone to ensure that you
19 got the full record?

20 A. No.

21 Q. And you also knew from your investigation that MINOR
22 had been searching the internet prior to this disclosure for,
23 according to her mother, "man licking woman," right?

24 A. I'm sorry. Can you repeat?

25 Q. You knew that MINOR had been exhibiting behaviors

1 including searching the internet for words like "man licking
2 woman"?

3 A. No, I did not.

4 Q. You didn't?

5 A. No.

6 Q. Okay. But if you had known that, you could have gone
7 and gotten [REDACTED] 's phone to see if there were any other
8 indicators of abuse or concerning behaviors?

9 A. Sure, I could have.

10 Q. And because you did not go to the house, you know,
11 obviously you didn't get any DNA, but DNA is not the only
12 thing that you could have collected from the house, is it?

13 A. No.

14 Q. Did you go to see if there were nanny cameras at the
15 house?

16 A. No, I did not.

17 Q. Did you -- you know that [REDACTED] had claimed to have
18 been digitally penetrated by her dad?

19 A. Yes.

20 Q. And you knew she was pretty young when that would have
21 happened?

22 A. Yes.

23 Q. And so you could have gone to look not just for DNA but
24 for blood. Yeah?

25 A. Yeah, I could. Yeah.

1 Q. But you didn't?

2 A. Correct.

3 Q. Right. You took out a warrant based on the information
4 contained in [REDACTED] MINOR 's disclosure and the email -- and the
5 screenshots Isabelle sent to you?

6 A. Yes.

7 Q. Nothing more?

8 A. Correct.

9 MS. BLAZER: Nothing further.

10 THE COURT: Any redirect of this witness?

11 MS. FRIERSON: No, your Honor.

12 THE COURT: Okay.

13 All right. You can step down.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 THE COURT: The State can call your next witness.

17 MS. FRIERSON: Thank you, your Honor.

18 The State calls Annalise Gunn.

19 THE COURT: All right.

20 MS. FRIERSON: Your Honor, actually, may we approach?

21 THE COURT: Yes.

22 (An off-the-record discussion regarding scheduling was
23 had at the bench in the presence of the jury but outside the
24 hearing of the jury.)

25 THE COURT: We were just talking about some scheduling.

1 All right. Yes. Please go ahead and swear the witness.

2 CLERK OF COURT: Okay. If you can raise your right hand
3 and place your left hand on the Bible.

4 (Witness sworn.)

5 CLERK OF COURT: Okay. Please be seated.

6 Please state your name and spell your last name for the
7 court reporter.

8 THE WITNESS: Annalise Gunn, G-U-N-N.

9 THE COURT: Go ahead.

10 MS. FRIERSON: Thank you, your Honor. May it please the
11 Court.

12 ANNALISE GUNN,
13 called as a witness on behalf of the State, being first duly
14 sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. FRIERSON:

17 Q. Good afternoon, Annalise.

18 Could you please tell the jury a little bit about your
19 educational background.

20 A. Yeah, absolutely.

21 I received my Bachelor and Master of Social Work degrees
22 from Baylor University.

23 Q. And where are you currently employed?

24 A. Dee Norton Child Advocacy Center.

25 Q. And what is your role there at Dee Norton Child Advocacy

1 Center?

2 A. I am a manager of one of our therapy programs.

3 Q. And just in general, what is a child advocacy center?

4 A. A child advocacy center exists to serve youth who have
5 experienced abuse and trauma. One of the key services that
6 we provide at a child advocacy center is something called a
7 forensic interview. We receive referrals from investigative
8 agencies such as law enforcement or child protective
9 services, and we start off with that forensic interview
10 service.

11 Q. Could you tell us a little bit about your professional
12 background.

13 A. Yeah. I began work at Dee Norton in 2016. I was an
14 intern there starting in 2015. I was a forensic interviewer
15 and therapist for about nine years there until I transitioned
16 to this manager role.

17 Q. And are you currently licensed in any fields?

18 A. Yes. I'm a licensed independent social worker in South
19 Carolina.

20 Q. And where were you employed in the fall of 2020?

21 A. Dee Norton Child Advocacy Center.

22 Q. And were you in a different role than you are in now?

23 A. Yes. I was a forensic interviewer and therapist at that
24 time.

25 Q. And so as -- in that role, was one of your duties to

1 interview children?

2 A. Yes.

3 Q. Is that you how met [REDACTED] MINOR ?

4 A. Yes.

5 Q. When you saw her, who accompanied her to the
6 appointment?

7 A. Her mother.

8 Q. Did she actually participate in the interview?

9 A. Not in the forensic interview. She was not in the room
10 with [REDACTED] MINOR when I interviewed her.

11 Q. Who was in the room with [REDACTED] MINOR when you interviewed
12 her?

13 A. Just myself and [REDACTED] MINOR .

14 Q. And did she tell you about being sexual assaulted?

15 A. Yes.

16 Q. Did she tell you when?

17 A. Yes.

18 Q. Did she tell you where?

19 A. Yes.

20 Q. Was that your only contact with [REDACTED] MINOR ?

21 A. Yes.

22 Q. And do you, after that interview, prepare a report based
23 on that interview?

24 A. Yes.

25 Q. And is that interview recorded?

1 A. Yes.

2 Q. Do you know -- have you had to testify in court before
3 about these interviews?

4 A. Yes.

5 Q. And so are you familiar with the rules for when a video
6 can be shown in court?

7 A. Yes.

8 Q. And is there an age limit on that?

9 A. Yes. The child has to be under the age of 12 at the
10 time of the forensic interview for the video to be shown in
11 court.

12 Q. And that's at the time of the forensic interview?

13 A. At the time of the interview.

14 Q. And how old was MINOR at the time of her interview?

15 A. Thirteen.

16 MS. FRIERSON: I have no further questions at this time.
17 Please answer any from Ms. Blazer.

18 CROSS-EXAMINATION

19 BY MS. BLAZER:

20 Q. Good morning, Ms. Gunn. My name's Cameron. How are
21 you?

22 A. Good. How are you?

23 Q. Good.

24 So a child shows up to Dee Norton to be interviewed by a
25 forensic interviewer, and you have a limited amount of

1 information going in but you have some information, right?

2 A. Yes.

3 Q. So you have -- do you have conversations with law
4 enforcement? Do you read their reports? How do you -- what
5 are your sources of information before going into an FI?

6 A. Sure. We receive information -- our intake receives
7 information typically from corroborating agencies such as law
8 enforcement or child protection services. And then prior to
9 meeting with the child for the forensic interview, the
10 forensic interviewer meets with the caregiver as well to gain
11 history from the caregiver about the concerns.

12 Q. Okay. So your job in these interviews is to ask
13 open-ended questions, right?

14 A. Yes, ma'am.

15 Q. Because you're trying not to introduce influence into
16 the way that the child answers the questions?

17 A. As forensic interviewers, we are trained to ask open --
18 er, excuse me, nonleading open-ended questions to maintain
19 the uninfluenced nature of the interview. Also in forensic
20 interviews, we're trained that it can be a funnel as well.
21 So it can start with open-ended questions and become more
22 focused as needed.

23 Q. So we keep calling it a forensic interview, but
24 "forensic" just means that the police use it, right?

25 A. "Forensic" means that, yes, investigative agencies can

1 use that information for their investigation.

2 Q. But you're not a part of law enforcement; you just work
3 very closely with them?

4 A. I'm not a part of law enforcement. We get our referrals
5 from law enforcement and child protective services, like I
6 mentioned. But we are a neutral third party separate from
7 those investigative agencies.

8 Q. And in terms of your training, were you trained to thank
9 a child every time that they give you some information?

10 A. Can you clarify your question a little bit for me?

11 Q. If a child like, say, MINOR, said, "Today I woke up
12 and got dressed and came here" -- because you would state,
13 you know, "Tell me about your day," the child tells you all
14 of that, you would say, "Thank you for giving me that
15 information"?

16 A. That is not explicitly part of the training, but more so
17 just a -- sometimes can be used as a polite way to interact
18 with the child.

19 Q. Okay. And that's something you did repeatedly in this
20 interview.

21 A. Is that a statement or a question?

22 Q. It's a statement that is a question.

23 A. Okay. I'm not sure. I would have to look at a
24 transcript of the forensic interview to ensure.

25 Q. Okay. Would you agree with me that as a forensic

1 interviewer your job is not to figure out if the kid is
2 telling the truth?

3 A. Correct.

4 Q. Your job is just to find out what is the kid saying,
5 right?

6 A. Yes.

7 Q. And this kid told you some things -- every disclosure --
8 let me rephrase.

9 Every disclosure has a unique character; is that fair to
10 say?

11 A. Can you clarify your question for me?

12 Q. Well, every child is unique.

13 A. Mm-hmm.

14 Q. And so every child experience is unique, right?

15 A. Every child's disclosure is unique.

16 Q. Okay. And so the features of a disclosure might -- it
17 might be important where the thing happened?

18 Yes?

19 A. Yes.

20 Q. It might be important specific circumstances under which
21 it happened that would help corroborate what happened?

22 A. Yes.

23 Q. So if a child told you that this always happened when
24 she was watching movies, that's an important and somewhat
25 defining character of the disclosure; would you agree?

1 A. Yes.

2 Q. But you would not ask what movies?

3 A. I would -- can you be more specific with your question?

4 Q. Well, I mean, do you recall asking this child what
5 movies she was talking about?

6 A. She shared information about the type of movies. I did
7 not ask the followup question about what exact movies she was
8 watching since she shared that it happened more than one time
9 and so there was more than one circumstance where there were
10 movies shown.

11 Q. Okay. Did you ask -- well, you didn't ask MINOR any
12 followup questions about other stressors in her life, did
13 you?

14 A. That is not part of the forensic interview protocol to
15 ask about other life stressors. We ask specific questions
16 about abuse or neglect experiences.

17 Q. Because life stressors couldn't have any impact at all
18 on the way that a child might disclose allegations of abuse?

19 A. Life stressors can impact a child and also the nature of
20 the forensic interviews. The goal is to ask questions around
21 their experiences of abuse or neglect to their bodies. So as
22 far as our screening questions, we're asking specific
23 questions about abuse or trauma or witnessing a crime.

24 Q. And so we talked a little bit about the fact that your
25 job is not to, you know, be the finder of truth or falsity,

1 right?

2 A. Right.

3 Q. So do y'all keep records of all of the interviews?

4 A. We do.

5 Q. Okay. And you made a report after each of those
6 interviews?

7 A. Yes.

8 Q. And you typically classify an interview as a disclosure
9 or nondisclosure; is that fair?

10 A. Yes.

11 Q. What's a nondisclosure?

12 A. If a child does not report allegations of abuse or
13 neglect.

14 Q. And if the child does report, that's a disclosure?

15 A. Yes.

16 Q. Whether it's ever ultimately proven to be true or not
17 true?

18 A. In our role as a forensic interview, as you mentioned,
19 we are not -- we are not stating whether or not that is true
20 or not true from a child. If their disclosure meets the
21 criteria of whatever crime is being alleged, then we label
22 that as a disclosure.

23 Q. Okay. And you don't go back and update the records when
24 you find out that a child has fabricated an allegation?

25 A. We don't because at the time of the forensic interview,

1 we are reporting only on -- from that forensic interview what
2 that child disclosed outside of other outside influences.
3 We're basing our report off of that child's disclosure in the
4 context of the forensic interview.

5 Q. Thank you.

6 MS. BLAZER: I have nothing further.

7 THE COURT: Any redirect?

8 MS. FRIERSON: Nothing from the State, your Honor.

9 THE COURT: Okay.

10 All right. You are free to go, ma'am.

11 (Witness excused.)

12 THE COURT: Ladies and gentlemen, we're just running a
13 little quickly this morning. We're going to break for lunch
14 at this time to give our next witness an opportunity to get
15 here from another county. So we will break -- it's about
16 11:36. I'm just going to ask that you be back by about --

17 What do you think? 1:15? Does that give you enough
18 time for her to get here you think? Yeah?

19 Okay. About 1- -- well, we're going to aim for 1:15,
20 and we'll have to -- we might have to regroup here if they're
21 not back here by then and call somebody out of order. So
22 I'll see you back at 1:15.

23 Thank y'all very much. Please, again, do not discuss
24 the case.

25 (The jury was released for lunch and exited the

1 courtroom at 11:37 a.m.)

2 (The following proceedings were had outside the presence
3 of the jury.)

4 THE COURT: Okay. So maybe just be thinking of a plan B
5 between now and 1:15. Okay?

6 MS. FRIERSON: Yeah. Thank you.

7 THE COURT: All right. We'll be at ease until 1:15.

8 MS. BLAZER: Thank you, your Honor.

9 THE COURT: Okay.

10 (Court recessed.)

11 (Court resumed outside the presence of the jury.)

12 THE COURT: Thank you. Please be seated.

13 All right. Did they make it here from Berkeley?

14 MS. FRIERSON: Yes, your Honor.

15 THE COURT: Great.

16 MS. FRIERSON: And we -- before the jury comes in, we
17 were just going to see about a couple of housekeeping
18 matters, if that was okay.

19 THE COURT: Yeah.

20 MS. FRIERSON: So we have our SANE nurse and our expert
21 witness.

22 THE COURT: Who's the nurse?

23 MS. FRIERSON: Kathy Fabrizio.

24 THE COURT: Okay.

25 MS. FRIERSON: And the expert is Carole Swiecicki.

1 THE COURT: Okay.

2 MS. FRIERSON: What I had asked Ms. Blazer about is
3 maybe we could do the argument for the expert now so that we
4 could just move -- if we're allowed to call Ms. Swiecicki, we
5 can just move seamlessly from Kathy to Carole.

6 THE COURT: Okay.

7 MS. FRIERSON: I don't know that it -- I mean, when I
8 have done them before --

9 THE COURT: Has she been qualified in circuit court
10 before?

11 MS. FRIERSON: Yes.

12 MS. BLAZER: Yes.

13 THE COURT: Okay.

14 MS. BLAZER: Before.

15 MS. FRIERSON: Carole.

16 MS. BLAZER: Right.

17 MS. FRIERSON: But -- and so, I mean, we can proffer her
18 actual testimony. But from my experience, it's more of just
19 the legal argument about qualifications and what testimony
20 has been let in. So I don't know that that would take long
21 in terms of a legal argument to do that now. And then based
22 on that, call Kathy and then Carole.

23 I don't foresee either of them being long. I think that
24 even if we do the argument for Carole and then put Kathy up
25 and then Carole, we're done by 3:00.

1 THE COURT: And you don't have any other witnesses?

2 MS. FRIERSON: No. Then we would rest.

3 THE COURT: Okay.

4 All right. Is your client prepared to testify today?

5 MS. BLAZER: He is prepared to testify today. I was
6 going to suggest that, you know, given what I shared with the
7 Court earlier about his lack of rest, that, you know, he and
8 I have had no time to speak today other than that, he -- I
9 mean, he's certainly ready to testify, but I would hope that
10 we can give him -- start fresh in the morning. Because, I
11 mean, I've got an hour with him probably. And I think -- you
12 know, I don't know how much the State's going to have. And
13 he's my only witness, so we could finish in the morning. And
14 then we have the one --

15 THE COURT: Yeah, I mean, it's just -- you know, I mean,
16 I just -- I'm okay with that as long as the narrative is not,
17 you know, "We could have tried three more cases this week if
18 we had not broke the court down."

19 MS. BLAZER: Well, and I was actually going to bring --
20 my next point is there's really only one one-day trial left
21 on the docket that I'm aware of, and that's Ms. Roberts'
22 trial with Mr. Goodwyn in my office. It's a one-day
23 threatening the life trial.

24 THE COURT: Mm-hmm.

25 MS. BLAZER: So I think even --

1 THE COURT: I think we already said she wasn't going to
2 try two in a week, right?

3 MS. BLAZER: And so --

4 MS. FRIERSON: Andrew Hulshult is in front of her. I'm
5 not sure --

6 MS. BLAZER: Oh, okay.

7 MS. FRIERSON: -- what that case is.

8 THE COURT: That's the one that is supposed to plea,
9 they think, though.

10 MS. BLAZER: Right. That -- okay. And I don't --

11 THE COURT: That's what Stephanie Linder -- I just wrote
12 down what Stephanie said.

13 MS. FRIERSON: Being called for trial may be indicative
14 of what happens.

15 THE COURT: Okay.

16 MS. BLAZER: Okay. And you're right. I misspoke
17 because I forgot about that one.

18 But is it all right for me to report back to Mr. Goodwyn
19 that you're not going to make Ms. Roberts try a second trial
20 this week?

21 THE COURT: I thought that's what was sort of discussed
22 yesterday. I thought it was if she has this other trial that
23 gets going, that she doesn't want -- we're not going to have
24 her do two in a week.

25 She looks like she's going to have a heart attack.

1 I think that was my understanding at the time was
2 that --

3 MS. BLAZER: She's game, but I'm sure she would --

4 THE COURT: -- was that if this went forward --

5 MS. BLAZER: -- appreciate it if you didn't make her do
6 that.

7 THE COURT: If A goes forward, then her B is not. So
8 yes, A has gone forward. So I will not -- she will not try
9 another one this week.

10 MS. BLAZER: Okay. And then do you know how long
11 Mr. Hulshult's trial is, if it's a trial?

12 MS. FRIERSON: If it's a -- my understanding, it was
13 short. And the thought was that it could go when we thought
14 we would be done by Wednesday.

15 MS. BLAZER: And I don't have any doubt that whether we
16 go this afternoon or in the morning, we are --

17 THE COURT: Okay.

18 MS. BLAZER: -- finishing by lunchtime tomorrow.

19 THE COURT: Well, that's fine. I guess my only issue --
20 the other thing was just to address your concern this
21 morning. You were worried that after two nights of possibly
22 no sleep it would be worse.

23 MS. BLAZER: I am.

24 THE COURT: So in a way I was thinking, well, hey, this
25 might solve that problem.

1 MS. BLAZER: I had that same thought. I also have a
2 thought of asking you to, if not order, gently recommend to
3 the sheriff's department that he be found a place to sleep.
4 I think that that would be fair and appropriate under the
5 circumstances as, you know, the whole reason he was taken
6 into custody is that he's facing 45 years in prison. And I
7 think it is fundamentally unfair to force him to go to trial
8 not having had a wink of sleep in two days.

9 THE COURT: I understand your concern. My hands are
10 tied, and I know you understand this. Obviously I don't
11 control the jail. I don't control the employees at the jail.
12 I don't control the conditions of the jail. It would be very
13 tough for me -- and I'm sure you can understand this -- for
14 me to set a precedent of "Please give this gentleman an
15 accommodation that's fitting" when I have many, many other
16 defendants in front of me who, you know, don't get that same
17 treatment.

18 MS. BLAZER: Right. And I think that the only -- I
19 certainly understand not wanting to set a precedent.

20 THE COURT: I can't. You know, that's tough for me.
21 And really, the main thing, though, is that I don't -- it's
22 out of my wheelhouse. It's out of my lane. Of course I
23 always like for everybody to be as accommodating as they can,
24 but the reality is I don't control that. And as difficult as
25 that is sometimes for various reasons, you know, I can't set

1 that precedent of beginning to, you know, try to control
2 those who are not in my immediate control. So, you know,
3 that's the call.

4 I mean, listen. I will go either way right now. If you
5 want to go forward today, that's fine. If you'd rather him,
6 you know, go back and y'all have tonight to discuss all this,
7 I don't have a problem with that.

8 MS. BLAZER: Okay. Well, we have -- we'll have to
9 obviously do the motions and everything after the State
10 rests. And if I might, I will probably try to pick up the
11 phone during a brief break and call the sheriff and just ask
12 him what he can do to help me. And if he says, "Sorry, kid.
13 Can't help you," I might say, "Let's go forward today." If
14 he say, "Yeah, let me see what I can do at the jail and make
15 sure your client can get a decent night's sleep," I'm going
16 to ask that we go tomorrow.

17 THE COURT: Okay. I just need to know what to do with
18 the jury in the meantime.

19 MS. BLAZER: Right. Right.

20 THE COURT: Do you want to go do that right now?

21 MS. BLAZER: I can call right now.

22 THE COURT: Why don't you go step out and do that. And
23 then we'll come back and --

24 MS. BLAZER: I'm not trying to make life difficult.

25 THE COURT: Oh, no. You're not. I mean, I'd just

1 rather go so we don't excuse them again.

2 MS. BLAZER: Yes, ma'am.

3 (Pause in proceedings.)

4 MS. BLAZER: I tried Sheriff Ritchie --

5 THE COURT: Okay.

6 MS. BLAZER: -- Chief Davis, and Mr. Phipps and couldn't
7 get any of them. I'm going to send Chief Ritchie a text
8 message and see --

9 THE COURT: Okay. Well, we can take another short break
10 later. That's fine.

11 MS. BLAZER: Okay. Thank you.

12 THE COURT: And then I think that Ms. Frierson then
13 wanted to discuss maybe arguing the expert issue at this
14 time.

15 MS. BLAZER: That's fine.

16 THE COURT: So all right. I guess I'm happy to hear
17 from you all.

18 Did you have a motion to suppress the testimony of this
19 expert? Or is it just --

20 MS. BLAZER: No. I simply think that we need to
21 establish under 702 whether her testimony is appropriate.

22 THE COURT: Okay.

23 All right. I'm happy to hear from you.

24 MS. FRIERSON: Thank you, your Honor. May it please the
25 Court.

1 Carole Swiecicki, although she is formerly with Dee
2 Norton, did not work on this case. Typically when we get a
3 case where we would like to use her, we reach out to someone
4 in their admin and see if she was ever a part of the case or,
5 while she was in an administrative position there, whether
6 she consulted or assisted on it. She had not. She does not
7 know anything about this case. She didn't work on it. She
8 has not met with the victim, the mom, anyone. We did not
9 discuss any of the case facts with her.

10 Her knowledge is extremely expansive and is outside the
11 ordinary knowledge of the jury based on both her personal
12 experience and the literature that she reviews as part of her
13 ongoing continuing education.

14 The defense began their opening with I believe the words
15 were "loneliness, rejection, and frustration." And since
16 then we've gone on and we've heard testimony about how
17 personal characteristics and other behavioral and situational
18 characteristics have contributed to or perhaps impacted the
19 victim's disclosure. There's been testimony elicited about
20 potential biases and concerns from the victim, knowledge of
21 whether there would be consequences from financial hardship
22 in the family. We heard the victim say that all she wanted
23 was her family to be together. So we've also heard about
24 these other environmental factors.

25 And under *State v. Jones*, 423 S.C. 636 in 2018, but also

1 its progeny in *Anderson* and *Brown*, it is well settled that
2 behavioral characteristics of sexual abuse victims is an area
3 of specialized knowledge where expert testimony must be
4 utilized. Cases have repeatedly held as recent as *State v.*
5 *Acker* in 2023 -- and that's 435 S.C. 716 -- that this kind of
6 testimony is, in fact, not improper bolstering. Especially
7 they noted in that case when a blind expert hasn't talked to
8 anyone -- the victim, the parents, the therapists -- there's
9 literally nothing she can do to bolster MINOR's testimony
10 because she doesn't know anything about her or this case.

11 THE COURT: She's only being offered as a blind expert,
12 in other words, correct?

13 MS. FRIERSON: Correct.

14 THE COURT: Mm-hmm.

15 MS. FRIERSON: As far as reliability, *Acker* also touched
16 on that and said that the expert testimony is reliable when
17 that expert is also not qualified as an expert -- like as a
18 forensic interviewer is an expert -- and instead is solely
19 the expert on the dynamics of child sexual abuse, addressing
20 general concepts and characteristics of victims generally.

21 The fact that it may or may not make MINOR's
22 testimony more or less credible is just the nature of the
23 beast. But she -- there's no way she can bolster something
24 she doesn't know. It's just what the studies and her
25 personality -- not "personality" -- her personal experience

1 has shown.

2 The testimony is also relevant under Rule 403 because
3 courts have said that this knowledge is so specialized and
4 outside the average knowledge of a juror. Which, having gone
5 through voir dire, none of our jurors on this panel are
6 childhood sexual therapists or experts in that field. It
7 would all be new information to them.

8 And there's no unfair prejudice. Again, going back to
9 the fact that she knows nothing about this case, she's just
10 testifying in general.

11 And for those reasons, we would offer her and establish
12 her credentials, but we would seek to offer her as an expert
13 in the dynamics of child sexual abuse.

14 THE COURT: Okay.

15 All right. Do you want an opportunity to proffer her
16 testimony and establish those credentials?

17 MS. BLAZER: I would like those credentials to be put on
18 the record in front of the jury, but I don't need to have --
19 I've been provided that information.

20 THE COURT: Okay.

21 MS. BLAZER: I'd like -- I think it's appropriate prior
22 to her being qualified as a witness for a brief cross on that
23 portion, but that's all I need to be able to do.

24 THE COURT: Okay.

25 All right. Well, certainly we'll take a look at this.

1 And obviously it's going to be on the State to establish the
2 criteria so that I can live up to my role as gatekeeper in
3 terms of, you know, her credentials, qualifications, her area
4 of expertise and knowledge. And then clearly, as the State
5 already said, she won't be -- she hasn't made any opinions
6 with respect to this particular case and will not be making
7 any opinions with regards to this victim's testimony and its
8 truthfulness or untruthfulness.

9 So we'll just keep an eye toward that. And that's fine.
10 Anything else I need to do at this point for either of
11 you?

12 MS. FRIERSON: Not from the State.

13 MS. BLAZER: No, your Honor. Thank you.

14 THE COURT: All right. Okay. All right. I think we
15 can bring the jury in now.

16 Thank you so much.

17 So the first, Kathy Fabrizio, right?

18 MS. FRIERSON: That's correct, Judge.

19 THE COURT: Got it. Okay.

20 (The jury entered the courtroom at 1:32 p.m.)

21 THE COURT: All right. Welcome back. Thank y'all so
22 much.

23 THE BAILIFF: All jurors are present, your Honor.

24 THE COURT: Great. Everyone can be seated. Thank you.
25 Okay. The State may call its next witness.

1 MS. FRIERSON: Thank you, your Honor.

2 The State calls Kathy Fabrizio.

3 CLERK OF COURT: Please raise your right hand and place
4 your left hand on the Bible.

5 (Witness sworn.)

6 CLERK OF COURT: Okay. Please be seated.

7 Please state your name and spell your last name for the
8 court reporter.

9 THE WITNESS: My name is Katherine Fabrizio, and my last
10 name is spelled F-A-B-R-I-Z-I-O.

11 THE COURT: Okay. Go ahead.

12 MS. FRIERSON: Thank you. May it please the Court, your
13 Honor.

14 THE COURT: Mm-hmm.

15 KATHERINE FABRIZIO,
16 called as a witness on behalf of the State, being first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. FRIERSON:

20 Q. Good afternoon, Ms. Fabrizio.

21 A. Hello.

22 Q. I understand you've had a busy day so far.

23 A. Yeah.

24 Q. Did you testify somewhere else this morning?

25 A. Yes.

1 Q. Well, thank you for coming.

2 If you could please tell the jury where you're employed.

3 A. I work at MUSC here in Charleston.

4 Q. And how long have you been with MUSC?

5 A. I started part time in 2008, and then full time since
6 2010.

7 Q. And what is your current position?

8 A. I work as a nurse practitioner in the division of child
9 abuse pediatrics.

10 Q. And could you tell the jury a little bit about your
11 duties as a nurse practitioner in the division of child abuse
12 pediatrics.

13 A. Yeah. I see patients pretty much every day. I examine
14 them. I do head-to-toe exams: look at the eyes, ears, nose,
15 and throat; listen to their heart, lungs, and belly; look at
16 all their skin; check their private area. I take a full
17 history before I see them, get their social history and their
18 medical history and sort of an understanding of why they're
19 there and what -- the reason that they're there.

20 Q. And I'd like to have the jury hear a little bit about
21 your educational and professional background.

22 So did you get an undergraduate degree?

23 A. I did. I got my undergraduate degree at the University
24 of North Carolina at Chapel Hill, and I got a Bachelor of
25 Nursing there. And then I worked for about five years.

1 And then after that I went back to school here in
2 Charleston at the medical university school of nursing -- or
3 not the "medical university," but MUSC School of Nursing and
4 got my master's degree in nursing there. And then I worked
5 five years.

6 And then I had moved to Georgia at that time, and I went
7 to Emory and got a post-master's on certification as a family
8 nurse practitioner. And then I took some time off because my
9 children were young then and took care of my children for a
10 while. And then I came back into practice when I started
11 this position.

12 Q. And you referenced that you went on to get a -- is it a
13 degree as a family nurse practitioner?

14 A. It's a certification. The degree is -- my two degrees
15 are Bachelor of Science in nursing from UNC Chapel Hill and a
16 Master of Nursing at the Medical University of South
17 Carolina. And then my certification is -- which was
18 additional education -- was with family nurse practitioner.
19 You can get a certification, like, as an advanced practice
20 nurse, like, in pediatrics or family or geriatrics. And I
21 just chose family.

22 Q. And what is the difference -- if you don't mind
23 explaining -- between an R.N., a nurse, and a nurse
24 practitioner? I believe they're referred to commonly as an
25 "N.P."?

1 A. Yeah, nurse practitioner.

2 Q. So the difference between an R.N. and an N.P.

3 A. A lot more education, first of all. And then more
4 responsibility. And the big difference is instead of being
5 given directions by the doctor to do things, you are the one
6 that sort of gives the directions about what's going to be
7 done to the child. And you're able to diagnosis the child.
8 And so diagnosis you can't do as an R.N.

9 Q. Okay. Now, we won't ask you to do any diagnosis --

10 A. Yeah.

11 Q. -- here today --

12 A. Yeah.

13 Q. -- but it's important for us to understand the
14 difference between the two.

15 A. Yeah.

16 Q. Now, is your work ever peer reviewed?

17 A. Every chart that I do is actually peer reviewed by an
18 attending physician. So there's an attending physician on
19 every day when I see a patient, and that doctor receives my
20 chart and reviews that chart.

21 Q. Okay.

22 A. And then that chart, it -- and I don't know if you want
23 to know this now, but if there is a certain finding on an
24 exam, then that actually has to be further peer reviewed on
25 through what we call SCCANN, the South Carolina Child Abuse

1 and Neglect Network. And that's the agency that oversees all
2 of child -- medical child abuse in South Carolina.

3 Q. Okay. Now, have you ever served as a pediatric sexual
4 assault nurse?

5 A. Yes. That's what I started doing when I first started
6 this job, which I started part time in 2008. And that's when
7 you -- I went into -- received training on what it is to do
8 forensic nursing for sexual assault, and all kinds of neglect
9 actually. And -- but particularly sexual assault.

10 And then you did a preceptorship. So after you do your
11 classes, then you -- then I was at MUSC and there were people
12 that already were working there who were experienced in
13 sexual assault, and so they trained me, like, seeing
14 patients. So first of all, they would do the exam until I
15 felt comfortable doing the exam. And then I would start
16 doing the exam and they would watch me do the exam to make
17 sure I did everything correctly. And then over time and
18 after you saw so many patients, then you were able to start
19 seeing patients on your own.

20 Q. Is there, like, a shortened version of "pediatric sexual
21 assault nurse"? Is there a nickname for it?

22 A. It's called PSANE.

23 Q. PSANE? Kind of to represent each word, the first
24 letter?

25 A. Yeah.

1 Q. Are you still a PSANE?

2 A. Yeah. I mean, I function as a nurse practitioner, but
3 PSANE is part of the role. Particularly if the -- when you
4 see patients at the hospital -- well, anyway, when you do
5 your sexual assault exams, then you're really functioning as
6 a PSANE and a nurse practitioner.

7 Q. Okay. How many SANEs would you say you've done over the
8 years?

9 A. Probably over a thousand.

10 Q. Have you been qualified as an expert in child sexual
11 abuse examinations?

12 A. Yes.

13 Q. Here in South Carolina?

14 A. Yes.

15 MS. FRIERSON: Your Honor, at this time we would offer
16 Ms. Fabrizio as an expert solely in the field of child sexual
17 abuse examinations.

18 MS. BLAZER: Without objection, your Honor.

19 THE COURT: Okay.

20 Ladies and gentlemen, most of the time folks who testify
21 from the witness stand can't give you opinions. They can
22 only tell you things that they've eyewitnessed or things that
23 they've seen or heard. We make an exception, however, for
24 folks who are deemed an expert in some science or field.
25 Ms. Fabrizio will be allowed to give you expert opinion

1 testimony in the field of child sex abuse examinations. That
2 doesn't mean you have to accept her opinions. It's just
3 information for you to use in any way that you see fit.

4 Please proceed.

5 MS. FRIERSON: Thank you, your Honor.

6 Q. [By Ms. Frierson] Now, as a PSANE, Ms. Fabrizio, are
7 you responsible for conducting the sexual assault exams on
8 both children and adolescents?

9 A. Yes. Yeah, I see children from age 1 to 17 years old.

10 Q. Okay. Thank you.

11 Could you explain to the jury the purpose of a sexual
12 assault exam.

13 A. The purpose of the exam is to guide your treatment and
14 diagnosis of the patient. It's to see if there's any
15 injuries on the patient, to see what's going on with the
16 patient, and that just sort of guides your treatment and
17 diagnosis of the patient.

18 Q. At any time during a SANE exam would you collect
19 forensic evidence?

20 A. Yes.

21 Q. And can you explain to the jury kind of how that's
22 determined whether you're collecting evidence or not.

23 A. Yeah.

24 Q. Are there different types of exams?

25 A. There are two different types of exams. We do acute

1 exams and nonacute exams.

2 And for a pubertal child, which we sort of say is 12
3 years and older, that acute exam is done within 96 hours. So
4 if you get information that the last time they had contact
5 with an alleged offender or the last time they said they were
6 assaulted, then you count from that point on to 96 hours.
7 And within that 96-hour period, then evidence shows that --
8 peer-reviewed evidence and research shows that it's likely
9 that you can collect DNA evidence.

10 After the 96 hours, you really don't have -- because
11 time degrades evidence -- DNA evidence, then you don't
12 collect the DNA evidence after 96 hours and you do what we
13 call a nonacute exam.

14 So acute exams are normally done in the emergency room,
15 and nonacute exams are done in an outpatient clinic setting.

16 Q. And did you see [REDACTED] MINOR [REDACTED] for a PSANE exam?

17 A. I did.

18 Q. And when was that?

19 A. October 29 of 2020.

20 Q. And was that an acute or a nonacute exam?

21 A. It was a nonacute exam.

22 Q. So just to refresh what we just went over, because it
23 gets a little scientific, the nonacute exam in October of
24 2020 for [REDACTED] MINOR [REDACTED] was nonacute because it had been more than
25 how many hours since --

1 A. Ninety-six hours.

2 Q. And so there was --

3 A. So she was out of the timeframe to collect DNA evidence.

4 Q. And again, explain to the jury what is the reasoning
5 behind that from a medical professional as why that 96 hours
6 is -- outside of that you don't do it.

7 A. Outside of 96 hours it's unlikely that you're going to
8 collect any type of forensic DNA evidence, and so we don't
9 collect it.

10 Q. And why is it unlikely?

11 A. It's unlikely because over time the DNA evidence
12 degrades. Like, they've had something to eat. They've had
13 something to drink. They've gone to the bathroom. They've
14 peed. They've pooped. All of that gets rid of evidence.
15 And just time gets rid of evidence. So the DNA evidence sort
16 of dissipates over that 96 hours so that after the 96 hours
17 you don't swab for it.

18 Q. Okay. And when [REDACTED] MINOR showed up for that exam, do you
19 remember her demeanor?

20 A. Yeah. She seemed a little nervous when I was talking
21 with her, a little shaken up. But overall she was very
22 cooperative in the exam. She had good eye contact. She
23 conversed.

24 Q. And during that exam, do you receive any medically
25 pertinent information?

1 A. Yes, I do receive medically pertinent information.

2 Q. And when we say "medically pertinent," what kind of
3 information is that? Do you need to know what part of the
4 body touched another part of the body?

5 A. Yeah. You know, you want to know if there was an
6 exchange of bodily fluids. So if one part of the body
7 touches another part of the body, then you can think that
8 maybe that's pertinent. You get other pertinent information
9 like when you ask how she's doing, how she's eating, how
10 she's doing in school, stuff like that. That's medically
11 pertinent information too.

12 Q. And does that medically pertinent information guide your
13 treatment and subsequent diagnosis?

14 A. Yes.

15 Q. In getting that medically pertinent information, are you
16 conducting an all-out interview with this child?

17 A. I usually interview the parent or the caregiver that
18 brings the child in. Usually I meet them and I get a lot of
19 information from them. I talk to the child maybe about how
20 she's getting along. And then -- and I use information from
21 both of those sources to sort of guide my treatment of her,
22 diagnosis of her, recommendations for her.

23 Q. And in this case did you receive medically pertinent
24 information from MINOR ?

25 A. Not directly from MINOR .

1 Q. Did you ultimately learn medically pertinent information
2 that guided your treatment and diagnosis in this case?

3 A. Yes.

4 Q. And did that include what parts of her body were
5 touched?

6 A. Yes. Her vagina was touched and her breasts were
7 touched.

8 Q. Okay. And did it say -- without saying who or where or
9 -- did that medically pertinent information include what
10 touched her vagina --

11 A. Yes.

12 Q. -- or in what manner?

13 And what was that?

14 A. It was a finger, digital --

15 Q. And so --

16 A. -- penetration.

17 Q. I'm sorry. So digital penetration.

18 Now, so how would that then guide your next step as far
19 as treatment or looking for an injury?

20 A. Well, I would look for an injury of the genital area, of
21 the vaginal area. And then if -- there's a little bit of
22 difference in if it had been an acute exam versus a nonacute
23 exam. Like, if I had been told or knew that her breasts were
24 touched, then I would probably swab her breasts in the acute
25 phase. But after the acute phase, like you say, there's no

1 DNA evidence. She's probably taken a shower and all that.
2 So you don't really look for DNA in that, so you don't swab
3 the breasts.

4 Q. Okay. And so there was no evidence collection done on
5 this exam?

6 A. No.

7 Q. And that was based on the passage of time?

8 A. Yes.

9 Q. Would you expect to look for -- or I should say would
10 you expect any injury or would you look for it on the breast
11 area based on the medically pertinent information that you
12 got?

13 A. You could if -- you know, depending on the time lapse,
14 if she said she was still tender there or something like
15 that, then I would look for a bruise or something like that.
16 But she did not complain of pain of the breast area.

17 Q. Okay. And did you conduct a head-to-toe exam of
18 MINOR ?

19 A. Yeah. Mm-hmm. I do -- on all my outpatients I do a
20 head-to-toe exam: look at their eyes, ears, nose and throat;
21 listen to their heart, lungs, and belly; look at all their
22 skin; and check their private area. And they're the boss,
23 and they always know that. So I don't do anything they don't
24 want me to do. But that's what I -- that's my normal
25 routine.

1 Q. And did MINOR have a genital exam?

2 A. Yes, she did.

3 Q. And what were the results of her genital exam?

4 A. They were normal.

5 Q. And what does "normal" mean in this context?

6 A. So normal means that she didn't have any, like,
7 bruising, no lacerations, no tears, no discharge, no odor, no
8 lesions. That is what's considered normal.

9 Q. And can you explain to the jury how a 13-year-old can
10 have a normal exam after being sexual assaulted.

11 A. That area of the body doesn't injure very easily. So --
12 first of all, it doesn't injure very easily. If it does
13 injure, then it heals very quickly. So along with not being
14 able to collect evidence after 96 hours, normally after 96
15 hours you don't see any type of injury.

16 And even before the 96 hours, it's rare in sexual abuse
17 to have any type of injury because that area of the body
18 doesn't injure very easily. If it does injure, it doesn't
19 scar. So you don't have an injury to see. You don't have a
20 scar to see. And --

21 Did that answer your question?

22 Q. Yes.

23 A. Okay. Sorry.

24 Q. No, I appreciate it.

25 Does her age -- MINOR was 13 at the time.

1 A. Yes.

2 Q. Does that have -- her level of puberty, does that impact
3 this at all?

4 A. Yeah. The hymenal tissue, which is one of the entrances
5 into the vagina, expands and contracts and, like I say, it
6 doesn't injure very easily. And so she is estrogenized. By
7 13 you usually have estrogen, which makes that tissue even
8 more elastic and more able to stretch without any type of
9 injury.

10 Q. So do you mean to tell me that, like, there's not --
11 this exam can't prove or disprove whether somebody's been
12 sexually assaulted?

13 A. Correct.

14 Q. The only way to prove that would be an investigation?

15 A. Yes.

16 Q. Now, so a normal exam doesn't rule out sexual assault?

17 A. No.

18 Q. And you said you've done approximately a thousand sexual
19 assault exams?

20 A. Mm-hmm.

21 Q. And in those thousand exams, how many times have you
22 seen physical injuries?

23 A. Probably I could count them on two hands. Not very
24 many.

25 Q. And would you typically expect to see an injury on a

1 13-year-old with an estrogenized hymen --

2 A. No.

3 Q. -- from digital penetration?

4 A. No.

5 Q. And does your opinion change at all if it had been a
6 significant amount of time since the last digital
7 penetration?

8 A. Say that again.

9 Q. Does your opinion change at all -- you said you wouldn't
10 expect to see any injury on a 13-year-old from a digital
11 penetration. The longer it's been since it happened, does
12 that increase the likelihood of injury or decrease it?

13 A. Decrease.

14 Q. And in those few cases that you said -- I think you said
15 less than two hands -- where you did see an injury, do you
16 know if they healed quickly?

17 A. They do heal very quickly. Normally if there's an
18 injury, our protocol is to bring them back in two weeks and
19 to repeat the exam to make sure that the injury healed. And
20 they come back and they look exactly normal. And I've never
21 seen an injury that -- an acute injury that doesn't heal. I
22 have seen scar tissue, though. But usually they're healed by
23 two weeks.

24 Q. And other than your personal experience over 15 years
25 doing this and a thousand exams, is there any research that

1 supports the statements and conclusions you've made today
2 about normal being normal?

3 A. Yeah. I mean, there are many -- the wealth of research
4 shows in child sexual abuse literature that it's rare that
5 you find an injury. So it's rare that you do that.

6 There's been studies that have looked at convicted
7 people that have confessed or been convicted of sexual
8 assault -- and this is the "It's Normal to Be Normal"
9 article. And these convicted or confessed assaults have come
10 out, and the children had normal exams. And this is
11 documented.

12 And so I would say that with the training that I
13 received when I started this program, and I've worked with
14 many child abuse board-certified pediatricians in child abuse
15 pediatrics, and the research that I've read and my experience
16 in conducting the exams, that the overall opinion -- my
17 overall opinion is that you don't normally see injury.

18 Q. And just to follow up on one more thing in terms of the
19 standard of care and her exam, were there any labs done on
20 MINOR?

21 A. I did do labs on her. I sent a urine for gonorrhea,
22 chlamydia, trichomoniasis. I sent a pregnancy test. And I
23 sent an oral swab for gonorrhea and chlamydia. And they were
24 all negative.

25 MS. FRIERSON: The Court's indulgence, your Honor.

1 THE COURT: Oh, yeah.

2 (Pause in proceedings.)

3 MS. FRIERSON: I have no further questions,
4 Ms. Fabrizio. Please answer any that Ms. Blazer has.

5 THE WITNESS: Okay. Thank you.

6 CROSS-EXAMINATION

7 BY MS. BLAZER:

8 Q. Good afternoon.

9 A. Hi.

10 Q. Hi. My name's Cameron. How are you?

11 A. Good.

12 Q. Good.

13 You had a busy day. We already talked about that.

14 A. Yeah.

15 Q. I heard you got a chauffeur, though.

16 A. I did get a chauffeur. And it really helped me because
17 I was going to have to go to Moncks Corner and the traffic is
18 really bad and so -- and it was an early morning, so they
19 came and picked me up and brought me here.

20 Q. I'm glad they could make that work.

21 So you mentioned that you -- or I don't know if you said
22 it exactly this way, but I looked you up on the MUSC website
23 and it says you specialize in pediatric child abuse, right?

24 A. Yes.

25 Q. And so in that regard, obviously children who have been

1 abused are brought to you?

2 A. Yes.

3 Q. But there are children who have not been abused who are
4 brought to you as well?

5 A. Correct.

6 Q. Yeah. And you described the purpose of the SANE exam to
7 be treatment or diagnosis, but it is also evidence collection
8 sometimes, right?

9 A. Sometimes. And before the 96 hours on the pubertal
10 child it's evidence collection.

11 Q. Well, in addition to -- even in the acute setting, there
12 are other types of evidence that you could collect, like
13 sometimes you take photographs?

14 A. Yes.

15 Q. But you did not take photographs in this case, right?

16 A. That's correct.

17 Q. And that was because the child was in charge and she
18 said no?

19 A. It was the mother in this case is my understanding.

20 Q. Okay.

21 A. And what I documented -- remember documenting in the
22 chart is that the mother did not want photos of any genital
23 area. So they're the boss.

24 Q. Yes. Understood.

25 And Ms. Frierson was talking to you about medically

1 pertinent information that you took in. Basically we have to
2 be careful that we don't ask you about things that you're not
3 allowed to testify to. But you're allowed to testify to
4 things that you learned for the purposes of diagnosis, right?

5 A. Mm-hmm.

6 Q. And so some things that you learned about MINOR for
7 the purposes of diagnosis was that she had lifelong GI
8 issues; is that right?

9 A. I do not remember her having -- I don't remember that
10 part. I remember -- what I remember asking about her eating
11 is that she had been eating less, that she was not eating as
12 well as she used to. And it seems like that had been ongoing
13 for a year and that she had lost some weight. She had lost
14 about seven pounds. And that's what I remember about her GI,
15 me asking about her eating and GI.

16 Q. Okay. So you don't remember the mom telling you that
17 she took MiraLAX regularly for GI issues?

18 A. No.

19 Q. Okay. And --

20 A. If you give me her chart, I can probably read what --

21 Q. Well, if you don't remember, that's fine.

22 A. Yeah, I don't remember that.

23 Q. You also -- one of the things that you talk about -- and
24 this is again for the purposes of diagnosis and treatment --
25 is you talk about the child's living conditions and the

1 parenting conditions. Is that fair to say?

2 A. Yes.

3 Q. Okay. And so in this case you talked with MINOR 's
4 mom about the way that she did some parenting things like
5 corporal punishment.

6 A. Mm-hmm.

7 Q. Do you remember that?

8 A. Yeah, I do remember that.

9 Q. And you advised her to stop doing that?

10 A. I did.

11 Q. And you testified here today that you -- in this case
12 you found no evidence of physical assault?

13 A. I did not.

14 Q. And that even if there had been an assault, if it was
15 more than two weeks before you saw her, it might have healed?

16 A. Yeah. Or usually 96 -- we usually say within 72 hours,
17 within three days, we usually say that the injury has
18 probably healed.

19 Q. And there was a question that Ms. Frierson asked you
20 about -- that you asked her to repeat, and I wasn't clear at
21 the end what the answer really was.

22 If a younger child, a child who -- a female child who is
23 not estrogenized --

24 A. Yeah.

25 Q. -- experiences an injury in this area of the body, does

1 it heal as quickly?

2 A. Yes.

3 Q. Okay. So everybody heals quickly?

4 A. Everybody heals quickly, yes.

5 Q. Okay. Got it.

6 A. And at any age, most don't injure to begin with.

7 Q. Mm-hmm. Understood. Understood.

8 And because there was the report that MINOR's vaginal
9 area had been touched by a finger, that's the area you looked
10 for an injury?

11 A. I really -- I did look for an injury there because there
12 was reported penetration. But I do a full exam from head to
13 toe. And so I specifically would look for that in
14 particular, but I look for injury all over the body every
15 time I examine a child.

16 Q. But you would look in the vaginal area because a finger
17 could injure the vagina of a child?

18 A. Yes.

19 MS. BLAZER: Beg the Court's indulgence just a moment.

20 (Pause in proceedings.)

21 BY MS. BLAZER:

22 Q. So you mentioned that if you do have a finding of
23 physical assault, that finding has to be peer reviewed?

24 A. That finding always has to be peer reviewed. And
25 especially documented on our report, we call it a child

1 maltreatment protocol, CMP. And there's a CQI, continuous
2 quality improvement, and that is mandated by the State of
3 South Carolina SCCANN that an attending child abuse
4 pediatrician has to review that finding to confirm that it
5 was an actual finding, to make sure that you didn't, like,
6 misread the finding.

7 Q. Because that could be problematic in a lot of ways?

8 A. Yeah. You know, you don't want to document a finding if
9 there's not a finding. And so we usually in those -- when we
10 do think there's a finding, we bring them back in two
11 weeks --

12 Q. Mm-hmm.

13 A. -- and reexamine them.

14 Q. Is there any requirement in order for the peer review to
15 be conducted that photographs be taken? Or can that still be
16 done just based on your report of what you saw?

17 A. The standard of care is that you would take photographs.
18 That's our standard of care. That's what SCCANN recommends
19 that you do, and that's what all the literature says --
20 recent literature says that you should do. But that doesn't
21 always happen.

22 Q. Understood.

23 MS. BLAZER: Thank you so much. I have no further
24 question.

25 THE COURT: Any redirect for this witness?

1 MS. FRIERSON: None from the State.

2 THE COURT: Okay. You can step down. Thank you, ma'am.

3 THE WITNESS: Okay. Thank you.

4 (Witness excused.)

5 THE COURT: All right. The State can call your next
6 witness.

7 MS. FRIERSON: The State calls Carole Swiecicki.

8 THE COURT: Mm-hmm.

9 CLERK OF COURT: Please raise your right hand and place
10 your left hand on the Bible.

11 (Witness sworn.)

12 CLERK OF COURT: Please be seated.

13 Please state your name and spell your last name for the
14 court reporter.

15 THE WITNESS: My name is Carole Swiecicki. First name
16 C-A-R-O-L-E, last name S-W-I-E-C-I-C-K-I.

17 THE COURT: Go ahead.

18 MS. FRIERSON: Thank you, your Honor. May it please the
19 Court.

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25

1 CAROLE SWIECICKI,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. FRIERSON:

6 Q. Good afternoon, Carole.

7 Could you please tell the jury where you're employed.

8 A. I'm a psychologist and owner at Harbor Maple Counseling
9 and Psychological Services.

10 Q. And how long have you been there?

11 A. I first began seeing clients in late 2021. I also am a
12 contractor with part of my current work at my former
13 employer, which is Dee Norton Child Advocacy Center.

14 Q. And can you tell the jury a little bit about what you
15 do, what your day consists of.

16 A. Sure. So I'm a licensed psychologist and have a small
17 private practice where some days I see clients for therapy
18 for things like depression, anxiety. I also am a trainer and
19 a model for helping children who have experienced stressful
20 or traumatic events called trauma-focused cognitive
21 behavioral therapy. So I do trainings with other therapists
22 to deliver that. So I spend a lot of my time training
23 therapists and doing calls over Zoom.

24 Q. But you also have a private practice seeing clients?

25 A. Correct.

1 Q. And can you tell the jury a little bit about your
2 educational background.

3 A. Yes. So I have my Ph.D. in psychology -- in clinical
4 psychology and my bachelor's degree in psychology and
5 master's in psychology.

6 Q. And what about your professional background?

7 A. So I've been a psychologist. I was first licensed in
8 2007 and did a postdoctoral fellowship prior to that in
9 Queens, New York, helping people overcome -- helping children
10 and families who have experienced stressful things in their
11 family. Most of the youth had experienced physical abuse or
12 sexual abuse.

13 I then worked at a children's hospital in Virginia after
14 that at a program that is a children's advocacy center, which
15 is a model for coordinating when there are concerns about
16 sexual or physical abuse or other types of trauma. So I was
17 there. It was called Children's Hospital of the King's
18 Daughters. It's in Norfolk, Virginia. I was there for six
19 and a half years.

20 I then came to Charleston in 2014 where I was the
21 executive director of the Dee Norton Child Advocacy Center
22 that serves children in Charleston and Berkeley counties.

23 Q. And, Carole, I like hearing what you have to say. I
24 just need you to scoot up a little bit closer to the mic. It
25 might just be me.

1 But do you have any specialized training in the field of
2 child sexual abuse?

3 A. Yes. So to get my Ph.D., the last year of that is a
4 clinical internship program, which is one year of clinical
5 work. I did that in 2005 to 2006 here in Charleston at MUSC.
6 I was a trauma intern there, which is when I first learned
7 the treatment that I'm now a trainer in for helping people
8 who experience sexual abuse.

9 When I went on to Queens, New York, and did my postdoc,
10 that was specifically around treating children who
11 experienced sexual abuse as well as physical abuse, other
12 types of trauma. Their reactions to sexual abuse in terms of
13 emotions and behaviors are similar to other types of traumas.

14 And then since then, that's been most of my career. So
15 I've had lots of trainings and other specialized things like
16 reading articles and contributing to research to help
17 understand people's reactions to things like sexual abuse and
18 also how to treat or help when people have abuse.

19 Q. And do you have any professional affiliations?

20 A. I'm currently a member of the Association for Behavioral
21 and Cognitive Therapies, and I'm on the board of directors of
22 our state chapter of Children's Advocacy Centers.

23 Q. And I think you kind of referenced it, but do you have
24 any peer-reviewed publications in the area of child sexual
25 abuse?

1 A. I do. Peer reviewed in terms of, like, presenting at
2 conferences predominantly, where you submit your idea and a
3 presentation and then it's peer reviewed by others. And so
4 I've presented at conferences. And I do have a handful of
5 scientific publications as well.

6 Q. And have you ever testified as an expert in the area of
7 child sexual abuse dynamics in court?

8 A. Yes.

9 Q. And what courts are those?

10 A. Here in Charleston County. Also Berkeley County and
11 Orangeburg County here in South Carolina. And then when I
12 was in Virginia I also testified as an expert in sexual abuse
13 in Virginia Beach court and Norfolk court, in those counties.

14 MS. FRIERSON: Your Honor, at this time the State would
15 seek to offer Carole Swiecicki as an expert in the field of
16 child sexual abuse dynamics.

17 THE COURT: Okay. I'm happy if Ms. Blazer would like to
18 voir dire the witness.

19 MS. BLAZER: Very briefly.

20 THE COURT: Sure. Go ahead.

21 VOIR DIRE EXAMINATION

22 BY MS. BLAZER:

23 Q. Good afternoon.

24 A. Hello.

25 Q. My name's Cameron.

1 Your primary focus has been with child advocacy centers
2 until you started your private practice; is that fair to say?

3 A. About 15 years of my 20 years of full-time work.

4 Q. Okay. And is it fair to say your primary areas of
5 research and practice have been in the area of sexual trauma?

6 A. I personally -- like, the way that I describe it is
7 really more reactions to childhood trauma because --

8 Q. Okay.

9 A. -- so often they're co-occurring. And so not
10 specifically sexual abuse, but sexual abuse, physical abuse,
11 and other forms of trauma like traumatic loss.

12 Q. And I've read your very impressive resume.

13 You -- while you were the executive director at Dee
14 Norton, you were still working as a science-based --
15 evidence-based researcher in some capacities?

16 A. I always consider myself a scientist. I wasn't doing
17 active -- like, I wasn't an active PI on many research
18 projects, but I did collaborate with researchers. We were
19 still -- I was still doing research, yes.

20 Q. For the jury, "PI" means?

21 A. I'm sorry. Principal investigator.

22 Q. Right.

23 A. Like, the lead scientist on a study. I haven't done
24 that in quite some time, but I did participate in studies.
25 We had many collaborations with the medical school. I still

1 have a clinical affiliate faculty appointment with the
2 medical school, but I'm not on their staff.

3 Q. Okay. And in your private practice treating people
4 who've experienced childhood traumas, you also treat adults?

5 A. Yes. And it's not specific to childhood traumas. It
6 also might be something that someone experienced as an adult.
7 And I do take clients who haven't had a trauma history but
8 otherwise have anxiety or depression, but that's not
9 primarily who's referred to me.

10 MS. BLAZER: I have no further questions. Thank you,
11 your Honor.

12 THE COURT: Okay. Any motions as to her qualifications
13 as an expert? Or objections?

14 MS. FRIERSON: I renew my motion to admit her as an
15 expert.

16 THE COURT: All right. Any objection to that?

17 MS. BLAZER: No, your Honor.

18 THE COURT: All right. No objection.

19 Ladies and gentlemen, once again, while we don't
20 normally accept opinions from the witness stand, we make an
21 exception for those folks that we deem experts in some
22 science or field. She will be able to deliver to you
23 opinions in the area of child sexual abuse dynamics. Once
24 again, you don't have to accept those opinions. It's just
25 information for you to use in any way you see fit.

1 Please proceed.

2 MS. FRIERSON: Thank you, your Honor. May it please the
3 Court.

4 RESUMED DIRECT EXAMINATION

5 BY MS. FRIERSON:

6 Q. Now, Carole, have you met the victim in this case?

7 A. Not to my knowledge.

8 Q. Have you been consulted by the victim or her family in
9 this case?

10 A. Not to my knowledge.

11 Q. Because you were formerly with Dee Norton, are you aware
12 that our office runs a conflict check to make sure that you
13 were not involved in the case while you were there?

14 A. Yes.

15 Q. And so even though you don't have access to the records
16 now, are you aware that that is done on the front end before
17 we reach out to you?

18 A. Yes.

19 Q. Have you -- so you haven't met the family or victim,
20 been consulted by anybody. Have you read or been given
21 copies of any materials related to this case?

22 A. No.

23 Q. Incident reports?

24 A. No.

25 Q. Investigative notes?

1 A. No.

2 Q. And we have met -- talked on the phone, but have we
3 discussed any of the facts of this case?

4 A. No.

5 Q. Did we discuss research?

6 A. Yes.

7 Q. Did I ask questions like "Is there research in this
8 area?"

9 A. Yes.

10 Q. And then would you just proceed to tell me what you
11 said.

12 A. Yes.

13 Q. Okay. So I want to get into first -- we've heard a lot
14 about this word "disclosure" in terms of when MINOR in
15 this case -- whom you don't know -- disclosed the allegations
16 of sexual abuse. Is that a term that's recognized in your
17 field?

18 A. Yes.

19 Q. And are there various kinds of disclosure?

20 A. Yes. So when we talk about disclosure, particularly
21 related to sexual abuse, we're talking about the person --
22 you know, when the sexual abuse is discovered. So it might
23 be intentionally disclosed, which would be an intentional
24 disclosure. Sometimes sexual abuse is accidentally
25 disclosed, like if a child has a sexually transmitted

1 infection or someone walks in on it. So the person didn't
2 purposely tell someone else, but it was discovered. And both
3 of those are considered disclosures, different types.

4 Q. And so we've also heard something about delayed
5 disclosure. I would imagine an accidental disclosure if
6 someone's walking in isn't quite delayed. It's as it's
7 occurring.

8 But what is "delayed disclosure"?

9 A. So delayed disclosure is a time since the first incident
10 of sexual abuse to the time that it's disclosed. So actually
11 accidental disclosures can be delayed because if it's been
12 six months since the first time it happened but it's
13 happening again and someone walks in, that would be an
14 accidental disclosure but still delayed because it was six
15 months since the first time it happened.

16 So a delayed disclosure is considered any time a month
17 or more after the first instance happened to when it's
18 disclosed. Anything more than a month is considered delayed.

19 Q. And is disclosure a specific incident, a finite process,
20 or is it an event?

21 A. Generally in the field we consider disclosure to be a
22 process that happens over time. Oftentimes when we
23 experience things, we don't -- if we're telling someone about
24 them we don't tell them everything all at once. And that is
25 what children who've experienced sexual abuse often do is

1 that they tell pieces. And even in some of the studies that
2 have asked children about it, they say they gauge how people
3 react and then more information tends to come out over time.

4 Q. And is there -- is this concept of delayed disclosure,
5 is that, for lack of a better word, a phenomenon in cases of
6 child sexual assault?

7 A. It's very common in sexual abuse and sexual assault
8 cases.

9 Q. And is there research in that area?

10 A. Yes.

11 Q. Have you witnessed it in your clinical practice?

12 A. Yes.

13 Q. So let's kind of cut to the chase.

14 Can you tell the jury why kids don't tell immediately.

15 A. Yes. So just also to talk about kind of how often it
16 happens, if that's okay?

17 Q. Mm-hmm.

18 A. So what the research generally says about how often
19 children delay disclosure is that -- and there's differences
20 based on studies in terms of who's included. But on average
21 -- and I've seen this in my own clinical practice as well --
22 about one out of four sexual abuse victims tell within the
23 first month. And then two out of four tell sometime more
24 than a month but still while they're children, so before they
25 turn 18. And then one out of four don't tell anyone until

1 they're an adult. Or even in the study, many in the studies
2 have said, "Oh, I haven't told anyone until now."

3 So delaying disclosure is pretty common. You know, over
4 half certainly delay disclosure.

5 And then the reasons for disclosure are very broad. It
6 depends so much on the person. There is a lot of research on
7 kind of what reasons contribute to youth not telling about
8 sexual abuse right away. I tend to categorize that research
9 into two categories: characteristics of the abuse itself and
10 then characteristics of the child that are more about
11 internal things like their thoughts and expectations around
12 what would happen if they disclose.

13 Q. And so "the characteristics of abuse," like situational
14 factors type thing?

15 A. Things like if it's someone that's either in the family
16 or close to the family, like a family friend or aunt or uncle
17 that maybe doesn't live in the home. When it's somebody
18 that's known to the child and family, those youth are more
19 likely to delay disclosing, to not tell right away. When the
20 abuse starts when the child is younger, then -- depending on
21 the study, but then about age 10 to 12, if they're younger
22 than that when the abuse starts, they tend to be more likely
23 to delay disclosing. Chronic abuse tends to also be more
24 likely to delay disclosure.

25 Q. So when I heard you talking about some of the

1 characteristics of abuse as they refer to situation, are you
2 saying that a relationship between the abuser and the child
3 plays a role in whether that child discloses?

4 A. Yes.

5 Q. Would a concern for a parent's reaction cause a child to
6 hesitate to tell?

7 A. Yes.

8 Q. And what about a concern for the person who's doing it?
9 Would that be -- is that shown in research?

10 A. Yep. Yes. And those are kind of that other category in
11 terms of individual characteristics of the child and things
12 they expect might happen. And there's actually a fair amount
13 of research, and it mirrors what I've seen clinically.

14 They weigh thinking about how the people in their life
15 might react, like a parent or even siblings, other people.
16 They consider "Might this person be upset about this? Might
17 this person get in trouble for this?"

18 They also weigh consequences to the person who has
19 engaged in the sexual abuse, that sometimes, especially if
20 it's someone known to the child or family, they're concerned
21 about that person maybe going to jail or not being with their
22 family. They think about how that might impact other people
23 that they care about.

24 And then they consider things about themselves. They
25 might be upset about it. They might get in trouble.

1 They have lots of worries about those things. Even if
2 they're not accurate, oftentimes children report that they
3 worry about these consequence and weigh that in terms of
4 whether or not they decide to tell.

5 Q. And what about is there any research on how the child
6 perceives the abuse? And what I mean by that, what if -- if
7 they don't know or recognize what it is, how does that -- or
8 does it affect their disclosure?

9 A. I've seen that clinically more. I can't think of any
10 research with that. Usually to me that has happened with
11 younger children who don't know that the sexual abuse
12 activities are not okay. So they don't know to tell anyone
13 unless someone asks them.

14 And what I have seen is that sometimes when that
15 happens, over time then they think, "Well, now if I tell,
16 it's been going on and I'm afraid I'll get in trouble." And
17 so that's one of the theories of why chronic abuse might be
18 related to delayed disclosure because when it's been going on
19 for a while, even if the child wasn't aware at first, at some
20 point they might learn that or be told "Don't tell anyone
21 this has been happening or you might get in trouble."

22 Those are things I've heard clinically that's been
23 contributed to. And usually for me it's been because the
24 child is young and didn't really know it wasn't okay.

25 Q. Now, you discussed the factors that could impact their

1 disclosure. And if I understand it, they're, you know, kind
2 of related to the child or the situation. But what about is
3 there any research or, again, have you seen it that somebody
4 flat out asks the kid, does that always prompt a disclosure?

5 A. No.

6 Q. And why?

7 A. In the research, they talk about -- I call it a
8 teakettle. They talk about a pressure cooker. A
9 pressure-cooker effect that, like, for some youth they say
10 that there needs to get to this point where they just need to
11 tell. And then it's, like, building pressure. And so when
12 I've had personal clients who have not told, even when asked,
13 and then later said, "Well, that has happened" and they wind
14 up disclosing, some of the things they've told me was that
15 they didn't feel ready, they weren't sure if I as their
16 provider could, in their words, handle it. You know, that,
17 again, fear of how people might react.

18 And then sometimes we hear that we didn't ask it in a
19 specific way. So some of the screeners that we use ask in
20 behaviorally specific ways, something along the lines of "Has
21 anyone ever touched you on your private sexual body parts" --
22 and names them -- "when you didn't want them to?" Or someone
23 much older. And maybe what happened to this child was that
24 the offender asked the child to touch them on their body
25 parts. And so it doesn't match exactly the wording, and so

1 the child said no because that was the correct answer to
2 them. It didn't match how they were asked.

3 Q. And this kind of goes back to, like, how the child
4 perceives the abuse. So, like, if somebody says, "Did
5 somebody hurt you?" and the child didn't feel pain from the
6 abuse, are they going to say, "Oh, yes, I was hurt"?

7 A. Typically they wouldn't. And again, that is kind of
8 that same example of if the question doesn't match their
9 experience exactly, then they oftentimes will say no.

10 Q. And is there any research on children's false denials?
11 Like, they're asked and they don't say anything.

12 A. Yes.

13 Q. Okay. And can you tell us a little bit about that.

14 A. Yes. There's very little research on that, and part of
15 that is that most of the research it's hard to know if it's
16 -- I mean, unless there was an eyewitness or other medical
17 evidence to know if it's a false denial or a true denial.

18 One of the main studies that we talk about related to
19 there was a study that was done in the 1990s with children
20 who had sexually transmitted infections and they were not of
21 an age where legally they could consent. So it was some sort
22 of sexual contact that happened that legally they couldn't
23 have given consent for. And one of the biggest predictors of
24 whether they disclosed was the support of a caregiver.

25 So caregiver support was really -- you know, more

1 children disclosed that -- more than half disclosed a sexual
2 touch when they had the support of a caregiver. Far less
3 than half of the youth, and I believe it was about 17 percent
4 but we'll just say less than a quarter of the children who
5 did not have a supportive caregiver disclosed a sexual touch
6 when there was corroborating medical evidence.

7 Q. And I want to touch back on something I forgot to ask
8 when it comes to, like, does it matter how a child is asked
9 about it; "Did he hurt you?" versus "Did somebody touch you?"
10 or things like that.

11 In your clinical experience, have you seen children that
12 are in counseling or therapy for something completely
13 unrelated to a disclosure and yet they still don't bring up
14 what's going on?

15 A. Most of the time clinically, people are referred to me
16 because there was a disclosure. So what I have seen
17 clinically is they're referred for one thing they did
18 disclose and then something else has happened. And it's very
19 unique to the child whether they disclose that.

20 It's best practice in the field for trauma services to
21 screen for various type of potentially traumatic events when
22 clients come in. And so sometimes they endorse new or
23 additional information at that time. But I've had some
24 clients where it wasn't disclosed until farther into
25 treatment and they say, "Oh, on that questionnaire you gave

1 me there was something. I just -- I didn't -- I wasn't sure
2 if I was going to tell you or not."

3 Q. Thank you.

4 I want to transition a little bit into the age of the
5 victim and how or if that impacts disclosure.

6 So does the age of the victim impact kind of -- well, I
7 believe you already testified to the when. But does it
8 impact who they first tell?

9 A. Yes. And again, there's not a lot of research on this.
10 It's really mostly one study that has looked at it, although
11 others -- and clinically we see this as well.

12 Typically, younger children -- younger than about age
13 12 -- are most likely to tell their mother first.
14 Specifically it even looked at different character of
15 relationships, and they're most likely to tell their mother
16 first. Whereas once a child is about age 12, they're most
17 likely to first tell a peer. And then very quickly after
18 that it's also their mother as the caregiving person that
19 they tell.

20 Q. And is there any research or have you seen in your
21 clinical practice where a child discloses but more, I guess,
22 teakettle effect, to get it off their chest, or as a
23 confidante, not as a conduit to go run and tell the police?

24 A. Yes.

25 Q. And you've seen that in your clinical experience?

1 A. Yes.

2 Q. I want to talk a little bit about some barriers to
3 disclosure, reasons why a child might not disclose. And
4 we've touched on some, but we haven't really addressed
5 threats.

6 Are threats always necessary to keep a child from
7 telling?

8 A. No.

9 Q. And what -- while we're on this, just to refresh, what
10 are the reasons a kid might not tell even if there aren't
11 threats?

12 A. It really comes down to those expectations they have,
13 which sometimes they're due to threats. You know, someone
14 telling them that something, like, they might get in trouble
15 or someone else could get in trouble.

16 But by and large, children think of other potential
17 consequences regardless of whether they've been threatened.
18 And it really is more about how the child -- what the child
19 thinks will happen regardless of whether they were threatened
20 or not.

21 Q. Are you familiar with a term called "grooming"?

22 A. Yes.

23 Q. Can you -- is that something that is discussed in your
24 field?

25 A. It is.

1 Q. Can you tell the jury a little bit about what grooming
2 is.

3 A. So grooming in the child sexual abuse field is
4 considered a process that desensitizes a child to boundary
5 violations, with the idea that it escalates to sexual abuse.
6 So in the field, we talk about grooming behaviors as things
7 that are not only illegal certainly, but things that
8 desensitize a child to boundary violations that otherwise are
9 maybe unusual. But it's something that desensitizes a child
10 to that and then oftentimes leads to sexual abuse.

11 Q. And in -- I don't know if any of the studies or your
12 clinical practice; do you have any examples for -- like,
13 would giving a gift or extra attention be part of grooming?

14 A. It can be. It's -- part of when -- because giving a
15 gift and extra attention also are things that lots of people
16 do. When we start to think of it as grooming is when there's
17 also, like, a secret around it and saying, "Oh, this is our
18 special secret." And that's a kind of boundary violation.
19 Or even giving hugs when the hugs are longer than normal or
20 touching body parts that typically you wouldn't touch on a
21 child when you're hugging, like touching their private sexual
22 body parts even if it's during the hug.

23 Those are things, especially if they then ask for it to
24 be a secret, that definitely we would consider grooming in
25 the field.

1 Q. Getting allowed the privilege or to watch a movie that
2 you normally wouldn't be allowed to watch?

3 A. Exactly, just because it's that boundary violation if
4 it's not typically allowed.

5 Q. And you're saying especially if it's followed by
6 something that's like "Don't tell"?

7 A. Right.

8 Q. Now, what about some of how kids react to some of the
9 abuse? I know we talked about the teakettle. So in
10 situations where they're not in constant everyday contact
11 with that abuser, you know, regardless of their relationship,
12 but if the child spends time away from the abuser but still
13 doesn't disclose and they had an opportunity -- you know, the
14 person's not there, is there anything to explain that?

15 A. It really has been the same kind of characteristics.
16 They may still fear they would get in trouble or that the
17 offender might have consequences that might trickle down to
18 other people that they care about, like if the offender has
19 children or -- you know, that might be cousins to the victim,
20 or other things that might be negative consequences. They
21 might be -- a lot of times I've had clients who are afraid
22 their parent or caregiver is going to be upset and they don't
23 want to make them upset.

24 And so even if it's been time since they've seen the
25 person, they might delay disclosing or not tell because

1 they're trying to avoid those negative consequences that they
2 think might happen.

3 Q. So you're saying there are times that you have
4 personally seen where the child victim continues to be around
5 their abuser rather than to disclose?

6 A. I've seen both. Sometimes -- I've seen situations where
7 the offender moved away and they didn't see them and they
8 didn't disclose. I've seen times where the person is still
9 there and they have delayed disclosure. Obviously if they've
10 gotten to me, at that point someone has found out and there's
11 been a disclosure.

12 Q. And if it's one of the situations where they're
13 continuing to see them, have you seen anything in your
14 clinical practice or in the research where a victim can even
15 express, like, love or affection towards the abuser?

16 A. Yes.

17 Q. Can you explain that to the jury.

18 A. I mean, even for my clients, they find it hard sometimes
19 to explain in therapy. And usually when I see that, it's
20 because there is a relationship with the person. They're
21 either a family friend or even a caregiver or other family
22 member.

23 And so most of the time there are other aspects to that
24 relationship than just the sexual abuse. There's family
25 outings. There might be affection in other things. And so

1 those are oftentimes when people have care or affection for
2 somebody in their life. And there's -- when there's sexual
3 abuse that's also going on, that makes it far more
4 complicated and hard for the child, especially by the time
5 they're seeing me, that there's usually emotions in that.

6 Q. Now, is there a difference in terms of disclosure when
7 it comes to kids who have been abused one time versus a
8 chronic abuse, multiple times?

9 A. What I have seen clinically and then also the research
10 suggests is that when there is chronic abuse, particularly if
11 that starts when that child is younger than about age 10 to
12 12, they're more likely to delay disclosure.

13 Q. And in your clinical experience, is there a common
14 behavioral reaction from a victim to the abuse?

15 A. Children who have experienced sexual abuse and other
16 types of trauma are at higher risk for behavioral outcomes
17 like temper tantrums, angry outbursts, things like that. But
18 there's no one reaction. And actually, less than half of
19 them develop clinical levels of behavioral problems.

20 Q. I think when we talked one time you mentioned something
21 about control-seeking behaviors. And I don't know if you
22 could talk a little bit about that, about -- something about
23 a victim wanting control?

24 A. Mm-hmm. So oftentimes when something happens that's out
25 of your control, you might try to then gain control. And I

1 have seen that both in terms of, like, problematic behaviors,
2 like temper tantrums, that's trying to get control over
3 wanting something or not wanting to do something. But I've
4 also seen that especially in the last, like, four or five
5 years in eating-disordered behaviors, which is a way of
6 gaining control in terms of what people eat.

7 And that really has been my conceptualization when I see
8 this thread of behaviors. When we think about any type of
9 problem behavior in the field, we look at what's the function
10 of that, what purpose is it serving for the child. And among
11 clients that I've seen who've experienced trauma, I've seen
12 this control as a function of many of these behaviors.

13 But again, by and large, large samples -- and we'll just
14 say children who have experienced trauma, less than half of
15 them -- it's usually somewhere between 25 and 40 percent --
16 have clinical levels of problems like those.

17 Q. And one of the last things I want to ask, Carole, is
18 talking about reactions.

19 When it comes to the actual disclosure, when children
20 disclose, is it always dramatic and emotional?

21 A. No.

22 Q. Can they have a flat affect?

23 A. Flat is oftentimes what we talk about. It's kind of
24 numb. And we do -- we see that. We do see emotion. Usually
25 I see that clinically more often when I ask about emotional

1 reactions, as opposed to just when they're telling me about
2 their experiences.

3 MS. FRIERSON: The Court's indulgence, your Honor.

4 THE COURT: Mm-hmm.

5 (Pause in proceedings.)

6 MS. FRIERSON: I have no further questions at this time.
7 Please answer any from Ms. Blazer.

8 CROSS-EXAMINATION

9 BY MS. BLAZER:

10 Q. Hello again.

11 A. Hello.

12 Q. I want to go back to some of what you talked about at
13 the beginning of your testimony about child advocacy centers,
14 if we could.

15 Child advocacy centers are local resource agencies; is
16 that fair to say? Or regional?

17 A. Child advocacy centers is -- it's a national model, but
18 they are generally locally defined by jurisdictions. So they
19 usually serve a specific jurisdiction and children who live
20 within that area.

21 Q. And they often work closely with law enforcement?

22 A. So there's an accrediting body for children's advocacy
23 centers. I used to be on their board of directors. And they
24 have standards for children's advocacy centers to be
25 accredited, which include forming partnerships with common

1 child-serving systems including, like, law enforcement,
2 prosecutors within the area, mental health professionals,
3 family advocates, people who might -- social services,
4 agencies that may be involved to try and coordinate things
5 rather than the child or family needing to go to all those
6 different agencies.

7 Q. To be clear, sexual assault is not the only kind of
8 situation that a child advocacy center looks into with a
9 child?

10 A. It depends on the child advocacy center. Some of them
11 are specific to sexual abuse or sexual assault. But, I mean,
12 it's not a requirement. And they usually have specialized
13 training, so it's more helpful to be able to serve youth
14 who've experienced a range of different types of similar
15 experiences.

16 Q. And so here, if a child makes accusations of sexual
17 assault, they are generally taken by a parent or a caregiver
18 to the Dee Norton Center here or Dorchester Children's or --
19 you know, there are a variety of them in the region. Is that
20 right?

21 A. I have not worked on staff at our children's advocacy --
22 at Dee Norton for a while, and I know there have been changes
23 with legislation. But it's usually -- it's defined by, like,
24 what the -- whether a case is accepted and kind of referral
25 criteria. But in general, if there's a disclosure of sexual

1 abuse, they would go to one of the local children's advocacy
2 centers to try to help with the next steps.

3 Q. And when they do that, there is a trained interviewer
4 who conducts an interview?

5 A. It depends on what the allegations are and whether
6 there's certain, like, agencies involved. I do not know
7 their policies right now in terms of how they triage cases.

8 Q. When you were there in 2015, what was the policy?

9 A. Yeah. So the policy would be if there was an
10 investigation open, like a law enforcement officer that's
11 assigned or a child services -- a child protective services
12 worker, then the first step would be being interviewed by a
13 trained forensic interviewer.

14 Q. And the trained forensic interviewer is conducting a
15 child-focused interview; is that fair to say?

16 A. The goal is to have a nonleading child-focused interview
17 to try and help determine what, if anything, happened.

18 Q. It's not -- the purpose isn't to elicit an accusation?

19 A. Correct.

20 Q. The purpose is not to clear somebody's name?

21 A. Correct.

22 Q. The purpose is to just find out what is this kid saying
23 in their own words today?

24 A. We generally talk about giving the child the best chance
25 to talk about their experiences of what has happened, if

1 anything.

2 Q. So what they're willing to say on that day?

3 A. Correct.

4 Q. And a child, or any person really, who has experienced
5 or says that they've experienced child sexual assault, they
6 should be treated kindly and openly and without judgment,
7 right?

8 A. I would say that of most children, pretty much all
9 children.

10 Q. Okay. And so you -- in your leader -- explain a little
11 bit better your current role or relationship with Dee Norton.

12 A. Mm-hmm. So when I was the executive director there, one
13 of my goals was as the codirector of a state project called
14 "Project Best," which is a dissemination project, which means
15 training therapists on treatments related to trauma systems.

16 Q. Mm-hmm.

17 A. And when I left my staff role, I stayed on as the
18 project director for that statewide project. So I codirect
19 that with another faculty member at MUSC, Dr. Rochelle
20 Hanson. And that is what I do. So I don't really work much
21 with the staff at Dee Norton as much as I do kind of training
22 other therapists across the state.

23 Q. And Dee Norton is a child advocacy center?

24 A. Correct.

25 Q. And it's called an advocacy center because you are

1 advocating in the best interests, as far as you know, of the
2 children you serve, right?

3 A. It's called a child advocacy center because that's kind
4 of the name of the accreditation framework. There are child
5 advocates and family advocates whose role is connecting with
6 resources. It really is about kind of connecting with
7 resources of what the child and family's needs are.

8 Q. So it's called an advocacy center, but they're not
9 advocating for children?

10 A. Well, I'm just not entirely sure what you mean by
11 "advocating for children." So when I say it's really
12 connected to identifying what are the needs and connecting
13 with those needs, and if that's what you mean by
14 "advocating," then absolutely, yes.

15 Q. You testified earlier that you have been qualified as an
16 expert in the field of child abuse dynamics and that sort of
17 thing. How many times have you testified, do you think, in
18 court?

19 A. Between, like, 17 and 20 times.

20 Q. And each of those times were you testifying on behalf of
21 or at the request of the State of South Carolina?

22 A. No.

23 Q. Okay. You talked a little bit on direct with
24 Ms. Frierson about disclosure delay and just issues around
25 disclosure. And you said that children gauge how people

1 react. Is that fair?

2 A. Mm-hmm.

3 Q. And it's not just gauging how a parent might react or a
4 caregiver or whoever that first person is. A child can be
5 encouraged or discouraged in the course of a disclosure; is
6 that right? I mean --

7 A. Mm-hmm.

8 Q. -- by being praised for disclosing?

9 A. That would be -- I mean, depending on the child, but
10 that would be something that could increase a behavior,
11 praising.

12 Q. Mm-hmm. And obviously if the child was -- got in
13 trouble for disclosing, that would be a disincentive?

14 A. Correct.

15 Q. Okay. And you said there are lots and lots of reasons
16 that a child does or does not disclose?

17 A. Yes.

18 Q. And you described the circumstances in your experience
19 that can lead to delay.

20 You'd agree with me that a lot of disclosures occur in
21 the context of divorce and custody disputes?

22 A. Not in my clinical experience, although that does happen
23 as well.

24 Q. You also talked about boundary violations. And you
25 defined boundary violations as things that are not typically

1 allowed, right?

2 A. That's one example of a boundary violation. I was
3 trying to distinguish between, like, attention and gifts that
4 happen, we'll say, around a child's birthday versus an
5 attention -- like, attention or gifts that the child is asked
6 to keep secret.

7 Q. Right.

8 A. Like, that's the boundary violation.

9 Q. And so if a child is rewarded for good behavior, that's
10 not a boundary violation even if they get to do something
11 they wouldn't usually get to do?

12 A. Unless it's asked to keep secret.

13 Q. Right.

14 A. Yeah.

15 Q. But just a regular reward --

16 A. Not -- yeah.

17 Q. -- for good behavior --

18 A. Right. Not necessarily.

19 Q. Right. And obviously if we intercepted all grooming, we
20 would have no sexual assault of children or limited sexual
21 assault of children, right?

22 A. Not all sexual assault includes grooming, but -- and I
23 don't know the research on what percentage does include
24 grooming. I don't think there's a lot of great research on
25 it. We see it very commonly clinically. But I don't think

1 if grooming were always intercepted all sexual assault would
2 go away because there are some instances of sort of
3 nongrooming sexual assault, I guess, or stranger, you know,
4 assaults that happen.

5 Q. Right. But when we evaluate what leads up to a child's
6 disclosure, we are stuck looking in reverse to try to
7 identify what things might have happened that were grooming,
8 right?

9 A. Right. And a lot of sexual abuse prevention programs
10 target reducing grooming and those things that might lead to
11 more invasive sexual abuse.

12 Q. But you testified to things that are often innocuous
13 behaviors but then in hindsight you look at and see, "Oh,
14 that looks like it's on the continuum of grooming"?

15 A. Generally we still call it grooming if it includes that
16 boundary violation, especially body boundaries that maybe
17 aren't defined as sexual abuse -- like hugs that are touching
18 beyond parts that maybe aren't sexual body parts but where
19 the child said it wasn't okay, or said they didn't want a hug
20 and then the person did that anyway -- because those are
21 sometimes things that might be classified as grooming in the
22 literature. But we only know that it leads to sexual abuse
23 when there winds up being a sexual abuse disclosure, which is
24 in hindsight.

25 Q. So in your time as a clinician, any idea how many

1 children you've interviewed?

2 A. I don't.

3 Q. Hundreds?

4 A. If you include that I've supervised as a supervisor,
5 it's certainly hundreds, if not reaching close to a thousand.

6 Q. Did you ever work as a forensic interviewer?

7 A. I have been trained to do forensic interviewing. I have
8 not conducted forensic interviews the way that they have been
9 done in the last probably ten years.

10 Q. But you supervised forensic interviewers as the
11 executive director?

12 A. Not directly. So the way that I supervised the staff is
13 that we had program directors. And so I did not directly
14 supervise our forensic interviewers. I supervised their
15 supervisor.

16 Q. And then those supervisors rolled up information to you
17 as you needed it?

18 A. As I needed it, correct.

19 Q. And so you, in an executive capacity, had to keep
20 statistics on, you know, how many kids did we see this year,
21 how many kids did we serve, because you also had a treatment
22 arm?

23 A. Correct.

24 Q. And in keeping all of those stats, did you keep stats on
25 children that you learned had been untruthful in their

1 disclosures?

2 A. You mean, like, did we verify the accuracy of
3 disclosures?

4 Q. Or did you later learn that false accusations had
5 occurred and you made a note of those?

6 A. I'm not entirely sure if we noted that in our
7 statistics.

8 Q. Well, you talked with Ms. Frierson about false denials.

9 A. Mm-hmm.

10 Q. Right? And you gave an example of how you could test
11 for a false denial because you could take a child who had a
12 sexually transmitted disease that was, you know, age
13 inappropriate and if they said nothing happened, you knew
14 that wasn't true. Right?

15 A. Right.

16 Q. But you don't have that for a child who says something
17 that isn't true about what happened to them?

18 A. Not from our Dee Norton statistics. There have been a
19 few studies about that in the literature, not in my own
20 clinical work. And I could provide those statistics if you'd
21 like those.

22 Q. Okay. Well, in your own clinical practice, you take
23 what your clients say to you at face value and you don't know
24 for certain if they're telling you the truth. And even if
25 the story has the ring of truth to you, you're -- and you

1 have clearly a lot of expertise -- you don't have any special
2 ability to discern the truth from a lie?

3 A. Correct.

4 Q. And you talked earlier about being a scientist. And,
5 you know, psychology is a social science; is that right?

6 A. Correct.

7 Q. And so you're trained -- even though you're not doing
8 heavy research now, you're trained in research, you're
9 trained in the scientific method?

10 A. Yes.

11 Q. And in the scientific method, you take a hypothesis,
12 right? It's something we believe, and we test it against
13 evidence.

14 A. We test it against a null hypothesis.

15 Q. Okay. All right. Now, I can see the scientist now
16 proven. I did not do well in science because I don't know
17 what a null hypothesis is.

18 What's that?

19 A. It's essentially, like, the opposite of it. You can't,
20 like -- you can't always prove the hypothesis. You can just
21 prove that it's -- you can't always prove that the opposite
22 is true essentially, so the null is just that your hypothesis
23 was wrong.

24 Q. Well, and as you investigate a subject, you try to
25 gather evidence and look at that subject without bias?

1 A. Would you repeat that, please?

2 Q. You try to gather evidence and look at it without bias
3 as a scientist?

4 A. Yes.

5 Q. And so even though you don't know when a child is
6 telling the truth or when a child is lying, you are not
7 saying to this jury that your hypothesis is that children
8 never lie?

9 A. Correct.

10 Q. You are, in your clinical practice, you -- I checked
11 your website. It says you use cognitive behavioral therapy
12 with your patients?

13 A. That is one of my primary modalities, yes.

14 Q. Uh-huh. And do I have it right? Cognitive behavioral
15 therapy helps people identify and sort of unlearn some
16 unhelpful thought distortions.

17 A. Cognitive behavioral therapy is sort of the theory which
18 is that thoughts and feelings and behaviors are all
19 connected. And so in the approaches that I use, it's
20 addressing -- it's strategies with our thoughts, which is
21 what you were talking about that sometimes our thoughts are
22 not accurate or helpful, and it's looking at things in other
23 ways: our physical sensation, so learning to calm our body;
24 and our behaviors. So you can actually have intervention at
25 any three points of that triangle.

1 Q. Okay. So if you could, I want to just throw out a list
2 of some terms and see if you can give them a layman's
3 understanding of a few of these terms.

4 Can you talk about what "projection as a cognitive
5 distortion" would be?

6 A. What "projection as a cognitive distortion"?

7 Q. Mm-hmm.

8 A. I don't typically define projection with my clients.
9 That's more from a psychodynamic framework, which is not my
10 primary modality.

11 Q. Okay. Are you familiar with "impression management"?

12 A. Not in a therapy, necessarily. But yes, I've heard that
13 phrase.

14 Q. What does that phrase mean to you?

15 A. "Impression management" to me means -- it's almost like
16 putting on a show in terms of, like, wanting others to see
17 you in a certain way and managing the impression that others
18 have of you.

19 Q. And when you encounter people who need to work through
20 -- well, I guess let me back up.

21 Rather than me giving you a list of terms that we're not
22 going to necessarily see the same, talk to me just a little
23 bit about what kinds of cognitive distortions you work with.
24 That will be better, right?

25 A. Thank you. Yes. I mean, it's easier for me --

1 Q. That's fine.

2 A. -- to explain because we do have lists of cognitive --

3 Q. Yeah.

4 A. -- distortions that we often share with clients once
5 they're able. It depends on their developmental level.

6 But there are common patterns of thinking errors that
7 people make.

8 All-or-nothing thinking is one. So we hear someone say
9 "always" or "never." That's a clue that it may or may not be
10 accurate. Sometimes it is accurate, and so then we look at
11 is it helpful or unhelpful.

12 Q. We call that "polarization" too?

13 A. Sure. You might have polarized thinking,
14 black-and-white thinking. I usually call it all-or-nothing
15 thinking.

16 Q. Mm-hmm.

17 A. "Should" statements is another one that we talk about.
18 If someone has a thought it "should," it's not always
19 accurate. The one that I use is people should stop at red
20 lights. Like, that's actually also a law. But sometimes
21 people say "I should" and then it's not accurate.

22 So what we teach is that there's common patterns of
23 problematic thinking. And when you hear that pattern, it's a
24 good clue to look at it. And we say "Be a detective." Ask
25 yourself questions like: Is this always true? Is this

1 helpful? And then try to look at things in a different way
2 if it's potentially not accurate or not helpful.

3 Q. Going back to your list, all or nothing as an example,
4 is catastrophizing an example in your --

5 A. Yes.

6 Q. Okay.

7 A. Yeah.

8 Q. All right. Good. We got another --

9 A. And so catastrophizing is jumping to the worst
10 conclusion. We oftentimes talk about this as that our brains
11 are trying to make sense of the world and protect us and
12 sometimes they jump to the worst conclusion. It may or may
13 not be likely or accurate. So, again, it's just a situation
14 that it's like, "I keep noticing you're jumping to a really
15 catastrophic outcome. It might be worth looking at how
16 accurate that is."

17 Q. Okay. And so as a therapist, you encounter people who
18 need to work through these kinds of thought errors?

19 A. These are common things among people who have developed
20 clinical levels of symptoms in particular.

21 Q. Okay. So you talked a good bit about the various ways
22 that a child might respond to a trauma, whether that's sexual
23 assault or not. And can we actually go back a little bit and
24 just get a clean definition of what -- what is "trauma"?

25 A. The literature defines it differently, so I'm going to

1 go to a potentially traumatic event --

2 Q. Okay.

3 A. -- which in our diagnostic manual we have what's called
4 a "criterion A event," which is to be diagnosed with
5 something like posttraumatic stress disorder, which
6 psychologists and other, like, psychiatrists can diagnose
7 something like that. There are events that sort of qualify
8 as potentially traumatic, not that everyone has symptoms.
9 These are things that involve actual or threatened physical
10 injury, sexual violence, death, you know, things that involve
11 a high level of potential physical impact.

12 Q. So the trauma is actually the emotional response to a
13 terrible event?

14 A. People use them interchangeably. I like to use "a
15 potentially traumatic event" --

16 Q. Okay.

17 A. -- and then reactions to that event. And then what --
18 the clinical things that we target in treatment are actually
19 the emotional and behavioral reactions.

20 Q. Okay. And so all sorts of things, depending on the
21 person and how sensitive they are, at any given moment could
22 create those kinds of reactions, right?

23 A. Correct. These things that are potentially traumatic
24 criterion A events.

25 And then there's a lot of research also on what are

1 called "adverse childhood experiences," things like
2 psychological or emotional abuse that wouldn't qualify for a
3 posttraumatic stress disorder diagnosis but still have
4 similar reactions among many children.

5 Q. So things like even just a physical injury could be --
6 could promote such a reaction in a child?

7 A. Potentially.

8 Q. A hurricane?

9 A. Yes.

10 Q. Physical or emotional abuse? Abandonment by a parent?

11 A. It wouldn't be diagnosable, but yes, has similar types
12 of reactions.

13 Q. And immediately after an event like, say, an earthquake,
14 shock and denial are typical responses?

15 A. Having some reactions in the first month, the acute
16 period -- whether it's shock, denial, sometimes people also
17 have intrusive thoughts, stagnant fears -- it's much more
18 common in that first month after an event happens.

19 Q. And so I gave the example of shock and denial, but there
20 are lots of different responses?

21 A. Yes.

22 Q. And lots of different ways to react that within your
23 framework would be normal?

24 A. Nonpathological. They would be nondiagnosable. When we
25 start to diagnose something like posttraumatic stress

1 disorder is when you're looking at more lasting reactions
2 after that first month to three months.

3 Q. So can we talk about -- I've heard the time term "fight
4 or flight."

5 A. Yes.

6 Q. Right? Talk to -- and then I've heard "fight, flight,
7 or freeze." Have you heard that?

8 A. Yes.

9 Q. Talk a little bit about "fight, flight, or freeze," and
10 what that relates to.

11 A. Yes. And we've added "flock" and "fawn."

12 Q. Oh, okay. Yeah, give me all of them.

13 A. So what we talk about when we're talking "fight, flight,
14 freeze, flock, and fawn" are survival responses.

15 And I'm going to do this. This is a little hand frame
16 model, and many of us in the field talk about is -- my hand,
17 it looks like a brain. So our brains kind of have a front
18 that wraps around the parts in the middle -- the amygdala is
19 one of those -- that responds when your brain thinks
20 something dangerous or stressful or overwhelming is
21 happening. There's other parts. Generally, they're sort of
22 in the middle of your brain. And they respond when there's
23 something stressful or dangerous.

24 And generally when this part of our brain is reacting,
25 it releases -- it alerts, so it fires on brain scans and

1 produces this reaction in our bodies and brains that we call
2 the "fight, flight, freeze, flock, and fawn." And these are
3 all things that are designed to help us survive.

4 I use this example with clients actually, and I talk
5 about a bear. Like, if a bear were to walk in here, people
6 are generally like, "Oh, that's potentially dangerous." And
7 our brains would react, including these parts. We would have
8 survival responses that include things like fighting to fight
9 off the bear. Freezing is also a survival response. Fight,
10 flight -- so flight, trying to get out, to leave. And
11 usually to have these responses your muscles are tense,
12 adrenaline is flowing, your heart beats fast. Those are
13 healthy responses to danger.

14 And then flock is grouping with others.

15 Fawning is what people talk about in terms of giving the
16 bear a treat. Right? You know, like, it's this idea of
17 doing something actually with the dangerous --

18 Q. Got it.

19 A. -- stimulus --

20 Q. Mm-hmm.

21 A. -- just to try and help, you know, distract and then you
22 get to do one of the other things like flee.

23 Q. I gotcha.

24 So whatever a person's knee-jerk survival response is is
25 not necessarily well-suited to every situation; is that fair

1 to say?

2 A. It's a survival response. I think there's a lot of
3 attributions that people have about -- I've worked with many
4 clients who wish they had had a different survival response
5 in the midst of their traumatic experience.

6 Q. Well, so when I learned about "fight, flight," and then
7 I heard "freeze," I felt very validated because I'm a
8 freezer. With, like, when my kid was little, if he would
9 trip and fall, this was me.

10 Not helpful, right?

11 A. Not necessarily to helping your child up.

12 Q. Right.

13 A. Might have been more helpful than a fight response --

14 Q. Sure.

15 A. -- that might have involved kicking.

16 Q. Right.

17 A. So again, it really depends on, like, what the
18 alternative is and what the characteristics -- a freeze
19 response with a bear, like, might actually --

20 Q. Right.

21 A. -- be really adaptive.

22 Q. Right. So some strategies are adaptive and some are
23 maladaptive to the circumstance?

24 A. I think it's really subjective. It's really subjective.
25 All of them are things that kind of historically we think of

1 as survival responses. And ultimately, I guess the bottom
2 line would be if it worked for surviving, it's adaptive.

3 Q. Okay. So getting back to child sexual abuse, an
4 instance of sexual abuse could be a traumatic event for a
5 child?

6 A. A potentially traumatic event, yes.

7 Q. And immediately reporting that abuse happens commonly?

8 A. The research suggest about one out of every four victims
9 tells within that first month, which is immediate.

10 Q. Not immediately reporting abuse, also common?

11 A. Correct.

12 Q. And many people don't report abuse until months or years
13 later?

14 A. (Indicated.)

15 Q. And, in fact, some people suppress memories of abuse?

16 A. There's not a lot of good literature on suppressed
17 memories. It's very controversial.

18 Q. Okay. Is it normal or common for people to constantly
19 relive the abuse?

20 A. That is a symptom we would call "reexperiencing," like
21 having intrusive thoughts, flashbacks, nightmares, feeling
22 like it's happening again.

23 Q. And it's common for children in these situations to
24 report different details to different people at different
25 times?

1 A. It's common for the details to come out over time.

2 Q. Okay. "Disclosure is a process" --

3 A. Right.

4 Q. -- is what you said?

5 A. Yeah.

6 Q. And so disclosure being a process and coming out over
7 time, the disclosure can change and grow?

8 A. It doesn't usually change as much as it does grow.

9 Q. So a child who reacts with nightmares or has other
10 unhealthy coping mechanisms, that's a common occurrence?

11 A. Between, like, 25 and 40 percent, depending on the
12 studies. I mean, some studies say it's only 10 percent that
13 have symptoms. But those symptoms are not uncommon, but
14 still more than half of youth don't develop clinical-level
15 symptoms.

16 Q. And children are not the only people who can experience
17 traumas; adults can experience traumas?

18 A. Correct.

19 Q. And they will then have the same survival instincts,
20 again in some cases, as a child?

21 A. If -- so the survival response happens if the person,
22 whether they're a child or adult, appraises it as dangerous
23 or overwhelming.

24 Q. Mm-hmm. Okay. And so but those "fight, flight, freeze,
25 flock, fawn" -- I learned something new today -- those are

1 applicable to adults?

2 A. Yes.

3 Q. So an adult who's reacting to a trauma might have a
4 reaction that doesn't make sense to other people but is
5 reasonable or understandable when you get to investigate what
6 motivated them to have that reaction?

7 No?

8 A. I just -- could you repeat it --

9 Q. I can ask it a different way.

10 A. -- for me, please?

11 Q. Sure.

12 So --

13 MS. FRIERSON: Your Honor, I'm going to object. Outside
14 the scope of her expertise in child abuse dynamics to go into
15 asking about adults.

16 THE COURT: Yeah. I mean, I'm not sure unless you want
17 to rephrase it to set up some sort of comparison to her. But
18 even then I'm unsure.

19 I mean, if you could rephrase the question.

20 MS. BLAZER: Okay. Sure.

21 THE COURT: Okay.

22 BY MS. BLAZER:

23 Q. Child traumas and adult traumas are not necessarily
24 different?

25 A. We tend not to compare traumas, like, for age ranges.

1 So, like, in the diagnostic manual it doesn't specify age of
2 -- like, for the potentially traumatic event. There are
3 different criteria for different developmental stages in
4 terms of symptoms but not the traumatic event.

5 Q. Sorry. I got distracted.

6 The loss of a parent to a child or an adult could be a
7 traumatic event?

8 A. Do you mean like a traumatic death of a parent?

9 Q. Yeah.

10 A. Yes.

11 Q. And for an adult, the loss of a child would obviously
12 potentially be a trauma?

13 THE WITNESS: Am I allowed to answer about adults?

14 MS. FRIERSON: Your Honor, I renew my objection. She
15 was admitted as an expert in child sexual abuse dynamics. If
16 she would like to voir dire her to put her in as her own
17 expert in the dynamics of something as -- trauma as it
18 relates to adults, while I believe that Ms. Swiecicki is
19 probably more than competent to answer, from a rules
20 standpoint, she is only admitted as an expert in child abuse
21 dynamics.

22 THE COURT: Okay. Sustained.

23 And did you want to --

24 MS. BLAZER: I think I have voir dired her on her
25 expertise, and she's testified that she does work with adults

1 and has significant clinical experience working with an adult
2 -- with adults. And I think that all of the reasons that she
3 was an unobjected expert in the area of child abuse dynamics
4 makes her an expert in -- with regard to her clinical
5 experience treating adults who have experienced traumatic
6 events.

7 THE COURT: Okay. Do you want to voir dire her on those
8 qualifications as to an adult?

9 MS. FRIERSON: I think she just needs to do it properly
10 by admitting her -- asking to admit her as an expert in the
11 field that she wants to admit her.

12 THE COURT: I took that as her seeking to admit her in
13 that area. Do you want to ask her any questions to examine
14 her qualifications as an adult?

15 MS. FRIERSON: No, your Honor.

16 THE COURT: Okay. Then we'll allow it over objection --
17 excuse me; well, over initial objection of the State and
18 later by consent.

19 Ladies and gentlemen, she'll now be eligible to offer
20 opinions as well in the area of adult trauma. And so, once
21 again, you don't have to accept those opinions. It's just
22 information for you to use any way that you see fit.

23 All right. Go ahead.

24 BY MS. BLAZER:

25 Q. So just to get us back on track, adults can experience

1 trauma from lots of different situations?

2 A. Yes.

3 Q. And I gave you the example of the loss of a parent --
4 sudden loss of a parent?

5 A. For an adult experiencing that?

6 Q. Yeah.

7 A. Yeah, usually for adults, if they experience a traumatic
8 loss and have reactions, it's when the death is unexpected or
9 unanticipated. We see reactions to that in children even
10 when it's not unexpected -- like, the death is not unexpected
11 to the adults but the children didn't know that. Adults tend
12 to know more, and so it's usually more instances of, like,
13 car accidents or suicide or other things that are surprising
14 aspects of the death. And then we see trauma reactions to
15 that sometimes.

16 Q. And surprise is often a feature of traumas?

17 A. Unexpected.

18 Q. Mm-hmm. So, like, the unexpected loss of a job could be
19 traumatic?

20 A. We don't have, like, a class -- it's not as typical as
21 traumatic loss. Like, there are articles written about
22 traumatic loss and traumatic grief and treating that. I'm
23 not aware of any studies done on traumatic loss of a job.

24 Q. Okay. Traumatic loss of a marriage?

25 A. Not in my clinical field, but I have worked with adults

1 clinically who have experienced symptoms related to
2 relationships.

3 Q. You worked with adults for whom the COVID-19 pandemic
4 had a traumatic impact?

5 A. I personally have not. I have colleagues who have
6 worked with youth who experienced a traumatic death of a
7 loved one due to COVID-19.

8 Q. But the quarantine itself and the isolation were not
9 traumatic for people, in your experience?

10 A. Not for everyone. Oftentimes that, again, is related --
11 it's potentially traumatic. We kind of conceptualize it that
12 way. And if people had mitigating circumstances, like loved
13 ones with significant medical, you know, compromise that put
14 them at higher risk for negative outcomes, they tended to
15 have a more likely reaction.

16 Q. So shifting gears for just a minute, I did not read your
17 entire bibliography. It was extensive. But I did pull one
18 of the articles that you wrote in 2015. And it was actually
19 a response to another article.

20 Do you know what I'm talking about?

21 A. I believe so.

22 Q. Okay. So the article you were responding to was called
23 "Ethical and Legal Considerations For Treatment of Alleged
24 Victims: When Does It Become Witness Tampering?"

25 Do you remember that?

1 A. Yes.

2 Q. And you wrote a response?

3 A. Yes.

4 Q. And the article you were responding to said, "We need to
5 be really careful about asking too many questions about
6 trauma, and specifically sexual abuse or other abuse, to make
7 sure we're not sort of interceding in the criminal process to
8 participate in forming a kid's memory."

9 Is that fair?

10 A. I have not read -- to be fair, I have not read that -- I
11 wrote it about ten years ago, so I haven't read the article
12 that I was responding to. But that does, I mean, sound like
13 the idea was whether or not it could tamper and -- yes.

14 Q. And you -- and their theory was, "We should hold off on
15 treatment because it could be unfair to a person accused of a
16 crime"?

17 A. I believe so.

18 Q. And you said, "No. We need to do treatment when
19 treatment is necessary."

20 A. The argument is that withholding treatment puts children
21 who are symptomatic at higher risk for negative outcomes like
22 suicidal behaviors.

23 Q. Right.

24 A. And so withholding treatment for a risk that's not
25 validated, that it would tamper with a testimony when the

1 purpose of clinical work is not the same as the law, seems
2 ethically something certainly to talk about and consider.

3 Q. And you say when the risk is "not validated." What do
4 you mean?

5 A. This idea that doing therapy somehow tampers with a
6 child's testimony has not actually been validated if that's
7 true.

8 Q. But it's also not been invalidated, right?

9 A. That's the null, yes.

10 Q. Okay. That's the null hypothesis?

11 A. Yes.

12 Q. Okay.

13 A. I mean, that would be the idea of the null is, like, it
14 has not been validated; it has not been invalidated.
15 Correct? It's not been studied. It's very hard to study.

16 Q. So your concern is "I'm worried about the clinical
17 treatment of children. The law can worry about the rest"?

18 A. When I have someone that is presenting to me with
19 significant clinical symptoms, my job as a licensed provider
20 is to help treat those symptoms. And to do that, sometimes
21 you have to gain a history.

22 The best practice is to help children face memories of
23 things that have happened. Sometimes those are relevant to a
24 criminal or civil proceeding; sometimes they're not. But,
25 really, the purpose of treatment is to treat the clinical

1 symptoms.

2 Q. And if you're treating a person with clinical symptoms
3 whose symptoms are tied back to a situation that they've
4 described to you but that description is not valid, how does
5 that affect the validity of the treatment?

6 A. Part of what you're getting at is what you asked earlier
7 of who determines whether it's valid.

8 Do you mean "not factually accurate"?

9 Q. Yeah.

10 A. In treatment what we look for are called "hot spots" of
11 what's driving their symptoms.

12 Q. Mm-hmm.

13 A. Which, in my clinical experience -- and the research is
14 really clear -- the severity or sort of details about their
15 experience are not generally what drive distress. It's the
16 attributions, their beliefs about what happened. And so
17 clinically, while we sometimes talk about the details, to
18 help -- we really do have to help them express what they're
19 feeling and what they're thinking about what happened.

20 Q. Mm-hmm.

21 A. A lot of times even with sexual abuse or other trauma,
22 what's most upsetting to my client is actually how people
23 reacted or other things that happened after the fact.

24 Q. So you said you've got to focus on their belief about
25 what happened because that drives their reaction? Is that --

1 A. Well, from the CBT framework, their thoughts and
2 emotions and behaviors and body sensations are all really
3 relevant. And in the research on what drives PTSD or what
4 predicts trauma symptoms, beliefs about the experience
5 predict symptoms above and beyond the severity of -- or the
6 details of what happened.

7 Q. And so if you can treat the symptoms that arise out of
8 those beliefs, you're helping the patient regardless of
9 whether their beliefs are based in fact?

10 A. The goal of treatment is to reduce symptoms.

11 Q. Okay. Would you agree with me that being falsely
12 accused of a crime could be a trauma?

13 A. I mean, not a criterion traumatic event, but certainly
14 one of those adverse experiences.

15 MS. BLAZER: I have nothing further.

16 THE COURT: All right. Any redirect of this witness?

17 MS. FRIERSON: No, your Honor. None.

18 THE COURT: Okay. All right. You are free to go.

19 Thank you so much.

20 (Witness excused.)

21 THE COURT: Does the State have any other witnesses at
22 this time you wish to call?

23 MS. FRIERSON: No, your Honor. At this time the State
24 rests.

25 THE COURT: Okay. Thank you so much.

1 Ladies and gentlemen, at this time it is necessary for
2 me to excuse you from the courtroom. I've got some things to
3 talk to these lawyers about. We'll also be just discussing
4 scheduling. So when y'all come back, we should have a better
5 idea of where we'll be in terms of wrapping up in the next
6 day or two. And I will deliver that to y'all as soon as I
7 know that information. Okay?

8 So we'll excuse you now for a break and see you back in
9 about ten minutes or so.

10 (The jury exited the courtroom at 3:13 p.m.)

11 (The following proceedings were had outside the presence
12 of the jury.)

13 THE COURT: All right. You can be seated.

14 A reminder, even if you're watching in the gallery,
15 please don't have your phone on or scroll through any social
16 media or anything like that, especially during the course of
17 cross-examination of an expert witness. It's highly
18 distracting. Next time you won't get a warning. I'll have
19 to have a meeting with you at the bench.

20 All right. Now, the State has rested. Happy to
21 entertain any motions from the State or the defense at this
22 time.

23 MS. BLAZER: Your Honor, I would move for a directed
24 verdict. In keeping with the evidence and the law, I think
25 that we have had an insufficiency of evidence produced to

1 send this to the jury.

2 We had testimony from the alleged victim that was
3 unclear with regard particularly as to the CSC second
4 accusation. No clarity around penetration. Definitely
5 testimony with regard to contact but not penetration.

6 Also, we heard testimony from Kathy Fabrizio indicating
7 that there was a refusal to allow photographic evidence,
8 which is the best practice to be taken.

9 We heard testimony from the so-called investigator in
10 this case who testified that she did absolutely nothing to
11 investigate this case. She took no steps whatsoever. I am
12 certainly aware of the existence of the law in South Carolina
13 that does not require corroboration of a statement for a case
14 to be brought forward. But I would argue, notwithstanding
15 that law, that that law places an undue additional burden on
16 people accused of these kinds of cases that is not applicable
17 to any other crime.

18 There is a minimal level of proof required in every
19 case, and it should -- and the fact that the State has said
20 that in these kinds of cases corroboration is simply
21 unnecessary essentially ties my hands in these arguments.
22 But I don't think that it should. I think it's an
23 unconstitutional limitation.

24 But that is an argument to be made to a higher court,
25 and I recognize that.

1 THE COURT: Okay.

2 All right. Any response from the State?

3 MS. FRIERSON: Yes, your Honor. May it please the
4 Court.

5 THE COURT: Mm-hmm.

6 MS. FRIERSON: We have testimony from the victim that
7 the defendant sexually assaulted her multiple times in her
8 residence. I believe her testimony was not only that he
9 touched her breasts, but in and around her vagina, which was
10 in response to my question "Where was his hand? What was it
11 doing?" The "in," as you know, could refer to the actual
12 digital penetration or the penetration, however slight, that
13 is the minimal that's required under CSC with a minor second.

14 Sorry. My voice is going. Excuse me one second.

15 We also have witness testimony from the outcry witness
16 showing that the victim did, in fact, report these
17 allegations to him, although not to tell someone but more as
18 a confidant, but prior to the disclosure, lending credibility
19 to the fact that it did not arise as to what has been
20 inferred by perhaps COVID-19 or stress or separation or
21 frustration over teenage stuff.

22 We have expert testimony regarding her exam. And the
23 refusal to allow photos, quite honestly, while it might be
24 the best medical practice, it certainly isn't an element of
25 the crime that we need to prove.

1 We also heard extensive testimony from Ms. Swiecicki on
2 the dynamics of childhood sexual abuse.

3 And we have evidence in the form of text messages from
4 the victim's mother after she confronted the defendant of the
5 allegations which, according to the testimony we've heard so
6 far, the defendant wasn't allowed to talk to DSS, wasn't
7 given any information. So when his child was taken away and
8 the mom texted him that night, he doesn't know what's going
9 on. He doesn't know if he's been accused of beating his son,
10 exposure to interpersonal violence, exposure to substance
11 abuse, and yet his direct response with all of this starts to
12 mimic some of the behaviors -- er, minimize some of the
13 behaviors that were occurring to [REDACTED] MTNOR [REDACTED] No mention of

14 [REDACTED] BROTHER [REDACTED]

15 That's not a coincidence, if you ask me.

16 So I submit that there is a genuine question for the
17 jury, and they can determine which witness they believe.
18 They can, as your instructions allow them, believe one
19 witness over another. There is a factual determination based
20 on what we've presented that is appropriately put in front of
21 the jury. And it's reasonable to conclude, based off what we
22 have at this point, that these witnesses are telling the
23 truth.

24 And for those reasons, we would ask that you deny their
25 directed verdict request.

1 THE COURT: Okay. Well, the victim testified, to the
2 Court's recollection, "inside and outside" were her words
3 with regards to the touching on the vagina. So that's enough
4 to survive a directed verdict as to the defense's motion.

5 It was not established -- there may be some voids in
6 evidence or voids in the investigation, but that, of course,
7 would go just to weight, which is a question for the jury.
8 But there is sufficient evidence to take it to the jury, vis
9 a vis the testimony of the victim. So therefore,
10 respectfully, your motion for directed verdict is denied.

11 And so we will go forward. I know you talked about a
12 couple possibilities. It's 3:20. I'm happy if you need to
13 make another phone call or anything, we can do that too.

14 MS. BLAZER: I have received a message back from Chief
15 Ritchie -- well, Sheriff Ritchie now; sorry -- and they have
16 assured me that there is going to be a bunk available for my
17 client tonight.

18 THE COURT: Okay.

19 MS. BLAZER: And so I would ask that we wait until
20 tomorrow.

21 THE COURT: Okay. Well, given the hour and the fact
22 that you think your direct will be at least an hour, I will
23 resume in the morning.

24 I would ask that, you know, this afternoon then you all
25 forward me if there's any particular charges, or just any

1 charges at all, that you want me to consider, to do that.
2 Anything else, you know, that we'll need to kind of make sure
3 we wrap up tomorrow. I don't know if you have any other
4 witnesses, but obviously just have them ready as well
5 tomorrow morning at 9:30. And we'll just anticipate going
6 through that quickly.

7 Just make sure that you've already talked to him and
8 make sure he expects and understands that I'll be giving him
9 -- discussing with him his Fifth Amendment rights and all of
10 that as well before he testifies. So just be prepared for
11 that.

12 MS. BLAZER: Yes, ma'am.

13 THE COURT: Anything else I can do for you all this
14 afternoon?

15 MS. BLAZER: No, ma'am.

16 THE COURT: Do you want me to bring the jury back in to
17 excuse them, or are you okay if the bailiff excuses them
18 until 9:30 tomorrow?

19 MS. FRIERSON: We've already rested in front of them.
20 I'm fine with them being excused.

21 THE COURT: Okay. Just tell them we're going to start
22 back in the morning?

23 MS. BLAZER: Fine by me. Just maybe tell them --

24 THE COURT: Okay. We don't need to give them a reason.

25 MS. FRIERSON: You said 9:30?

1 THE COURT: 9:30 again. Okay?

2 Anything else?

3 MS. BLAZER: Thank you.

4 THE COURT: All right. Thank you all.

5 MS. FRIERSON: Thank you, your Honor.

6 THE COURT: See you back in the morning at 9:30.

7 (Court recessed at 3:21 p.m., to resume at 9:30 a.m.,
8 Wednesday, August 6, 2025.)

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1 (Court resumed at 9:53 a.m., Wednesday, August 6, 2025,
2 outside the presence of the jury.)

3 THE COURT: All right. So when we finished yesterday,
4 the State had rested. And so at this time we will turn
5 things over to the defense.

6 I know it was mentioned -- sorry. We have this
7 two-factor authentication here.

8 Okay. Yesterday we discussed whether or not your client
9 would testify, Ms. Blazer. And I think you indicated he is
10 going to testify. Is that still your understanding?

11 MS. BLAZER: Yes, ma'am.

12 THE COURT: Okay. Well, at this time, before the jury
13 comes in, I'm going to go ahead and discuss with him his
14 Fifth Amendment rights, if that's okay with you.

15 Have you had an opportunity to discuss that with him?

16 MS. BLAZER: I have. And he's expecting your questions.

17 THE COURT: All right. Mr. White, if you can stand, if
18 you're able at this time.

19 You already are. Thank you so much.

20 All right. Christopher Robert White, I'm going to place
21 you under oath for this certain portion of what we're doing.
22 Okay?

23 Could you raise your right hand for me.

24 (Defendant sworn.)

25 THE COURT: Okay. You can take your hand down.

1 At this time, sir, I'm going to explain certain rights
2 to you. If you don't understand anything I say, will you
3 please let me know?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. And if you want me to explain
6 anything in more detail, will you also let me know that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. We've now reached the stage of
9 the trial where you may present your defense. Of course, you
10 have the right to claim the protections given to you by the
11 Fifth Amendment of our constitution. And that says in part
12 that no person shall be compelled in any criminal case to be
13 a witness against himself. This means you cannot be required
14 to testify in this case. You have the right to testify on
15 your own behalf. However, no one can make you testify. This
16 is a right that's yours alone, and no one can give up that
17 right except for you.

18 You understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. If you decide to testify, you'll
21 be subject to the same rules that govern every other witness
22 that testifies and you may be examined and cross-examined on
23 any relevant issue in this case. In addition, if you have
24 any convictions involving dishonesty or false statements or
25 for crimes which were punishable by imprisonment for more

1 than a year and I determine that the probative value of
2 admitting that evidence would outweigh any prejudicial effect
3 to you, the solicitor would be able to introduce your record
4 to attack your credibility.

5 If you decide to testify, that decision must be made
6 entirely freely, voluntarily, and intelligently by you with
7 the knowledge of these protections given to you by the Fifth
8 Amendment and the consequences of your decision to testify.
9 If you decide not to testify, I'm going to instruct the jury
10 that they cannot give the fact that you did not testify any
11 consideration whatsoever and there is to be no prejudice to
12 you because you did not testify.

13 It's left entirely up to you whether or not you testify.
14 You can talk with your attorney, any family members or
15 friends, or anybody else, but the final decision is going to
16 be left entirely up to you.

17 You understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Do you have any questions about
20 anything that I have just explained to you?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: All right. Have you been able to discuss
23 with your lawyer whether or not you want to testify?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Do you wish to testify?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay.

3 Ms. Blazer, do you have any other concerns or anything
4 else you'd like to place on the record at this time?

5 MS. BLAZER: No, your Honor. I believe -- er, Mr. White
6 and I have been working together for nearly five years. I
7 have never once had concerns about his competency. He and I
8 have discussed his rights in detail, and I believe this is
9 absolutely freely his decision. And it's a decision I
10 support.

11 THE COURT: Okay.

12 All right. Well, at this time I find that he is making
13 the decision freely and voluntarily and with the advice of
14 excellent counsel. And they've indicated to me they don't
15 have any competency concerns.

16 So, Mr. White, I appreciate that. You're free to sit
17 down again at this time.

18 We will bring the jury back in, and the defense will
19 present their case. Anything else before the jury comes in I
20 need to handle?

21 Anything from the State?

22 MS. FRIERSON: Nothing from the State, your Honor?

23 THE COURT: All right. Well, we can bring the jury in
24 then. Thank you.

25 (The jury entered the courtroom at 9:59 a.m.)

1 THE BAILIFF: All jurors are present, your Honor.

2 THE COURT: Thank you so much.

3 Everybody can be seated.

4 I appreciate, everybody, your patience this morning. We
5 had some things to take up outside your presence, and so
6 we've gotten that finished.

7 When we left yesterday afternoon, ladies and gentlemen,
8 you got to leave a little bit early again. The State had
9 rested. At this time the defense has an opportunity, if they
10 wish, to present evidence or witnesses. And we'll switch it
11 over.

12 Ms. Blazer?

13 MS. BLAZER: Thank you, your Honor. May it please the
14 Court.

15 We call Christopher Robert White to the stand.

16 THE COURT: All right. Mr. White, if you'll just walk
17 up to the stand and the clerk of court will swear you in.

18 (Witness sworn.)

19 CLERK OF COURT: Please be seated.

20 Please state your name and spell your last name for the
21 court reporter.

22 THE WITNESS: Christopher White, W-H-I-T-E.

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1 CHRISTOPHER WHITE,
2 called as a witness on his own behalf, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BLAZER:

6 Q. Chris, you're here because your stepdaughter says you
7 sexually abused her. Did you sexually abuse your
8 stepdaughter MINOR ?

9 A. No.

10 Q. On Monday you listened to MINOR describe you sexually
11 abusing her. How did that make you feel?

12 A. Hurt. Betrayed. Just very confused at the time when
13 those accusations came out.

14 Q. Okay. Are you nervous today?

15 A. Of course. Yes. Extremely.

16 Q. So let's talk a little bit about some other things
17 first.

18 Where did you grow up, Chris?

19 A. Kenosha, Wisconsin.

20 Q. When did you come to South Carolina?

21 A. 2006, for work.

22 Q. For work? What kind of work?

23 A. Food and beverage. I'm a chef.

24 Q. Is that something you trained to do?

25 A. Yes. Culinary school.

1 Q. Okay. Did you always know you wanted to be a chef?

2 A. Kind of through high school. But my mom always told me
3 when I was a little boy, like 4 or 5, that I always wanted to
4 be a chef, and she didn't even know that I even knew what
5 that was.

6 Q. So that was just something you had told her?

7 A. Yeah.

8 Q. Where were you working in 2020?

9 A. In 2020?

10 Q. Yes.

11 A. I was a regional director for dining services for Five
12 Star Senior Living.

13 Q. What kind of hours did you work at that job?

14 A. Could be long, could be normal. But it depends. As a
15 regional you have to travel. So it could be for three days
16 or it could be for, like, a 9:00 to 5:00. But most of the
17 time it's, like, 8:00 to 7:00.

18 Q. Outside of work, what kinds of things -- do you have
19 hobbies? What do you like to do for fun?

20 A. Yeah. I'm a woodworker, so I like to make farm tables
21 and porch swings, garden swings. And gardening. I like
22 doing that too.

23 Q. What kind of gardening? Flowers or vegetables?

24 A. A little of both, really. I have a garden for
25 vegetables, and I also like to, I guess, pull weeds, you

1 could say.

2 Q. Okay. Tell me about how you met Isabelle Noy.

3 A. We met through an app called Christian Mingle.

4 Q. And how long did you date before you got married?

5 A. A year.

6 Q. When did you meet [REDACTED] MINOR [REDACTED]?

7 A. I met her the day I met Isabelle at church.

8 Q. Okay. And did you and Isabelle live together when you
9 were married -- before you were married, rather?

10 A. Did we live together? No. We courted.

11 Q. You courted. Okay.

12 A. Mm-hmm.

13 Q. Did you like being a stepdad?

14 A. Yes. I mean, I knew what I was getting into, you know.
15 Yeah, I definitely did.

16 Q. When did you all move out to Awendaw?

17 A. I'm not sure what year that was, but probably --
18 probably around the year 2016, somewhere around there.

19 Q. Can you describe the house at [REDACTED] RESIDENCE [REDACTED] in Awendaw.

20 A. It's a little farmhouse. We had about an acre of land
21 bordered up against the forest. So it was nice. I have a
22 gravel driveway that I always had to maintain. But it's a
23 small house. You know, it doesn't seem too bad when you say
24 1,200 square feet, but when you have three bedrooms included
25 and two baths, it ends up being a pretty small house.

1 Q. Did you and Isabelle talk about having more children?

2 A. Yes. Before and while we were married.

3 Q. When did [BROTHER] join your family?

4 A. He joined in 2015.

5 Q. Tell me about that.

6 A. We went for a vacation down in Puerto Rico. We were
7 working in Puerto Rico because Isabelle's Puerto Rican. She
8 has family there and stuff, so we decided to go there.

9 We hadn't heard much from them to adopt of any child
10 until we went down and actually confronted them straight
11 ahead. And then they realized that we were pretty serious.
12 And then we had a match for a young little girl, but she had
13 a lot of illnesses or health issues and it just wasn't a good
14 fit that we felt for our family. So we kind of held off on
15 that.

16 And then once we returned back to home, we got a call
17 regarding [BROTHER], which wasn't his name at the time. I
18 think it was -- I'm not really -- I can't remember his name,
19 what it was, but that's [BROTHER], my son.

20 Q. Okay. How old was [BROTHER] then?

21 A. I think he was 2 1/2, 3.

22 Q. And what was it like when [BROTHER] came to South Carolina?
23 Smooth sailing?

24 A. If you ever adopted a child, they usually always come
25 with some type of baggage, life experiences even at that

1 young age. He hoarded food. We found that out when we first
2 met him at a restaurant the very first day we met him. The
3 appetizer came out, and he just started grabbed everything
4 off the plate and started shoving it in his mouth. We were
5 worried because it was pretty hot, so -- but when he got
6 home, we kind of knew what we were getting into. We did the
7 training.

8 But it was rough. It definitely was. He had a lot of
9 problems sleeping at night.

10 Q. Okay. What did you do to deal with that?

11 A. I usually held him, usually for about an hour until he
12 finally fell asleep and then laid him in his crib. So that's
13 usually what ended up happening most of the time. We always
14 had, you know, a baby monitor so we could keep an ear out for
15 him as well.

16 Q. Okay. At some point you and Isabelle decided it was
17 time to separate. When was that?

18 A. It was 2019.

19 Q. And who moved out of the family home at that time?

20 A. That was Isabelle.

21 Q. Where did she go?

22 A. She went to an apartment in Mount Pleasant and then
23 eventually to Dorchester in North Charleston.

24 Q. Did either of the kids seem to have any trouble
25 adjusting to the change?

1 A. I think so. I mean, I think any kid would. I mean, we
2 did. I don't see why a kid wouldn't. They just got kind of
3 separated into two different homes, two different bedrooms.

4 So yeah, I definitely see that could be an issue.

5 Q. And around this same time, **MINOR** went to public
6 school for the first time?

7 A. Yes.

8 Q. Did she have a hard time with that?

9 A. She talked to her mom more so with that dynamic. You
10 know, with my job I was always kind of traveling and stuff
11 like that.

12 But, I mean, I think she did. I recall a few times that
13 just the adjustment. She'd been home schooled her whole
14 life, so I could definitely see it being a definite concern.

15 Q. Were there any ways that life changed for you guys when
16 the COVID shutdowns started happening?

17 A. Yeah. I lost my job. Yeah, we lost like 20-some
18 regionals at one shot. So that changed a lot of things for
19 sure. I had to figure out what I was going to do next.

20 Q. And so what did you do?

21 A. I ended up going to one of the communities that's within
22 the same company.

23 Q. So instead of being a regional, just working in one
24 facility?

25 A. Correct. Yeah. I had 24 communities, so I knew which

1 ones needed help and which ones didn't already. So it was an
2 easy transition in a way.

3 Q. Were the kids on isolation from school?

4 A. Yes.

5 Q. When you first separated, how was custody and visitation
6 set up?

7 A. The custody we had, **BROTHER** was with me every other week
8 and **MINOR** would come to the house every other weekend with
9 **BROTHER**

10 Q. And what was the reason for the difference?

11 A. For the difference?

12 Q. Yeah. The difference between how often **BROTHER** was with
13 you --

14 A. Yeah.

15 Q. -- versus **MINOR**.

16 A. **MINOR** was older, so she had her friends and she had
17 her commitments with church and activities and stuff like
18 that. And that's Isabelle's biological child.

19 Q. Did you adopt **MINOR**?

20 A. No.

21 Q. When **MINOR** **BROTHER** stayed overnight at your house on
22 **RESIDENCE**, where did they sleep?

23 A. They slept in their own bedrooms.

24 Q. Okay. When you would get physical custody of **MINOR**,
25 did you pick her up at Isabelle's? Did you pick her up at

1 school? How did that work?

2 A. I usually picked her up at school, and then we went and
3 picked up [BROTHER] from his school, and then we'd go back to
4 the house.

5 Q. Okay. Did your custody arrangement with the two kids
6 change at any point?

7 A. Yeah. [MINOR] ended up staying more with her mom
8 towards the end.

9 Q. When you say "towards the end," what do you mean?

10 A. Well, towards when all this stuff came up. Yeah. And
11 [BROTHER] was starting to -- we were discussing on him coming
12 to my house more full time as well.

13 Q. Okay. Why?

14 A. Which one? For [BROTHER] or [MINOR]?

15 Q. Both.

16 A. Both.

17 [BROTHER], we had a better relationship. They had a lot
18 of issues, Isabelle and [BROTHER], with arguing. I would always
19 get phone calls trying to calm [BROTHER] down, and so she felt
20 it was probably best that he would stay with me more often.

21 And then [MINOR], [MINOR] was because of some
22 arguments that we had.

23 Q. That you and [MINOR] had or that you and Isabelle had?

24 A. That [MINOR] and I had.

25 Q. Okay.

1 A. It was mainly -- which was brought up before -- that
2 she --

3 Q. Before in this trial, you mean?

4 A. Yes. Yes.

5 Q. Okay.

6 A. That she wanted to go hang out with friends, and I
7 already had plans made for the day. I had to take care of
8 some stuff underneath the house first, and then we were going
9 to do some stuff afterwards. It was going to be a surprise
10 for them, but it ended up not being such a surprise. So she
11 ended up calling her mom to argue her case for her on going
12 to her friends.

13 Q. When you say "to argue the case for her," are you saying
14 you had to talk to Isabelle?

15 A. Yeah. Isabelle called me and started complaining why I
16 wasn't doing what MINOR wanted to do. And I told her we
17 already had plans made. And so she insisted on trying to
18 lecture me on how to run the house there.

19 Q. Did you make any statement about what should happen
20 next?

21 A. Yeah. I told her -- I said, you know, if this is how
22 it's going to be moving forward, then it was probably best
23 that MINOR stayed with her most of the time.

24 Q. Was MINOR present when you said that?

25 A. Yeah. She was at the kitchen table. So our kitchen

1 table and where our -- where I was standing in the kitchen
2 were probably not even 5 feet.

3 Q. Did Isabelle ever confront you about opening the door on
4 MINOR when she was in the shower?

5 A. Did she confront me?

6 Q. Mm-hmm.

7 A. Yes, she did. Mm-hmm.

8 Q. What was that all about?

9 A. Yeah, she called me asking me what was going on. She
10 didn't seem really upset about it, but she was concerned a
11 little bit because MINOR brought it up to her. And the
12 crazy thing is this was just all fun, for the most part. It
13 should have been -- it should have stayed that way, but for
14 some reason she decided to go a different route with it.

15 Q. So what really happened?

16 A. So yeah, I was -- BROTHER was in the bathtub taking a
17 bath. And in the other master bedroom we have a shower in
18 there, and MINOR was taking a shower. Well, I was waiting
19 to take a shower as well. I think we had just got back from
20 -- I don't know if it was the beach or where we went, but we
21 all needed to take showers.

22 And MINOR's notorious for taking very long showers.
23 She will use all the hot water. She will steam up the whole
24 room. And I asked her -- I was like, you know --

25 (Witness made knocking noise.)

1 I'm like, you know, "Please hurry up. I need to use the
2 shower as well. Stop using all the hot water."

3 And then all of a sudden I heard --

4 (Witness made knocking noise.)

5 -- back. You know, and that was from MINOR. And
6 then all of a sudden BROTHER is over here --

7 (Witness made knocking noise.)

8 -- from the bathtub. So we all just started banging on
9 the doors, you know. And I was like, "Come on, MINOR.
10 Hurry up." And we were banging. We were having fun,
11 laughing. BROTHER comes out of the bathtub naked, saying --
12 you know, laughing, running down the hall. I went "Get back
13 in the bathtub."

14 And then I go over and I shake the door and it pops
15 open. And as soon as it did, I go to grab it and shut the
16 door.

17 Q. Was MINOR naked?

18 A. I don't know.

19 Q. You didn't see her?

20 A. I saw her face. That was it.

21 Q. Okay. Was that incident the reason that MINOR
22 stopped coming over to your house?

23 A. No. I think it was mainly because of the conversation
24 that we had about -- with her mom having to call for her
25 arguments.

1 Q. Okay. So you mentioned her mom calling and arguing on
2 her behalf. Did you and Isabelle argue much?

3 A. We definitely had our moments for sure. Yeah.

4 Q. Before you were divorced?

5 A. Before --

6 Q. Before you were separated, I guess, did you argue in
7 front of the kids?

8 A. Yeah, I think occasionally it would happen. We'd try
9 not to. Definitely in the beginning we definitely tried to
10 go into the bedroom or she would drag me into the bedroom.
11 And then but towards the end, I think we definitely had some
12 arguments with the kids around.

13 Q. Okay. Did -- as far as you know, did MINOR and
14 Isabelle ever argue?

15 A. Yeah. They definitely had their moments.

16 Q. About what?

17 A. Mainly the phone.

18 Q. Whose phone?

19 A. MINOR's.

20 Q. Okay. What was the problem with the phone?

21 A. She loved to be on it. I don't know what she was doing.
22 Texting, most likely, with her friends and such.

23 Q. Were they arguing when MINOR ran away from Isabelle's
24 house?

25 A. I believe so, yes. That's what Isabelle told me when

1 she called me.

2 Q. Did the incident where she ran away from Isabelle's
3 house happen before or after you told Isabelle that MINOR
4 should stop -- Isabelle, sorry, that MINOR should stop
5 coming over?

6 A. Yeah. That was before the incident with her running
7 away.

8 Q. Okay. And how did you find out about MINOR running
9 away?

10 A. Isabelle called me. She was all frantic about where
11 MINOR was. She said she ran away and she couldn't figure
12 out what was going on or where she was. I could tell she was
13 walking down the road trying to find her. And by the time we
14 ended up hanging up, she found her at the park or the pool
15 area, I guess, of the community.

16 Q. Okay. Did you do anything when you found out about
17 MINOR running away from her mom's house?

18 A. Yeah. I asked to take MINOR out for lunch to figure
19 out what was going on, to help in any way I can.

20 Q. Did they agree for you to go to lunch with her?

21 A. Yeah. Yeah. MINOR and I went to Dog and Duck down
22 the street, had lunch. And just kind of -- I kind of kept it
23 loose, I guess. You know, I didn't want to get too serious
24 about it. I just asked her what was going on. And "You
25 can't be doing that with mom because she'll freak out." So

1 yeah.

2 Q. All right. So let's talk about the day that you learned
3 about these allegations.

4 When did you learn that there were allegations against
5 you made by MINOR ?

6 A. I got a text message from my brother-in-law at the
7 time -- that was Isabelle's brother -- and he says, "I'm
8 praying for you." And I said, "Well, great. Thank you."
9 I'm like, "I could always use a prayer, but for what?" And
10 he never responded.

11 And then later in the evening, probably around 7:30, I
12 got a knock on the door. And we live in Awendaw, so there's
13 nothing around. You can barely even see down the driveway.
14 So that was pretty odd that somebody was actually knocking on
15 the door. So I asked BROTHER to go in the bedroom and get
16 changed -- it was about 7:30, so it was his bedtime anyway --
17 and just stay in his room and play with some toys. And then
18 I answered and it was DSS.

19 Q. How did you know it was DSS?

20 A. Because she told me she was with DSS and that she needed
21 to come in to talk.

22 Q. And did she identify herself to you?

23 A. She did. She showed me her credentials.

24 Q. Do you remember her name?

25 A. No. Not off the top of my head.

1 Q. What did she tell you she was there for?

2 A. She said that there was some sexual -- well, there was
3 allegations brought against me from [MINOR] about sexual
4 misconduct.

5 Q. What did she tell you? Did she tell you anything more
6 about what [MINOR] had said you had done?

7 A. Not too much. And she asked me what I thought of the
8 whole situation. I told her I would never do anything like
9 that. And her response made me feel as if she already was
10 convicting me of the crime that was presented to me.

11 Q. So did you ask a lot of followup questions?

12 A. Not really, just because she didn't really give me much
13 to go off of. And I was just very confused. I didn't know
14 what was going on at the time.

15 Q. What did she do next?

16 A. She asked if she can talk to [BROTHER] So I said, "Of
17 course." So she went to the bedroom. Our house is really
18 small, so -- his is the first bedroom, so I could pretty much
19 hear everything that she was asking him. And she was nice to
20 him and asked him a couple questions which I thought was
21 pretty inappropriate for his age.

22 And then she came back out and she told me at that time
23 that, due to the allegations that were put in front of me,
24 that [BROTHER] was going to have to leave the house with her.
25 And she said that Isabelle was out in the parking lot as well

1 to -- or in the driveway to take him.

2 Q. Did you argue with her about that?

3 A. No.

4 Q. Why not?

5 A. It's DSS. No. That was -- no. I totally understood
6 just because I know. You know, I hear stories of DSS and
7 it's a nightmare. And I was actually starting to live
8 through it.

9 So I bagged -- I put a bag together for **BROTHER** and told
10 him he was going to go stay with his mom and he was going to
11 go over early. And then they left.

12 Q. Is that the last time you saw **BROTHER** in person?

13 A. It was. It's been five years.

14 Q. And have you ever gotten any more updates about **BROTHER**
15 since then?

16 A. Every once in a while Isabelle will send me pictures of
17 kind of like graduation or if it was a sporting event that
18 he's in. But it's not very often. Maybe every couple years
19 she'd send something.

20 Q. How did those make you feel?

21 A. Like I was missing out on a lot. I felt -- I mean,
22 honestly, I felt she was just rubbing it in is what it kind
23 of felt like, saying, "Hey, look at our nice beautiful
24 family. And what do you got?"

25 Q. Does **BROTHER** have a new stepfather?

1 A. He does, yes.

2 Q. And have you heard he's a good guy? A bad guy?

3 A. Through some of my friends that are acquaintances with
4 them, they say he's a really nice guy.

5 Q. Okay. The State shared a series of text messages that
6 took place between you and Isabelle. Do you remember that?

7 A. Yes.

8 Q. When did those text messages happen?

9 A. Within an hour of DSS leaving with my boy.

10 Q. Okay.

11 MS. BLAZER: May I approach, your Honor?

12 THE COURT: Yes.

13 MS. BLAZER: May I publish to the jury?

14 THE COURT: Of course.

15 (Exhibit displayed on screen in open court.)

16 BY MS. BLAZER:

17 Q. Do you remember Isabelle reading these off in court?

18 A. Yes.

19 Q. Isabelle asked, "How could you? How could you have done
20 this to us?" And she goes on.

21 Can you read out your response.

22 A. Yeah.

23 "I never intended or consciously meant to hurt D in any
24 way or to do anything like that, but this is how she feels
25 and perceives it. And it's hurting me so much. I love her

1 as my" -- "I love her as my daughter. Nothing else. I'm so
2 sick right now. I could barely handle it. Please pray."

3 Q. You didn't say, "I didn't do that." Why?

4 A. I honestly didn't even know what was going on at the
5 time. DSS was very vague on what the allegations were. I
6 was confused, hurt. I mean, this is within an hour's time to
7 find out that I lost everything. I lost my son. I lost, I
8 guess, the respect and trust from Isabelle and her family.
9 And then, of course, MINOR for what she's alleging.

10 So yeah, I wasn't looking at what was happening. I was
11 actually looking at the whole picture, mainly with the family
12 dynamic that we had.

13 Q. So the next message in this string is Isabelle says,
14 "Touching her vagina is not an innocent act, Chris. What
15 were you thinking?"

16 You responded. Can you read that out.

17 (Exhibit displayed on screen in open court.)

18 BY MS. BLAZER:

19 Q. Oh, sorry. Can you see it now?

20 A. Yep.

21 "I tickle, rub her arms and legs or back as we watch TV
22 or as we play before bed" -- I'm sorry -- "pray before bed.
23 I must have done something wrong for her to say this. I
24 truly didn't have any intentions in any sexual way. This is
25 so sickening."

1 Q. The message before said, "Touching her vagina is not an
2 innocent act, Chris. What were you thinking?"

3 Why didn't you say, "I didn't touch her vagina"?

4 A. I was still looking at the whole picture. I mean, I
5 barely even read the text messages as we were going along.
6 It was a bunch of accusations from Isabelle. I was trying to
7 defuse the situation by, you know -- it kind of -- I mean,
8 these text messages, yeah, it does sound like I'm apologetic
9 or something along that nature, but it was not because of
10 what was being alleged or what was being blamed on me
11 about. It was mainly what was going on with my family.

12 Q. Meaning the breakup of the family? Is that what you --

13 A. Right. And the relationship between the four of us.

14 Q. Okay. The next thing you say -- the next thing she says
15 is, "You put her hands inside her vagina and touched" --
16 "inside her panties and touched the vagina. How is that not
17 sexual?"

18 And your response?

19 A. "I totally understand for you keeping her away from me.
20 I would as well if I heard it. I am so sorry, truly sorry
21 for hurting her and you. I don't recall intentionally doing
22 that. I really don't."

23 Q. Again, she accuses you of touching MINOR's vagina and
24 you say you're sorry. Why?

25 A. Because I was not even paying attention to the text

1 messages. I mean, I was actually still trying to figure out
2 what was going on with the whole thing.

3 Q. So --

4 A. With everything that was going on with, you know, BROTHER
5 leaving, how I was feeling at the time, I mean, this was
6 within an hour's time of this going on. I was still trying
7 to figure out myself what was happening.

8 Q. She says, "So you did it unintentional?"

9 And you say what?

10 A. "But if she's saying I did, then I wish I could take
11 that back."

12 (Exhibit displayed on screen in open court.)

13 BY MS. BLAZER:

14 Q. And you continue.

15 A. "I would never mean to hurt her in any way, Isabelle. I
16 truly mean that. Truly. I am so embarrassed and shocked
17 right now."

18 Q. If you didn't do anything wrong, why are you
19 embarrassed?

20 A. Well, I had a complete stranger walk into my house
21 accusing me of sexual misconduct with a minor. I mean,
22 that's pretty darn embarrassing, if you ask me.

23 And not only that, I mean, with her whole family. I got
24 a text message from her brother. So, I mean, if he knew
25 before I did, I'm sure the whole family and friends probably

1 knew already as well.

2 Q. She then asks, "Did you have her touch you as well? Did
3 you have sex with her?"

4 And what did you say?

5 A. I said, "Hell, no. She's my daughter."

6 It was a direct question, and I answered it.

7 Q. "But you touched her vagina. Just please explain what
8 motivated you to touch your daughter cha cha."

9 And then you respond.

10 A. "I don't remember or intending doing so. I'm just so
11 sick right now thinking of her and how she feels. I don't
12 want any motivation to do so either."

13 Q. You didn't -- you heard Isabelle testify that "cha cha"
14 was the word you used in your house for "vagina"?

15 A. Right.

16 Q. So again, you don't say, "I didn't do that." You say,
17 "I don't remember doing that."

18 Why didn't you just say, "I didn't do that"?

19 A. Because like it says, "I don't remember or intending
20 doing that. I'm just so sick right now." I don't recall --
21 I don't even know what the allegations were at that time
22 still. And I figured at some point I would get more
23 information, and at that time I would actually respond more
24 directly.

25 Q. Okay.

1 (Exhibit displayed on screen in open court.)

2 BY MS. BLAZER:

3 Q. This message here, you continue -- the second message.

4 A. Yeah. "There was no motivation and didn't mean to if
5 she says I touched. I don't and I won't call her a liar
6 either. That is how she sees it, and I am truly saddened by
7 this."

8 Q. Why not call her a liar if she was lying?

9 A. Because, first off, I don't know what she was referring
10 to. I don't know if she misunderstood something that I may
11 have done and she called it sexual misconduct or whatever she
12 may have called it. But legally, that's what they ended up
13 calling it. So I figured she would have come out with the
14 truth at some point.

15 And besides that, she's my 12-year-old daughter. I'm
16 not going to sit there and call a 12-year-old a liar.

17 Q. And then you say? Go ahead and read it.

18 A. "I'm so sorry, Isabelle, for anything I did. But I
19 truly mean what I said on not intending to do anything to
20 hurt MINOR."

21 (Exhibit displayed on screen in open court.)

22 BY MS. BLAZER:

23 Q. And then the last messages that night from her were
24 "Where exactly did you touch? I need to know so I can help
25 her heal. What exactly were you intending to do? I need to

1 help her process this, so I need to know where you touched
2 her, Chris."

3 And you respond the next morning?

4 A. Yeah. I said, "Isabelle, I told you I tickled, rubbed
5 her arms, legs, and at times back. I don't have intentions
6 for anything more. I really didn't."

7 Q. Chris, are those the only text messages you only ever
8 had with Isabelle about these allegations?

9 A. No.

10 Q. How do you know?

11 A. Because I have a lot of text messages in my phone. And
12 we also -- at the attorney's office, they took my phone and
13 connected it to their USB and they were able to download all
14 the text messages.

15 Q. At what attorney's office?

16 A. My family attorney's office.

17 Q. Okay. Who was your family attorney?

18 A. It's Bleecker Family Law. I don't remember her name off
19 the top of my head.

20 Q. Okay.

21 A. Yeah.

22 Q. But the Bleecker law firm, right?

23 A. Correct. Yeah.

24 Q. And so you say they downloaded all of your texts. Tell
25 me again how they did that.

1 A. They have a program at their office that they can attach
2 your phone to. It's just like a -- looks like a charging
3 cord.

4 Q. Mm-hmm.

5 A. And then they're able to actually pull up your phone and
6 everything that's shown on your phone.

7 Q. Okay. Have you had a chance to review the messages
8 between you and Isabelle from that period of time?

9 A. Yes.

10 MS. BLAZER: Your Honor, may I approach?

11 THE COURT: Mm-hmm.

12 BY MS. BLAZER:

13 Q. Chris, I'm marking for identification purposes only --

14 MS. BLAZER: Sorry. I'll bring you a copy. It's
15 Defense Exhibit 1.

16 May I approach the witness?

17 THE COURT: Mm-hmm.

18 BY MS. BLAZER:

19 Q. Chris, I'm showing you what's been marked Defense
20 Exhibit 1 for identification purposes only.

21 Can you tell the jury what that is.

22 MS. FRIERSON: Your Honor, at this time I'd object.

23 THE COURT: Okay. She hasn't moved to admit it yet. So
24 let me -- I guess, let him testify to what he knows. She's
25 just talking -- she showed him at this point for ID only.

1 MS. FRIERSON: For ID. Okay.

2 THE COURT: Yeah. Yeah.

3 BY MS. BLAZER:

4 Q. So Chris, do you know what Defense Exhibit 1 is?

5 A. Text messages between Isabelle and I.

6 Q. How do you know these are text messages between you and
7 Isabelle?

8 A. Because it says "your wife, now your soon-to-be ex."

9 Q. Do you know what time period these messages appear to be
10 from?

11 A. It says 10/23 at 8:30 and then 10/24 and goes on from
12 there.

13 Q. Okay. So a few days before these allegations arose?

14 A. Yes.

15 Q. Okay. And do you know when these -- what period of time
16 these end on?

17 A. Excuse me?

18 Q. Do you know what period -- how late -- how long do these
19 text messages go back and forth between you and Isabelle?

20 A. Um --

21 Q. Flip to page 7.

22 A. Yeah. From 10/23 to 11/8/2020.

23 Q. Okay. Do you remember sending these messages back and
24 forth?

25 A. I do, mainly because of the picture that's in it.

1 Q. Are these the messages that you allowed your family law
2 attorney to download?

3 A. Yes.

4 Q. Did you delete messages from your phone before you gave
5 them to your family lawyer?

6 A. No.

7 MS. BLAZER: Your Honor, at this time I would move to
8 admit Defense Exhibit 1 into evidence.

9 THE COURT: Okay. Now I'll have to entertain your
10 objection.

11 MS. FRIERSON: And the State would object under Rule 5.

12 THE COURT: Well, I'll need to see them, I guess. Do
13 you have a copy for me?

14 MS. BLAZER: Yes, your Honor.

15 (The following discussion was had on the record at the
16 bench in the presence of the jury but outside the hearing of
17 the jury.)

18 THE COURT: Okay. So (indiscernible).

19 COURT REPORTER: Judge, do you want this on the record?

20 THE COURT: Yeah. Can you bring me the -- I'll just
21 come down there. Easier to move the people than the devices.

22 MS. FRIERSON: So this is a copy of our Rule 5 request.

23 THE COURT: Okay.

24 MS. FRIERSON: At the bottom under the Rule 5 --

25 THE COURT: Which prong does this go to?

1 MS. FRIERSON: Any books, papers, documents -- anything
2 that they anticipate to use in their case-in-chief they have
3 to turn over. And this is the first time I've seen it.

4 THE COURT: Okay.

5 All right. "Or deals with expert." Okay.

6 Happy to hear any response.

7 MS. BLAZER: So the State --

8 I'm sorry. I'm too loud.

9 THE COURT: Thank you.

10 MS. BLAZER: I'm sorry.

11 The State's own witness testified to the completeness of
12 her text messages. And the State's investigator testified to
13 the exceedingly limited efforts she went to to obtain the
14 valid text messages. And so these are offered not for the
15 truth of the matter asserted but because they are impeaching
16 the credibility of the investigation.

17 And I understand that the State's objection is under
18 Rule 5, but just like I am not -- the State is not required
19 to give statements before someone testifies. These are not
20 documents. These are statements.

21 MS. FRIERSON: But this divorce has been going on. It's
22 been finalized for several years. And, I mean, even during
23 the duration of this trial -- Isabelle testified yesterday.
24 I didn't even see these yesterday. I think there was an
25 opportunity. And there's no deletions in the part that

1 was --

2 MS. BLAZER: That's true.

3 THE COURT: There's no what now?

4 MS. FRIERSON: There's no deletions in the part that we
5 showed.

6 MS. BLAZER: That's true.

7 MS. FRIERSON: It's not like -- like, when you -- the
8 ones that we showed --

9 THE COURT: Let's do something real quick. I'm going to
10 excuse the jury for a little bit.

11 MS. BLAZER: Okay.

12 (The following proceedings were had in open court in the
13 presence and hearing of the jury.)

14 THE COURT: Ladies and gentlemen, let's just take our
15 morning break at this time rather than us all whispering
16 around you. So we'll just excuse you for about ten minutes
17 to stretch your legs and use the restroom. We'll bring you
18 back here very shortly.

19 Thank you so much.

20 (The jury exited the courtroom at 10:41 a.m.)

21 (The following proceedings were had outside the presence
22 of the jury.)

23 MS. FRIERSON: Your Honor, may I approach to get that
24 paper back?

25 THE COURT: Yes.

1 Okay. So Defense 1, or the copy that was handed to me,
2 is several pages long. It looks like a text message
3 exchange. So the State launched an objection pursuant to
4 Rule 5, specifically the portion that stated that the defense
5 needed to turn over any documents or exhibits or anything
6 they intended to enter into their case-in-chief.

7 Is that right, Ms. Frierson?

8 MS. FRIERSON: Correct, your Honor.

9 When we sent Ms. Blazer the discovery, it included a
10 request for alibi defense, a request for reciprocal Rule 5,
11 especially on the Rule 5(b)(1)(A): Any books, papers,
12 documents, photographs, tangible objects, or copies thereof
13 which are either within the possession, custody, and control
14 of the defendant or the defendant intends to introduce in
15 chief at trial must be presented to the State.

16 The divorce was finalized in roughly March of 2021, so
17 presumably Ms. Blazer would have had this information at some
18 point from then to today in 2025. I understand she's
19 offering it to impeach the witness from yesterday, Isabelle,
20 that there was in fact additional conversation before and
21 after this, which really isn't relevant because it's not --
22 these messages don't show that the portion of the text that
23 we introduced had been altered in any way.

24 I don't think it's unexpected that parties going through
25 a divorce with two kids are going to have communication both

1 before and after. That's not impeachment.

2 And besides the fact that we didn't receive it pursuant
3 to our request many moons ago, it is improper to introduce
4 and it's not relevant.

5 THE COURT: Okay. Well, I'm going to read through them
6 and make an educated ruling. So let me take a minute to do
7 that, please. Y'all be at ease for a second.

8 (Pause in proceedings.)

9 THE COURT: Okay. So all right, Ms. Blazer. I'm happy
10 to hear from you.

11 MS. BLAZER: Thank you, your Honor.

12 First, with regard to the reciprocal Rule 5 argument, in
13 all candor, she's right; I did have these back in 2020. I
14 didn't realize I had them until this morning.

15 I received an email in 2020 from Beverly Snelgrove at
16 the Bleecker law firm with a download of my client's texts.
17 In preparation for trial, I went back through all of my
18 emails between my client and myself, looking for all of the
19 things he had sent me over the course of my representation of
20 him. And I, frankly, neglected to search for anything I had
21 received from Beverly Snelgrove.

22 At the time I received them in 2020, I probably did read
23 them. I don't remember reading them, but I probably did.
24 And but at that time it was not clear to me that they were
25 going to be -- that the text messages were going to be the

1 center of the State's case, and so they didn't register for
2 me in that way.

3 So this morning, as is my very frustrating habit to try
4 to do one last thing before court, I pulled up all of my
5 emails between me and Beverly Snelgrove. There was an
6 attachment, and I opened it and I read it. And I was like,
7 "Oh, well, this is important and I've got to deal with it."

8 And, you know, I pride myself on having very good
9 relationships with my opposing counsel. And I am -- I don't
10 see myself as a sandbagger or somebody who tries to surprise
11 people with things. But I have a client to represent. He is
12 on trial for his life, and it is imperative that I do
13 everything in my power to ensure he gets a fair trial.

14 These are absolutely relevant. They are relevant both
15 to his state of mind. The State has attacked his responses
16 in the immediate aftermath of this allegation as being
17 apologetic and acquiescent when, in fact, the messages, when
18 taken in total -- and these include messages from the same
19 day that Ms. Noy-McCall provided text messages to Detective
20 Miller -- he's absolutely saying he did not do this. And so
21 for the State to be able to allege and argue to the jury
22 based on a limited set of text messages that he didn't defend
23 himself and, therefore, he must be guilty would be improper
24 in light of the fact that there are all of these other
25 messages.

1 You know, Detective Miller -- er, Austin testified that
2 she received the text messages through email. She didn't
3 testify that she scrolled through Ms. Noy-McCall's phone to
4 look and see, you know, was this everything.

5 And I agree with the State that when we were up at the
6 bench, the State told you these were -- there were no
7 deletions in the span of messages. And when I made that
8 suggestion in my cross of Detective Austin, that was because
9 I wasn't sure. I can go back and look at these messages now
10 and see that Ms. Noy-McCall did not delete anything from what
11 was provided to the jury.

12 THE COURT: Mm-hmm.

13 MS. BLAZER: She just failed to include other important
14 information.

15 And lest there be any confusion, the detective testified
16 she became involved in this case in November. All of the
17 messages -- and, you know, if the Court wants to extract the
18 messages in November that may or may not have occurred before
19 Ms. Noy sent them to the detective, that's fine by me. But
20 there are messages that occur on the 29th of October -- which
21 is the same date of other messages that she sent to Detective
22 Austin -- that were not sent to Detective Austin, and I think
23 that's important and highly relevant.

24 THE COURT: Okay.

25 All right. Any response from the State?

1 MS. FRIERSON: Yes, your Honor.

2 Just, you know, briefly, she's had these since 2020.
3 She acknowledged she read them then. I do have a good
4 relationship with Ms. Blazer. I understand we're being
5 pulled in a million directions, and I sympathize with that.
6 But she knows I'm a rule follower. This Court is a rule
7 follower. And Rule 5(b)(1)(A) requires her to turn this
8 over.

9 We had chats this morning. Nothing came up. I saw
10 witness stickers come in. Still nothing was told to me.
11 Nothing was given to me. There was no conversation here.
12 There's no exception under Rule 5(b)(1)(A) for finding it
13 last minute for it being impeachment evidence.

14 And further, not only is it not relevant, it's not even
15 showing what she's saying. There's this inference that he's
16 under trauma. And three hours after he's talking about,
17 like, "I didn't do anything," he's like, "Hey, I signed up
18 for juice boxes to get BROTHER at the Halloween party." It's
19 not trauma.

20 So it's not relevant. It's a confusion of issues for
21 the jury. And it's inadmissible under Rule 5(b)(1)(A).

22 THE COURT: Well, I guess she's really talking about the
23 exchange that takes place later on 10/29/20.

24 MS. FRIERSON: But even if she's to admit that, it goes
25 back to the fact that she's had this since 2020.

1 THE COURT: Mm-hmm.

2 MS. FRIERSON: I mean, we've been -- it's not like she
3 came into this case recently.

4 THE COURT: Listen, I get it. And, you know, this might
5 have changed some things along the course of your
6 presentation for trial --

7 MS. FRIERSON: Well, and the --

8 THE COURT: -- if you had this information, I can only
9 assume.

10 MS. FRIERSON: That, and the text messages have always
11 been something we've been talking about. I mean, as you --

12 THE COURT: Mm-hmm.

13 MS. FRIERSON: -- very well know in these cases, I don't
14 often have much evidence other than my victim. Here I have
15 what I characterize as apology kind of weird texts. She knew
16 long ago -- I mean, we've been talking about preparation for
17 this case -- that I planned to introduce them. It's why she
18 made a motion to have them excluded. They have been part and
19 parcel to this case.

20 They have -- and this case has been on dockets since
21 December. So if -- of last year. So even in preparation for
22 that docket or the one in March, had she looked at those
23 emails that she had seen back in 2020, then she could have
24 turned this over and absolutely we would be in a different
25 position. But she didn't. And there's just not an exception

1 that allows them in for that Rule 5 violation.

2 THE COURT: All right. Well, I'll take a look at this
3 and think about it. We'll take a break as well for about ten
4 or fifteen minutes. Okay?

5 You know, there's other -- certainly at a minimum I will
6 consider redaction after the 29th. I'm also going to
7 consider, you know, at least obviously letting you proffer,
8 you know, a cross on these new texts outside the presence of
9 the jury. That's something I'm going to consider. So there
10 are alternatives to just outright suppression.

11 I'm put in a difficult position -- okay? -- because he's
12 on trial for serious charges. As an attorney, his attorney
13 just told me in court she basically forgot to look for this
14 'til this morning. Okay? So this has just put us all in a
15 tough spot. So I've got to, you know, consider this for a
16 few minutes, and we'll get back to you shortly. All right?

17 So we'll be at ease.

18 You can leave the stand, sir. Just don't discuss the
19 case with your lawyer during the break. Okay?

20 All right.

21 (Court recessed.)

22 (Court resumed outside the presence of the jury.)

23 THE COURT: All right. Be seated.

24 Okay. All right. So the whole packet will be the next
25 Court exhibit for the record.

1 Just marking this the next exhibit. This is Court's 3.
2 (Court's Exhibit Number 3 marked for the record.)

3 THE COURT: That's mine to keep. Is that okay?

4 MS. BLAZER: Yes, ma'am. I may -- is that the one that
5 was up at the witness stand originally?

6 COURT DEPUTY: There's one up there now.

7 THE COURT: There's already one up there.

8 MS. BLAZER: Okay. Perfect.

9 THE COURT: All right. So I've re-reviewed what was
10 submitted, with an ear for the arguments presented and the
11 State's objection under Rule 5. This is what the Court has
12 decided under all the circumstances in the case and the
13 best-evidence rule, which operates to exclude any oral
14 testimony that would tend to vary the terms of a written
15 document.

16 What I'm going to do is allow the defense to introduce
17 the remainder of the conversation that's -- so beginning with
18 the conversation the State already put in on 10/27 at
19 9:48 p.m. beginning with "How could you, Chris?" Okay? And
20 what the State put in ended with "I really didn't," 10/28,
21 6:39 a.m. 10/28, 12:33, is the juice box comment. And then
22 10/29 continues the same conversation that was begun on
23 10/27, the date of the arrest, ending with "Don't forget the
24 juice boxes for BROTHER's class tomorrow."

25 I will allow the defense to enter in that through the

1 end of 10/29. Anything else is just totally new later
2 divorce commentary back and forth, which I don't find
3 relevant as it's sought to be offered. So on the basis of
4 the best-evidence rule in completing the conversation that
5 was introduced from the State, I will allow only that limited
6 amount to be introduced by the defense over the objection
7 from the State.

8 And if there's anything else you want to put on the
9 record, if you need to to voice your objection, I'm happy for
10 you to. I think you've already said it pretty clearly.

11 MS. FRIERSON: Not related to this. I just don't know
12 if there's anything else that she plans to introduce that I
13 would need to look at now perhaps.

14 THE COURT: That would be helpful to know --

15 MS. BLAZER: No, ma'am.

16 THE COURT: -- while we're on a break.

17 MS. BLAZER: No.

18 THE COURT: Okay.

19 MS. FRIERSON: Thank you, your Honor.

20 THE COURT: So what I need to do now, obviously then,
21 Ms. Blazer, we need to redact --

22 MS. BLAZER: Yes, ma'am.

23 THE COURT: -- this. So I'm going to give you a little
24 bit more time to do that.

25 Is there any questions with what the Court's ruling is?

1 MS. BLAZER: Not at all, your Honor.

2 Just to confirm, of the seven pages I gave you, what's
3 permitted in comes in at the bottom of page 2 and continues
4 through to the -- just below the middle of page 5?

5 THE COURT: Yeah. The bottom of page 2 is where it
6 begins the State's exhibit --

7 MS. BLAZER: Right.

8 THE COURT: -- that's already in.

9 MS. BLAZER: Right.

10 THE COURT: So to the extent you're just adding to that,
11 it would be pages 3, 4, and 5 until you get to 10/30, which
12 starts a whole other conversation unrelated to the one.

13 MS. BLAZER: Yes, ma'am. I will run back to my office,
14 get it redacted, and --

15 THE COURT: Okay. And then you'll need to get that one
16 off the --

17 MS. BLAZER: Yes, ma'am.

18 THE COURT: -- witness stand too.

19 And we'll just be at ease for another ten minutes or so
20 so she can do that.

21 MS. BLAZER: I'll be as fast as I can.

22 THE COURT: All right.

23 MS. BLAZER: Thank you, your Honor.

24 THE COURT: All right. We're at ease again.

25 (Court recessed.)

1 (Court resumed outside the presence of the jury.)

2 MS. BLAZER: Your Honor, when my client -- not my
3 client. When my assistant printed these out, the redacted
4 copies, they did not print right so I sent her back to print
5 them correctly. They cut off on the bottoms, so they're not
6 complete. But I'm happy to email to you and Ms. Frierson the
7 electronic copy of what I redacted.

8 THE COURT: Okay.

9 MS. BLAZER: She is on her way back, but I just sent you
10 an email.

11 THE COURT: Okay.

12 MS. BLAZER: I apologize.

13 And I'm just trying to think, Judge, for clarity's sake,
14 I marked this as 1 for ID, and now there's a redacted copy.
15 Do you want me to go back through having him ID it again?

16 THE COURT: It's the same --

17 MS. BLAZER: Yeah. I mean, it's --

18 THE COURT: -- document. It's just redacted.

19 MS. BLAZER: Yes, ma'am.

20 THE COURT: So no.

21 MS. BLAZER: So just take --

22 THE COURT: You don't need to do that.

23 MS. BLAZER: Just mark the new redacted copy as
24 Exhibit 1?

25 THE COURT: (Indicated.)

1 MS. BLAZER: Okay.

2 THE COURT: Yeah, because the original is now Court's 1
3 (verbatim).

4 MS. BLAZER: Okay.

5 THE COURT: Yeah.

6 MS. BLAZER: I got it.

7 THE COURT: So it's in the record.

8 MS. BLAZER: Okay.

9 (Pause in proceedings.)

10 MS. BLAZER: May I approach, your Honor?

11 THE COURT: Yes. Okay.

12 MS. BLAZER: And, Judge, I've just said to Ms. Frierson,
13 I didn't realize that there were page numbers. I didn't
14 think about the page numbers at the bottom. And she -- I
15 have no objection to redacting those page numbers so that
16 there's no impression to the jury that --

17 THE COURT: Okay.

18 MS. BLAZER: -- you know, there's more to it than what
19 the Court is allowing me to get into. So if I -- I mean, I'm
20 happy to just use a -- I don't have a black marker, but I'm
21 happy to --

22 THE COURT: I don't have a Sharpie either. But if you
23 want to Sharpie through them, that's fine.

24 CLERK OF COURT: Here you go.

25 MS. BLAZER: Thank you.

1 THE COURT: All right. You can bring the jury back in.
2 Thanks.

3 THE WITNESS: Do you want me seated or --

4 THE COURT: Yeah, just right back where you were is
5 fine.

6 MS. BLAZER: All right. And may I return this to him,
7 the redacted version?

8 THE COURT: Yes, redacted Defense 1.

9 MS. BLAZER: Yes.

10 THE COURT: Admitted as redacted over objection from the
11 State, for the record.

12 (Defendant's Exhibit Number 1 admitted into evidence.)

13 (The jury entered the courtroom at 11:37 a.m.)

14 THE COURT: All right. Thank you, all.

15 Ladies and gentlemen, that was a long ten or fifteen
16 minutes, wasn't it? All right. That's on me.

17 THE BAILIFF: All jurors are present.

18 THE COURT: Thank you so much.

19 Y'all be seated. Everybody can be seated.

20 All right. We are ready to proceed.

21 Ms. Blazer, go ahead.

22 MS. BLAZER: Thank you, your Honor. May it please the
23 Court.

24 Q. [By Ms. Blazer] Chris, before we took a break, you were
25 talking about some text messages between you and Isabelle?

1 A. Yes.

2 Q. And those have been moved into evidence.

3 MS. BLAZER: May I approach the witness, your Honor?

4 THE COURT: Yes.

5 MS. BLAZER: And may I publish Defense Exhibit 1 to the
6 jury?

7 THE COURT: You may.

8 MS. FRIERSON: Your Honor, the State would understand
9 your ruling, but would still object under Rule 5.

10 THE COURT: Okay. Yeah. Objection noted. It was a
11 blanket objection, so during the course of this whole line of
12 questioning.

13 (Exhibit displayed on screen in open court.)

14 BY MS. BLAZER:

15 Q. Chris, can you see that well enough to read?

16 A. Yes.

17 Q. The messages at the bottom of this page, have those
18 messages been read into the record before in this hearing?

19 A. Yes.

20 Q. Okay. And what about -- sorry -- these messages at the
21 top of this next page?

22 A. Yes.

23 Q. Are there any messages on this page that have not yet
24 been read into the record?

25 A. At the bottom.

1 Q. Would you read those to the jury.

2 A. Yeah. "I signed up for juice boxes for **BROTHER** to take to
3 school for their Halloween party. They need 15." I believe
4 that's what it says. "This is for Friday."

5 Q. And this next page -- and we're going to try to zoom in
6 a little bit.

7 Can you see what date these messages were from?

8 A. Yeah. 10/29/20.

9 Q. Okay. If you can, read the message at the top.

10 And the gray messages, are the gray messages you or
11 Isabelle?

12 A. That's Isabelle.

13 Q. Okay. Please read Isabelle's first message on that
14 page.

15 A. "You are a piece of shit. You are going to rot in jail
16 and burn in hell. You have molested my daughter and scared
17 her for life. You will pay for this. The law will handle
18 this, and you will pay a big price for what you have done. I
19 can't believe you did this for a whole year. You are sick
20 and you are" -- "you disgust me. You will never see **BROTHER**
21 ever again and will lose everything.

22 "I despise you. She despises you. I hate you. How
23 could you? How could you have done this? You have betrayed
24 her. I entrusted you to care and love her as your own child.
25 She learned to love you as a daddy, you sick bastard."

1 Q. And how did you respond?

2 A. "I have not. I don't know what she said or made up, but
3 I don't do anything to hurt her and don't molest her,
4 Isabelle" -- er, "and didn't molest her, Isabelle."

5 Q. And then what?

6 A. She said, "Sticking your nasty finger up her vagina is
7 molesting her, and touching her breast and caressing her.
8 You make me want to throw up."

9 Q. And you said?

10 A. "What? I have never touched her in that way. I tickled
11 her but not molest her" -- er, "but not molested her."

12 Q. Okay. And?

13 A. "I want to throw up for the accusations towards me."

14 Q. Why did you say "What" with three question marks?

15 A. Because I didn't really -- I didn't know what was going
16 on. I mean --

17 Q. Were you surprised by --

18 A. Yeah.

19 Q. -- what she said?

20 A. Definitely.

21 Q. And then she says what?

22 A. She says, "Fuck you, Chris. Go to hell."

23 Q. And you say?

24 A. "You know I'd never do this."

25 Q. And then?

1 A. She said, "Don't you ever come near my child again" --
2 or "Don't you ever come near my children again."

3 Q. And your response?

4 A. "I totally understand with her. Do what you" -- "I
5 totally understand with her due to what she is saying about
6 me. But **BROTHER** is my child as well. I have my rights with
7 him."

8 Q. What do you mean you totally understood? You told her
9 you didn't do this thing. Why did you totally understand her
10 not letting you have contact with **MINOR**?

11 A. Because I understand the situation at hand. I
12 understand that that's a very serious accusation. And if it
13 was my child, I would never let them come near her either.

14 Q. Okay. And then she responds?

15 A. "Rights? You got no rights anymore. You lost that
16 privilege the moment you decided to be a nasty, disgusting
17 child sex abuser. DSS has given me full custody of **BROTHER**"

18 Q. What did you respond?

19 A. I said, "Don't you dare call me that. I did not" -- "I
20 didn't" -- "I did nothing to her. Yes, just until this
21 investigation is over. I can't take him away from" -- or
22 "You can't take him away from me because I don't do anything
23 wrong to deserve it" -- er, "I didn't do anything wrong to
24 deserve it."

25 Q. And her response?

1 A. I can't see.

2 Q. Oh, sorry.

3 A. "Well, you better get a good damn lawyer" -- or "darn
4 lawyer."

5 It's hard to read this.

6 Q. I know. I'm sorry.

7 A. It's all right. It's probably my glasses.

8 Q. And then how did you respond?

9 A. "Why are you doing this to me? My life is already in a
10 blender, and now this too? I don't think I can handle this."

11 Q. Continue.

12 A. "I would like to speak with **BROTHER**. Can you have him call
13 me? Can I please speak with **BROTHER**?"

14 Q. And what's her response?

15 A. "No, you can't. It's no contact."

16 Q. Do you know what these next two messages are?

17 A. No. I can't really see.

18 Q. Can you see any better?

19 A. A little bit.

20 Q. Do you recognize those messages?

21 A. Kind of. Yeah. Yeah, I think that's from the paperwork
22 from family court.

23 Q. Okay. And then this last message, is that from you or
24 from Isabelle?

25 A. That looks like from me.

1 Q. And what did you say?

2 A. "Don't forget the juice boxes for **BROTHER**'s class
3 tomorrow."

4 Q. When Isabelle asked you directly why you had done these
5 terrible things and she specified them to you, how did you
6 respond?

7 A. I gave her an answer.

8 Q. And what was the answer?

9 A. "No. I did not do anything."

10 Q. Well, then I'm going to ask you directly.

11 A. Yeah.

12 Q. Did you ever tell Isabelle -- I mean, did you ever tell
13 **MINOR** not to tell her mom about the movies that you
14 watched together?

15 A. No.

16 Q. Did you ever show **MINOR** inappropriate movies showing
17 sex?

18 A. No.

19 Q. Did you ever show **MINOR** sexually explicit movies?

20 A. Never.

21 Q. Did you ever put your hands down **MINOR**'s pants?

22 A. No.

23 Q. Did you ever try to put your hands in her underwear?

24 A. No.

25 Q. Did you ever fondle **MINOR**'s breasts?

1 A. No.

2 Q. Did you ever touch [REDACTED] in any
3 inappropriate way?

4 A. No.

5 Q. Thank you.

6 MS. BLAZER: I have nothing further. Please answer any
7 questions that the State may have for you.

8 CROSS-EXAMINATION

9 BY MS. FRIERSON:

10 Q. Good morning, for just a few more minutes.

11 A. Good morning.

12 Q. Give me a minute, having just seen those text messages.

13 So let's address those first. If I --

14 MS. BLAZER: Sorry. I absconded with them.

15 MS. FRIERSON: Thank you.

16 Q. [By Ms. Frierson] Now, these text messages that
17 Ms. Blazer just put in, these were from your divorce
18 attorney, right?

19 A. They're from my cell phone.

20 Q. From your cell phone which your divorce attorney dumped,
21 correct?

22 A. Correct.

23 Q. And that divorce was going on since your separation in
24 2019?

25 A. Correct.

1 Q. And ultimately concluded sometime around February, March
2 2021?

3 A. Yes, I believe so.

4 Q. And so when it concluded, we don't know exactly what day
5 this dump was done, but it would have been prior to you guys
6 being divorced?

7 A. Correct.

8 Q. So four years or so these things have been around?

9 A. Yes.

10 Q. Cool. All right.

11 So -- let's see. Here we are now.

12 So I want to go through some of these to make sure I
13 understand.

14 (Exhibit displayed on screen in open court.)

15 BY MS. FRIERSON:

16 Q. The -- part of the texts that came in are the ones that
17 we already admitted, right?

18 A. Correct.

19 Q. So the only -- Defense Exhibit 1 starts where our text
20 messages start?

21 A. Yes.

22 Q. What we had already introduced.

23 So really the only new things that come up -- let's go
24 to page -- the second page here.

25 What the State had introduced ended right here with you

1 saying -- if you could read that last blue box there.

2 A. "Isabelle, I told you that I rub and tickle her arm,
3 leg, at times back. I didn't have intentions for anything
4 more. I really didn't."

5 Q. And I believe your testimony was, you know, you don't
6 know what's going on?

7 A. No.

8 Q. You're traumatized about this?

9 A. Of course.

10 Q. And yet that is at what? What time is that?

11 A. 6:39 a.m. on 10/28.

12 Q. All right. And then the next text you sent, the start
13 of what came in today, is how much later in relation to the
14 text that you just read?

15 A. I mean, that was, like, six hours.

16 Q. Six hours later.

17 And tell the -- read for the jury again what you say six
18 hours later.

19 A. "I signed up for juice boxes for BROTHER to take to school
20 for their Halloween party. They needed 18. This is for
21 Friday."

22 Q. So you're traumatized, you don't know what's going on
23 six hours later, and you tell Isabelle you need juice boxes?

24 A. Right.

25 Q. For your son?

1 A. Right.

2 Q. Okay. And then I want to go to the next page, the last
3 page -- sorry, not the last page; the second to last page
4 here. And we've already read it, but this text here is from
5 Isabelle, correct?

6 A. Correct.

7 Q. It's fair to say she's pretty frustrated, pretty upset
8 about what's all come up?

9 A. Yeah.

10 Q. And her frustration is pretty evident in the words she
11 uses, the things that she says. Would you agree?

12 A. Yes.

13 Q. And would you -- I mean, that's pretty reasonable,
14 correct? A helicopter mom, as she describes herself, is
15 upset that her daughter claims that she's been violated by
16 her husband?

17 A. Correct.

18 Q. It's not unreasonable?

19 A. No.

20 Q. And you'd already said in the messages you talked to her
21 last night that you totally understand if she wanted to keep
22 MINOR away from you, right?

23 A. Correct.

24 Q. So is it really unreasonable for a mom to want to keep
25 another kid away from somebody she thinks violated the law?

1 A. Yeah. Yeah, I agree to a point. I mean, I was still
2 trying to figure everything out too.

3 Q. And I think it's also come out that, you know, you've
4 heard that the defendant's -- er, excuse me, that **BROTHER**'s
5 stepdad is a good guy?

6 A. Yeah. I learned that over the years.

7 Q. Yeah. And you're aware that Ms. Blazer has said that
8 you said that you probably wouldn't go forward with getting
9 custody of him anyways?

10 You're aware she shared that with me?

11 A. Yeah. Not necessarily -- I don't know if in that
12 context.

13 Q. Okay. And the last page -- now it's really on the last
14 page -- er, right before we get there, you're asking down
15 here to speak to **BROTHER**?

16 A. Yes.

17 Q. Because he's in Isabelle's custody?

18 A. Right. I had some visitations through cell phone with
19 him, I believe, at that time.

20 Q. And Ms. Blazer referenced on that -- the next page
21 that's a court order, the DSS safety plan?

22 And Ms. Blazer and I are definitely equally not equipped
23 to handle this technology.

24 THE COURT: It's going the wrong way now. I don't know.

25 MS. FRIERSON: It's all the way here.

1 THE COURT: Like, way in.

2 MS. FRIERSON: Oh, no. No.

3 THE COURT: Okay.

4 BY MS. FRIERSON:

5 Q. Let's just go with this.

6 So what those two pictures are, that is part of a court
7 order, correct?

8 A. Correct.

9 MS. BLAZER: Your Honor, I'm only going to object
10 because I don't think it's actually a court order. I think
11 it's a document. I don't think it was sworn in a court.

12 THE COURT: Okay.

13 MS. FRIERSON: Okay.

14 THE COURT: You can, you know, clear that up on redirect
15 if you want to.

16 Go ahead.

17 BY MS. FRIERSON:

18 Q. It's a DSS safety plan is what it says at the top.

19 A. Okay.

20 Q. Do you see that it says that?

21 A. It's kind of cut off at the top.

22 Q. All right. Let's see.

23 A. Yes.

24 Q. All right. Thank you for not making me try and zoom in.

25 A DSS safety plan. And that is because DSS had taken

1 [REDACTED] BROTHER

2 A. (Indicated.)

3 Q. And --

4 THE COURT: Try to say yes or no.

5 THE WITNESS: Yes.

6 THE COURT: Thanks.

7 BY MS. FRIERSON:

8 Q. And, in fact, when Ms. Hawkins came and talked to you,
9 you didn't cooperate? You didn't talk to her?

10 A. The DSS --

11 Q. Mm-hmm.

12 A. I did talk to her.

13 Q. Oh, you did?

14 A. Yeah.

15 Q. And so as a result of that, you had no contact with the
16 defendant -- er, with the victim, excuse me, [REDACTED] MINOR and

17 [REDACTED] BROTHER

18 A. With [REDACTED] MINOR I had no contact.

19 Q. Mm-hmm. And with [REDACTED] BROTHER it was limited?

20 A. Correct. It was up to Isabelle.

21 Q. And then the last part of this is back to juice boxes,
22 right?

23 A. Yeah. I think there was more. I think we had a couple
24 phone calls as well with that regarding the whole juice box
25 situation.

1 Q. Yeah.

2 A. And I was responding back to that.

3 Q. Gotcha. Well, it's important to make sure your kids are
4 taken care of.

5 All right. We've addressed those. Let's get into a few
6 other things.

7 You said you met Isabelle on a dating site?

8 A. Correct.

9 Q. Were you on other dating sites at the time?

10 A. No.

11 Q. And had you been looking for love for a while?

12 A. Excuse me?

13 Q. Had you been looking for love for a while?

14 A. No. No more or less than anyone else, I guess.

15 Q. Had you ever --

16 A. About a year after.

17 Q. Had you ever dated a woman before with children?

18 A. Yes.

19 Q. And you never had any children of your own; is that
20 correct?

21 A. Correct.

22 Q. You guys were married in 2013?

23 A. Yes.

24 Q. You adopted BROTHER in 2015?

25 A. Correct.

1 Q. And you contemplated having children together?

2 A. Yeah. We were supposed to have a child first.

3 Q. Mm-hmm.

4 A. But that didn't come to fruition, so we went ahead and
5 adopted.

6 Q. So, I mean, fair to say the marriage is going well if
7 you're thinking of adoption, contemplating having kids?
8 Like, at that point things were going well?

9 A. I wouldn't say like fairy tales, no.

10 Q. But you're talking about bringing another kid into the
11 world and adopting a kid with special needs from another
12 country.

13 A. Like, I mean, marriage, I mean, it always has ups and
14 downs. You know, when you first get married, you always have
15 situations that you have to work through.

16 Q. Okay. And you and MINOR were close?

17 A. Yeah.

18 Q. You loved her like a daughter, right?

19 A. Correct.

20 Q. You called her M?

21 A. I mean, we both did.

22 Q. You said when you testified that you knew what you were
23 getting into as far as marrying a woman that had a kid. What
24 were you getting into? Tell us what that meant.

25 A. I mean, we dated for a year, with MINOR being present

1 the whole time. So I understood that this marriage does come
2 with a child. So I understood what we were getting into, you
3 know, with being an instant family.

4 Q. And you took care of MINOR ?

5 A. Yes.

6 Q. You were a chef. I'm sure you made plenty of good
7 meals?

8 A. Of course. Yes.

9 Q. You took her out for meals?

10 A. I mean, as a family, yes.

11 Q. Bought things she needed for school or clothes or teddy
12 bears or whatever?

13 A. Yes.

14 Q. Tended to her physical and emotional needs?

15 A. The best I could.

16 Q. She called you "Dad"?

17 A. Correct.

18 Q. And you were the only man that she ever knew as a
19 father?

20 A. Yeah. She does have a father as well, but he wasn't in
21 the picture very often. She did visit him from time to time.

22 Q. A father as far as a father figure day-to-day role, that
23 was you?

24 A. Correct.

25 Q. But you didn't ever adopt her?

1 A. No.

2 Q. Okay. Now, she was home schooled initially?

3 A. Yes.

4 Q. And you guys kind of -- it sounds like where you were at
5 on [RESIDENCE] that was far out in Awendaw is kind of how
6 you've --

7 A. It is, yeah.

8 Q. Isabelle was strict?

9 A. Yes.

10 Q. You heard her say she's a helicopter mom. You think
11 that's a fair assessment?

12 A. I would.

13 Q. And as a result of living far out and [MINOR] -- er,
14 excuse me, Isabelle being so strict, [MINOR] was pretty
15 innocent and naive, right?

16 A. You would think that.

17 Q. Yeah? Why? Why do you say that?

18 A. I mean, there's times where I found her lying.

19 Q. Mm-hmm.

20 A. And I addressed it to her, making sure that she doesn't
21 continue doing that when talking with her mom on the phone.

22 Q. Yeah? Tell us what she'd lie about.

23 A. It was something about a program that we watched. We
24 were watching "Pirates of the Caribbean," and she was telling
25 her that we watched something completely different.

1 Q. Oh. Okay.

2 Now, it sounds like you -- there were some concerns
3 about her behavior at some point. Did you share those with
4 Isabelle?

5 A. With [REDACTED] 's behavior?

6 Q. Mm-hmm.

7 A. We talked.

8 Q. And eventually [REDACTED] went to public school?

9 A. Yes.

10 Q. And your testimony was that she didn't really struggle
11 there?

12 A. She didn't really struggle. I mean, she's a smart girl.
13 So, I mean, mainly being home schooled, I think they learn a
14 lot more than they would ever in a public school.

15 Q. Yeah. I mean, I was just making sure I understood your
16 testimony. You said she didn't actually struggle there.

17 Now, you --

18 A. She did have struggles, though. I mean, just trying to
19 fit in and all that.

20 Q. And --

21 A. I didn't know a lot about that, though. She mainly
22 spoke to her mom about those situations.

23 Q. I'm sorry. I couldn't hear.

24 A. She mainly talked to Isabelle about those situations --

25 Q. Okay.

1 A. -- with the struggles and stuff.

2 Q. Okay. Now, yesterday we heard that you participated in
3 -- I think it's "Growing" -- the "Growing Kids God's Way"
4 curriculum?

5 A. Correct.

6 Q. And that was to help make you a better father?

7 A. Well, I think it just helps to be more equipped when
8 situations come up and how to handle it.

9 Q. I went through -- I never heard of it, so I looked up
10 the curriculum last night. It's pretty extensive.

11 A. It is, yeah.

12 Q. I mean --

13 A. It's long.

14 Q. There's lots of pages here. And these are just the --
15 some of the curriculum. It includes all kinds of classes. I
16 mean, I don't know if any of the -- I'm certainly not going
17 to go through all of these. I don't know if you recognize
18 any of them.

19 "Moral Warehouse"?

20 A. No. These are -- mainly, these are all broken up based
21 off of age groups.

22 Q. Okay. Do you remember the one on repentance?

23 A. Repentance? Not really.

24 Q. Self-control?

25 A. Yes. I remember us discussing that in there.

1 Q. What about the one "Dating Your Children"?

2 A. "Dating Your Children"? No.

3 Q. "Tenderness in Fathers," do you know if you attended
4 that one?

5 A. I mean, it's been quite a long time ago, so I'm not real
6 sure.

7 Q. What about, like, "Fun Examples of Touch"?

8 A. The what?

9 Q. "Fun Examples of Touch."

10 A. "Fun Examples of Touch"?

11 Q. Mm-hmm. Does that sound familiar?

12 A. No.

13 Q. You've testified that -- and your text messages say that
14 there was all this stuff about tickling or back rubs. And I
15 noticed in one of the touch -- "Fun Examples of Touch" there
16 was something about "You might consider a little back rub as
17 part of your children's pre bedtime routine."

18 Is that where this came from?

19 A. Not a back rub. Just tickled.

20 Q. Just a tickle. Okay.

21 A. My mom used to do that with me when I was a child, and I
22 always enjoyed it. Just tickle your arm or whatever when
23 you're watching TV. And the kids like it as well.

24 Q. And what about -- let's see -- "Father's Touch
25 Signature"?

1 A. "Father's Touch Signature"?

2 Q. Do you remember taking that?

3 A. I mean, if it was part of that age group, I probably did
4 discuss it. But I can't recall these.

5 Q. "Fathers tend to communicate messages primarily through
6 touch, hearing, and sight."

7 Does that ring a bell?

8 A. Not really.

9 Q. No?

10 And "The process of sending love messages begins on
11 day 1 with the power of a father's touch?"

12 Does that ring a bell?

13 A. (Indicated.)

14 Q. What about "Touching: Dads and Daughters"?

15 A. No.

16 Q. Now -- okay. You separated in 2019. You stayed in the
17 house on [REDACTED] right?

18 A. Correct.

19 Q. And [REDACTED] came to you on the weekends?

20 A. Every other weekend.

21 Q. Oh, yes. I'm sorry. That's right.

22 A. With [REDACTED] yeah.

23 Q. Thank you for correcting me.

24 And we heard this testimony about the shower -- "the
25 shower game" I believe you called it.

1 A. No. It was no game. It was --

2 Q. It was just the unlocking?

3 A. We didn't unlock anything.

4 Q. I thought there was an unlocking of the door.

5 A. No. That was her testimony on that.

6 Q. Okay. So but you testified you walked in to the
7 bathroom while she was in the shower?

8 A. Well, that was because the door popped open when we were
9 playing around on banging on the doors and on the walls.

10 Q. So the game was the banging on the doors and the walls?

11 A. Yeah. It wasn't really a game. I mean, I was --

12 (Witness made knocking noise.)

13 -- "Hey, I need to get in there."

14 Q. Okay.

15 A. You know, so but then the kids made it into a game where
16 they started banging on the walls.

17 Q. Okay. And then you walked -- the door just pops open?

18 A. Well, I jiggled the door because it has a -- it has a
19 little bit of a movement so it makes a banging noise. You
20 know, just like when I was banging on it. I mean, we weren't
21 really banging. It was just tapping on it.

22 Q. Okay.

23 A. And then it popped open.

24 Q. Okay. And then that's when you said you saw her face?

25 A. As soon as the door popped open, I closed it as fast as

1 it opened.

2 Q. I know. But you testified you saw her face.

3 A. Yes.

4 Q. But not her naked body connected to her face?

5 A. No.

6 Q. Okay. So --

7 A. And I wasn't actually looking to see her. I just -- I
8 noticed that she was standing there, and I closed the door.

9 Q. But you knew she was in there before, taking a shower?

10 A. Correct.

11 Q. Okay. And Isabelle confronted you about the shower
12 incident?

13 A. Yeah.

14 Q. And you -- at some point you have this conversation
15 where you tell her in front of [MINOR] "Well, if she's
16 going to go home, then she's not coming back"?

17 A. Not in the same time as the door situation.

18 Q. I didn't say it was.

19 A. Oh. Okay.

20 Q. I was just transitioning.

21 A. Oh. All right.

22 Q. I'm saying eventually you have this conversation?

23 A. We had a conversation about that because Isabelle was
24 arguing on behalf of [MINOR] for me not doing what [MINOR]
25 wants.

1 Q. And -- okay. Now, you said MINOR was coming to see
2 you on every other weekend?

3 A. Yes.

4 Q. Until she stopped wanting to come see you?

5 A. No. That was actually my choice.

6 Q. That was --

7 A. I actually told Isabelle that I think it's best that she
8 just doesn't come over.

9 Q. Okay. Because you were having these little arguments.

10 And you said there was that day you had chores for them
11 to do and there was going to be a surprise and she didn't
12 want to do them and wanted to go with a friend. And so that
13 was the day you were like, "We're done"?

14 A. No. The chores are my chores that I had to do
15 underneath the house. But I did have a surprise for the
16 kids. We were going to go to -- we were planning on I think
17 it was going to the beach, but when I was done. But it never
18 got to that point because that's when she called her mom
19 because I wouldn't take her to go see her friends.

20 Q. Okay. And then sometime after that, if I understand
21 correctly, there's the conversation "If you're going to go
22 and not come back anymore, then, like, that's what it's going
23 to be"?

24 A. No. It was actually on the same day.

25 Q. The same day?

1 A. Yeah.

2 Q. And you say this in front of the child that you consider
3 your daughter?

4 A. Yeah. I mean, we were having situations. We were
5 having problems. And I was just talking with Isabelle on the
6 phone, and I said, "Maybe it's best that she just stays with
7 you for right now."

8 Q. Now, you testified that [BROTHER] went to bed that night DSS
9 came. It was around 7:30, which is -- [BROTHER] goes to bed then?

10 A. Yeah.

11 Q. Okay. So 7:00, 7:30.

12 A. Yes.

13 Q. And you heard [MINOR] testify that you guys would watch
14 movies?

15 A. Yes. We watched movies as a family.

16 Q. And that you watched I think it was "Click"?

17 A. Yeah. That was --

18 Q. Do you remember that?

19 A. That was probably one of them, yeah.

20 Q. Yeah? And that's PG-13?

21 A. Correct.

22 Q. She wasn't 13?

23 A. Yeah. But I consented on it. It was actually a very
24 funny movie.

25 Q. Well --

1 A. And once it got -- there was a part in there I didn't
2 realize about it --

3 Q. Mm-hmm.

4 A. -- when that intimacy scene comes up. But if you
5 actually watch the movie, the intimacy scene is actually
6 fast-forwarded because of the clicker. That's why it's
7 called "Click."

8 And I even stopped the movie at that moment and
9 fast-forwarded it and then restarted.

10 Q. And are you talking about the scene there's, like, a man
11 and then there's a massage and then there's, like, a
12 silhouette of a man thrusting and then it goes to them, like,
13 lying naked in bed together? Is that --

14 A. That's what I fast-forwarded.

15 Q. That's what you're referring to?

16 But you thought that was appropriate for her?

17 A. No. That's why I fast-forwarded.

18 Q. And **BROTHER** was in bed because he went to bed around 7:00,
19 7:30?

20 A. Well, yeah. Yeah. He was, what, 6 years old? So of
21 course they're not going to have the same bedtime.

22 Q. And so going with that 7:00, 7:30, DSS shows up that
23 night. And it's --

24 A. No. Not that night.

25 Q. I'm sorry. Not that night.

1 A. Yeah.

2 Q. I'm kind of going along. I apologize for not keeping
3 you in the loop.

4 Transitioning, I'm using the 7:00, 7:30, to talk about
5 the night that DSS came where you said it was around 7:00,
6 7:30.

7 A. Correct.

8 Q. And they came to get BROTHER?

9 A. Yes.

10 Q. And you heard Ms. Blazer's opening; they came and they
11 knocked and they didn't give you any information?

12 A. No.

13 Q. They -- she said you weren't allowed to ask any
14 questions?

15 A. No. She just -- she never said that.

16 Q. Okay.

17 A. No. She asked if she could come in to discuss what was
18 the accusation.

19 Q. No. I was referring to the opening when Ms. Blazer said
20 they came in and -- they came there and they knocked and you
21 couldn't ask questions. And then you testified that --

22 A. There was no part of not being able to ask questions. I
23 was able to ask questions.

24 Q. Okay.

25 A. And I asked a couple.

1 Q. Mm-hmm.

2 A. But it wasn't -- I couldn't -- you know, it wasn't that
3 I couldn't ask questions.

4 Q. So later you said you were confused and you didn't know
5 what was going on. But you were allowed to ask questions?

6 A. Yeah. We discussed what was going on.

7 Q. And did you see Isabelle's car that night out there?

8 A. It is -- I mean, I live in the country, so there's no
9 lights out there. But I did see headlights. I thought there
10 was three cars, but I guess there was only two.

11 Q. Okay. And then BROTHER leaves?

12 A. Well, yes, after she accused -- well, after she gave me
13 the information about the sex stuff.

14 Q. And DSS did their own investigation separate from law
15 enforcement. That was something else?

16 A. Yes.

17 Q. And then DSS leaves, and Isabelle starts texting you.
18 And those are the texts that we put in yesterday?

19 A. Yes.

20 Q. And we've read through those.

21 That's you responding, correct?

22 A. Yes.

23 Q. Nobody was responding for you?

24 A. Correct.

25 Q. And it's within an hour after DSS left with, I think you

1 said, "your boy"?

2 A. Correct.

3 Q. And I'm still a little unclear. You said you don't know
4 what's going on, but you said they let you ask questions.
5 What is it?

6 A. Yeah, very limited. I mean, she was kind of just
7 telling me what was -- what the situation was. And then she
8 asked me do I have anything -- or any response to that, and I
9 told her I never did anything like that. And she made me
10 feel as if I -- she made me feel as -- that -- she made me
11 feel as if she was accusing me of doing the actual acts.

12 Q. Okay. And so what was your -- how much did you know?
13 What did you know?

14 A. She said that there was a sex -- what do you call it?
15 Whatever it's called.

16 Q. Whatever it's called?

17 A. I'm trying to remember what it's called. That there was
18 an accusation.

19 Sorry; I couldn't get the word out.

20 There was an acquisition of sexual misconduct with

21 **MINOR**

22 Q. So pretty vague?

23 A. It was.

24 Q. Okay. And you said you were allowed to ask questions.
25 But you didn't? Or, like, that's --

1 A. Yeah. She asked if she can talk with BROTHER as well, and
2 I said, "Yes, you can talk with BROTHER" And so she went to
3 the bedroom where BROTHER was playing with his toys, and she
4 asked questions. And then when she came out, I said, "Okay."
5 You know, "What's going on from here?" And that's when she
6 said that she was going to remove BROTHER from the house.

7 Q. And then an hour or so later you're in these text
8 messages with Isabelle?

9 A. Yes.

10 Q. And all you know is there's been an accusation of sexual
11 misconduct with MINOR?

12 A. Correct.

13 Q. But yet you start talking about touching her body in
14 certain ways --

15 A. Right.

16 Q. -- that, like, are innocent?

17 A. Yes, they are.

18 Q. And you never ask Isabelle for clarification?

19 A. Clarification for what?

20 Q. Like, you -- well, your testimony is you don't really
21 know what's going on other than an accusation of sexual
22 misconduct with MINOR. And then you said you were waiting
23 for more info -- you just testified earlier with Ms. Blazer
24 -- before you could really respond.

25 A. Right.

1 Q. But you don't ever ask Isabelle, "What is she saying?
2 What is going on? I don't have any information."

3 A. Yeah, because that's going to be Isabelle's point of
4 view on it.

5 Q. Mm-hmm.

6 A. I wanted to see actual evidence from DSS and also for --
7 and/or if it came from MINOR herself.

8 Q. Okay. And one of the texts says, "I never intended or
9 consciously meant to hurt defendant" -- er, "MINOR in any
10 way." Correct?

11 A. Yes.

12 Q. Were you unconscious?

13 A. No.

14 What do you mean? Yes, I was conscious.

15 Q. I'm just trying to understand. Did you accidentally
16 fondle her breast?

17 A. No, I did not. I'm not the best with words for sure.
18 You can probably tell that through this whole testimony. But
19 I try my best. You know, sometimes my feelings, what I'm
20 trying to say always comes out a little bit different than
21 what was intended. But I always try to correct it when I
22 can.

23 Q. And you testified also that, like, when she asked a
24 direct question you gave a direct answer?

25 A. Yes.

1 Q. But she asked for some pretty --

2 MS. FRIERSON: May I approach, your Honor?

3 THE COURT: Yes.

4 BY MS. FRIERSON:

5 Q. She asked some pretty direct questions.

6 "How could you, Chris?"

7 "You put your hands inside her panties and touched
8 vagina. How is that not sexual?"

9 It's pretty direct.

10 A. Well, that was more of a statement than it was a direct
11 question.

12 Q. "How is that not sexual?" Is that not a question?

13 A. Well, I was reading it as a whole, not as just that
14 part.

15 Q. And that's when you responded, "I understand for you to
16 keep her away from me. I would as well."

17 A. Correct.

18 Q. She says, "Just please explain what motivated you to
19 touch your daughter cha cha."

20 Pretty direct question, right?

21 A. I would say, yeah, pretty much.

22 Q. Pretty direct?

23 A. Yes.

24 Q. And unlike the "Hell, no" to "Did you have sex with
25 her?" -- which you said was direct -- your response to "What

1 motivated you to touch your daughter cha cha?" is "I don't
2 remember or intended doing so"?

3 A. Yeah. I was completely confused on what was going on.
4 I mean, this is just an hour after I lost my boy. You know,
5 realizing everything that's going on. You know, of course
6 I'm there home alone now, trying to figure out what's
7 happening and all the accusations that are put in front of me
8 and looking down my driveway waiting for cops to show up to
9 arrest me.

10 I mean, I was freaking out. I didn't know. So I was
11 just looking at responding as a whole with the family
12 dynamic, not into the details of what she's trying to, you
13 know, accuse me of.

14 Q. And you say you didn't mean to hurt her, right?

15 A. No. I would never mean to hurt anyone.

16 Q. You also say you don't remember what you did?

17 A. I don't remember what I did on the basis of what
18 **MINOR** was accusing me of. I figured it was something
19 simple, like she -- she, like, thought that it was something
20 else -- or that she thought it was sexual but it wasn't. I
21 think she might have mistakenly thought what I may have done,
22 that she thought that was sexual. And then so I just wanted
23 to get -- and I figured at some point she would probably come
24 clean and tell the truth about the matter.

25 Q. Well, is there something innocent, nonsexual that you

1 think she mistook for your fingers in her vagina?

2 A. Well, that would be not -- no. But I didn't know about
3 that situation at that time.

4 Q. Well, she -- didn't we just discuss the --

5 A. Yeah, but --

6 Q. -- "cha cha" comment?

7 A. Right, but that's Isabelle. I mean, I know Isabelle
8 pretty well after marrying her five years. I wanted to see
9 actual evidence.

10 Q. And but you never deny in all of these that you had
11 physical contact with MINOR you just classify it
12 differently?

13 A. I did deny it in my own way.

14 Q. No. I'm saying you say, "I tickled her. I rubbed her.
15 I did these things." So you don't deny that there's physical
16 contact?

17 A. Right.

18 Q. You just classify it as something different because you
19 didn't intend for it to be sexual?

20 A. It wasn't -- no. Tickling is not sexual at all.

21 Q. And you talked about how much you loved her?

22 A. Yes.

23 Q. And then there's the text message where you say, "I
24 don't and won't call her a liar either." Right?

25 A. Correct.

1 Q. But today, in front of this jury, is exactly what you're
2 doing, isn't it?

3 A. Well, today is a different situation. So now that I --
4 you know, at that time I didn't -- you know, like, I keep
5 bringing back up that we were still trying to figure
6 everything out. I needed to figure everything out.

7 And she was a 12-year-old girl, and I wasn't about to
8 sit there and call her names. And I figured she would have
9 came clean on what accusation she was trying to blame me of
10 or that she thought was. But she -- but I think by the time
11 she figured out how severe these accusations were, I think it
12 was a little bit too far into it and she probably felt that
13 she was kind of like a victim of her own words.

14 Q. Thank you for sharing that.

15 MS. FRIERSON: I have no further questions at this time,
16 your Honor.

17 THE COURT: Okay. Any redirect?

18 MS. BLAZER: Very briefly, your Honor.

19 REDIRECT EXAMINATION

20 BY MS. BLAZER:

21 Q. Chris, Ms. Frierson asked you a lot of questions about
22 one of the parenting classes that you and Isabelle took?

23 A. Yes.

24 Q. "Growing Kids God's Way." Was that something that you
25 did together? Separately? How did that come to be?

1 A. It's a lesson plan through our church. And Isabelle
2 wanted to do that for the kids.

3 Q. Okay. And what church was that again?

4 A. Seacoast.

5 Q. Okay. So did the lesson plans happen at church or --

6 A. No. They were in a small group form, so we went to the
7 trainer's house.

8 Q. Okay. And there were -- how many other people were in a
9 small group, if you can remember?

10 A. Probably like 12. Somewhere around there.

11 Q. All with kids the same age as yours or different ages?

12 A. Yeah, same age group. So they weren't the exact same
13 age.

14 Q. And so you mentioned that there were age group sort of
15 age-appropriate parts of the curriculum. Were you guys doing
16 the curriculum for 6-year-olds? For 12-year-olds? Like,
17 what age group do you remember?

18 A. I think it's -- I'm not real positive. I think it might
19 have been, like, 6 through 8, something around there, or 8
20 through --

21 Q. Sixth through eighth grade or 6 to 8 years old?

22 A. Eight years old.

23 Q. Okay.

24 A. Yeah. Or 8 to 12, something like that.

25 Q. Okay. Ms. Frierson asked you about the -- your checking

1 up on the juice boxes for [BROTHER] and his class.

2 A. Yes.

3 Q. Why are you worried about juice boxes when you're being
4 accused of sexual assault?

5 A. Well, I mean, I wasn't worried about it, but it was
6 something that needed to be addressed just because [BROTHER]
7 needed it for his class and he still had to go to school.

8 Q. Okay.

9 A. And there's no reason for him to, you know, wonder why,
10 you know, we didn't do anything for that.

11 Q. The DSS social worker or caseworker, Ms. Hawkins -- I
12 think that's the name the State used for her -- she was at
13 your house for about how long total?

14 A. Probably about fifteen -- ten to fifteen minutes,
15 somewhere around there.

16 Q. Okay. And that includes the time she talked to you?

17 A. Yes.

18 Q. And the time she talked to [BROTHER]

19 A. Correct.

20 Q. And were you in the room when she was talking to [BROTHER]

21 A. No. I was standing in the living room by the -- it's
22 kind of like the living room/door area.

23 Q. And how close to the living room is [BROTHER]'s room?

24 A. If you walk down the hall, so it would probably be,
25 like, 12 feet to his door.

1 Q. I noticed when Ms. Frierson was cross-examining you you
2 got stuck trying to find a word.

3 A. Yeah. That's normal for me.

4 Q. Does that happen to you in writing?

5 A. Yes.

6 Q. Chris, do you think sexual abuse of children is wrong?

7 A. Of course. It's disgusting.

8 Q. I'm going to ask you one more time. Did you sexually
9 abuse MINOR in any way?

10 A. I never did.

11 MS. BLAZER: Nothing further.

12 THE COURT: All right. Any recross?

13 MS. FRIERSON: Just briefly.

14 RECROSS-EXAMINATION

15 BY MS. FRIERSON:

16 Q. In preparation for today, you met with Ms. Blazer
17 several times?

18 A. Correct.

19 Q. And you've talked about the text messages that I entered
20 as evidence?

21 A. Yes.

22 Q. Prior to this trial?

23 A. Yes.

24 Q. Did you ever talk about the ones that she admitted prior
25 to this trial?

1 A. No.

2 Q. Never?

3 A. (Indicated.)

4 MS. FRIERSON: Thank you. No further questions.

5 THE WITNESS: Mm-hmm.

6 THE COURT: Okay.

7 All right. You can take a step back and have a seat at
8 your counsel's table.

9 (Witness excused.)

10 THE COURT: Does the defense have any other witnesses
11 they wish to call?

12 MS. BLAZER: We do not, your Honor. The defense rests.

13 THE COURT: Okay.

14 All right, ladies and gentlemen. It's time for me to
15 excuse you. It's also lunchtime. It's 12:30. I'm going to
16 ask that you be back here at 2:00. Okay? Please do not
17 discuss the case.

18 (The jury was released for lunch and exited the
19 courtroom at 12:25 p.m.)

20 (The following proceedings were had outside the presence
21 of the jury.)

22 THE COURT: All right. We'll be at ease.

23 I don't know if you want to call any rebuttal witnesses.
24 Obviously I'll give you time to debate that, if you want to.
25 I don't know if you're going to recall anybody or not.

1 MS. FRIERSON: I don't think so.

2 THE COURT: Okay. Well, I won't hold you to it just
3 given what's transpired.

4 So I guess we will just plan on closing and charging
5 beginning at 2:00. I have -- we'll take a minute now just to
6 renew motions for directed verdict or make motions for
7 directed verdict and to renew all prior objections during the
8 course of trial.

9 Ms. Blazer, you want to renew your motions?

10 MS. BLAZER: Yes, ma'am. I will renew my previous
11 motion for directed verdict, and I have nothing to add to it.

12 THE COURT: Okay. All right. That's denied again for
13 the reason that we have the victim testimony indicating facts
14 that would give rise to the charges the defendant's on trial
15 for. That's enough to make it a jury question certainly.

16 And so anything from the State?

17 MS. FRIERSON: I just renew my motion -- my objection, I
18 should say, to the admission of evidence I very clearly think
19 violates the Rule 5.

20 THE COURT: Okay. Sure. And that's -- you know, I
21 granted it in part, I guess you could say, certainly redacted
22 down to only what the Court saw was the complete sort of
23 rendition of that conversation surrounding the allegations
24 that were discussed and the portion of the messages that were
25 introduced from the State. Certainly I agree the rest of it

1 was certainly not relevant and only allowed it for the
2 purpose of the best-evidence rule and sort of completing the
3 conversation.

4 But if you -- again, if you want to -- if you have any
5 other witnesses or rebuttal witnesses, you want to recall
6 anybody, certainly the Court would grant you leeway to be
7 able to do that. So think about that over the course of the
8 lunch break. So that is fine.

9 We will see you all back at 2:00.

10 MS. BLAZER: And if I could just super briefly, Judge --

11 THE COURT: Mm-hmm.

12 MS. BLAZER: -- because I was not able to articulate
13 this earlier just, you know, in light of the State's vehement
14 objection.

15 I absolutely believe that Rule 5 does have reciprocal
16 obligations that are placed on defendants. But we frequently
17 encounter situations where we receive late-breaking evidence
18 from the State, and sometimes that late-breaking evidence
19 results in a continuance of the case. It almost never
20 results in the material not coming in against a defendant
21 because the cure is more time, not suppression of
22 information.

23 And moreover, we are often told -- and I will say I have
24 never been told this by Ms. Frierson, but I have often been
25 told that if material that is turned over late is something

1 that we could have gotten on our own, you know, then that's
2 on us. And in this situation, these are text messages
3 between the central outcry witness in this case and the
4 defendant in this case. And the central outcry witness in
5 this case had every opportunity to bring the totality of
6 these messages to the State.

7 And the State's investigator had every opportunity for
8 four and a half years to go and get a better version or a
9 more complete version of this course of communication than
10 she did, and she chose not to do that. And that is not
11 Ms. Frierson's fault, but it was absolutely within the
12 ability of the State to obtain these messages.

13 THE COURT: Okay. See you back at 2:00.

14 MS. FRIERSON: Thank you, your Honor.

15 MS. BLAZER: Thank you.

16 (Court recessed.)

17 (Court resumed outside the presence of the jury.)

18 THE COURT: All right. Does the State have any other
19 witnesses it wants to put up in reply or rebuttal?

20 MS. FRIERSON: No, your Honor.

21 THE COURT: All right. Everybody ready to close and
22 charge then?

23 MS. BLAZER: Yes, ma'am.

24 MS. FRIERSON: Did you want any comments or -- I know
25 you asked us to submit charges. Mine isn't really a charge

1 per se.

2 THE COURT: Yeah, I didn't get any.

3 MS. FRIERSON: Oh. The only -- it's just a request.

4 This actually --

5 THE COURT: Yeah.

6 MS. FRIERSON: -- will make it easier. And I just spoke
7 with Ms. Blazer about it.

8 On the CSC with a minor second --

9 THE COURT: Yes.

10 MS. FRIERSON: -- to only charge the sexual battery.
11 Since cunnilingus and fellatio are not part of this case, to
12 take out that verbiage.

13 THE COURT: Under the definition of sexual battery, you
14 mean?

15 MS. FRIERSON: Mm-hmm. Because there's been no evidence
16 presented --

17 THE COURT: Okay.

18 MS. FRIERSON: -- regarding that.

19 THE COURT: So where -- so the definition reads
20 currently -- I mean, it's the standard definition. So it's:
21 "A sexual battery is sexual intercourse, cunnilingus,
22 fellatio, anal intercourse, or any intrusion, however
23 slight."

24 So you want me to take out the -- you want it to read:
25 "A sexual battery is any intrusion, however slight, in any

1 part of a person's body or of any object into the genital or
2 anal openings of another person's body"?

3 MS. FRIERSON: Yes.

4 THE COURT: "Except for when it's accomplished for
5 medically recognized treatment or diagnostics."

6 Is that correct? Just take out the part that doesn't
7 apply to this case?

8 MS. FRIERSON: Take out the part that does not apply,
9 correct.

10 THE COURT: Okay.

11 MS. BLAZER: And I have no objection to that.

12 THE COURT: Okay. Then that's fine. I'll do that.
13 I'll do that right now.

14 Okay. Any other specific requests?

15 MS. FRIERSON: Nothing from the State?

16 MS. BLAZER: No, your Honor.

17 THE COURT: So everything's pretty standard. I'm
18 charging CSC with a minor second degree, then CSC with a
19 minor third degree. Nothing unusual in here.

20 Of course the verdict form, and I just went in order of
21 how these were indicted. The first one asks: "As to the
22 charge of CSC with a minor second degree, we unanimously find
23 the defendant," and they either say "not guilty" or "guilty."
24 And then on the third, "not guilty" or "guilty." And that's
25 it.

1 Does that look okay to everybody?

2 Okay. All right. We will bring them in when y'all are
3 ready.

4 Y'all ready?

5 Who's going to close for the State?

6 MS. FRIERSON: I am, your Honor.

7 THE COURT: All right. And, Ms. Blazer, obviously you
8 are.

9 MS. BLAZER: It's me.

10 THE COURT: The State will get the final --

11 MS. BLAZER: Yes, ma'am.

12 THE COURT: -- close, obviously. They'll be able to --

13 MS. BLAZER: You're going to open on the law.

14 MS. FRIERSON: Yes.

15 THE COURT: Well, they'll open in full. They'll just
16 have the opportunity to reply to anything that you close on.
17 That's how I read the law.

18 Isn't that right?

19 MS. BLAZER: I kind of read it --

20 MS. FRIERSON: I understood it was prepared to open on
21 the law, she does her full closing, and then I come back and
22 apply it to the facts.

23 MS. BLAZER: That's how I read it.

24 THE COURT: Okay. Great.

25 All right. What else can we do? Anything else before

1 we bring them in?

2 MS. FRIERSON: No, your Honor.

3 MS. BLAZER: No, ma'am.

4 THE COURT: Sounds good.

5 Okay. You can bring them in. Thank you, sir.

6 (The jury entered the courtroom at 2:08 p.m.)

7 THE BAILIFF: Your Honor, all jurors are present.

8 THE COURT: Excellent. Thank you so much.

9 Everybody can be seated at this time.

10 Ladies and gentlemen, both sides have presented their
11 evidence in this case, and it is now time for us to begin the
12 closing arguments of the attorneys. I want you to give these
13 attorneys your undivided attention, but please keep in mind
14 that what the attorneys say is not evidence in the case.

15 When they finish their closing arguments, I will then
16 charge you the law of South Carolina that applies to the
17 case. We will then let you retire to your jury room and
18 begin deliberating when we tell you to. Okay?

19 I will now turn it over to the State who will begin the
20 closing arguments.

21 Ms. Frierson, happy to hear from you.

22 MS. FRIERSON: Thank you, your Honor. May it please the
23 Court.

24 THE COURT: Yes, ma'am.

25 MS. FRIERSON: Good afternoon, ladies and gentlemen. I

1 hope you enjoyed lunch.

2 As Judge McCoy had told you earlier this week on Monday
3 -- seems like a long time ago -- I have a burden, a serious
4 burden, a burden and responsibility to prove the defendant
5 guilty beyond a reasonable doubt. And at times certain
6 questions or witnesses may have seemed long or redundant, but
7 that is because I have a job to do and I want to meet that
8 burden and I take it seriously.

9 Now, I'm going to talk to you a little bit about the
10 law. And then Ms. Blazer will give her closing, and I'll
11 come back and talk to you about how the law applies to the
12 facts as I see them in this case. But as Judge McCoy just
13 told you, if anything I say -- my understanding of the law --
14 differs from what she instructs you on, she is the judge of
15 the law and you are the judge of the facts. And I remind you
16 of the very important oath you took when this trial began.
17 You said that you would take the law as she charges it,
18 abandoning what you knew or what you thought, what you
19 believed to be fair, and apply only the law that she gives
20 you from the bench.

21 Now, as I understand it, beyond a reasonable doubt --
22 the burden that I have to prove -- is something that would
23 leave you firmly convinced. Well, welcome to the world of
24 legal jargon. That really clears everything up, right?
25 Beyond a reasonable doubt. Firmly convinced.

1 It does not mean without any doubt. It's beyond a
2 reasonable doubt. Again, hasn't really become incredibly
3 clear from that.

4 So here's an example.

5 We've been in this courtroom for two and a half days
6 now. And there's no windows. You haven't been outside other
7 than perhaps for a break. And if you saw someone coming in
8 that door and they had some, like, little drops on their
9 shirt, you might think somebody got sprayed or maybe it was
10 raining outside. You wouldn't probably pay too much
11 attention.

12 But if somebody else walks in a couple minutes later
13 with either a rain jacket or an umbrella, you haven't been
14 outside, you haven't heard a rainstorm in here, you haven't
15 gotten any weather updates on the phones that you're not
16 allowed to have in here, but I bet you would be firmly
17 convinced that it was raining or had just rained even though
18 you had not witnessed that or seen it yourself.

19 That is firmly convinced, in my opinion.

20 You'll also hear a charge on direct and circumstantial
21 evidence. Direct evidence is from that stand right there.
22 From **MINOR** and the other witnesses. From the defendant.
23 The direct evidence. Circumstantial evidence is a chain of
24 circumstances that leads you to a conclusion. Consider the
25 other pieces of evidence, the text messages that have come

1 in, and the chain of circumstances that surround them.

2 You'll also receive a charge from Judge McCoy on the
3 credibility of witnesses. That's for you to decide. You get
4 to choose who you believe, what you believe, all of it, part
5 of it. And consider if what they said is corroborated.
6 Corroborating something is to confirm it. Did there -- was
7 there some other evidence that supports what was said or what
8 was shown? Now, it goes without saying that standing in
9 judgment of someone can be difficult. But your diligence in
10 reaching this decision is important to us all.

11 Now, the defendant is charged with criminal sexual
12 conduct with a minor in the second degree. Again, as I
13 understand the law, a person is guilty of criminal sexual
14 conduct with a minor in the second degree if there is a
15 sexual battery and the victim is between 11 and 14 years old.

16 Now, what is a sexual battery? The law in South
17 Carolina defines "sexual battery" to include digital
18 penetration, which is just another way of saying "finger into
19 a vagina." It also includes any intrusion, however slight,
20 of any part of a person's body or into their genital or anal
21 opening of another person's body.

22 The defendant is also charged with criminal sexual
23 conduct with a minor in the third degree. He would be guilty
24 of criminal sexual conduct with a minor in the third degree
25 if -- and these are the elements: He is over 14 years old,

1 the defendant; he willfully and lewdly commits or attempts to
2 commit.

3 Now, what is "lewdly"? Lewdly, if you look it up in the
4 dictionary, is sexually suggestive, indecent, or obscene.

5 So the defendant willfully and in some kind of sexual or
6 indecent manner commits or attempts to commit a lewd and
7 lascivious act.

8 Another crazy word we don't see every day. "Lascivious"
9 is something that's a feeling of overt sexual desire.

10 They commit that act upon the body or its parts of a
11 child who is under 16 years of age, and in committing that
12 act the intent is to arouse, appeal to, gratify the lust,
13 passions, or sexual desires of either the defendant or the
14 child.

15 I look forward to reviewing how this law -- these laws,
16 excuse me, apply to the facts of the case after you hear from
17 Ms. Blazer.

18 MS. BLAZER: May it please the Court.

19 THE COURT: Sure. Yeah.

20 MS. BLAZER: A very long time ago -- 37 years to be
21 exact -- I was an eighth-grade girl at Laing Middle School,
22 across the town from where **MINOR** went to Moultrie. And I
23 was about 5 feet tall, 88 pounds soaking weight, including
24 all this hair. And I didn't have a lot of -- I didn't feel
25 like I had enough friends. I think what I've learned now

1 that I've been a parent of a teenager is that no one who's a
2 teenager feels like they fit in. No one who's a teenager
3 feels happy all the time. But I thought I was experiencing
4 one of the special miseries.

5 But I had a couple claims to fame. I was pretty smart,
6 and I was a good singer. I was a soprano, and I was in the
7 choir.

8 And in eighth grade we got a new girl. She moved here
9 from New York. And, I mean, she had the voice of an angel.
10 It was melodious, and she was an alto. And if you've ever
11 been a soprano, you know you'd rather be an alto. And she
12 just -- she was so nice and so kind, and she was very shy.
13 She kept to herself. So I didn't really know her. I was
14 probably a little jealous of her, but not really because she
15 was just so nice.

16 So it came as in incredible shock to me when another
17 girl came to me at the end of school one day -- Stephanie,
18 she was in my homeroom class -- and she said, "Michelle,
19 she's going to kick your butt."

20 "Why? Why would Michelle do that to me?"

21 And she said, "Because she heard what you said about
22 her."

23 "Said what?"

24 "She heard you called her the n word."

25 In 1988 in Charleston, South Carolina, I heard that

1 word. I've heard it plenty. But it never, ever escaped my
2 lips. It never would. And I didn't know what was more
3 shocking: being accused of saying something I found so
4 deeply and profoundly offensive or the possibility of one of
5 the 88 pounds of me getting my behind beat by somebody who
6 had been given a reason to be mad at me.

7 But, you know, teenage girls are good at a lot of
8 things, including research. So it didn't take me long to
9 find out who told her I said this: one of the Amy's and one
10 of the Wendy's. We had a lot of Amy's and a lot of Wendy's
11 back then.

12 And I don't know to this day what possessed Amy or Wendy
13 to say that terrible thing that I supposedly said to
14 Michelle, but the next day, afraid and embarrassed and
15 confused, I went to school and I went to chorus class. And I
16 sat. You know, if you've ever been in a chorus, you know the
17 sopranos are here, the boys are here, and the altos are over
18 here. So I'm facing Michelle.

19 And the choir teacher gets up, and she stands at the
20 piano. She was also my piano teacher and had been for three
21 years. And she looks at the class and she says, "One of
22 you -- it has come to my attention that one of you has said a
23 terrible, terrible thing about the other." This woman who
24 knew me, who knew who I was and what mattered to me, she
25 didn't ask any questions. She just believed it because

1 somebody else said it and it made its way through the
2 grapevine to her. And I felt like it was an out-of-body
3 experience.

4 And then the moment that probably should have indicated
5 to me that I would end up being a criminal defense lawyer
6 happened: I went from being frozen to fighting. And I stood
7 up in that room full of people, and I looked at my teacher
8 and I said, "You know better than to suggest that I would
9 have said this. You know better." And I pointed to one of
10 the Wendy's and one of the Amy's, and I said, "You and you
11 ought to be ashamed of yourselves, not just for saying that I
12 would say this terrible thing, but for making Michelle feel
13 so uncomfortable. How dare you?"

14 And then I ran out and I hid in the bathroom for about
15 35 more minutes.

16 And it's been 37 years, and every now and then I run
17 into one of the Wendy's and Amy's in the grocery store or we
18 go to high school reunions, this having been the town I grew
19 up in. And they've never apologized. They've never walked
20 back that story, because they went out on a ledge they
21 couldn't get back off of.

22 That's what happened here. MINOR told you herself
23 she didn't realize everything that was going to happen once
24 she made that first disclosure to Ms. Stover, her very kind,
25 very sweet guidance counselor who pulled her off of the

1 playground when she was upset about a dispute about boys or,
2 you know, some eighth-grade love triangle.

3 And she told you why she can't walk it back. She and
4 her mom both told you why they can't walk it back. They told
5 you that they're afraid that Chris will take **BROTHER** back.
6 He'll get custody of **BROTHER** They told you he lost custody of
7 **BROTHER** because of this, and they told you -- both of them --
8 that that's what they're afraid will happen if they don't go
9 through with this.

10 At the beginning of this trial I talked to you about
11 doubt, about the kind of scrutiny you have to apply here. I
12 told you to scrutinize the evidence the way you would if
13 these claims were made about someone you know, someone you
14 trust, someone you care about. I told you to ask a lot of
15 questions. I told you you would have questions if this were
16 being said about someone you know.

17 So let's apply some scrutiny. Let's ask some questions.

18 Let's start with **MINOR** Is it just a coincidence
19 that these claims happened shortly after she had a fight with
20 Chris, a fight where he told her mom that, you know, "If this
21 is how it's going to be, maybe she doesn't need to be coming
22 over here anymore"? That's a pretty harsh rejection to feel
23 as an eighth-grader by the man who has been your father
24 figure your whole life. I'm sure in hindsight Chris wishes
25 he'd handled that differently.

1 Do you think it's a coincidence that this accusation
2 came out the day that MINOR watched the Erin's Law video
3 in school? Remember she sat up on the witness stand and she
4 recounted for you in incredible detail that video. She
5 remembered a lot about that video, a lot more -- lot more
6 detail than she was able to provide to you about the year of
7 sexual abuse she said she suffered at the hands of her
8 stepfather.

9 She told you she was triggered by the similarity between
10 the soccer coach and her dad -- the soccer coach who gave
11 gifts to a soccer player that were grooming that soccer
12 player to trust that coach. But Chris didn't need to groom
13 MINOR to trust him. He was her dad. They want you to
14 believe that this innocuous thing, allowing a 12- or
15 13-year-old, six years older than her 6-year-old brother --
16 5- and 6-year-old brother, to stay up later than that brother
17 and watch a PG-13 movie is somehow proof that he was sexually
18 abusing his daughter.

19 Over and over and over MINOR told the adults who were
20 supposed to investigate this case and protect her that what
21 happened here happened while she and her dad were watching
22 those same movies. And when I cross-examined her four and a
23 half years later, I am the first adult who ever got her to
24 say a single word about what movie she watched. What movies
25 were these? There was no scrutiny.

1 Ask yourself, wouldn't it have been nice -- wouldn't it
2 have helped you know who to trust if the police had gone and
3 tried to verify some of what MINOR had said? Wouldn't it
4 have helped you make a decision here today if the police had
5 said, "You know, MINOR, tell us more about the movies that
6 you watched. What kinds of movies? Do you know the names of
7 any of them?"

8 She remembered the name of one. She remembered the name
9 "Click," a heartwarming Adam Sandler movie about a dad who
10 needs to learn to slow down to spend more time with his kids.

11 So let's say it was "Click." Wouldn't it have been
12 helpful if one of the adults responsible for investigating
13 this case had gone and tried to get a search warrant to
14 figure out "Did they actually watch those movies? What other
15 movies might they have been watching when they were
16 together?" The detective told you she could do that, she
17 just didn't think she needed to. But wouldn't that have been
18 helpful to know?

19 MINOR told you that at 12 and 13, even after years of
20 sex education in church and in public school, she did not
21 know that what was happening with her and her dad was wrong
22 because she was self-brainwashing. Does that have the ring
23 of truth?

24 She told you that in all of these instances of sexual
25 abuse, he never said one word. Does that have the ring of

1 truth to you?

2 The dam broke for her on August 27 -- er, October 27 of
3 2020. That's what the State wants you to accept. They
4 brought you witnesses who would talk about the dam breaking
5 and that being how disclosures in these cases happen.

6 What else do they want you to accept?

7 They want you to accept that it is all right for the
8 sheriff's department, charged with investigating crimes
9 against children, to do absolutely nothing. Nothing. You
10 saw that detective sit up on this witness stand and tell you
11 she did nothing. She was not at the interview. But that's
12 not her fault; she hadn't been assigned yet. But it's not
13 like they didn't know there was a potential case here because
14 a different deputy had taken the initial statement. You
15 didn't hear from him, but he was there.

16 And she didn't go. She told you she didn't remember
17 watching any body-camera footage of the initial disclosure.
18 She told you she thought it was just fine to get screenshots
19 in emails from MINOR 's mom of the text messages -- the
20 text messages that are so central in this case.

21 She didn't go to the house. I think Ms. Roberts called
22 it "the house of horrors" where this happened. She didn't
23 evaluate where BROTHER 's room was in relationship to the living
24 room, how close he would have had to have been to all of
25 this. And night after night happening without ever being

1 detected.

2 They want you to accept that it is okay for not one of
3 the adults in this case working for the State to slow down,
4 ask questions, and make sure that this wasn't just a confused
5 child in the middle of a divorce, in the middle of a global
6 pandemic, in the middle of puberty and all of the challenges
7 that befall eighth-grade girls. Nobody needed to slow down
8 and say, "Well, is there anything else going on with you,
9 **MINOR**? Is there anything else we should follow up on? Do
10 we need to follow up on, you know, mom's boyfriends? Your
11 boyfriends? On why you're searching the internet for 'man
12 look licking woman'? Should anyone follow up on that?" No.

13 And, in fact, you heard from Annalise Gunn from the Dee
14 Norton Children's Center, and she told you, "No, I didn't ask
15 followup questions. I'm just there to hear what she's got to
16 tell me that day. I'm not worried about whether it's true or
17 not. I just want to know what she says." I mean, that
18 actually makes sense. You're not there to test the -- the
19 first person taking the statement shouldn't be there to test
20 the truth or the falsity of what she's saying.

21 But shouldn't someone? Shouldn't someone at some point
22 test whether this all makes sense, whether this all has the
23 ring of truth?

24 I want to talk to you about contrasts.

25 **MINOR**'s mom Isabelle took the witness stand. She

1 told you how important her faith was to her, how important it
2 was to raise her children knowing Christ, and that's why she
3 home schooled them, you know, that's why she did all these
4 different educational courses and things like that. A
5 perfect Christian mother. Never fought in front of the kids.
6 She told you that.

7 But her own daughter told you that wasn't true. Her own
8 daughter told you her parents fought all the time.

9 So contrast the version of events captured in that first
10 set of text messages that Isabelle sent to the detective and
11 compare them against all of the context. Compare them
12 against the ones that she chose not to send to the detective
13 and ask yourself why.

14 I told you at the beginning of this case that there were
15 going to be witnesses who turn themselves into pretzels to
16 try to tell you that nothing is proof of something. And I
17 think I was right about that.

18 You know, Kathy Fabrizio, who is a lovely woman who is a
19 nurse at MUSC, she told you, "We do these exams." She talked
20 about acute exams and nonacute exams. And she said, "We do
21 these nonacute exams even though they rarely show anything."
22 Well, why in God's name would you subject this child to this
23 invasive exam if they never show anything?

24 But the pretzel -- the chief pretzel was Dr. Swiecicki.
25 She's a very, very knowledgeable, very experienced woman.

1 She had a lot to say. She knew exactly which questions she
2 wanted to answer and which ones she didn't. You remember
3 she -- we went through a long litany of her incredible
4 accomplishments and education. And she had a very long
5 direct exam with Ms. Frierson.

6 And then when it was my turn to ask her questions, I
7 think you probably noticed she didn't really want to give me
8 straight answers. I asked a lot of yes-or-no questions, not
9 one of which got a yes-or-no answer. Because they weren't
10 the answers maybe she thought the State wanted her to give.

11 And then there was a moment where I asked her a question
12 and she stopped and she waited. And she said, "I don't know.
13 Am I allowed to answer that question?" Because she didn't
14 want to answer it. And she did. She had to. And despite
15 twisting herself up into a pretzel to tell you that
16 everything that any child ever does in reaction to a trauma
17 is potentially evidence that that trauma occurred, she didn't
18 want to admit that adults have trauma or that scary things
19 can be scary for adults.

20 We had a long talk about "fight, flight, or freeze."
21 She taught "fawn" and "flock." And I truly did learn
22 something new when she taught us that. And I think you can
23 apply that part of what she taught you to those messages. Go
24 back and read those messages between Chris and Isabelle, and
25 apply what you learned about "fight, flight, freeze, flock,

1 and fawn." And ask yourself whether that explains some of
2 the stilted language and confused speech or writing that
3 Chris did.

4 If you're on the fence when you go back into the jury
5 room, I'm going to tell you that you get to be mad at one
6 person. And that's Taylor Austin. If you want to be mad at
7 somebody in this case because you're not sure what to do,
8 there is a clear person to focus your anger on. And that is
9 the person charged, sworn -- that person swears an oath. A
10 deputy sheriff swears an oath to the State of South Carolina
11 to do their job. She did not do her job. If you are tempted
12 to believe MINOR she did not do her job for MINOR If
13 you are tempted to believe Chris White, she did nothing to
14 protect him. Nothing.

15 And this case is ultimately about Chris White, about his
16 life and his future. And he is here because of false
17 accusations.

18 And he was brave today. He did not have to testify in
19 front of you. The constitution says the State bears the
20 burden and the burden alone, and the defense has an absolute
21 right to maintain their silence. But Chris said, "No. I
22 want to tell my story. I want to be subject to
23 cross-examination." He doesn't get to just stand up there
24 and only answer my questions. He had to answer questions
25 from the State. He did not know what questions they'd be.

1 And he is the only witness who appeared before you this
2 week who was at any risk as a result of answering those
3 questions. But he did it anyway. And he told you over and
4 over and over again that he did not do these terrible things
5 and that he would never do these terrible things.

6 The State -- Ms. Frierson talked to you -- she gave you
7 kind of an example of what it means to be firmly convinced.
8 And she said, you know, if multiple people come in here with
9 raindrops on their shoulders or a wet umbrella or something
10 like that, that's probably going to lead you to be firmly
11 convinced that it's raining outside.

12 But this case is not about easily observable, visible
13 acts of God. This case is not about the fact that the State
14 was able to parade a bunch of witnesses in front of you.
15 There are two people -- and they are in this courtroom right
16 now -- who know what happened: Christopher White and
17 **MINOR** And it is your incredible burden and
18 responsibility to decide what to do about it.

19 The State has given you the law, and when I finish,
20 they're going to tell you a way to view the facts that's very
21 different from what I just told you. You don't have to
22 listen to me, and you don't have to listen to the State. You
23 have to listen to the evidence and your conscience. And I
24 believe that when you do that, when you treat Chris the way
25 you would treat someone you know and you scrutinize the

1 State's witnesses the way you would if they were making these
2 accusations about someone you trust, that you will deliver
3 the only appropriate verdict in this case. And that is a
4 verdict of not guilty as to criminal sexual conduct in the
5 second degree and criminal sexual conduct in the third
6 degree.

7 I thank you for your time and your careful attention.

8 MS. FRIERSON: May it please the Court, your Honor.

9 THE COURT: Yes, ma'am.

10 MS. FRIERSON: And we are back.

11 I agree with Ms. Blazer; this case is not about easily
12 observable acts of God. No. It's about complicated
13 violations of trust that happened in Awendaw several years
14 ago in private.

15 I see a trial as kind of like a puzzle. You've got to
16 take the different pieces of evidence, the different
17 witnesses you heard from. You've got to put it together to
18 make the whole piece.

19 And we began this week with MINOR who testified
20 about the sexual abuse that she endured at the hands of the
21 defendant. You heard both from her in her own words, but
22 also through Carole, that disclosure is a process. And it
23 does not just depend on the question that's asked, but other
24 factors like who is asking, what the person who's about to
25 disclose and say and share is thinking -- they might be

1 thinking about consequences -- and the environment around
2 them. They could be distracted.

3 But in terms of disclosure, I want to give you an
4 example.

5 So let's say you went on vacation last week. And you go
6 in to work on Monday and you're in the break room heating up
7 leftovers because, let's face it, you spent all your money on
8 vacation last week so we're back to, you know, leftovers. So
9 you're standing next to a coworker at the microwave, and they
10 say, "Oh, hey. How was your vacation?" And you're like, "It
11 was great to get away from the office. It was beautiful. It
12 was relaxing. I didn't even check my email." The microwave
13 dings. She walks away.

14 You're still waiting. And you just start thinking like,
15 "Man, I wish this leftover spaghetti was that really good
16 flatbread I had on the beach," or "Man, that wave really
17 knocked me down that day." And you start thinking more about
18 your vacation as you're waiting.

19 So the next day you're back in microwaving some more
20 leftovers, and a coworker asks you -- another coworker asks
21 you the same thing. "Hey, how was your vacation last week?"
22 And now you've been thinking about it. And so you start
23 telling her and you bring up the wave and that flatbread you
24 had. And at this point you're really, really hungry for that
25 lunch, so you start thinking about that meal you had the last

1 night at that great little buffet, and there was a
2 hole-in-the-wall restaurant next door and they had great
3 dessert. So you start telling her all about that.

4 Now, when the first coworker asked you on Monday about
5 your vacation, you didn't lie to her. You just didn't tell
6 her everything. She asked a very vague question, and then
7 you started thinking about it more. And so the next day,
8 when someone else asked you, you had been thinking about it
9 so you said more.

10 So I bring that up to say I think the defense wants to
11 infer that if there were inconsistencies or additions in
12 MINOR's testimony or things she could or couldn't remember
13 at different times that she's less than credible. But she
14 told you when she didn't remember. She didn't have an answer
15 for everything like some did.

16 Because she doesn't remember the name of all of the racy
17 movies that he watched with her while he put his finger
18 inside of her, how is that inconsistent? Is that what
19 someone would be worried about remembering several years
20 later? Does that make her more or less credible? Or is she
21 in that freeze mode that we've heard about? "Oh, my gosh.
22 Something's happening. This is weird. I don't know what
23 this is." Is she worried about what movie's on the TV
24 screen?

25 Perhaps a child who has been so sheltered, as you heard,

1 and is so naive and who she testified doesn't know what
2 digital penetration is, isn't worried about what's on the TV
3 screen when the only man that she ever knew as a father is
4 violating her. I want you to remember that the poised young
5 woman that you saw take that stand on Monday was a
6 12-year-old child when this happened.

7 While we're on the topic of movies, let's talk about how
8 the defendant groomed and manipulated her to get to this
9 point.

10 Again, she grew up sheltered. She was home schooled in
11 a religious home with a strict mom, helicopter mom. They
12 were out in the country. And as you heard Carole say,
13 grooming is so much about the relationship. It is about
14 pushing boundaries. And the defendant was intentional. He
15 wanted continued access to MINOR

16 And he didn't just groom her. He groomed her mom -- and
17 the community, by all accounts. He was a church-going man.
18 He attended those courses and took them with the mom. He
19 adopted BROTHER He was working as a chef. He wants everyone
20 to believe that he was a great stepdad. And perhaps he was
21 until he did this.

22 He even presented MINOR with a purity ring. He knew
23 that would make Isabelle happy, which would in turn minimize
24 the likelihood that MINOR would want to disappoint her
25 mother. Because fast forward to when MINOR said, "I just

1 wanted my family to be together again."

2 But grooming is also like fishing. I don't know a lot
3 about fishing. My son likes to do it. I don't really have
4 the patience. But you have to have patience; I do know that
5 much. That's probably why I don't like it.

6 You throw out your line, and you wait. And you keep
7 throwing it out because they don't always bite the first
8 time. Then you think you might have caught something. But
9 just because you think you caught something, you don't reel
10 it in too quick or you lose what you've been working so hard
11 on.

12 And so he started that scene where they did the shower
13 game. I don't understand it. It was a game; it wasn't a
14 game. There was jiggling. Then the door popped open.
15 Again, you get to take all of that testimony and determine
16 the credibility of witnesses. But he thought he tested the
17 waters. She told us after that it was a little bit -- maybe
18 he had to rein it back. But there was the incident with the
19 shower.

20 He told you by his own account he would massage and
21 tickle her shoulders. This is what his mom did for him.
22 This is how he grew up. He liked this. This is what one of
23 the classes he took taught him about. But then that massage
24 progressed. And it progressed to the fondling of MINOR's
25 breasts. It progressed to touching her on her vagina and

1 then ultimately, as she said, putting his finger in her
2 vagina. But he didn't sexually assault her in a way that was
3 so violent that it would physically harm her because that
4 would increase the chances that she would go tell.

5 She was 12 years old. He was 44. He knew better.

6 She told you what happened from this stand. She did
7 remember details prior. She remembered the Twizzlers.
8 Things are going good. She's up late at her stepdad's.
9 She's going to get to watch a movie. BROTHER's going to bed. I
10 mean, he told you he went to bed around that time.

11 And she told you it happened more than one time. She
12 described it as weird. But she also acknowledged that she
13 didn't know it was a sexual assault. She told you that she
14 brainwashed herself into thinking it would be okay because a
15 dad wouldn't do this to his daughter.

16 Perhaps ultimately deep down she did know it was wrong.
17 I don't know. But she told you consistently that she
18 brainwashed herself because she wanted her family back
19 together. She just had this sneaking suspicion that if she
20 told, something bad would happen. She was worried about the
21 consequences. She wanted to keep her family together.

22 You heard Ms. Blazer go into some stuff about
23 Isabelle's, her mom's, boyfriends. And you heard she didn't
24 like them because she wanted her mom and the defendant to get
25 back together. But it seems if she was just some wayward kid

1 that wanted to accuse somebody and be a liar, why not accuse
2 one of those duds, as I called them, that didn't end up
3 working out for her mom? But she didn't. She reluctantly
4 told that day in October because she finally realized just
5 how wrong it was. Maybe there was a little bit of that
6 teakettle, as Carole talked about.

7 And she was empowered by the movie on Erin's Law. But
8 do you remember -- I mean, she did remember specifics. But
9 do you remember what resonated with her the most? It was the
10 fact that the soccer coach kept telling the victim "Don't
11 tell your mom," which is exactly what she said the defendant
12 told her when it came to watching the movies she wasn't
13 allowed to watch. Because she knew that the helicopter mom
14 would say, "What's going on? That's not right. That's
15 weird." And it would alert her.

16 But there was also some talk about the two of them,
17 Isabelle and [MINOR] colluding to get [BROTHER] I'm not really
18 going to touch on that. If you think it's reasonable that a
19 12-year-old who wants her family to stay together, wants her
20 parents to get back together, concocts a lie that she's
21 worried about consequences of, tells a friend at school
22 months earlier, all so that her mom can keep custody of her
23 brother, is that reasonable?

24 And how has this benefited [MINOR]? She lost her
25 stepfather. She didn't ask him to do this. He's the only

1 man she knew as a father. Her mom and the defendant, they
2 didn't get back together. She had to sit on the stand and
3 testify for you. She had to undergo cross-examination.
4 There was no kind of benefit to her.

5 And I do want to talk about some of the other witnesses.

6 Sam, short and sweet. The purposes of Sam's testimony
7 was to let you know that MINOR 's disclosure didn't come
8 about because -- and these are quotes I think from the
9 defense opening -- because MINOR was lonely, frustrated,
10 rejected. It didn't come about after an argument with the
11 defendant. This was not because of the global pandemic. No.
12 She told him months before she actually disclosed to see if
13 that sinking feeling of what he was doing wasn't right. He
14 confirmed it.

15 She also told you when I asked her "So why not go tell
16 your mom then?" that it was just that fear of the unknown.
17 What are those consequences? What is going to happen?

18 Former School Resource Officer Wilson came in, who told
19 us that after she disclosed, she got the ball rolling to get
20 it into the right jurisdiction. And I believe there was some
21 implication that by telling her she was proud of her it gave
22 her some incentive to fabricate something. And she cleared
23 that up and said it was after she told her. And it was more
24 of just an affirmation. It's a lot for a kid to say, and
25 just to tell them that you're proud of them. It wasn't said

1 ahead of time, like "Hey, I'll be proud of you if you tell
2 about a sexual assault." It was after she told.

3 And yes, you heard from Isabelle, [MINOR]'s mom. She
4 was trying to do everything right to protect [MINOR] She
5 was trying not to expose them to things. They didn't go to
6 houses where she didn't know the parents. She watched her
7 phone. I think she said that if she wanted to talk to a boy,
8 it had to be on speaker in a common area. She taught her
9 about modesty.

10 She told you there was no drama in the separation. They
11 didn't even have a court order. They just had this
12 visitation worked out. There was -- they just -- they agreed
13 that they couldn't be a couple anymore, but this wasn't some
14 fuel-, drama-, and rage-filled separation.

15 But she also told you that she started noticing some
16 behavioral changes in [MINOR] that later coincided with the
17 time that this abuse would have started. But again, she's a
18 teenager. And 12-, 13-year-old girls go through stuff.
19 Teenagers in general. So she didn't pick up on them
20 initially as anything other than "This is life." But she
21 noticed she was more withdrawn. She became more defiant.
22 The transition from home to public school I think would
23 affect most kids in general, but it was, you know, having a
24 little bit of a toll on her. But she also, as it came up
25 with Kathy Fabrizio, had lost seven pounds in a year. That's

1 a lot for a small girl.

2 Detective Austin, I will wholeheartedly agree with
3 Ms. Blazer. She is not winning detective of the year. She's
4 nice. I will not tell you that she did a great
5 investigation. Nice lady. But she acknowledged that there
6 are some difficulties when there's delayed disclosures. But
7 you know what? That's on her. That's not on MINOR
8 MINOR told you what happened.

9 Kathy told you that normal exams are normal. And you
10 know what? She also told you that the purpose of that exam
11 is to check the child and let them feel safe in their own
12 body after they've been violated. So it's not just about
13 exposing them to a genital exam that could be traumatic.
14 They do have to check. That is their standard of care. But
15 it's also about, just like Officer Wilson did by telling her
16 "I'm proud of you," letting them know that "You are safe, and
17 your body's okay."

18 She told you she would expect to see trauma -- she's
19 done over a thousand exams -- on less than two hands. So
20 less than ten exams have they ever seen -- has she, excuse
21 me, ever seen trauma. And she told you that on the exams
22 where she's seen trauma, when the kids go back for the
23 two-week exam, if she hadn't done that initial exam, she
24 wouldn't have known. That's just how fast that part of the
25 body heals.

1 And it also had to do with MINOR's age and the last
2 time that she saw the defendant. There's not going to be any
3 injury there. A lot of people believe in that old virginity
4 test and things like that. It's not true, and that's what
5 she was here to tell you. There's not a medical test that's
6 going to confirm or deny it.

7 We heard from Annalise who explained that they use these
8 child-centered techniques. They ask open-ended, nonleading
9 questions for a reason. Let the child tell them what
10 happened.

11 She also told you about the rules of watching the video
12 in court. And that's important because the Court -- we have
13 rules. And there's rules that Ms. Blazer and I have to
14 follow. And that's why you would hear from time to time
15 "Objection" or this. That's just part of the game. But she
16 said that MINOR was 13 at the time of her interview, and
17 the rules only allow you to see it when they're 12 or
18 younger.

19 And there's Carole. Carole was there to help you
20 understand the dynamics of child sexual abuse. That's
21 basically a fancy way of saying this is what science and her
22 clinical experience really show, rather than the myths. Kids
23 do delay disclosure. That is more common. They particularly
24 delay disclosure when the offender is a caregiver, a parent.
25 When the child is 12 or under, they are less likely to tell.

1 And then when they do, they're more likely to tell their
2 friend.

3 She didn't know that this is all how it panned out in
4 this case. That's just what the research and her clinical
5 practice show. But it sure does show some similarities.

6 She said that kids weigh consequences: the fear of the
7 outcome, the fear of what could happen to them, if they could
8 be in trouble, what could happen to the offender.

9 But she was here because most people want to believe
10 that childhood sexual abuse is something much different.
11 They want to believe that it's this scary stranger in some
12 nondescript, like, kidnap van that doesn't have windows
13 who's, you know, down at the park and creeps over to your
14 kids and says, like, "Hey, you want to see my puppy?" or
15 "candy?" Because if that's true, then everybody can just
16 protect their kids from the creepy man waiting with the van
17 and a puppy, and then nobody has to think about it and the
18 reality of childhood sexual abuse is so much, like, not
19 something I have to worry about.

20 But in my opinion, people who commit these acts know we
21 rely on people to have that ignorance if they're caught.
22 "What kind of stepfather would do that? Why would he risk
23 getting caught? Surely she would have told immediately. Her
24 mom and her were close. She would have been so injured that
25 everybody would have known." He wants you to believe these

1 myths. He wants you to focus on how long it took her to
2 disclose.

3 The alleged inconsistencies, or things that she didn't
4 have an answer to, he wants you to see these as weaknesses in
5 a case, just like he saw them as potential weaknesses in
6 **MINOR** Her shyness, her naivety, their separation, her
7 normal teenage growing pains. But these same weaknesses that
8 he preyed on with the hopes that all this other stuff going
9 on would mask her willingness to not only tell, but to be
10 believed by her mother and now you.

11 I submit he also wants you to believe that the awkward
12 -- I'm not sure what to call them -- apologetic admissions in
13 those screenshots or text message were the result of being
14 traumatized after being falsely accused of these horrific
15 acts. And you may remember Ms. Blazer asked Carole if being
16 falsely accused of a crime is a trauma, and she said it was
17 not a criterion of trauma.

18 So you decide. Are his responses after being confronted
19 reasonable? Are his responses about juice boxes -- he just
20 was asked and told that he has been accused of horrific acts.
21 He said they're horrible. And there's this back and forth
22 with -- you'll have the text messages back there. Look at
23 them. They weren't direct questions, so that's why he didn't
24 answer them. They were direct questions, so he said, "Hell,
25 no." He doesn't deny the touching, but then five hours

1 later, "Hey, make sure you go get juice boxes for our kid."
2 Traumatized? He told you he was confused.

3 And Ms. Blazer brought it up in her opening and her
4 closing, and she said to scrutinize the stories. And I
5 agree. Scrutinize the testimony.

6 He can remember watching "Click." He can remember all
7 the details of that. He remembers all the details of the
8 game. He says back then in the text message, "She's not a
9 liar. I'll never call her a liar." And then today he tells
10 you on the stand, "Oh, she lied about movies she watched,"
11 and, "Yeah, I'm not calling her a liar. That wouldn't be
12 nice back then. But today's a different day." You decide.

13 We wouldn't be here today if **MINOR** wasn't a normal
14 teen struggling with normal teen issues and a guidance
15 counselor saw this, just thought to ask a few questions. So
16 don't punish her for being naive, who was too scared to tell
17 right away. But hold him accountable for the grooming, for
18 the manipulation, and the ultimate predatory behavior. Here
19 is your opportunity to hold him responsible for what he did.

20 And when you go back and you apply what happened at
21 **RESIDENCE** and the facts that you have heard to -- if you
22 apply the facts, excuse me, to the law -- this is the same
23 slide I had up here earlier. I've added in the elements in
24 blue as far as how I think the facts came out to support
25 them.

1 So when it comes to criminal sexual conduct with a
2 minor: He committed a sexual battery. That would be the
3 digital penetration, the finger in her vagina. And that the
4 victim was between 11 and 14 years old. She was 12. Again,
5 sexual battery, the digital penetration is the finger into
6 her vagina. But it's any intrusion, however slight, into her
7 body or any -- or the genital openings of her body.

8 When you move on to criminal sexual conduct with a minor
9 in the third degree, you will hear the charge from the judge.
10 But as I see the facts as they apply, the defendant has to be
11 over 14 years at the time the crime is committed. He was 44.
12 The defendant has to willfully and lewdly commit or attempt
13 to commit. And here he is alleged to have touched. He is
14 alleged to have rubbed, groped, and then put his finger
15 inside of her.

16 A lewd and lascivious act, that would be, again, the
17 touching, the rubbing, the groping. It has to be upon the
18 body or its parts. MINOR testified that this was her
19 vagina and breasts that he touched. It has to be of a child
20 under 16 years of age. MINOR was 12. And it must be with
21 the intent of arousing, appealing to, or gratifying the lust,
22 passions, or sexual desires of either the defendant or the
23 victim -- the child victim.

24 But I don't know what other innocent intentions there
25 could be with his actions. So here is your opportunity to

1 hold him responsible for what he did, for using her naivety
2 against her, for violating her trust and her body, and for
3 repeatedly victimizing her. The jury box is not a place for
4 sympathy. It's for accountability and common sense.

5 I want you to take these text messages back. Again,
6 you'll have them. You'll have both the ones that me and
7 Ms. Blazer put in. And read them.

8 "I must have done something for her to say this."

9 "I never intended or consciously meant to hurt her."

10 "I totally understand for her to keep her away from" --
11 "for you to keep her away from me."

12 "But if she's saying I did, then I wish I could take it
13 back."

14 "I don't remember or intended doing so."

15 But most importantly: "I don't and I won't call her a
16 liar."

17 Ms. Blazer has repeated in her opening and just now that
18 there are two people in this courtroom that know what
19 happened. And this defendant's not calling her a liar.

20 Ladies and gentlemen, I appreciate the time and
21 attention and respect that you have given both of us in this
22 court this week. I ask you to respectfully go back,
23 deliberate, use your common sense, and come back with a
24 verdict of guilty for this defendant for both criminal sexual
25 conduct with a minor in the second degree and criminal sexual

1 conduct with a minor in the third degree.

2 Thank you.

3 THE COURT: Okay, ladies and gentlemen. The next part,
4 as I indicated earlier, is going to be when I charge you the
5 law that applies in South Carolina. Before I do this, what I
6 have not done so far in this trial is appoint a foreperson.
7 So I always appoint the person in the lucky far corner chair.

8 Ma'am, tell me your jury number only.

9 JURY FOREPERSON: Are you talking to me?

10 THE COURT: Yeah. You in the front row. Yes, ma'am.

11 JURY FOREPERSON: Juror 102.

12 THE COURT: 102. You're the foreperson. That doesn't
13 mean you have any greater weight of a vote than anybody else
14 on the jury. All it means is that you're the one to sign the
15 form at the end. Okay? All right. We'll talk a little bit
16 more about that at the end.

17 Now, ladies and gentlemen, during this trial you and I
18 have had certain duties to perform.

19 As the trial judge it's been my responsibility to
20 preside over the trial of this case. And I also now have the
21 duty -- or I've had the duty to rule on the admissibility of
22 evidence which has been offered during the course of the
23 trial. You are to consider only the evidence before you. If
24 there was any testimony ordered stricken or anything else
25 ordered stricken, you must disregard that. You are to

1 consider only the testimony which has been presented from the
2 witness stand and any exhibits which have been made a part of
3 the record in this case. And you'll have those exhibits with
4 you in your jury deliberation room.

5 I have now the additional duty to charge you the law
6 that applies to the case. As the presiding judge, I am the
7 sole judge of the law in this case, and it's your duty as
8 jurors to accept it and apply it as I now state it to you.
9 If you think you already have an idea as to what the law is
10 or what it should be and it doesn't agree with what I now
11 tell you the law is, you must abandon that idea because you
12 have taken an oath to apply the law and accept it exactly as
13 I state it to you.

14 You'll notice I read this portion, and that is so I give
15 you the law accurately. This is not a time for me to ad lib
16 to you.

17 In every case tried in this court before a jury, the
18 jury becomes the sole and exclusive judge of the facts. A
19 trial judge cannot comment on or make any statement to a jury
20 about the facts in a case. Since you, the jury, are the sole
21 judges of the facts, do not think from anything I have said
22 during the progress of this trial that I have any opinion
23 about the facts in this case. I can assure you I do not.
24 This is a matter solely for you, the jury, to determine.

25 As jurors it is your duty to determine the effect, the

1 value, the weight, and the truth of the evidence presented
2 during the trial. As the sole fact-finders you should have
3 listened closely to the evidence presented, weighing the
4 evidence is entirely a mental process. You must weigh it
5 using your good judgment and your common sense.

6 Ladies and gentlemen, cases can be presented or evidence
7 can be presented in one of two ways: direct evidence or
8 indirect evidence, which we also call circumstantial
9 evidence. Direct evidence is when someone comes in and
10 certifies to the commission of a crime that they perceived
11 through their own senses. For example, if the witness saw
12 someone commit a crime. Indirect evidence, or circumstantial
13 evidence, is when someone testifies as to different events
14 that occurred, and when you link them all up, they point to
15 the commission of a crime.

16 One or both methods can be used to present a case.
17 Cases may be proven by circumstantial evidence. The law
18 makes absolutely no distinction between the weight or value
19 to be given to either direct or circumstantial evidence, nor
20 is a greater degree of certainty required of circumstantial
21 evidence than of direct evidence.

22 However, to the extent the State relies on
23 circumstantial evidence, all of the circumstance must be
24 consistent with each other and, when taken together, point
25 conclusively to the guilt of the accused beyond a reasonable

1 doubt. If the circumstances merely portray the defendant's
2 behavior as suspicious, the proof has failed. The State has
3 the burden of proving the defendant guilty beyond a
4 reasonable doubt. This burden rests with the State
5 regardless of whether the State relies on direct evidence,
6 circumstantial evidence, or some combination of the two.

7 The evidence you are to consider consists of the
8 testimony of the witnesses from that witness stand and any
9 exhibits which have been offered and received during the
10 trial. Objections and rulings and matters that may have been
11 excluded from the record are not to be considered by you in
12 any fashion.

13 If it appears to you that I have made any comments about
14 this case during either the trial -- or during this trial,
15 you must disregard that comment entirely. Also, the remarks
16 of the attorneys, as I indicated earlier, are not evidence.
17 Their statements and their arguments are intended to help you
18 understand the evidence and apply the law. But you should
19 disregard any remark, statement, or argument that is not
20 supported by the evidence or the law as given to you by the
21 Court.

22 So how do you decide the facts of a case? You do it
23 through the exercise of your good judgment, the application
24 of your common sense, your sense of logic and reason, and
25 your everyday life experiences. Every day in your lives you

1 judge credibility. You make decisions with regard to whether
2 people are believable, persuasive, convincing, or not. You
3 do the same thing as a juror.

4 In deciding believability, you might consider: What was
5 the manner and appearance of the witness who testified? Was
6 he or she straightforward or hesitant in answering? Was the
7 testimony of the witness consistent or was it inconsistent?
8 How did the witness come to know the facts that he or she
9 testified to? Or what was his or her ability to know these
10 facts? Is there some reason a witness would want to give
11 testimony which would help or hurt one side or the other? In
12 other words, was the witness biased or prejudiced?

13 In determining the question of credibility or
14 believability of the witness, you may believe one over
15 several or you might believe several witnesses over one. You
16 might believe part of the testimony of a witness and reject
17 the remaining part of the testimony of that same witness.
18 You might believe the testimony of a witness in its entirety
19 or reject the testimony of a witness in its entirety. You
20 are to consider all of the evidence in this case and
21 determine what you believe to be the facts are of this
22 dispute.

23 As I stated during the trial that rules of evidence
24 ordinarily don't permit witnesses to testify to opinions or
25 conclusions. We now have an exception to this rule which

1 exists for witnesses we call expert witnesses. And that's a
2 witness who by education and experience has become an expert
3 in some art or science. And in that area they may state an
4 opinion as to the relevant and material matter they claim to
5 be an expert in. And they can also state the reasons for
6 that opinion.

7 Now, you should consider any expert opinion and, like
8 any other evidence, give it the weight you think it deserves.
9 If you decide the opinion of an expert is not based on
10 education and experience that is sufficient or if you
11 conclude the reasons given in support of that opinion are not
12 sound or the opinion is outweighed by other evidence, you may
13 disregard the opinion entirely. An expert witness's
14 testimony is to be given no greater weight than that of any
15 other witness simply because the witness is an expert.
16 Furthermore, you are not required to accept an expert's
17 opinion even if it's uncontradicted.

18 And when I use the word "defendant," I refer to
19 Mr. Christopher Robert White. The defendant here has been
20 accused in what we call "indictments." Those, as I explained
21 at the outset, are just pieces of paper on which accusations
22 against defendants are placed. Indictments are not evidence
23 in the case.

24 The indictments in this case allege two different
25 offenses against the defendant. The charges are criminal

1 sexual conduct with a minor second degree and criminal sexual
2 conduct with a minor third degree. You must decide each
3 charge separately on the evidence and the law applicable to
4 it uninfluenced by your decision as to any other charge. You
5 will be asked to write a separate verdict of guilty or not
6 guilty for each indictment.

7 Now, to these indictments the defendant has rendered a
8 plea of not guilty, which then places upon the State the
9 burden of proving beyond a reasonable doubt that the
10 defendant is guilty. In this state and in this country, a
11 person who is accused of a criminal offense is never required
12 to come in and prove himself or herself innocent. This
13 principle of law is called "the presumption of innocence."
14 Each of you is required under our law and by your oath to
15 actively presume that the defendant is not guilty. This
16 presumption of innocence is maintained at all times
17 throughout the trial of this case and is only removed when
18 and if the State brings in enough evidence to persuade you
19 beyond a reasonable doubt that the defendant is guilty.

20 So what is reasonable doubt? A reasonable doubt is a
21 doubt which makes an honest, sincere, conscientious juror
22 hesitate to act. Proof beyond a reasonable doubt is proof
23 that leaves you firmly convinced of the defendant's guilt.
24 There are very few things in this world that we know with
25 absolute certainty. And in criminal cases the law does not

1 require proof that overcomes every possible doubt.

2 If, based on your consideration of the evidence, you are
3 firmly convinced that the defendant is guilty of the crimes
4 charged, you must find him guilty. If, on the other hand,
5 you think there is a real possibility that he is not guilty,
6 you must give him the benefit of the doubt and find him not
7 guilty.

8 Now, I have the additional duty to charge you the law
9 that applies to the case and the indictments as charged. As
10 the presiding judge I am the sole judge of the law. And
11 again, it's your duty to accept it and apply it as I state it
12 to you. As I've already told you, you are to determine the
13 facts, as we call them, in the case. When it comes to the
14 law, though, you have to accept and follow the following
15 legal principles as I give them to you. You obviously can't
16 change the law. You just take the law as I give it to you.
17 You find the facts as you see them and you apply the law to
18 those facts, and that's how you reach a verdict.

19 The defendant is charged with second degree criminal
20 sexual conduct with a minor. The State must prove beyond a
21 reasonable doubt that the defendant engaged in a sexual
22 battery with the victim. A sexual battery is any intrusion,
23 however slight, of any part of a person's body or of any
24 object into the genital or anal openings of another person's
25 body except when the intrusion is accomplished for medically

1 recognized treatment or diagnostic purposes.

2 The State must then prove beyond a reasonable doubt that
3 the victim was at least 11 years old but not more than 14
4 years old at the time of the sexual battery. Consent,
5 willingness, indifference, or ignorance on the part of the
6 minor, if any, as to what was taking place does not in any
7 way affect the charge of criminal sexual conduct with a minor
8 because an unmarried woman under the age of 14 cannot legally
9 consent to sexual intercourse.

10 The defendant is charged with committing criminal sexual
11 conduct with a minor in the third degree. I instruct you
12 that our code of laws states that a person is guilty of
13 criminal sexual conduct with a minor in the third degree if
14 the actor is over 14 years of age and the actor willfully and
15 lewdly commits or attempts to commit a lewd or lascivious act
16 upon or with the body or its parts of a child under 16 years
17 of age with the intent of arousing, appealing to, or
18 gratifying the lust, passions, or sexual desires of the actor
19 or the child.

20 The State must first prove beyond a reasonable doubt
21 that the defendant was over the age of 14. The State must
22 then prove the victim was a child under age 16 at the time
23 the alleged incident occurred. Lastly, the State must prove
24 that the defendant willfully and lewdly committed or
25 attempted a lewd or lascivious act on or with the body or its

1 parts of a child under the age of 16 with the intent to
2 arouse, appeal to, or gratify the lust, passions, or sexual
3 desires of the defendant or the child.

4 "Willfully" is defined as voluntarily and intentionally,
5 with the specific intent to do something the law forbids.

6 "Lewd" means obscene, lustful, indecent, or lecherous.

7 "Lascivious" is defined as tending to incite lust, lewdness,
8 indecent, obscene, or intending to deprave the morals in
9 respect to sexual relations.

10 Ladies and gentlemen, you are not partisans or advocates
11 for the State of South Carolina or this defendant. You do
12 not serve as jurors to reward friends or punish enemies. You
13 have been selected by both the State and this defendant as
14 fair and impartial jurors.

15 It is your duty then to determine the facts in this
16 case, giving to this defendant the benefit of every
17 reasonable doubt. Then to the facts which you determine, you
18 take and apply the law that I just gave you and arrive at a
19 verdict on each charge. When you have accomplished this and
20 written your verdict, you will have satisfied your oath as
21 jurors and you will have discharged your duty to the State,
22 to Mr. White, and to the Court.

23 Your verdict must be unanimous, meaning all 12 of you
24 must agree.

25 Madam Foreperson, when the jury agrees, you will

1 indicate by checking the line next to the verdict and signing
2 your name as foreperson. You will then knock on the jury
3 room door and inform the bailiff that you have reached a
4 verdict. At that time we will receive you back into the
5 courtroom.

6 I will now release you to the jury room, but do not yet
7 beginning deliberations until you are told to do so by the
8 clerk or the bailiff. There are some additional matters I
9 have to discuss with these attorneys before you begin.

10 I will also ask that my two alternates be held in the
11 hallway for now.

12 Okay, Mr. Bailiff?

13 THE BAILIFF: Yes, your Honor.

14 THE COURT: Thank you very much.

15 (The jury exited the courtroom at 3:18 p.m.)

16 (The following proceedings were had outside the presence
17 of the jury.)

18 THE COURT: All right. Any exceptions or objections to
19 the charge as read, from the State?

20 MS. FRIERSON: None from the State.

21 THE COURT: Any from the defense?

22 MS. BLAZER: No, your Honor.

23 THE COURT: All right. I'm going to give the verdict
24 form here. There's not many exhibits, so just review them
25 one last time to make sure we give them the right versions.

1 MS. FRIERSON: Yes, your Honor.

2 (Pause in proceedings.)

3 THE COURT: Okay. The bailiff can take the verdict form
4 and the evidence.

5 Thank y'all. We'll be at ease.

6 (Court recessed.)

7 (The jury was instructed to begin their deliberations on
8 the verdict at 3:22 p.m.)

9 (Court's Exhibit Number 4 marked for the record.)

10 THE COURT: All right. We got a note from the jury.
11 It's been marked Court's 4.

12 It says the following: "Did law enforcement have access
13 to Chris W's phone? If not, is it a requirement to have a
14 search warrant for a phone? And can we please have a written
15 definition of both charges?" It's just signed by, I guess,
16 the foreperson maybe and dated today.

17 So I have a clean copy of my charge. If you both agree,
18 I'm happy to provide the entire charge. Or I can recharge
19 the statutes as well as the burden of proof. You know, have
20 them brought in and we'll recharge all the sections.

21 I'll give a copy if both sides agree. How's that? But
22 if you don't, then I won't.

23 MS. FRIERSON: What did they ask for? They asked for
24 the whole charge?

25 THE COURT: Both charges. But in order to recharge the

1 charges, I obviously would have to recharge burden of proof,
2 reasonable doubt, all these things.

3 So I have two options. I can either bring them in and
4 verbally recharge all of that stuff, or I can give them a
5 copy of the entire charge verbatim that I read. Mark it as a
6 Court exhibit and give it to them.

7 On the two other questions, I will not -- cannot answer
8 that other than to tell they've been presented the evidence
9 in the case and I cannot answer any specific question.

10 So y'all can talk to your clients about what you want to
11 do, but those are the options in terms of the charge.

12 MS. BLAZER: I think -- Ms. Frierson and I have been
13 whispering. I think we're both fine with the written charge
14 going back to the jury.

15 THE COURT: Okay. It will be marked Court's 5. Then it
16 will go back to them for consideration.

17 And on this note, I'm just going to respond back that
18 they have the evidence in the case and I cannot answer their
19 specific question.

20 Okay?

21 MS. BLAZER: Yes, ma'am.

22 THE COURT: All right.

23 MS. FRIERSON: Thank you, your Honor.

24 MS. BLAZER: Thank you.

25 THE COURT: Thanks. That's it. We'll be back at ease.

1 (Court's Exhibit Number 5 marked for the record.)

2 THE COURT: All right. Thank you so much. We'll be
3 back at ease. We'll call you if we need you.

4 MS. FRIERSON: Thank you, your Honor.

5 (Court recessed.)

6 (The jury indicated they had a verdict at 5:06 p.m.)

7 (Court resumed outside the presence of the jury.)

8 THE COURT: We have a verdict.

9 You can bring the jury in. Thanks.

10 Whatever the verdict is, everybody try to maintain your
11 composure. If you think you cannot, I'd ask that you excuse
12 yourself from the courtroom now.

13 All right. The jury is entering.

14 (The jury entered the courtroom at 5:08 p.m.)

15 THE BAILIFF: All jurors are present, your Honor.

16 THE COURT: Okay. All right. Madam Forelady, I
17 understand the jury has reached --

18 Y'all can be seated.

19 I understand the jury reached a verdict. Is that
20 correct?

21 JURY FOREPERSON: Yes, ma'am.

22 THE COURT: Okay. If you will pass that form to the
23 bailiff, he will then pass it to me. Thank you very much.

24 Thank you, sir.

25 THE BAILIFF: You're welcome, your Honor.

1 THE COURT: I'll review it for completion and pass it to
2 the clerk's office for publication.

3 All right.

4 CLERK OF COURT: The State of South Carolina versus
5 Christopher Robert White, Indictment Numbers 2024-GS-10-05513
6 and 05514.

7 As to the charge of criminal sexual conduct with a minor
8 second degree, we, the jury, unanimously find the defendant
9 not guilty.

10 As to the charge of criminal sexual conduct with a minor
11 third degree, we, the jury, unanimously find the defendant
12 guilty.

13 Sign by the foreperson, dated August 6, 2025.

14 THE COURT: All right. Madam Foreperson, is that the
15 jury's verdict?

16 JURY FOREPERSON: Yes, ma'am.

17 THE COURT: All right. Any postverdict motions before I
18 excuse the jury from the defense?

19 MS. BLAZER: I would simply ask you to poll the jury.

20 THE COURT: Okay. We will poll the jury.

21 So ladies and gentlemen, what's going to happen is the
22 clerk of court will call your jury number only -- not your
23 name, just your number. He will ask you if that represents
24 your verdict. You will then answer yes or no. And if that
25 still represents your verdict, and you will just answer yes

1 or no. And again, he's just going to use your number, not
2 your name. Okay?

3 And you don't have to stand up. You can just respond
4 while you're seated.

5 Go ahead.

6 CLERK OF COURT: Juror Number 102, is this your verdict?

7 JUROR: Yes.

8 CLERK OF COURT: Is it still your verdict?

9 JUROR: Yes.

10 CLERK OF COURT: Juror 113, this is this your verdict?

11 JUROR: Yes.

12 CLERK OF COURT: Is it still your verdict?

13 JUROR: Yes.

14 CLERK OF COURT: Juror 42, is this your verdict?

15 JUROR: Yes.

16 CLERK OF COURT: Is it still your verdict?

17 JUROR: Yes.

18 CLERK OF COURT: Juror 289, is this your verdict?

19 JUROR: Yes.

20 CLERK OF COURT: Is it still your verdict?

21 JUROR: Yes.

22 CLERK OF COURT: Juror 275, is this your verdict?

23 JUROR: Yes.

24 CLERK OF COURT: Is it still your verdict?

25 JUROR: Yes.

1 CLERK OF COURT: Juror 104, is this your verdict?

2 JUROR: Yes.

3 CLERK OF COURT: Is it still your verdict?

4 JUROR: Yes.

5 CLERK OF COURT: Juror 95, is this your verdict?

6 JUROR: Yes.

7 CLERK OF COURT: Is it still your verdict?

8 JUROR: Yes.

9 CLERK OF COURT: Juror 292, is this your verdict?

10 JUROR: Yes.

11 CLERK OF COURT: Is it still your verdict?

12 JUROR: Yes.

13 CLERK OF COURT: Juror 60, is this your verdict?

14 JUROR: Yes.

15 CLERK OF COURT: Is it still your verdict?

16 JUROR: Yes.

17 CLERK OF COURT: Juror 224, is this your verdict?

18 JUROR: Yes.

19 CLERK OF COURT: Is it still your verdict?

20 JUROR: Yes.

21 CLERK OF COURT: Juror 200, is this your verdict?

22 JUROR: Yes.

23 CLERK OF COURT: Is it still your verdict?

24 JUROR: Yes.

25 CLERK OF COURT: Juror 217, is this your verdict?

1 JUROR: Yes.

2 CLERK OF COURT: Is it still your verdict?

3 JUROR: Yes.

4 CLERK OF COURT: Your Honor, the jury has been polled
5 and the verdict stands.

6 THE COURT: Okay. Any other postverdict motions before
7 I excuse the jury from the defense?

8 MS. BLAZER: No, your Honor.

9 THE COURT: All right. Any from the State?

10 MS. FRIERSON: No, your Honor.

11 THE COURT: All right. Ladies and gentlemen, I
12 appreciate your service. I never comment on a jury's
13 verdict, but I will tell you we appreciate your attentiveness
14 this week, your promptness. And so we thank you for just
15 being here with us, showing up on Monday, and sticking with
16 us through the week.

17 You are free to go. The next phase is the sentencing
18 phase, and that's on me. That's my job. You are by no means
19 required to stay and you are free to leave at any time. If
20 you want to stay, you're more than welcome to. It's a public
21 courthouse and you can stay in your seats or you can go walk
22 around and have a seat in the gallery, whatever makes you
23 most comfortable. But that's what's we're going to move on
24 to now.

25 Does the solicitor's office have a sentencing sheet

1 ready?

2 MS. FRIERSON: We're getting it now, your Honor.

3 THE COURT: All right.

4 COURT DEPUTY: Can we have five minutes, Judge?

5 THE COURT: He needs a couple minutes?

6 COURT DEPUTY: Yes, ma'am. Just to get him out of these
7 cuffs.

8 THE COURT: Oh. Okay. Is he going to change clothes.

9 COURT DEPUTY: No, no. No, ma'am.

10 THE COURT: Oh, okay.

11 How long will it take to get the sheet here, you think?

12 MS. FRIERSON: Can we email it to the clerk's office to
13 print?

14 THE COURT: Please. Yeah, that'd be great.

15 MS. FRIERSON: Okay.

16 THE COURT: So yeah, if anybody wants to go, y'all can
17 hop up anytime y'all want.

18 (The jury was released from service at 5:13 p.m.)

19 THE COURT: Okay. Has that been emailed?

20 MS. FRIERSON: Getting ready to. It's a little slow.

21 THE COURT: Okay. You're going to email to James?

22 MS. FRIERSON: Yes, if we can do that.

23 (Pause in proceedings.)

24 THE COURT: Ms. Frierson, I think we can get started
25 without the sheet. It's a piece of paper. Just we have all

1 these people in the room waiting to go.

2 So I'm happy to -- I'll hear from the State first. And,
3 of course, any victim impact that they'd like to give in
4 addition to the testimony they gave at trial, I'm happy to
5 hear from as well.

6 So happy to hear from you. Go ahead.

7 MS. FRIERSON: Thank you, your Honor. May it please the
8 Court.

9 As you know from working these cases on the bench,
10 they're difficult. They're difficult for everyone involved,
11 particularly the victim to sit here and have her credibility
12 questioned. She sat through this. She is ready to give a
13 statement, and I'd like to let her speak before I speak any
14 further.

15 THE COURT: Okay. All right.

16 THE WITNESS: My name is MINOR and this is my
17 statement. I'm going to try to get through this.

18 For five years I've had to relive this experience during
19 my meetings with the solicitor's office and through therapy.
20 It took me a while to finally accept that it was a part of my
21 past and not something I could just delete off my life.

22 For a long time it was something I wanted to keep hidden
23 and pretend never happened. But through the support of
24 friends and family and my faith, I have been able to actually
25 appreciate my past. If it weren't for what I experienced, I

1 wouldn't have much of my support group in my life. My dad
2 Erik would not be in my life or would my two stepbrothers.
3 My best friend would not be in my life. I may not even be
4 going to the college I am now going to.

5 As much as I would like to end up where I am today in
6 other ways, God had a different plan. And what I went
7 through is what brought me to where I am, and I wouldn't take
8 that back for the world. I am proud of where I stand today,
9 not as a victim but as a survivor. I have a story to tell,
10 and I'm still learning not to be afraid to share it.

11 My little brother BROTHER was also brought up a lot in this
12 case, and he was brought up more as an object than a human
13 being. My brother is nobody's property, and he has feelings
14 and emotions like anyone else. He still sleeps with his
15 stuffed monkey I gave him when we first adopted him. He's a
16 trouble maker, but he's genuinely a sweet kid when you get to
17 know him.

18 He's insanely good at math. He's obsessed with YouTube
19 videos about sneakers. He loves basketball and is super good
20 at it. He loves playing video games on his Nintendo. He's
21 desperate to have a phone but can't keep a device without
22 damaging it within the first week. He's super good at
23 Minecraft and is insanely creative with whatever he does.

24 He got his first phone number at summer camp this year
25 even though he doesn't even have a phone. But he was so

1 proud of himself. And as much as we argue with each other,
2 he's my little brother and I love him. And I know he loves
3 me too.

4 My family is the most important thing to me and always
5 has been. Chris was once a part of it.

6 I hated you for a very long time. I blamed you for
7 ruining my life and making me feel worthless and dirty. I
8 wanted you to rot in jail and die. I pictured myself cussing
9 you out as I stood up on the stand and told my story.

10 But not today. I've learned how to forgive. You hurt
11 me and betrayed me and made me feel like an object, made me
12 question my worth and whether any of this was even worth it.
13 But today I stand up here not to shame you but to send you
14 away with words I pray will be in your mind for the rest of
15 your life, words that can bring you peace in the midst of
16 darkness and the midst of suffering.

17 I don't know what lies ahead for you, but I do know
18 this: God's grace is real, and healing is possible. So
19 today I want you to know I forgive you and I'm truly praying
20 for you.

21 Thank you.

22 THE COURT: Yes. Thank you.

23 MS. FRIERSON: Thank you, your Honor.

24 THE COURT: Mm-hmm.

25 MS. FRIERSON: The victim has spoken. The jury has

1 spoken. They heard and believed her. This abuse did not
2 just happen during that year that he assaulted her. As you
3 heard, she has endured the trama of it for the past five
4 years getting to this point. And as such, the defendant
5 deserves no less than the full 15 years for the trauma that
6 she will continue to endure going forward.

7 THE COURT: All right. I think I know the answer, but
8 he does not -- does he have a prior record?

9 MS. FRIERSON: He does not, your Honor.

10 THE COURT: Okay.

11 All right. I'll switch it over.

12 Ms. Blazer, I'm happy to hear from you.

13 MS. BLAZER: Thank you, your Honor.

14 Obviously this did not -- the jury's result was not the
15 result that we had hoped for. But with that said, I have to
16 acknowledge the extraordinary attention that every single one
17 of these jurors, including the two alternates who have
18 remained in the courtroom, showed this week.

19 It is hard when you get a split verdict to know what to
20 make of that. And it's hard to stand up after five years of
21 knowing someone and talking with him hours on end in
22 preparation for this case to know how to pivot on a dime.
23 You know, the jury has spoken. Ms. Frierson is right.

24 Chris told his story, and it's very difficult to know
25 how to -- you know, I obviously advocated really hard this

1 week. And I don't want to do him any disservice by failing
2 to advocate for him in this, you know, extremely emotionally
3 charged moment.

4 And I would be a fool if I did not acknowledge the
5 extraordinary poise that MINOR just showed and that,
6 frankly, she showed when I cross-examined her. She was
7 polite. She was pleasant.

8 You know, these cases -- Ms. Frierson and I were talking
9 during breaks. These are the worst. I have represented a
10 person who has told me from the very beginning "I did not do
11 this." And she has pursued an investigation that told her
12 otherwise. And you now have to sentence him as a person that
13 the jury has found guilty.

14 A sentence of 15 years, which is what the State has
15 asked for, will achieve very little and cost quite a lot. In
16 addition to any sentence of incarceration that you impose in
17 this case, Mr. White will also be forever -- well, not
18 forever. I guess we've changed that now in South Carolina.
19 But he will be on the sex offender registry for decades. He
20 will be required to wear an ankle monitor because criminal
21 sexual conduct with a minor in the third degree requires an
22 ankle monitor for no less than ten years.

23 And the -- this -- you know, some things that I said at
24 the very beginning remain true. Everything changed for every
25 person who cares about the people in this room in October of

1 2020. And over the last five years, Chris has come to court
2 every time he was asked to be here. He has been at my beck
3 and call. If I asked him to come in, he was here. He was an
4 active participant in this case. He is not going anywhere.

5 Obviously with the jury's verdict the Court is required
6 to impose some kind of punishment. I don't know what the
7 right number is. I don't know. But I think that the maximum
8 doesn't make a whole lot of sense when the maximum on
9 criminal sexual conduct in the second degree, for which he
10 was found not guilty, is not that much more.

11 And so I think -- you know, my hope would be that you
12 would give a sentence that would be -- take recognition of
13 the fact that Chris is 49, going to be 50 in December. The
14 circumstances that await him in the South Carolina Department
15 of Corrections, if that's where you send him, are not
16 hospitable to people convicted of criminal sexual conduct
17 against minors.

18 He will have to undergo an evaluation regardless of the
19 sentence for -- on the Sexually Violent Predator program.
20 And I think that that is sort of the insurance policy for the
21 community.

22 I think when you look at the fact that -- the thing that
23 I have the hardest time sort of wrestling with what
24 Ms. Frierson said in her closing argument was this idea that
25 Chris had basically spent an entire lifetime building up this

1 fraud, this fraudulent personality and persona. He was in
2 his late 30s when he got married. He was 44 when these
3 charges arose. He has no criminal history. There's no
4 evidence that he sought, you know, Ms. Noy or her child out
5 for any nefarious purpose. They had a normal life for a very
6 long time.

7 And so I just would ask you not to essentially give him
8 actuarially a life sentence. If you give him 15 years, he's
9 65. And actuarially in the State of South Carolina's
10 Department of Corrections, that doesn't bode well for him.

11 I don't think he wishes to address you. He obviously
12 spoke in his own defense. And I would ask you to rest on
13 those things that he said in his own defense. But, you know,
14 there will be an appeal and all that. So I'm going to advise
15 him that he can stand on those things that he said.

16 THE COURT: Okay.

17 All right. Anything else from the State or the defense?

18 MS. FRIERSON: Nothing from the State.

19 THE COURT: Okay.

20 Well, these are tough cases because, as you pointed out,
21 Ms. Blazer, he doesn't have a record and that's the norm for
22 people convicted of criminal sexual conduct with a minor.
23 Most of the time they don't have a record. It's sort of a
24 different type of criminal, if you will. So that's not
25 unusual.

1 You know, obviously I'm going to honor the jury's
2 verdict and issue a sentence I think in congruence with the
3 split verdict that they rendered.

4 And the sentence of the Court is going to be 15 years
5 provided upon the service of ten. The balance is suspended
6 with probation for five years afterwards. Obviously, I've
7 indicated he'll be registered as a sex offender pursuant to
8 South Carolina Code 23-3-430 as well.

9 And I believe that is an appropriate sentence given all
10 the facts and circumstances presented this week. And I
11 appreciate everybody's input. And again, I appreciate the
12 jury's time and consideration.

13 And that's the sentence of the Court.

14 Mr. White, I wish you the best of luck.

15 And obviously, the victim and your family, thank you for
16 coming into court and braving these conditions. I know it
17 took a long time for y'all to get here, and part of that was
18 the pandemic and all of those circumstances. So thank you
19 for your attendance this week as well. Okay?

20 All right. Thank you very much.

21 MS. FRIERSON: Thank you, your Honor.

22 (End of proceedings.)
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina

County of Charleston

I, Jamie L. Bickett, an Official Court Reporter for 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 evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Charleston County, South Carolina.



Official Court Reporter

Dated this 28th day
of October, 2025.



CW

Chris >

Today 9:48 PM

How could you Chris?! How could you have done this to us, how could you have done this to her?! I've been so sick to my stomach all day recounting her words over and over in my head. Look at what this has all come down to. You need psychological/psychiatric help. I can't believe this! I just can't! This is a nightmare!

I never intended or consciously meant to hurt [REDACTED] in anyway. Or to do anything like that but this is how she feels and perceives it and it is hurting me so much!! I love her as my daughter not anything else. I am so sick right now I can barely handle it. Please pray:(

Touching her vagina is not an innocent act Chris. What were you thinking?

I tickle/rub her arms or legs or back



PENGAD 800-631-6989

STATE'S EXHIBIT

3
8-5-25