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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PHILLIP R. LAWSON,

APPELLANT

APPELLATE CASE NO. 2023-001190

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

GENERAL SESSIONS COURT

2020-GS-46-03821

2020-GS-46-03822

2020-GS-46-03823

2020-GS-46-03824

2020-GS-46-03986

2020-GS-46-03915

THE STATE,)

PLAINTIFF,)

vs.)

TRANSCRIPT OF RECORD

PHILLIP RYAN LAWSON,)

DEFENDANT.)

October 17-18, 2022
York, South Carolina

B E F O R E:

THE HONORABLE WILLIAM MCKINNON, JUDGE.

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

JENNY DESCH, ESQ.

JESSICA RUSSO, ESQ.

Attorney for the Plaintiff

MELISSA INZERILLO, ESQ.

Attorney for the Defendant

Proceedings Recorded by DCRP
Transcribed by Penny M. Johnson

1 Q At some point, did you discuss it with him or confront
2 him about his anger?

3 A Yeah, he got -- he got mad at April about something and
4 I was sitting there listening to what he was saying. When
5 he was done, I just flat out asked him, I said, Son, what
6 the hell is your problem? Why are you so angry at us for
7 asking you to do this? You knew it was coming. It was
8 washing dishes or something. You know this was coming, so
9 why are you so angry? And he stormed off to his room and
10 come back. And that's when he said, You want to know what
11 my problem is, Phillip's been messing with us.

12 MS. INZERILLO: Objection, Your Honor.

13 THE COURT: Sustained.

14 MS. INZERILLO: Your Honor, I would move to strike that
15 response as well.

16 THE COURT: I'm going to order that response stricken
17 from the record.

18 MS. INZERILLO: Your Honor, may we approach?

19 THE COURT: You may.

20 (Bench conference.)

21 THE COURT: Ladies and gentlemen, I'm going to need a
22 couple of minutes to talk to the lawyers alone. If you'll
23 go back to your jury room.

24 (The jury exits the courtroom at 11:48 a.m.)

25 THE COURT: Ms. Inzerillo, is this the 2002 Court of

1 Appeals case, State V. Jeffcoat? There's also a 1983
2 Supreme Court --

3 MS. INZERILLO: I think it's the 2002 Court of Appeals,
4 Your Honor.

5 THE COURT: Counsel, it's 565 S.E.2d 321.

6 MS. DESCH: Thank you.

7 THE COURT: Yes, ma'am.

8 (Pause.)

9 THE COURT: Ms. Inzerillo, I've read the case.
10 Obviously, you stated the rule of law correctly. I mean,
11 this is a time and place witness, basically, a prior
12 consistent statement over 801(d)(1), it's limited to time
13 and place.

14 MS. INZERILLO: Thank you for recapping that. That was
15 the objection I made to the Court. At this time, I would
16 move for a mistrial. It's clearly violative of that rule as
17 well as State V. Jeffcoat. Obviously, in this case, that
18 would be a statement that would further corroborate and, in
19 fact, I believe, also, bolster what Younger Brother may ultimately
20 testify to, which is also prohibited under other case law in
21 this state.

22 So, Your Honor, with it being expressly prohibited by
23 case law and by statute and considering the other
24 implications, I would at this time move for a mistrial.

25 THE COURT: Ms. Inzerillo, talk to me a little bit. I

1 moved on.

2 THE COURT: I understand. I think State vs. Jolly
3 supports a grant of a mistrial.

4 What was the other case y'all wanted me to --

5 MS. RUSSO: I just looked up Barrett, the one that
6 Jolly cites, and it did involve details of the incident and
7 not simply the name of the offender, which they considered
8 that to be bolstering because there were details involved.

9 MS. DESCH: And Dawkins is what I sent to you.

10 THE COURT: It was literally the first thing the jury
11 heard, which was not background information involving the
12 family. I'm going to grant the mistrial.

13 MS. INZERILLO: Thank you, Your Honor.

14 THE COURT: I will say there's no misconduct by the
15 State or Defense and eligible to be retried.

16 MS. DESCH: You are here, I believe, on the 7th of
17 November. I would really like you to consider when we pick
18 another jury if we have it in front of you, you've already
19 -- if we could incorporate all the pretrial --

20 THE COURT: Sure.

21 MS. DESCH: -- and not have to start and have those
22 kids testify yet again.

23 THE COURT: Technically, that's Judge Griffith's call,
24 but we'll see what we can do. That seems reasonable to me.

25 Anything else?

1 Has he already been bench warranted, the Defendant?

2 MS. DESCH: Yes.

3 THE COURT: So, I guess, given his failure to appear at
4 trial, for the record, we can revoke his bond as well.

5 MS. DESCH: It's a PR bond, right?

6 MS. INZERILLO: Yes.

7 THE COURT: Still can be revoked.

8 Ms. Inzerillo, any argument on the bond?

9 MS. INZERILLO: No, Your Honor.

10 THE COURT: Bond is revoked for failure to appear.

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1 THE STATE OF SOUTH CAROLINA

2 -----x

3 STATE,

Case Numbers

4 Plaintiff,

2020-GS-46-03986

5

2020-GS-46-03821-24

6

-against-

2020-GS-46-03915

7

8 PHILLIP RYAN LAWSON,

9

Defendant.

10 -----x

11

July 17-21, 2023

12

York, S.C.

13

14 B E F O R E:

15

HONORABLE WILLIAM MCKINNON,

16

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

18

JENNY DESCH & JESSICA RUSSO

19

Attorneys for the State

20

21

MELISSA INZERILLO,

22

Attorney for the Defendant

23

24

Aileen Butler

25

Official Court Reporter

		<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Carson Neely				
4	Ms. Russo	56			
5	Ms. Inzerillo		61		
6	Alfred Waldron				
7	Ms. Russo	85		93	
8	Ms. Inzerillo		89		95
9	Older Brother [REDACTED]				
10	Ms. Russo	146		201	
11	Ms. Inzerillo		184		
12	Lynn McMillan				
13	Ms. Desch	212			
14	Ms. Inzerillo		226		
15	Younger Brother [REDACTED]				
16	Ms. Desch	240		273	
17	Ms. Inzerillo		267		
18	Lynn McMillan				
19	Ms. Desch	291			
20	Ms. Inzerillo		306		
21	Lori Kimble				
22	Ms. Desch	309			
23	Ms. Inzerillo		320		
24					
25					

	<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
1	Katie Lawson			
2	Ms. Russo	364		
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4	Katie Lawson			
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6	April Beaty			
7	Ms. Desch	399		
8	Ms. Inzerillo		409	
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10	Ms. Russo	411		
11	Carson Neely			
12	Ms. Russo	420		
13	Phillip Larson			
14	Ms. Inzerillo	435		
15	Ms. Desch	440		
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>EVD</u>
S-1	Forensic Lab Report	127
S-2	Forensic Lab	127
S-3	Pictures	255
S-4	Redacted C-10	303
S-5	Memo	303
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C-11	Body cam	277
C-12	DVD	277
C-13	Cell phone report	380
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD</u>
C-15	note		465
C-16	note		465
C-17	note		511
C-18	note		511
C-19	note		515
C-20	note		516
C-21	note		517

1 What about number nine? What's the content of
2 Detective Smith's interview that you're objecting to?

3 MS. INZERILLO: Your Honor, I think we hashed this
4 out the last time we were before you and so I included
5 this because there was -- out of an abundance of
6 caution to make sure that I'm clear on what the
7 Court's ruling was. My understanding is according to
8 the transcript which I think would be page 135, I
9 think, that the Court excluded the forensic interview
10 but allowed the interview of Detective Smith to come
11 in.

12 Is that still the Court's ruling of [REDACTED] who
13 was 12 at the time.

14 THE COURT: I don't remember what my ruling was.
15 I'm looking at the transcript right now.

16 MS. RUSSO: Your Honor, if it helps at all, I have
17 a ruling on page 150 at line seven and I believe
18 that's as to Detective Smith's video with [REDACTED]
19 And then there is another ruling as to the forensic
20 video -- and I will hunt that down for you. I believe
21 that is on page 131 to 133 -- or 132 to 133. Where
22 you say, you're not going to allow the video in but
23 there may still be argument as to Doctor McMillan
24 testifying under the video statute which we would make
25 that argument when Dr. McMillan testifies.

1 THE COURT: Let me read something. My reading I
2 was going to allow the video in. Am I misreading
3 that?

4 MS. RUSSO: Detective Smith's video --

5 THE COURT: Right.

6 MS. RUSSO: -- you were going to allow in?

7 THE COURT: Right.

8 MS. RUSSO: Yes, Your Honor. There was also a
9 forensic video and it was not recorded in the first
10 half. The second half was recorded.

11 THE COURT: Right, there was equipment issue.

12 MS. RUSSO: Yes, and I believe your ruling on that
13 is on page 132 to 133 --

14 THE COURT: Yes.

15 MS. RUSSO: -- where you said you were not
16 inclined to allow the video in at all because it was
17 half but that when Dr. McMillan testifies she may be
18 able to testify as to the content of the video under
19 subsection (f) of the statute.

20 THE COURT: That's correct. All right.

21 MS. INZERILLO: Your Honor, I'm not as adept at
22 using old pretrial motions.

23 THE COURT: That's okay.

24 MS. INZERILLO: I do apologize, Your Honor, but
25 I'm looking at your ruling on page 150 allowing

1 Detective Smith's interview in. You did admit it
2 under 17-23-175 which basically is the forensic
3 interview statute, but made no findings to the fact
4 that he is 12, which under that statute would exclude
5 it which was the basis -- one of basis that I think
6 you were taking under advisement on arguments.

7 THE COURT: Right. I remember a discussion on
8 that. The educational records, there was one sentence
9 in the educational record that suggested that he did
10 have some mental deficit, but then everything else
11 just said he wasn't very good at math.

12 MS. INZERILLO: Right, and just to clarify for
13 this trial, I would register an objection to the
14 Detective Smith's coming in under your prior ruling
15 based on the fact that he is 12 and under 17-23-175,
16 there were no findings as to whether it would come in
17 based on him being under the age of 12.

18 THE COURT: Where do we stand on that issue?

19 MS. RUSSO: Your Honor, I believe you did rule on
20 that on page 124 through 125. You said, I believe the
21 State met its burden on that issue and then later I
22 believe Miss Inzerillo clarified that there was -- she
23 said, Your Honor I appreciate the Court's ruling about
24 the 12 year old. I understood that to be ruled on
25 that.

1 THE COURT: Okay. I agree I did rule on that.
2 You're exactly right Miss Russo.

3 MS. RUSSO: Thank you.

4 THE COURT: I had reservations. I went back and
5 forth. Yeah, my final ruling was that he's right at
6 the cut off. He's 12. He's right at the borderline
7 and then so basically the State's burden is just to
8 show he's a little bit below where he needs to be and
9 I think the State met that burden.

10 MS. INZERILLO: Thank you, Your Honor. Again, I
11 just want to make sure I'm covered.

12 MS. DESCH: Your, Honor, I want to address a
13 couple of things. For purposes of this trial we do
14 have Cherokee County School District records that kind
15 of breaks down IQ tests that we brought in
16 specifically for this. Do you want to make that a
17 Court's exhibit.

18 THE COURT: Sure. Does Miss Inzerillo have a
19 copy?

20 MS. DESCH: Yes, she should. Yes. And then I
21 just while you're looking at that I also wanted to
22 kind of reiterate that under 17-23-175 we have a
23 letter from the Children's Advocacy Center that we
24 would also put in as an exhibit. I don't know if it
25 needs to be a State's exhibit or a Court's exhibit,

1 but essentially talking about the portion of the video
2 that was not working and then on the statute for
3 number two of the four hurdles that the State needs to
4 prove, audio, visual recording is preserved on film,
5 videotape or other electronic means. If however,
6 unrecorded statement is made to a professional in his
7 professional capacity by a child regarding sexual or
8 physical abuse, the Court must decide whether it's
9 admissible in camera. So I think that's what we are
10 referring to Amy Smith's video, but I also don't
11 necessarily think it precludes forensic if you hear
12 from Dr. McMillan and you find in camera that the
13 totality of the circumstances it triggers all the
14 statements elicited by non-leading questions, etc,
15 etc. I didn't know if you wanted to wait until you
16 heard from Dr. McMillan but we can address those as
17 well.

18 THE COURT: Sure. I appreciate that. We will
19 make this a Court's exhibit, the Cherokee County
20 School District. I'm just looking at it. It says --
21 the note says, the IQ scale is the most reliable.
22 It's full score was 63 and is the first percentile.
23 So that's an extremely low range of intellectual
24 ability. They then go on to say, however, the
25 examiner's opinion that this score should be

1 interpreted with caution as an underestimate of his
2 true ability since his responses were often impulsive
3 and given hastily without time to process.

4 Nevertheless, my original point I think remains
5 the same. He's right at the 12 year. Just older than
6 12, so all the State has to show is a slight deficit
7 of a 12-year-old so I think they met their standard.
8 I am going to allow it.

9 MS. DESCH: Thank you, Your Honor.

10 THE COURT: Miss Desch, do you mind passing that
11 to the court reporter. Let's make it a Court exhibit.

12 (WHEREUPON, school record and letter were marked
13 as Court's 4 and 5 respectively.

14 MS. INZERILLO: Your Honor, just briefly on motion
15 ten. Earlier in the case we did a Schmerber hearing
16 in front of I believe it was Judge Gibbons. We made
17 some objections at that time and a wish to
18 reincorporate my motions and his findings into this
19 record.

20 THE COURT: Sure.

21 MS. INZERILLO: Your Honor, considering time,
22 could we skip to number 13.

23 THE COURT: Okay. This came up in another case
24 recently where I read all the cases on flight and
25 there's interesting case law where it's possible the

1 was going to say, I don't how long the first witness
2 would be. My opening is not long at all. So I don't
3 know if you wanted to maximize the time we have.

4 THE COURT: We have a note. One juror is
5 requesting a smoke break. Tell her that we are ready
6 to start, but if she needs a smoke break she's got
7 five minutes. We understand they've been waiting all
8 morning. We are ready to start now. If she needs
9 five minutes she can have it. Okay.

10 To your point, Miss Desch, if the openings are
11 short and we can continue we will move on.

12 THE COURT: Is that agreeable to the defense as
13 well?

14 MS. INZERILLO: Yes, Your Honor.

15 THE BAILIFF: Your Honor, she said it's not
16 urgent. She's just bored.

17 (WHEREUPON, the note was marked as Court's 6.)

18 THE COURT: Bring them in.

19 (WHEREUPON, the jury enters the courtroom.)

20 THE COURT: Ladies and gentlemen, let me first
21 apologize to you. I know you have been waiting about
22 two hours. We were in here working on pretrial
23 matters and I apologize. If I known that was going to
24 be the case I would have told you to come in at 11:30.
25 I just didn't realize it was going to take so long.

1 So I apologize to you. That's my fault. I'm very
2 sorry.

3 We are ready to get started. One other thing I'm
4 going to say, I have allergy problems with my eyes and
5 my eyes are watering so I'm not crying. It's just
6 allergies.

7 What is going to happen now is I'm going to give
8 you kind of a general introduction as to what's
9 happening. This is not my explanation of the law
10 which will happen at the end of the case, and once I
11 do that it will take about five minutes, and then the
12 attorneys will give their opening statements and then
13 depending on the time we may break for lunch at that
14 time or we may call a witness depending on what time
15 it is when the attorneys are completed.

16 Okay. So, ladies and gentlemen, the defendant in
17 this case, Mr. Lawson, is charged with some charges.
18 I'm going to read to you in a second. Okay. But I'm
19 going to read to you are the Indictments and these are
20 the formal written accusations. Before I do that I
21 want to remind you again these are just accusations.
22 They are not proof of anything. They don't create an
23 inference of guilt or anything. Mr. Lawson is
24 presumed innocent under our constitution and it's the
25 States obligation to prove it. They have the burden

1 of proof and they must prove that beyond a reasonable
2 doubt. And so when I read these things to you I'm
3 just telling you what the accusations are and it will
4 be your job as jurors to determine at the end of the
5 case whether the State has proved these allegations
6 beyond a reasonable doubt. Does that make sense?
7 With that said I'm going to read these.

8 First, is the State versus Phillip Ryan Lawson,
9 2020-GS-46-3986. The State alleges that the
10 defendant, Mr. Lawson, did between December 18, 2021
11 and December the 17th of 2019, in York County, South
12 Carolina, commit the crime of criminal sexual conduct
13 with a minor in the first degree by engaging in a
14 sexual battery with a minor child, Younger Brother
15 ██████████ Date of birth ██████████ ██████████, who at the
16 time was less than 11 years old, in violation of the
17 laws of the South Carolina.

18 Indictment number 2020-GS-46-03822, criminal
19 sexual conduct with a minor in the second degree. The
20 State alleges that the defendant, Phillip Ryan Lawson,
21 did between December the 18th of 2018 and May the 1st
22 of 2020, in York County, South Carolina, commit the
23 crime of criminal sexual conduct with a minor in the
24 second degree by engaging in a sexual battery with a
25 minor, Younger Brother ██████████ Date of birth

1 [REDACTED], who at the time was older
2 than 11 but younger than 14 in violation of the laws
3 of South Carolina.

4 Indictment 2020-GS-46-3821 for criminal sexual
5 conduct with a minor in the second degree. The State
6 alleges that the defendant, Phillip Ryan Lawson, did
7 between March 3rd of 2015 and September the 20th of
8 2018 in York County, South Carolina, commit the crime
9 of criminal sexual conduct with a minor in the second
10 degree by engaging in a sexual battery with a minor
11 child, Older Brother [REDACTED] date of birth, [REDACTED]
12 [REDACTED] [REDACTED]. At the time was younger than 14 but
13 older than 11 in violation of the laws of the State of
14 South Carolina.

15 Indictment 2020-GS-46-3823, charge is criminal
16 sexual conduct with a minor in the third degree. The
17 State alleges that the defendant, Phillip Ryan Lawson,
18 who himself is older than 14, did commit between
19 December the 18th 2018 and May the 1st of 2020 in York
20 County, South Carolina, that he did commit the crime
21 of criminal sexual conduct with a minor in the third
22 degree by wilfully and lewdly committing or attempting
23 to commit a lewd or lascivious act upon or with the
24 body, or it's parts, of the minor victim, Younger Brother [REDACTED]
25 [REDACTED] date of birth [REDACTED] of

1 [REDACTED], who at the time was under 16, with the intent of
2 arousing, appealing to, or gratifying the lust,
3 passions, or sexual desires of the defendant or the
4 child in violation of the laws of South Carolina.

5 Indictment 2020-GS-46-3824, criminal sexual
6 conduct with a minor in the third degree. The State
7 alleges that the defendant, Phillip Ryan Lawson, who
8 himself is older than 14, did between March the 3rd of
9 2015 and September the 30th of 2018, in York County,
10 South Carolina, commit the crime of criminal sexual
11 conduct with a minor in the third degree by wilfully
12 and lewdly committing or attempting to commit a lewd
13 or lascivious act upon or with the body, or its parts,
14 of the minor victim, Older Brother [REDACTED] date of
15 birth [REDACTED] [REDACTED], who at the time was under
16 16 years of age, with the intent of arousing,
17 appealing to, or gratifying the lust, passions, or
18 sexual desires of the defendant or the child, in
19 violation of the laws of South Carolina.

20 And finally, Indictment 2020-GS-46-3915. The
21 charge is dissemination of obscene material to a
22 minor. The State alleges that the defendant, Phillip
23 Ryan Lawson, did between March the 3rd of 2015 and
24 March the 3rd of 2019, in York County, South Carolina,
25 himself being 18 years of age or older, unlawfully,

1 willfully, and knowingly disseminate obscene materials
2 to a person under the age of 18, to wit: The
3 defendant did provide such pornography to Older Brother
4 [REDACTED] date of birth, [REDACTED] [REDACTED],
5 in violation of the laws of South Carolina.

6 Ladies and gentlemen, I'm not sure I read the
7 indictment number for the very first ones. Let me go
8 back. That's criminal sexual conduct with minor in
9 the first degree, 2020-GS-46-3986.

10 All right, so ladies and gentlemen, once again,
11 those are the accusations in the case. They're not
12 proof of anything. That will be your job as jurors to
13 determine at the end of the case whether the State has
14 proven beyond a reasonable doubt that those things
15 occurred. The defendant committed those acts.

16 Ladies and gentlemen, your purpose as jurors is to
17 find and determine the facts. You are the sole judge
18 of the facts. If at any time I make any comment or
19 suggest I have a view about the facts you should
20 disregard it. You should determine the facts from the
21 testimony that you hear and other evidence introduced
22 in court and also any inferences that you feel are
23 properly drawn from the evidence. It is especially
24 important that you perform your duty of determining
25 the facts diligently and consciously because

1 ordinarily there is no way to correct an error made by
2 the jury in determining the facts.

3 On the other hand, and with equal emphasis the
4 same law that makes you the judge of the facts makes
5 me the judge of the law. As the judge, the law as I
6 explain it to you, is the only law which you may
7 consider. You must accept and follow the law as I
8 explain it to you even if you disagree with it. I'm
9 not allowed to tell you what the facts are and you are
10 not allowed to disagree with me what the law is or
11 what you think it ought to be. Your job is to take
12 the law as I explain it to you and apply it to the
13 facts as you find them from the witness testimony and
14 the other evidence and render your verdict.

15 Ladies and gentlemen, as I mentioned to you
16 yesterday, until I tell you at the end of the case
17 it's time to begin jury deliberations when you have
18 heard all the evidence and heard the arguments of the
19 attorneys, you are not permitted to discuss this case
20 with anyone, each other, or anyone outside the
21 courtroom. And again, as I told you yesterday do not
22 read or watch any news reports about this case on the
23 radio, newspaper, internet or anything like that and
24 also do not do any outside research. Don't Google
25 anyone's name. Don't Google the laws. I will explain

1 the laws to you and you will hear the evidence here in
2 the courtroom.

3 Ladies and gentlemen, I trust you all are going to
4 follow those rules and I expect that, but in the event
5 one of your fellow jurors is not following the rules I
6 have given to you it's very important that you let me
7 know because if you tell me during the trial I can
8 probably fix it. If I find out after the trial that a
9 juror was not following my instructions we would
10 likely have to repeat the entire trial.

11 So ladies and gentlemen, it is important that you
12 all keep an open mind. Not decide any issue in the
13 case until after you have heard all the evidence and
14 you've heard the arguments of the attorneys and I've
15 instructed you on the law. It is your solemn
16 responsibility to determine the guilt or innocence of
17 the defendant. Your verdict must be based solely on
18 the evidence you hear in court and the law as I
19 instructed you. In just a second you will hear the
20 attorneys make their opening statements. These are
21 very important. The attorneys may give you a preview
22 of what they think the evidence will show in the case.
23 But I do want to remind you that's not the same thing
24 as evidence. Evidence is what you hear on the witness
25 stand and any written documents or other piece of

1 evidence that comes in. Okay. From time to time
2 during the trial you may hear one of the lawyers say
3 something like, Your Honor, I object, or Your Honor, I
4 have a matter I need to discuss. What that means is
5 there's a legal issue I need to discuss with the
6 lawyers. So if I think it's something that can be
7 resolved pretty quickly I will invite the lawyers to
8 come up to the judge's bench and I'll speak to them up
9 here. If it's something that will take a longer
10 amount of time I will send you back to the jury room
11 so you all can use that time to use the restroom or
12 whatever you need to do. Okay.

13 Ladies and gentlemen, I do not permit jurors to
14 take notes. The reason for that is some people based
15 on their job or their educations are better note
16 takers than other people. So I don't want when you
17 begin your deliberating in the jury room for it to
18 become a battle of who has the best notes. So you can
19 see we have a court reporter that is taking everything
20 down on a steno machine and there are microphones
21 around the courtroom that record what's said, so if
22 you get back to the jury room and you're deliberating
23 and you're arguing about a critical piece of evidence,
24 what a witness said, we can play it back for you. We
25 can play back the audio recording for you. Okay.

1 Ladies and gentlemen, in determining what the
2 facts are in the case you should decide whether or not
3 the testimony of the witnesses is believable or not in
4 whole or in part. What's my job as a judge, is to
5 decide whether or not a witness is allowed to testify.
6 Once I let them testify it's your job as jurors to
7 determine whether to believe that witness in hold or
8 in part or not at all. Okay. In deciding whether to
9 believe a witness you have the right to consider any
10 possible interest or bias or prejudice a witness might
11 have, or you whether you think they have an
12 opportunity to see or to hear everything they are
13 testifying about, the way they act on the witness
14 stand.

15 Ladies and gentlemen, as you go through the case I
16 know it is a difficult thing to pay attention to
17 people talking for hours on end. Okay. So if it gets
18 to the point where you need to stretch your legs or
19 find yourself losing focus please raise your hand and
20 tell me you need a break. Similarly, the most
21 important thing is you be able to hear the witnesses.
22 If someone is not speaking into a microphone or is
23 talking so quietly you can't hear them, please raise
24 your hand and say judge I can't hear what the witness
25 is saying. Okay.

1 Ladies and gentlemen, on your first break I will
2 ask you to elect a foreperson. It used to be called a
3 foreman of the jury. In South Carolina every juror
4 has an equal vote. It is one person, one vote. Every
5 juror's vote is equal, but the foreperson has two
6 additional jobs. The first thing is when it comes
7 time to deliberate is to make sure that everyone has a
8 chance to give their opinion and no one person
9 dominates the discussion. And then the second job is
10 if there is any issue you need to bring to my
11 attention. It's too hot or too cold or no coffee in
12 the jury room or anything like that. Any issue at
13 all, write on a note and you give it to bailiff and
14 the foreperson writes it on the note and gives it to
15 bailiff and I will take care of it. Okay. All right,
16 make sure I said everything I wanted to say.

17 All right, ladies and gentlemen I'm going go ask
18 the clerk to swear you in.

19 THE CLERK: Ladies and gentlemen, if you please
20 stand and raise your right. You shall well and truly
21 try in true deliverance make between the State of
22 South Carolina and the defendant at the bar, whom you
23 shall have in charge and the true verdict give
24 according to evidence and the law, so help you God.
25 Please reply by saying I will if you agree.

1 JURORS: I will.

2 THE CLERK: Please have a seat.

3 THE COURT: All right, ladies and gentlemen, I
4 need to give the attorneys a chance to object in case
5 I said something wrong in my opening remarks and once
6 that's done we'll hear from the lawyers.

7 Any objections from the State?

8 MS. DESCH: Nothing from the State.

9 THE COURT: From the defense?

10 MS. INZERILLO: No, Your Honor.

11 THE COURT: Ladies and gentlemen, the State has
12 the burden of proof so they go first.

13 MS. DESCH: May it please the Court, Your Honor.

14 THE COURT: Yes, ma'am.

15 MS. DESCH: Thank you.

16 In law school and in training over the years, when
17 people talk about how to present a trial they often
18 tell you in an opening statement that you ought to
19 come up with a theme. I'm old and I don't know the
20 themes are always something easy to come up with. My
21 co-counsel is a little younger than I am and she's
22 gone to some trainings recently and said, what about
23 what we teach our kids. I said, okay. Let's talk
24 about that. What do we do if there's a fire in the
25 house. Stop, drop and roll. As we were talking about

1 this I have a 23-year old paralegal and I find it
2 amusing to tell her things that happened in the
3 eighties and I said, well, what about the campaign
4 against drugs. This is your brain on drugs. She'd
5 never seen that commercial. So you tube gives us
6 everything. I pulled it up. A man walks up to a
7 stove with a frying pan and he puts an egg up and
8 says, this is your brain. Cracks its and puts it into
9 the frying pan that it is on and it of course fries
10 the egg. This is your brain on drugs. Very impactful
11 when I was growing up.

12 We talk about stranger danger. One of our other
13 colleagues has a great story about teaching his boys.
14 We talk about if a person walks up and says, hey
15 little kid do you want some candy. Don't take the
16 candy. What if it's the, hey, your mom is in trouble
17 and sent me. Well, there's safe words for that. He
18 said he told his boys, well, what if somebody comes up
19 in a van and says I lost my puppy. What are you going
20 to do and both boys looked at dad and said, help him
21 with the puppy. No, not the puppy. You don't go with
22 with the puppy. We teach our kids all of these things
23 because we learned them. But what do we say when
24 something happens with someone you trust. A family
25 friend. Someone that when moms says, I trust this

1 person and leaves them alone with them.

2 Older Brother and Younger Brother are here today to talk about
3 their life growing up. Their life growing up and
4 trusting Phillip Lawson. Trusting him as a caretaker,
5 a father figure, a family friend. It's 2023 and those
6 young men one of them is an adult, so it's hard to
7 think back. It's hard to visualize what he looked
8 like in 2012 and 2013, in 15, in 18, in 20.

9 Younger Brother and Older Brother are here to talk about their
10 life growing up. We represent the State. Miss Russo
11 and I are here before you. It is the State's burden.
12 The State must prove this case beyond a reasonable
13 doubt. The State calls the witnesses. The witnesses
14 come before you. They are sworn just like you are.
15 And as the judge said, you are the fact finders. You
16 process the the evidence. The evidence will be before
17 you. It will be presented from here and some of the
18 concepts are going to be hard to hear. You heard a
19 general idea. You heard lots of legalese. You heard
20 lots of words and we will do our best to explain it.
21 Sexual battery. There is a definition for it.
22 Dissemination of obscene material, there are
23 definitions for it. Those definitions as the Court
24 said, will come from the judge. The facts, will come
25 from the witnesses.

1 When we present this to you it's the State's
2 burden to convince you. To firmly convince you that
3 it meshes.

4 We appreciate you sitting here. We appreciate you
5 listening to these hard concepts and at the end of
6 trial we will come up and talk to you again.

7 Thank you.

8 THE COURT: Miss Inzerillo.

9 MS. INZERILLO: May it please the Court.

10 THE COURT: Yes, ma'am.

11 MS. INZERILLO: Phillip Lawson is innocent of the
12 charges before him. I'm going to say that again.
13 Phillip Lawson is innocent of the charges against him.
14 Phillip is innocent because the law says he's innocent
15 until and if 12 jurors unanimously decide he's guilty.

16 Now, I will be the third person this morning to
17 talk to you about the burden of proof which should
18 tell you how important the burden of proof is in a
19 criminal courtroom. The State has that burden and
20 only the State. Their burden is to put up witnesses
21 and enter evidence for you as the jury to consider.
22 As the judge told you, verdict relies on the evidence
23 of the case and the law. And I believe that was part
24 of the oath that our clerk gave you. So as you're
25 listening to this evidence that is being put forward,

1 look it with a critical eye. Listen to what the State
2 and the witnesses and the evidence show but also what
3 it doesn't show. Will it show a proof of DNA that of
4 the victims or the complaining witnesses in Mr.
5 Lawson's house. Listen to hear if any stories change.
6 Details added or deleted. And watch and see what the
7 witnesses bring you and what they don't bring you to
8 evaluate.

9 I would imagine the last place you want to be
10 today is here. And I certainly would imagine that the
11 last thing that you want to do is to listen to the
12 type of testimony that you are going to hear. It is
13 not easy to listen to things of a sexual nature. It
14 will not be easy as a jury to go into the jury room
15 and discuss those things and deliberate. But that is
16 your job. Your job in this courtroom is to listen to
17 the evidence, evaluate the evidence, discuss it
18 amongst yourselves and render a verdict.

19 Your job is to determine if the State has met that
20 burden and at the end of the case you will find that
21 they did not and Mr. Lawson will remain innocent of
22 the charges.

23 Thank you.

24 THE COURT: Miss Desch, Miss Russo, you may call
25 your first witness.

1 MS. RUSSO: The State calls Older Brother
2 called as a witness, was sworn by
3 the clerk and testified as follows:

4 MS. INZERILLO: May we approach briefly.

5 (Whereupon, there was an off the record
6 discussion.)

7 DIRECT EXAMINATION

8 BY MS. RUSSO:

9 Q Good morning.

10 A Good morning.

11 Q Can you tell me your name for the record?

12 A

13 Q Can you spell your last name.

14 A

15 Q Where do you live now?

16 A Do you want the full address?

17 Q Sure.

18 A Road.

19 Q Is that in York County?

20 A Yes. Wait. Cherokee County. My bad.

21 Q Cherokee County.

22 Q Who lives there with you?

23 A My stepdad, me and my little brother and my mom.

24 Q What's your stepdad's name?

25 A Michael Beaty.

1 Q What's is your mom's name?
2 A April Beaty.
3 Q What's your brother's name.
4 A Younger Brother [REDACTED] or [REDACTED] My apologies.
5 Q It's a trick question. Do you have any other siblings?
6 A My sister but she moved out.
7 Q Does she live nearby?
8 A She's almost in the same trailer park as us, yes.
9 Q What's her name?
10 A Sabrina Beaty.
11 Q Is she older than you or younger?
12 A She's older than me.
13 Q Do you know what her birthday is?
14 A [REDACTED], I believe or [REDACTED]. It's one of
15 those.
16 Q What is your birthday?
17 A [REDACTED].
18 Q 2004?
19 A 2004.
20 Q Do you know Younger Brother S [REDACTED] birthday?
21 A [REDACTED].
22 Q Okay. How long have you lived at your current address?
23 A Roughly nine, ten years. I can't remember the exact
24 date.
25 Q A while?

1 A Yeah.

2 Q And while you have been living there have you had
3 reason to meet Phillip Lawson?

4 A Are you asking like how we met?

5 Q Have you met him? Do you know Phillip Lawson?

6 A Yes.

7 Q And is he in the courtroom?

8 A Yes.

9 Q Can you identify who he is in the courtroom?

10 A He's sitting over there. The brownish jacket. Bald
11 head.

12 Q And do you remember how you met Mr. Lawson?

13 A I do, yes.

14 Q How did met him?

15 A I met originally his son, Cole Lawson, on the bus
16 because he was sitting in my seat and it was around sixth grade
17 give or take. So I sat with the kid. We got talking and
18 realized he got off at my stop and coincidently enough his
19 sister met my sister. They became friends and my mom met his
20 mom and they all became friends coincidently. And then with all
21 this being known us being kids we're like, hey, can we go play
22 at your friend's house and mom being my mom was like, do I know
23 these people. And after she got talking with them and
24 everything we eventually was allowed to go over to their house
25 and that is where I originally met Phillip. Of course it took a

1 little bit of time for my mom to gain her trust for us to let us
2 go over there but that is how we eventually met and I spent a
3 lot of time over there.

4 Q So it started out just kind of like kids do, meeting at
5 school, meeting on the bus and you're about the same age as
6 Cole.

7 A Yes, he's one year older than me.

8 Q And your said your sister became friends with Mr.
9 Lawson's daughter?

10 A Yes.

11 Q And what is her name?

12 A Katie Lawson.

13 Q And they are about the same age?

14 A Yes, ma'am.

15 Q And were you friends with Katie? Were you friends with
16 any of the other siblings?

17 A After a while me and Katie -- after a while we all kind
18 of grew up like brother, sister. Of course we weren't, but we
19 got to the point where we were so close where it kind of felt
20 like family.

21 Q It felt like siblings, cousins, family. Were there any
22 Lawson siblings in their house?

23 A There was around the time Kyle Lawson lived there but
24 he was working age so he wasn't there as often because he
25 worked. Phillip was there, Cole was there and Katie was there

1 and their mother, Missy Lawson was there.

2 Q Do you remember what their address is? Where they
3 lived?

4 A Honestly, I still don't know to this day. I just know
5 the house and how to get there.

6 Q Okay. Is it near your house?

7 A Yes, ma'am. It's right down the road.

8 Q Same bus stop?

9 A The bus did not go down that far. To get to their
10 house you had to take a dirt road and I was a little off of
11 their track so they never went down that route.

12 Q Were they in Cherokee County or York County?

13 A They're in Cherokee County.

14 Q Okay. So you would go over there and when you started
15 going over there, do you remember how old you were? I think you
16 might have said what grade you were in?

17 A Roughly, I can't remember my exact age. I just
18 remember my grade level which was around sixth grade, give or
19 take.

20 Q And that's when you started going over there. You
21 stated meeting them, knowing them, getting closer to them?

22 A Yes, ma'am.

23 Q When you went over there at that time did the
24 children's mother live in the house?

25 A She did, but she was in a separate room from Phillip

1 because she had medical issues, of course. They weren't going
2 to tell a child the reason why. All we knew was medical reasons
3 so she slept on a mattress in the living room and he had the
4 entire room to himself.

5 Q So he had a separate bedroom and his wife slept in the
6 living room?

7 A Yes. They were not allowed to sleep together because
8 of the medical issues.

9 Q Some medical problem?

10 A Uh-huh.

11 Q Did those medical problems ultimately lead to her death
12 at some point?

13 A Honestly I have not asked Cole the reason because it's
14 a sore subject for him so I try not to bring it up to him
15 because growing up together he became my best friend and we
16 looked out for each other.

17 Q She died at some point?

18 A Yes.

19 A Do you remember around when that was.

20 A Roughly, give or take, I'd say 2018, 2019.

21 Q So when you went over there initially she was there and
22 she was present in the house?

23 A Yes.

24 Q And were all the siblings living there at that time or
25 who was living there around the time you started going over

1 there.

2 A Whenever I started going over there of course Chance
3 Lawson, that's there other son. He had already moved out I'm
4 pretty sure with his woman and was already working on starting a
5 family of their own. Kyle was still trying to get his bearings
6 in the world. Still working on getting a job. All that stuff.
7 So he was out and about as a 18, 19 year old would be. And
8 Katie was always in her studies so she was usually in her room
9 or hanging out with my sister and I was always with Cole 90
10 percent of the time.

11 Q Okay. When you went over did you spend the night?

12 A On many occasions, yes.

13 Q And was there a lot of back and forth? Did they spend
14 the night at your house or you spend the night there? What was
15 that like?

16 A I'll be honest. Whenever Cole and them came over to
17 our house they didn't like it because they had to do chores.
18 Over there we didn't have to do chores so we kind of went over
19 there a lot because we didn't want to do the chores.

20 Q So mostly were you over Lawson's house?

21 A Yes.

22 Q Okay. And when you started going over there and you
23 spent the night, what were the usual sleeping arrangements?

24 A Mainly in Phillip's room on a mattress that he laid on
25 the floor.

1 Q And who be sleeping in that room?

2 A That would depend on if me and my brother were staying
3 over. If me and him were both staying over we would both sleep
4 in there with with Phillip on the mattress and if it was just me
5 who stayed over I would be stuck on the mattress by myself and
6 I'm pretty sure vice versa.

7 Q So when you went over that was the place you slept was
8 on a mattress in Philip's Lawson bedroom?

9 A Yes, ma'am.

10 Q And tell me a little about this mattress. So you get
11 in the room. Is there just one bed and that's the mattress or
12 is there another mattress you're talking about?

13 A There was his bed that was in the top left corner of
14 the room as you walk in and to the right there was a computer
15 desk with a computer and a chair there with his end table right
16 next to his bed. And the mattress usually sat up against the
17 wall behind the door and he would just flung it over to the
18 floor, like, here you go. And it was a pretty light mattress
19 for me now at least. I didn't really fit on it. I always been
20 a tall person so my feet would always dangle off, so...

21 Q So even back in sixth grade tall enough your feet would
22 dangle off the end of mattress?

23 A In sixth grade I was around five foot eight, five foot
24 seven.

25 Q So you go in the room. Mattress would come down.

1 Would it block the door?

2 A It depended on -- okay, so whenever it would lay on the
3 floor we would mostly push up against the table where the
4 computer was sitting at so it wasn't hit on the door as it
5 opened. But there were times it blocked the door and people
6 couldn't go in or out unless we moved the mattress.

7 Q Was the door ever locked?

8 A Yes.

9 Q When would the door be locked? Every time you went to
10 sleep? Sometimes?

11 A Originally whenever it started and I was staying over
12 it wasn't locked. It started happening after everything started
13 taking place and the door would start getting locked more and
14 more often.

15 Q As your family and the Lawson family got closer did you
16 start hanging out as families together?

17 A Yes. We went on camping trips together. We went
18 swimming together. Fishing together. We hung out for the
19 holidays, Thanksgiving, Christmas. All of that. Even when we
20 went over to the house sometimes their parents would give us
21 Christmas gifts and we would do the same.

22 Q Were those generally happy times? Good things? Good
23 memories for the most part?

24 A Good memories for the most part, but I didn't know what
25 was going behind the door so of course it was happy whenever we

1 were out and about with other people, but after a while
2 everything else would end.

3 Q Looking back, is there anything you remember from those
4 camping trips that you look back and realize what was going on
5 and wasn't right?

6 A Yes. As for the around the time I was 12, 13 and my
7 brother was -- he's younger than me, so about four, five years
8 younger than me. We weren't allowed to go to the showering
9 places by ourself because my parents were afraid. A, you might
10 get kidnapped. So they would send an adult man with us to take
11 a shower which would either be my stepdad or Phillip. Nine
12 times out of ten Phillip would volunteered to do it, which
13 looking back on it now I do realize that's a little bit of a
14 weird thing to do.

15 Q At the time did you think that?

16 A At the time, no. I was always told trust your elders
17 especially if my parents told me to, so I trusted him.

18 Q So you started with the basis of the trust and you
19 didn't have a reason to question him?

20 A Pretty much, yes.

21 Q So, tell me about what it look like when he would take
22 you to the showers on the camping trips?

23 A Around this time it was me and my brother so I was 12,
24 13. I got the basics of general guy hygiene while my brother
25 did not. So he would mainly spend most of his time with Younger Brother

1 in the shower and I would be -- because the way the showers were
2 they were open. They're just hanging stalls and everything, and
3 they did have some clear plastic things just like draped between
4 them and he would be usually in the stall with Younger Brother bathing
5 him and I would be right on the other side on the other one
6 doing my own thing because, again, I was of the age where I had
7 the basics down.

8 Q So would you be able to see them through this clear
9 shower curtain?

10 A It was clear but also a little foggy so therefore you
11 could see them. You could see the outline of them, but it
12 wasn't a clear picture.

13 Q Okay. Did Mr. Lawson ever shower in the same stall or
14 same area with you?

15 A Not really, but he would peek in and be like just he
16 wouldn't really say anything. He would just look in. At the
17 time I just thought he was just checking to see if I'm good, but
18 looking back there could have been alternative motives.

19 Q And he was also showering at that time?

20 A Yes, he was naked, yes.

21 Q When someone else took you to the showers, your stepdad
22 took you to the showers, would it also normal for him to shower
23 with you?

24 A He didn't really shower with us only when he did shower
25 was with my brother because again he was young, but the thing is

1 there was a difference. My stepdad would not have his hands on
2 Younger Brother which Phillip would. My stepdad would be like, hey, you
3 didn't clean this. You need to clean this or this will happen.

4 Q You would see Mr. Lawson touching your brother?

5 A Yes, Phillip would -- he would wash Younger Brother and he
6 would just tell Younger Brother lift your arms. Spread your legs. All
7 that stuff and he would clean for him.

8 Q Was it just normal washing or was there any touching of
9 private parts?

10 A There was when he would clean his genitals, yes.

11 Q Did you ever see any details of that that you can
12 share?

13 A No, usually as a 12-year old boy I would not like to
14 see my brother naked so I would look away.

15 Q It's not something you were focused on?

16 A Pretty much, yes.

17 Q And these showers, did they also happen in the Lawson's
18 home? Did you ever bath there because you were spending the
19 night?

20 A I would, yes, and again, there were times where we
21 needed to rush to take a shower because for an example we went
22 out swimming at one point and I got a rash and my brother
23 stepped on poison ivy. So we both had to get a shower together
24 because there wasn't enough hot water to go around for everyone
25 to take a shower, so because we work on well. You have limited

1 amount of hot water. So me and my brother would take a shower
2 together. There were times where he would just check in but
3 also I did notice whenever I took a shower by myself he wouldn't
4 come in, but whenever Younger Brother was left alone he would usually be
5 in the bathroom with him.

6 Q Was that -- that was a long time ago. You may have
7 trouble picking in age. Was that early on in your relationship
8 with the Lawsons? Was that later? Do you know?

9 A Roughly give or take about a year. Like I say after we
10 met them but I'm horrible with dates.

11 Q That's okay. So about a year or some time into your
12 relationship with the Lawsons --

13 A Yes.

14 Q -- you would start to notice this where Mr. Lawson
15 would go into the bathroom and watch your brother shower?

16 A Yes.

17 Q And you said you sometimes had to take showers
18 together. Did you ever have to take baths together at the
19 Lawsons?

20 A We didn't really know the difference between a bath and
21 a shower so we would just fill up the bathtub. We had toys in
22 there of course and we would just get a cup. Usually like just
23 a big Hardees cup and bring a cup of water and like we were
24 taking a shower.

25 Q That's the shower?

1 A Pretty much. They did have a shower head, but we
2 didn't really use it much. Whenever we did take a shower
3 together that was how.

4 Q That's what you mean when you take shower. Kind of
5 bath and shower.

6 A Yeah, pretty much. Whenever I did take a shower myself
7 it was like a normal shower. It was just usually because my
8 brother was younger. He enjoyed playing with toys. I was in
9 there trying to get myself clean and get out because I just
10 wanted to chill with Cole and play games mainly.

11 Q Did you bathed with your brother when you were at home
12 too?

13 A Never.

14 Q And so when you bathed together at the Lawsons, did
15 Phillip ever come in and do anything during those baths that you
16 were there and you saw?

17 A There were times where he came in to wash Younger Brother but
18 he at the time I thought he just left me up to clean myself
19 because of the age difference.

20 Q And when you say, to wash Younger Brother do you mean any
21 particular part of his body?

22 A From what I seen, chest, armpits, other places.

23 Q Can you tell me what those other places are?

24 A Genitals.

25 Q How often do you think you saw Mr. Lawson do that? If

1 you can give a time could you say whether it was once a week or
2 once a month or only once? Was it more than once?

3 A I can't really give an answer to that because I can't
4 remember, but a few times.

5 Q All right. Were there other places in the home where
6 inappropriate things happened?

7 A Mainly just bathroom and his room.

8 Q I will talk about the bedroom a little. You said there
9 was a mattress in the bedroom?

10 A Yes.

11 Q That would come down and you all would sleep on it?

12 A Yes.

13 Q Did anything else take place on that mattress?

14 A Mainly, not really. Just after all the touching and
15 all that started taking place it kind of moved to his bed and
16 the mattress was kind of left alone.

17 Q So, where did it start happening? After the touching
18 in the bath, where else did things start happening? Was that on
19 the mattress?

20 A It wasn't on the mattress originally. I can remember
21 around the first time that it happened me and Younger Brother were in
22 room together and we were laying on the mattress just
23 roughhousing as brothers do. That was at one point I just
24 punched him, just to do it and we would argue just to do it and
25 he had a box TV -- it was either box TV or either a little flat

1 TV at the top of the dresser at the foot of the bed and he
2 didn't have like direct TV or an of that. So it was just like
3 the old channels and black and white stuff. So we would usually
4 just sit there and watch that and put some shows on there that
5 we would watch just to pass the time and during one of those I
6 can remember he called for -- I can't remember if it was me or
7 my brother, but he told us to look and he had his penis out and
8 then he started like, do you want to touch it and then he
9 started teaching us how to do it with himself.

10 Q And this is the first time you remember what you would
11 consider like the incidents starting?

12 A Yes.

13 Q And both you and Younger Brother were in the room?

14 A Yes.

15 Q And was it normal for you all to be in his room
16 watching TV? That part started out, was that a normal
17 occurrence?

18 A It was usually normal around the time we had to go bed
19 because I was not allowed to stay in his room because me and
20 Cole -- Cole was a collector like knives and all of that stuff
21 and we kind of thought they were cool and we would roughhouse
22 during the night and wake people up so we were forced to sleep
23 in there with Phillip. But after a while -- like maybe after a
24 few weeks and everything starting I would try and distance
25 myself from the room, but there were times where I was -- for

1 example, I use to have old DS where I would sit in the other
2 room play Mario card. Play all that stuff because I really
3 wasn't an outside person type. But there were times where I
4 would see him get up from the -- okay, so in the living room he
5 had a desk behind the two couches that they had. It was kind of
6 in the kitchen but over there to the corner where they had the
7 Wifi box and other stuff. There was no kitchen appliances over
8 there. But he had a table with a roller chair and they had a
9 bunch of like can drinks and everything over there that his wife
10 and him drink and I would see him get up from there and start
11 heading back to the room and maybe a few minute later Younger Brother
12 would head back there as well and then they would be in there
13 for sometimes hours. Sometimes like 30, 40 minutes and then
14 come out.

15 Q Was that related to getting ready for bed or was that
16 something that just happened during the day?

17 A That would happen during the day time. Around night
18 time mainly it took place with me.

19 Q Did you first notice these interactions with [REDACTED]
20 before it started with you or after?

21 A I did notice they were like showering together but I
22 didn't think anything different of it because I had seen my
23 stepdad do it with [REDACTED] and I would sometimes be there for it
24 because whenever we go camping sometimes Mike would have to show
25 [REDACTED] how to clean.

1 Q And you were 12, 13 at that time?

2 A Yes, because -- a little graphic, but my brother would
3 not clean behind the skin of the genital so my dad would be like
4 hey, you got to do that or this will happen and so at one point
5 he kind of scared us. If you don't clean behind it it will fall
6 off. Well, that's interesting. So I didn't really think much
7 about it and I just thought that's how it was done.

8 Q So there was some normalcy in that, but what you saw
9 with Mr. Lawson is different from what your stepdad did?

10 A Yes, ma'am.

11 Q With your brother?

12 A Yes.

13 Q So I want to go back to the first time that you
14 remember and you said you were in the bedroom and it was normal
15 and you were getting ready for bed and you're on the mattress.
16 What happens to make it stop being normal? You said he asked
17 you to do something or asked you if you wanted to do something?

18 Q We were laying on the mattress on the floor. Just
19 watching the TV around the time. It was actually time we
20 finally settled down and then he just says look. I can't
21 remember if he called for just one of us or both of us and he
22 had his penis out and was just like, look at it and all this
23 stuff and us being curious kids, what is that. And I remember
24 at one point because it kind of stuck with me because there for
25 a while I did carry the guilt because I initially started the

1 thing. I was like, why does that look different than mine? And
2 I was curious and was asking questions and then it led to him it
3 was like if you take your hand and do this, you'll get to this.
4 I was like okay and I done it and then it lead to Younger Brother doing
5 it.

6 Q So, he showed you his own penis?

7 A Yes.

8 Q And then instructed you in how to make yourself look
9 similar?

10 A Nod.

11 Q And then [REDACTED] did it as well?

12 A Yes.

13 Q How did that make you feel at the time?

14 A At the time I was curious. I was just like if his
15 works like that why don't mine. I was just kind of curious
16 about the human body at that point.

17 Q And were you still in sixth grade at that time or were
18 you older?

19 A I would like to say this was around summertime after
20 sixth grade because we weren't really allowed to stay there
21 often during school hours because my mom was like, no, because
22 if you go over there this time then you think you can do it
23 after school all the time. It will mess with your school and
24 all this stuff and I was just like, okay, whatever, but during
25 the summer we were there almost every week.

1 Q So summertime you're there more often and that's when
2 things kind of moved from bathing to in the bedroom?

3 A Yeah.

4 Q That day that it first started and he asked you to
5 touch yourselves, did anything else happen? Did he ask you to
6 do anything else?

7 A No.

8 Q Did there ever come a time when he asked you to do
9 something else?

10 A Yes, maybe after -- not even -- I would like to say
11 after maybe -- I can't really give like a direct timeframe, but
12 it was a while after it started. Again me and my brother ended
13 up in the same room with him again.

14 Q So between this first time and when it progresses to
15 something else, are you still having times where this is
16 happening again? Where he's doing inappropriate things with you
17 again?

18 A Yes, but usually Younger Brother was not there for it. So for
19 a while I thought Younger Brother wasn't a part of it. There was at one
20 point where he did want me and my brother to do stuff to each
21 other for him to watch and we looked at each other and we said
22 no and he didn't push it. He tried like pushing it a little
23 bit, but why, if you do this to each other it will do this. We
24 eventually we just said no.

25 Q When it starts and it starts with touching yourself,

1 did that happen more than once before it progressed or were
2 there multiple times where he exposed himself to you or asked
3 you to do things in front of him?

4 A Yeah, almost every time that we were over there. Not
5 all the time but almost every time that we were there he would
6 have us touch him. Show us different things. Show us how to do
7 it and all that. If I can give a guesstimate I would say --
8 let's just say if we stayed there three weeks. Only there on
9 the weekends, probably happened two days out of those three
10 weekends.

11 Q So it progressed to him asking you to touch him?

12 A Yes.

13 Q What would -- and that happened more than once?

14 A Yes.

15 Q What would that typically look like? Your memory of
16 that happening, what did that look like in terms of how it
17 happened? How it started when he would do that? Where would
18 you be?

19 A Usually since we were both curious whenever it started
20 I -- trying to think of -- okay, so him laying down that would
21 put me on the right side because I was closest to the wall
22 whenever it started. Because I crawled up on the bed. Was
23 curious and I got to the right side where Younger Brother was on the
24 left side closer to the end of the bed I'm pretty sure.

25 Q On Mr. Lawson's bed?

1 A Yes.

2 Q And did he make a request? Did he ask you to do
3 something?

4 A He was just like, why don't you do this and then he was
5 like, this will happen if you do this and he would explain the
6 steps and we done as we were instructed.

7 Q What was he explaining the steps to?

8 A The first one he explained was if you grab my penis
9 like this it -- from what I can believe -- I believe it was from
10 the bottom and he was like if you tug like that --
11 (demonstrating)-- that's weird to do. If you do it like that
12 then it will start getting harder and all that and we were like,
13 really? So we done it.

14 Q And so when he asked you to do that and you did it, how
15 did it end? When was it over?

16 A There were times where he didn't finish. So it would
17 just go back to soft and then there were times where he did
18 finish and that's how it ended some times.

19 Q When he did finish, do you know what happened with the
20 semen, do you recall?

21 A He typically had tissues like on his end table. He
22 would demonstrate how to clean up after you finished and showed
23 us how to like get rid of it and all that stuff.

24 Q You keep saying he was teaching or instructing, is that
25 something he actually said to you?

1 A What do you mean?

2 Q You said a couple of times he taught us. He instructed
3 us to do this. Was that something that you understood from Mr.
4 Lawson? Did he say anything about teaching or instructing or is
5 that's just your interpretation of it?

6 A He didn't say, hey, I'm going to teach you this. He
7 just started instructing us how to do it and I just took that as
8 a teaching thing.

9 Q He's giving directions?

10 A Yeah, pretty much.

11 Q And that incident involving -- I'm going to go ahead
12 and call it hand job -- did that happen more than once?

13 A Yes.

14 Q Did it happen multiple times?

15 A It happened for around whenever it originally started.
16 Usually almost every time whenever it started but then
17 eventually ended up with mouth.

18 Q Did that then progress to oral sex?

19 A Yes.

20 Q Did that result in completion?

21 A Sometimes.

22 Q Okay. So similar to the other act, sometimes yes,
23 sometimes no?

24 A Yeah, but it did happen more times with that so...

25 Q And was that oral sex on you or oral sex on the

1 defendant?

2 A He had me do it to him and then sometimes he did do it
3 to me.

4 Q And that also happened multiple times?

5 A Yes.

6 Q Do you recall when the oral sex first started? Did it
7 take years to progress to that? Was it months? Was it early
8 on? Later?

9 A A few months. Roughly four or five.

10 Q So it started in the summer after 6th grade and perhaps
11 in 7th grade?

12 A It started happening in 7th grade on the weekends.

13 Q And then that happened more than once?

14 A Yes.

15 Q Did that happen until it ended?

16 A Yes. The way it ended for me was because it was like a
17 normal weekend. He originally started in the bedroom and then
18 he was like come on, we're going to go the store. Okay. I
19 hopped in the car and he ended up taking me to a store that had
20 lube and other sexual products, condoms and all that stuff and
21 once I seen him get a lube I was around 14'ish at the time, so
22 around that time I had a general idea where that was headed and
23 in the car I just flat out told him, I don't want to do this.
24 This is wrong and to my surprise he backed off and I stayed away
25 from him and not knowing at the time it moved -- transitioned

1 over to my brother.

2 Q What did you understand the lube and the trip to the
3 store to mean? Was intended?

4 A Penetration of the butt.

5 Q And that's what you told him you didn't want to do?

6 A Yes, and I just flat out at that point we don't need to
7 be doing this. This is wrong. We can't do this at all.

8 Q Before that point had you ever refused?

9 A The only time before I refused was whenever he tried
10 getting me and my brother to do things together and he pushed it
11 and when he pushed it that same day I did tell Cole. I told
12 Cole what was going on.

13 Q So you had at some point told him you didn't want to do
14 certain things?

15 A Yes.

16 Q Did everything stop when you told him I don't want to
17 be involved with my brother?

18 A No, it kept going.

19 Q Did you say it stopped once you told him this is wrong
20 and I don't want to do this?

21 A Yes.

22 Q When you talk about how it started and you talked about
23 your brother, as it progressed with oral sex was your brother
24 some times involved in that? Did you ever see your brother
25 involved in that?

1 A There were a few times, yes. I did see him involved
2 with it.

3 Q Did you see him perform oral sex on Mr. Lawson?

4 A My brother, yes.

5 Q And did you see Mr. Lawson perform oral sex on Younger Brother

6 A I can't really remember, but if I do have to say I
7 would say probably.

8 Q If you don't remember you don't remember.

9 A Okay. I don't remember.

10 Q Okay, but you do remember the other way around?

11 A Yes.

12 Q And you said Mr. Lawson at some point asked you to
13 perform acts on each other?

14 A Yes.

15 Q Did that happened once or more than once?

16 A It happened that once but he did try and push the
17 matter and it kind of felt like he was trying to make it our own
18 idea but we just looked at each other. No. No.

19 Q You said he was trying to make it your idea?

20 A Yes.

21 Q How was he doing that?

22 A He was looking at each other -- he was looking at both
23 of us and it was like, if you do this to each other then it will
24 feel just like the same way and also if you do this it can
25 straighten your bond's, brother and stuff and I was like why.

1 Q And did you question him at that time?

2 A I didn't question the means on it. I just told him
3 that's my brother. No.

4 Q Did you ever before the last time you finally did tell
5 him no, you never told him you didn't want to do something other
6 than those two times?

7 A Yes, ma'am.

8 Q Did you ever question his reasons for asking why he was
9 doing this to you?

10 A I did not. The usual questions I did ask was typically
11 why does your body react to it that and it was just curious
12 questions as a kid.

13 Q So it seemed educational?

14 A Pretty much, yes.

15 Q When was the last time? Do you remember when it
16 stopped?

17 A I can not say for sure. I just remember how it
18 stopped.

19 Q Do you remember what grade you were in when it stopped?

20 A I want to say around the end of eight going into high
21 school.

22 Q Do you remember whether the defendant's wife, Missy,
23 was still alive?

24 A Yeah, she was alive.

25 Q When these things were going on in the house where

1 would she be?

2 A She never left her mattress in the living room. She
3 was on an oxygen tank and had to stay on it 24/7. The only time
4 she ever moved was whenever she went to the bathroom which
5 usually she had a walker so she would walk her way back there
6 and then back and she would typically sleep during the day and
7 she would be up at night crocheting and make things with yarn.

8 Q So she was in the living room while you were in the
9 bedroom with Mr. Lawson.

10 A Yes.

11 Q At some point did you stop sleeping in the bedroom?

12 A I did. It was around like maybe a year after it
13 started. I did start not like automatically. I did start
14 slowly stop staying in there less and less. I started staying
15 with Cole in his room, but there were times where they would
16 just stick me back in the room because me and Cole would get
17 rowdy at night and like blast music. They also had a dart board
18 and we'd throw darts in his room and just cause a lot of ruckus.
19 So there were times when they stuck me back in his room.

20 Q And were those times when you continued to be
21 assaulted?

22 A Yeah, it did happen after that.

23 Q Did that continue even after you stop regularly
24 sleeping in Mr. Lawson's room?

25 A Yes.

1 Q Did Mr. Lawson ever show you pictures?

2 A On his phone, yes. There were times where I would be
3 sitting back there laying on the bed watching TV because it was
4 night time and he would be laying there watching TV as well and
5 on his phone and he started showing me pictures of naked woman
6 and commenting on their breasts. It was like she's got a nice
7 pair don't she and all this stuff.

8 Q In these pictures were they always woman?

9 A Most of the time, yes, but there were very few times he
10 showed men but I would look away because I'll be honest around
11 that age I was just like -- to be colorful language, that's gay.
12 I don't want to partake in that because around where I was
13 growing up gay was frowned upon, but of course I'm cool with it
14 now. Do as you wish.

15 Q Okay. So when he showed you these pictures of naked
16 woman or men were they engaged in any sexual acts?

17 A There were some times where they were performing acts
18 of sex and then there were times they were just like naked
19 pictures of them posing.

20 Q Are these the type of pictures that you could see on
21 regular day time television or are they something else?

22 A Mainly on porno, I will be honest.

23 Q Do you know if that's a specific site he was using or
24 --

25 A That would be just how I describe it.

1 Q But they were pornographic images that he would show
2 you?

3 A Yes.

4 Q Do you recall how old you were when that began?

5 A I can not.

6 Q Do you recall how old you were when it stopped?

7 A Around the end of eighth grade going to high school.
8 That's all I can say.

9 Q Was that -- did that coincide with when the assault
10 stopped? Was it around the same time or was it different?

11 A Typically to him showing pictures?

12 Q Uh-huh.

13 A That did end around the time that I stopped everything
14 because like there were times he would just show me photos
15 during the time everything was going on.

16 Q Did the photos lead to sexual assault or did they feel
17 unrelated to that?

18 A He started showing them after everything started
19 happening and there were times I would ask questions about the
20 male anatomy and then he would just show me pictures of a
21 woman's vagina and it would be other part. This is the part
22 that a male would typically have intercourse with.

23 Q So it might sometimes start because you were asking
24 questions?

25 A Yes.

1 Q Did it ever start out of the blue?

2 A Yes.

3 Q Did he ever talk with you about keeping it a secret or
4 not telling anyone?

5 A There were times when it originally started he did tell
6 me you can't tell people this and I was like, okay.

7 Q Did he explain why?

8 A No.

9 Q Did he ever explain why?

10 A Not that I can remember.

11 Q And eventually you did tell somebody and this case
12 started. When was the last time you saw Mr. -- when you went
13 over to Mr. Lawson's house, do you remember?

14 A Yes.

15 Q When was that?

16 A It was I think the week of everything coming out but
17 the week that it did come out I initially didn't come out with
18 it.

19 Q So you're made aware there's an allegation and are you
20 questioned about it?

21 A Yeah.

22 Q And who questioned you about it?

23 A My parents questioned me originally. They were like,
24 Older Brother you were over there. There's no way you didn't know any
25 of this was going on and eventually I told them, yes, I did.

1 Q At that point you said your assault stopped maybe
2 around eighth grade. Somewhere around there. End of eight
3 grade. Was this years after that? Months after that?

4 A It was a few years after. I want to say tenth give or
5 take.

6 Q So you went about two years where you had made your
7 abuse stop and you hadn't told anyone?

8 A Yes.

9 Q And then when your questioned about it initially you
10 say, no, it didn't happen. I don't know anything.

11 A Uh-huh.

12 Q But then after being questioned you decided you had to
13 tell?

14 A Yes.

15 Q Why did you initially deny what happened?

16 A After everything had happened and everything and I
17 entered high school and everything I did start learning the
18 differences between right and wrong and I was like okay, that
19 was wrong. I didn't want anyone finding out about it because
20 I'll be honest. High school was a cruel time. I already wasn't
21 really what you would call a popular kid. I was already a shy
22 type. Stay away from people. So, that would just make the
23 matters worse. So I didn't want to come out about it because
24 around that time I felt that would -- I guess you would say,
25 impact my views of being as a man.

1 Q You were worried about how other people would see you
2 as a man?

3 A Yes.

4 Q Were you worried about being responsible or blamed for
5 anything that happened?

6 A A lot. I carried a lot of that guilt. I still carry
7 that guilt.

8 MS. RUSSO: Court's indulgence.

9 Q Older Brother I want to ask you again to identify Mr. Lawson
10 in the court?

11 A Right over there, (pointing) bald head and brown
12 jacket.

13 MS. RUSSO: Let the record reflect that Mr. Beaty
14 has pointed out the defendant.

15 THE COURT: The record will so reflect.

16 MS. RUSSO: Thank you, Your Honor.

17 Q Is there anything else identifying about that you can
18 think of? I know that's a broad question, but are there any
19 tattoos, marks, anything that you can think of as being unique
20 to him?

21 A He does have a scar across his chest and front area. I
22 can't remember if he has any on his lower half.

23 Q Okay.

24 A I do want to say I think maybe there is a scar on his
25 left leg.

1 Q Okay.

2 A It's kind of hard to remember. I haven't seen any of
3 that in a while.

4 Q So it's been years since you saw Mr. Lawson
5 inappropriately?

6 A Yes, but I can say for certain he does have scars
7 across his chest and front.

8 Q When you were that age and it first started you said
9 you were curious and his looked different than yours?

10 A Yes.

11 Q Was that one of the first penises that you had seen?

12 A Around that age, yes, it was.

13 Q You didn't have a lot to compare it to?

14 A Pretty much. The only one that I ever seen prior was
15 my brother's because we'd shower together and actually that's
16 about it.

17 Q So you hadn't gone out and looked at photos at that
18 point or seen those things?

19 A Around this age I wasn't even allowed to have a phone,
20 so no.

21 Q You grew up with him. What was he like? What's your
22 memory of him as a little kid?

23 A A little kid, energetic. Way to energetic to my
24 liking, honestly. I've seen a few videos and everything on
25 Mom's my facebook of me and him playing air guitar in the living

1 room and him flopping around because he thought it was dancing,
2 so...

3 Q So ball of energy?

4 A Pretty much.

5 Q Was he a mean kid? A sweet kid? An angry kid?

6 A He was a pretty sweet kid. He told people he loved
7 them even if he didn't even know who they were.

8 Q So a normal kid?

9 A Pretty much.

10 Q Growing up has that changed for Younger Brother Have you
11 noticed a change in him?

12 A Drastically, if I'm being honest.

13 Q When did you start to notice anything like that?

14 A Honestly can't remember. The only reason I still
15 remember him the way that he was as a kid with energy and all
16 that stuff is because of facebook. If I didn't see those videos
17 I wouldn't have remembered it because the way he is now it feels
18 like that's how he has been for as long as I can remember.

19 Q Now, the things you talked about and the things that
20 happened to you, they happened multiple times?

21 A Yes.

22 Q And once it progressed to oral sex did that happen each
23 and every time or were they different?

24 A It alternated between hand jobs and more.

25 Q And are these things that you enjoy thinking about?

1 A If I'm being honest, I'm highly uncomfortable right
2 now.

3 Q That's okay. Do you look back and want to relive any
4 of these things? Any of of these instances?

5 A No, not really.

6 Q Is it easy for you to pull details and specifics from
7 dates and times of these and incidents?

8 A I'll be honest no. The only three details I can
9 remember is how it started. The one with my brother because
10 that was a big one that I said no with and how it ended and the
11 only reason I can remember those is because after everything
12 happened I had nightmares for nights on end and those were the
13 main three that kept coming up in my dreams.

14 Q But you know it happened more times then that?

15 A Yes.

16 Q And it's just -- you were able to make it end and after
17 that you didn't want to think about it.

18 MS RUSSO: I have nothing further at this time,
19 Your Honor. Please answer any questions the defense
20 may have.

21 THE COURT: All right, ladies and gentlemen, it's
22 12:45 so we will take a lunch break. I remind you
23 please don't discuss this case with anyone else
24 including each other. Please don't read or watch news
25 reports and please don't do any outside research.

1 With that said, I would ask you to be back at 2
2 o'clock please.

3 (WHEREUPON, the jurors leave the courtroom.)

4 THE COURT: Anything we can take up from the State
5 before we break for lunch?

6 MS. RUSSO: Just to put on the record that the
7 witness should remain under oath. The Court may wish
8 to admonish as to exactly what that means. What he
9 can and can't talk about.

10 THE COURT: Anything from the defense?

11 MS. INZERILLO: No, Your Honor.

12 THE COURT: Mr. Beaty, you're still under oath and
13 you will be testifying after lunch so you can't
14 discuss your testimony. Okay. So you can go out to
15 lunch with your family or with the prosecutors and you
16 can talk about anything else, but you can't talk about
17 the case or your testimony. Okay.

18 THE WITNESS: Okay.

19 THE COURT: You may step down. Court will be in
20 recess until two o'clock.

21 MS. INZERILLO: Thank you, Your Honor.

22 (WHEREUPON, court was in recess.)

23 THE COURT: All right, counsel, I've received a
24 note from the jury that they have elected Miss Gamble,
25 juror number 87 as foreperson.

1 Anything from State before we bring the jury back
2 in?

3 MS. RUSSO: Nothing Your Honor.

4 THE COURT: From the defense?

5 MS. INZERILLO: No, Your Honor.

6 THE COURT: Let's bring them in.

7 (WHEREUPON, the note from the jury was marked as
8 Court's exhibit number 6.)

9 (WHEREUPON, the judge was handed another note by
10 the bailiff.

11 THE COURT: They would like the volume turned up
12 on the sound system and they would like more snacks
13 and drinks.

14 (WHEREUPON, the notes from the jury was marked as
15 Court's exhibit number 7 and 8)

16 THE COURT: Mr. Beaty, you may take the stand.
17 All right, ladies and gentlemen. Welcome back. Were
18 you all able to follow the rules I gave you all over
19 the break?

20 JURORS: Yes.

21 THE COURT: Thank you very much. I received the
22 note. First, that you elected Miss Gamble as your
23 foreperson. And then you also gave me a note that the
24 sound is hard to hear. So we turned that up. So let
25 me know if it's still a problem. We will try and fix

1 it if we can. And we're working on more some snacks
2 and drinks.

3 Mr. Beaty you are still under oath. Cross
4 examination.

5 THE DEFENSE: May it please the Court.

6 THE COURT: Yes, ma'am.

7 CROSS EXAMINATION

8 BY MS. INZERILLO:

9 Q Older Brother before lunch you talked about the investigation
10 that happened in this case. Do you remember that?

11 A Yes, ma'am.

12 Q Okay. And Miss Russo asked if you had talked to your
13 mom, right?

14 A When?

15 Q When she kept asking you for a few days what happened?

16 A Yes.

17 Q Okay. And you denied it for a few days, is that right?

18 A Yes, ma'am.

19 Q And today you testified that you didn't want to say
20 anything because you were afraid of what kids at school would
21 do?

22 A Partially, but also it was more conflict with myself as
23 well.

24 Q Okay. Do you recall ever saying that you also told
25 your mom just to shut her up?

1 A I do, yes.

2 Q And an investigation started after that, is that right?

3 A Yes, ma'am.

4 Q And you had to talk to a lot of people in that
5 timeframe from the time you told your mom until today, right?

6 A Yes.

7 Q And one of those people that you talk to was the lady
8 sitting in the blue shirt there, Detective Smith, is that right?

9 A Yes, ma'am.

10 Q You also talked to the two ladies sitting at the table,
11 Miss Russo and Miss Desch?

12 A Yes.

13 Q And when you talked to Detective Smith and the two
14 ladies at the table you had plenty of time to talk to them,
15 right?

16 A Yes, ma'am.

17 Q And you could tell them whatever you wanted, right?

18 A Yes.

19 Q Okay. And they didn't -- they didn't -- they gave you
20 all the time you needed to talk to them, right?

21 A Yes, ma'am.

22 Q Okay. Your testimony before lunch was that you were
23 aware that Mr. Lawson was doing things to your brother, is that
24 right?

25 A Yes, ma'am.

1 Q And obviously your testimony is that he was doing
2 things to you?

3 A Yes.

4 Q And during the time that you were aware he was doing
5 things to your brother you never told your mom, right?

6 A Yes, ma'am.

7 Q You never told your stepdad?

8 A Yes.

9 Q You never told police, right?

10 A Yes, ma'am.

11 Q You never told anybody at school like a teacher or
12 guidance counselor?

13 A Yes, ma'am.

14 Q And you didn't tell -- so at some point things stopped
15 with you, right?

16 A Yes.

17 Q Okay. And when things stopped with you at that point
18 you never said, but hey, Mr. Lawson is doing something to my
19 brother or has done things to my brother to any police officer
20 or anything like that?

21 A Repeat what you said.

22 Q Sure. So at any point you didn't tell a police officer
23 or anyone that he's doing things to my brother specifically?

24 A The only time I did was when I finally came out with it
25 and prior to that I did only tell one single person which was

1 Cole --

2 Q Cole, okay.

3 Q -- his son, and when I did tell him that he told me he
4 did not believe me and he looked up to his father and he wanted
5 to be like his father when he grew up and when he told me that
6 it crushed me and so him being my best friend I figured he would
7 be the only person to have my back and without having his
8 support I stop telling everyone. I did not tell anyone after
9 that.

10 Q Okay. And were you about what age at that point?

11 A I was around 13 going on 14.

12 Q Okay.

13 A I can give you the year it happened.

14 Q If you could.

15 A It was 2012, 2013 whenever I did tell Cole.

16 Q But you think you were 12 or 13 at that point?

17 A I believe so.

18 Q Okay. And then there was a few years after that before
19 you told your mom? Did I remember that correctly from this
20 morning?

21 A Yeah. I only told mom when Younger Brother came out with it.

22 Q Okay. And so during the ages between 13 and 15 you
23 didn't tell anybody?

24 A Yes, ma'am.

25 Q Okay. Like you just said, you were friends with

1 Phillip's son Cole, right?

2 A Yes, ma'am.

3 Q And you were I think also friends with other members of
4 his family that you knew, right?

5 A Yes, ma'am.

6 Q And you liked going over to his house?

7 A Yes.

8 Q Okay. And Younger Brother liked going over there too, right?

9 A Yes.

10 Q Your mom would send you over there when you and Younger Brother
11 would fight, right?

12 A No. Whenever we were fighting she would not really
13 separate us. She didn't really. She's like, okay, you're all
14 still boys. You are still going to fight either way. You are
15 siblings. We got sent over there after we got our chores done
16 or asked to go over there or whenever my was mom -- my mom has a
17 huge medical history. She has a bunch of problems. She was put
18 in the hospital a bunch of times because her heart was having
19 issues. Is still having issues, and so, we would get dumped
20 over there because we had no one else to look after us. So we
21 would all go over there some times including my sister.

22 Q Okay, and you and Younger Brother would fight?

23 A Yes, we would fight a lot.

24 Q And when you would go and hang out with Cole some of
25 the things you did you might go out and hang out in the back

1 yard for example?

2 A Yes.

3 Q Okay. You would whittle down some sticks to have sword
4 fights?

5 A Yes.

6 Q I think maybe you would throw knives maybe? Does that
7 sound right?

8 A Yes. He had a big knife collection. We'd threw them
9 at each other along pitch forks and bunch of various other
10 things.

11 Q Were there throwing stars in there somewhere?

12 A We did throw throwing stars, yes

13 Q So you would do a lot of this stuff outside?

14 A Yes.

15 Q And is it fair to say that you guys were a bit
16 rambunctious together?

17 A That's probably an understatement.

18 Q Loud?

19 A Yes, we were loud, rambunctious. Got into a lot of
20 trouble.

21 Q Okay. And I think from this morning you said that when
22 you and Cole were together you would be loud, right?

23 A Yes.

24 Q And in fact you couldn't stay in Cole's room initially
25 because you guys would be to loud together?

1 A Yes, ma'am.

2 Q And so the -- at Phillips house it's a trailer, right?

3 A Honestly I don't know. It looks more so like a house
4 because I live in a trailer. It looks nothing like a trailer.

5 Q Like a house. Okay. So this house has three bedrooms?

6 A Let me think. It has four bedrooms. There is Cole's
7 at the entry of the hallway and then once you get to the end it
8 turns into like a circle. Kind of more so a square. Kyle's is
9 right there, then Katie's is in front of his. Phillip's is
10 right beside Katie's and the bathroom is right beside his door.

11 Q And they are really close together?

12 A Yes, ma'am.

13 Q And you had talked this morning about Phillip's wife,
14 Missy?

15 A Yes, ma'am.

16 Q And at some point when you go over to the house Missy,
17 her bed was in the living room, right?

18 A Yes, ma'am.

19 Q And when you walk into Phillip's house the room you
20 walk into is the living room, right?

21 A Yes.

22 Q And so when you and Cole would be together you couldn't
23 be loud and rambunctious because Missy was sick and she was in
24 the front room, right?

25 A Yes, ma'am.

1 Q Okay. So -- all right. So let's talk about some of
2 your testimony today. Okay.

3 When -- in the investigation in this case, today was the
4 first time that you had mentioned the showering at the campsite,
5 is that right?

6 A Yes.

7 Q Okay. And the -- it was also the first time you had
8 mentioned Phillip showering Younger Brother correct?

9 A I'm pretty sure I might have mentioned it before. I
10 can not recall.

11 Q Okay. Do you recall talking to Miss Russo about it I
12 think yesterday?

13 A Yes.

14 Q Okay. Today Miss Russo and you talked about some
15 pictures on Phillip's phone, do you remember that?

16 A Yes.

17 Q And you had been asked about that before, right?

18 A Yes, ma'am.

19 Q Okay. And today was the first day you had mentioned
20 that there was sort of sexual activity?

21 A On his phone?

22 Q Yeah, like seeing things. Prior to this you had said
23 he showed me a picture and said basically look at her boobs?

24 A No, I had mentioned that before.

25 Q Okay. Today you mentioned about seeing stuff come out

1 of Phil, is that right?

2 A I have -- actually, no, I have not said that before
3 because no one has ever asked me that question so I was never
4 put into -- I guess you say, put in the point of having to say
5 that.

6 Q Okay. Do you recall the very first interview you gave
7 in this case you were asked, when you would have to do it to
8 Phil you were asked, would stuff come out and you said, can't
9 remember that?

10 A I do not remember saying that honestly.

11 MS. INZERILLO: May I have a moment, Your Honor?

12 THE COURT: You may.

13 MS. INZERILLO: Your Honor, may I approach
14 witness.

15 THE COURT: You may.

16 MS. RUSSO: Your Honor, may we approach.

17 THE COURT: You may.

18 (Whereupon, there was an off the record
19 discussion.)

20 THE COURT: Ladies and gentlemen, I'm going to ask
21 you to go back to the jury room for just a couple of
22 seconds. The rules of court allow an attorney to use
23 something, a document or video to refresh the
24 witness's memory and that's what we're going to do
25 here. Then the witness will testify. So I will ask

1 you to step back to the jury room for a minute or so.

2 (WHEREUPON, jurors leave the courtroom.)

3 MS. INZERILLO: Your Honor, as a matter of economy
4 I have a few other things I would ask Mr. Beaty about
5 this video. Would you mind if I just played each part
6 instead of having to send out the jury each time.

7 THE COURT: Since the jury has not see it, any
8 objection from the State?

9 MS. RUSSO: I don't have an objection.

10 THE COURT: That will be fine.

11 MS. INZERILLO: I will play it through the screen
12 if that's okay Mr. Beaty. That way you can hear it.

13 Okay, Mr. Beaty, I'm going to play you the clip
14 from the question I just asked you.

15 THE WITNESS: Yes, ma'am.

16 MS. INZERILLO: And Your Honor, for the record
17 this is at 10:44 of the interview with Dr. McMillan.

18 (WHEREUPON, the video was played).

19 Q Did you here that?

20 A Yes, ma'am.

21 Q All right.

22 MS. INZERILLO: I'm going to play -- Your Honor,
23 I'm going to play another section. I'm going to start
24 it a little earlier to get the audio time to catch up.
25 This is from the same video approximately at five

1 minutes and forty seconds.

2 THE COURT: All right.

3 MS. DESCH: Before you play that, I'm sorry to
4 interrupt. I just want to -- because there's two
5 different ways to do this. Are you impeaching him or
6 refreshing his recollection?

7 MS. INZERILLO: I'm okay with refreshing his
8 recollection, but it would also be impeachment as
9 well.

10 THE COURT: I'm assuming that these are questions
11 you have not actually asked and that's why I asked if
12 there was any objection.

13 MS. INZERILLO: Yes.

14 THE COURT: Miss Inzerillo is sort of
15 pre-emptively refreshing his recollection.

16 MS. DESCH: Correct, and I'm now picking up what
17 she's putting down. So -- and again, anybody correct
18 me in this room. Certainly he says one thing and in
19 testimony he's not saying I don't remember, but she's
20 impeaching because she's saying previously you said
21 you don't remember and now I'm impeaching you with a
22 prior inconsistent statement. So, I think we are kind
23 of approaching this backwards. So, I think certainly
24 if you're going to impeach he can understand what it
25 is she's impeaching him with. Get confronted with it.

1 He can either confirm or deny, and then if he denies
2 but she has it, she can impeach him with the
3 extraneous information.

4 THE COURT: But that's in front of the jury.

5 MS. DESCH: Correct. Correct. But I'm saying
6 that would then -- wouldn't she have to decide whether
7 she's putting that into evidence as opposed to
8 refreshing which is let him see it again and then ask
9 him in here whether he now remembers after seeing it
10 and then going from there and I think that's a very
11 important distinction.

12 THE COURT: I don't think you have to put things
13 into evidence to impeach.

14 MS. DESCH: I think you need -- and again, you're
15 the judge, but a prior inconsistent statement, you
16 confront the witness with the prior inconsistent
17 statement and ask, do you recall.

18 THE COURT: Right.

19 MS. DESCH: Do you agree or disagree?

20 THE COURT: Right.

21 MS. DESCH: And then they can agree and accept it
22 and move on or could they disagree --

23 THE COURT: I'm listening. I'm just pulling up
24 the rules.

25 MS. DESCH: And then if they disagree then the

1 statement is extraneous evidence that can come in to
2 show the jury this is the inconsistent statement.

3 THE COURT: Correct. Yes.

4 MS. DESCH: Okay.

5 THE COURT: Right, but we're not doing that now.

6 MS. DESCH: Well, she's kind of back-dooring it.
7 He didn't say he didn't remember right now. He said,
8 I remember stuff coming out. She's impeaching him
9 with he has said didn't remember before. So she's
10 impeaching him.

11 You refresh recollection if you ask now and he
12 says, I don't remember what I say before. Would
13 looking at your statement refresh your recollection?
14 Yes. Here's the statement. Does it now refresh your
15 recollection? Stand back. Ask the question again.

16 THE COURT: I think that's correct. It's
17 impeachment. He didn't say he didn't know the answer.

18 MS. INZERILLO: He -- the first question he said
19 he doesn't remember.

20 THE COURT: He said in the tape he doesn't
21 remember but in court he testified it did and you're
22 impeaching him with his prior statement, aren't you?

23 MS. INZERILLO: I am, Your Honor. My recollection
24 was that I asked him does he recall saying that and
25 he's says I don't remember.

1 MS. DESCH: Going back one more question. Today
2 you said with Miss Russo -- today you said, something
3 came out. Do you recall saying something different
4 before, that's impeachment.

5 THE COURT: I agree with the State. That's
6 impeachment. You're using a prior inconsistent
7 statement. Yes, he did say, he didn't remember making
8 the prior inconsistent statement, but it's impeachment
9 of his statement that something came out.

10 MS. INZERILLO: And I have to look at this again,
11 but I don't think I have to enter anything under
12 impeachment. I think I can just impeach him with his
13 prior inconsistent statement, but I don't think I have
14 to enter the video or enter anything like that.

15 THE COURT: Give me a second to read. Okay, I'm
16 reading Rule 613, prior statements. It's the
17 defense's prerogative whether or not to admit. The
18 rule says, "Extrinsic evidence of a prior inconsistent
19 statement is not admissible unless the witness is
20 advised of the substance of the statement, the time
21 and place it was made, the person to whom it was made,
22 and is given an opportunity to explain. If the
23 defendant does not admit he made the prior
24 inconsistent statement extrinsic evidence of such
25 statement is admissible."

1 Again, it doesn't say it must be admitted. It's
2 admissible. So I think the defense is entitled to
3 question the witness, show him the statement. Ask him
4 if he made it and if he denies it then the defense can
5 play the video to the jury. So I think that's Rule
6 613. I agree with the State this is not refreshing
7 recollection. This is impeachment.

8 MS. INZERILLO: Your Honor, then I have a
9 logistical question.

10 THE COURT: Okay.

11 MS. INZERILLO: There would be at least one other
12 topic where this would come up.

13 THE COURT: Why don't you ask it now as a proffer.

14 MS. INZERILLO: Well, I mean just in terms do you
15 want the jury to come back in. Me ask that question?

16 THE COURT: No, ask the question as a proffer.

17 MS. INZERILLO: And then play it.

18 THE COURT:

19 CONT'D CROSS

20 BY MS. INZERILLO:

21 Q All right. Mr. Beaty, this morning with Miss Russo you
22 testified about Phillip taking you to a sex store to get lube
23 and showing you lube. Do you recall that?

24 A Yes, ma'am.

25 Q Okay. And that was the first time you had said that,

1 correct?

2 A No, whenever they asked how it ended before I said he
3 took me to a store to buy lube.

4 Q Who did you tell that to?

5 A I'm pretty sure it's the same people that are sitting
6 over there.

7 Q The two solicitors?

8 A Yes.

9 Q Do you recall being asked in a previous interview about
10 lube specifically?

11 A I can not recall.

12 Q Okay. Would it help you to listen to that conversation
13 again?

14 A Yes, ma'am.

15 MS. INZERILLO: May I play it, Your Honor?

16 THE COURT: Yes, ma'am.

17 MS. INZERILLO: For the record this is the same
18 video with Dr. McMillan. I'm starting at the 5:41
19 mark to give it a little time to catch up.

20 (WHEREUPON, the video was played.)

21 MS. INZERILLO: Your Honor, I'm going to back it
22 up.

23 (WHEREUPON, the video was played.)

24 Q Do you recall that?

25 A Yes, ma'am.

1 MS. INZERILLO: Okay. Your Honor, that would be
2 the only other thing.

3 THE COURT: Let's bring the jury back in.

4 (WHEREUPON, the jury enters the courtroom.)

5 MS. INZERILLO: May it please the Court.

6 THE COURT: Yes, ma'am.

7 CONT'D CROSS BY

8 MS. INZERILLO:

9 Q Okay, Older Brother do you recall now stating previously that
10 you did not recall if something came out of Phil?

11 A I do recall saying I don't remember.

12 Q That was your answer, you don't remember, right?

13 A Yes, ma'am.

14 Q And this morning you testified that Mr. Lawson took you
15 to the store to get lube, is that correct?

16 A Yes, ma'am.

17 Q Okay. And you were asked in a previous interview about
18 lube, is that correct?

19 A Yes, ma'am.

20 Q Okay. And in that previous interview you indicated
21 that he had lube in his hand, correct?

22 A Yes.

23 MS. INZERILLO: Your Honor, I have no further
24 questions.

25 THE COURT: Any redirect from the State?

1 MS. RUSSO: Briefly Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. RUSSO:

4 Q Did Cole ever stay at your house?

5 A Not as often as I stayed over his, but yes, he did
6 sometimes.

7 Q When he did would the two of you sleep in the same room
8 together?

9 A Yes. Well, actually it kind of varied. Sometimes he
10 would but other times he would crash in the living room on a
11 couch that we had.

12 Q Just because he fell asleep there?

13 A There were were times. I had only a single bed in my
14 bedroom. There were some times we'd just get tired to the point
15 where we'd just pass out on the same bed and some times we
16 wouldn't even be sitting on the bed entirely and we would just
17 pass out and we'd have some of our feet hanging off and other
18 one just barely on. And then there were times he decided to go
19 to bed early. I'm going to go to the living room and knock out.

20 Q So that decision was based on your comfort and not on
21 your being too rambunctious or anything like that?

22 A Pretty much, yes.

23 Q Do you think that what happened to you has effected
24 your relationship with your brother?

25 A In all honesty I feel like --

1 MS. INZERILLO: Your Honor, I'm going to object.

2 This is outside the cross.

3 THE COURT: Sustained.

4 MS. INZERILLO: Your Honor, I would also move to
5 strike.

6 THE COURT: Ladies and gentlemen, I am going to
7 instruct you to disregard that last question. I
8 sustained the objection. So don't let it play any
9 part in your deliberations.

10 MS. RUSSO: May we approach, Your Honor?

11 THE COURT: You may.

12 (Whereupon, there was an off the record
13 discussion.)

14 Q Older Brother do you recall having an interview where you
15 were recorded, right?

16 A Yes.

17 Q And in that interview did you mention a situations
18 involving bathing with your brother?

19 A Yes.

20 Q And did you mention in that interview being invited or
21 asked or told to view porn?

22 A To view porn?

23 Q To see pornographic pictures?

24 A I can not recall if I said it in the video.

25 Q You said it before today?

1 A But I have said it before today, yes.

2 Q When this initially came out you said -- you denied
3 even that it had happened?

4 A Yes.

5 Q Was it easy for you to admit to details?

6 A No. Its still even difficult now saying some of the
7 details because it puts me at an awkward standpoint where I just
8 -- even when you were questioning about the details earlier my
9 chest will tighten up and I would -- my breath would stagger and
10 it would be hard to breath.

11 Q Has -- even though it's still difficult now, has that
12 gotten a little easier over time?

13 A Yes, it has. I have honestly for a while been sweeping
14 my own feelings under the rug and even now I'm only here because
15 whenever it came out I did feel a lot of guilt and that is why I
16 started denying it all together in general. And the main reason
17 I even came out with it at the end was because my brother knew
18 what was going on because that's how it started with both of us.
19 He walked into my room and his exact words were --

20 MS. INZERILLO: Objection, Your Honor, to the
21 hearsay.

22 THE COURT: I will sustain the objection.

23 MS. INZERILLO: I would also move to strike the
24 witness's answer, Your Honor.

25 THE COURT: I don't think the hearsay was stated.

1 I will not order it stricken.

2 MS. RUSSO: Thank you, Older Brother I have nothing
3 further.

4 THE COURT: Any recross?

5 MS. INZERILLO: No, Your Honor.

6 THE COURT: Thank you, sir. You can step down.

7 Miss Russo, Miss Desch, you may call your next
8 witness.

9 MS. DESCH: Thank you, Your Honor. The State
10 calls Younger Brother

11 MS. INZERILLO: Your Honor, may we approach?

12 THE COURT: You may approach.

13 (Whereupon, there was an off the record
14 discussion.)

15 THE COURT: Ladies and gentlemen, I apologize. I
16 need to take up a matter of law with the attorneys. I
17 would ask you to step back to the jury room one more
18 time.

19 (WHEREUPON, the jurors leave the courtroom)

20 THE COURT: All right. Miss Inzerillo, tell me
21 what you are asking to do.

22 MS. INZERILLO: Your Honor, now that the State has
23 called Younger Brother to the stand I'm asking the Court
24 to rule on the admission of the substance of the
25 interview and/or the video pursuant to subsection (f)

1 THE COURT: Let's bring the jury in.

2 (WHEREUPON, the jury enters the courtroom.)

3 THE COURT: Ladies and gentlemen, thank you for
4 your patience. We are doing our best but sometimes
5 there are legal issues we have to work through and I'm
6 very sorry, but we are ready to proceed. So call your
7 next witness.

8 MS. DESCH: Thank you, Your Honor, Younger Brother
9 please.

10 [REDACTED] called as a witness, was sworn by
11 the clerk and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. DESCH:

14 Q Good afternoon. Can you state your name and spell your
15 last name for the record.

16 A [REDACTED] [REDACTED] [REDACTED].

17 Q [REDACTED] how old are you?

18 A Fifteen.

19 Q When is your birthday?

20 A [REDACTED] [REDACTED].

21 Q Who do you live with?

22 A My brother, my mom and my dad.

23 Q And your brother is Older Brother [REDACTED]

24 A Yes, ma'am.

25 Q April Beaty?

- 1 A Yes, ma'am.
- 2 Q Dad Michael Beaty?
- 3 A Yes, ma'am.
- 4 Q Do you know Phillip Lawson?
- 5 A Yes, ma'am.
- 6 Q And who is Phillip Lawson?
- 7 A Brown jacket.
- 8 Q How long have you known Phillip Lawson?
- 9 A Ever since I can remember.
- 10 Q So as long as you remember?
- 11 A Yes, ma'am.
- 12 Q So you're born in 2007, so 2012, 2013 you would have
- 13 been five or six years old. Correct?
- 14 A Yes, ma'am, somewhere around there.
- 15 Q At five or six do you remember meeting the Lawson
- 16 family or have they just always been in your life?
- 17 A I don't like really remember anything when I was four
- 18 or five years old.
- 19 Q So in your memory Phillip Lawson and his family have
- 20 always been there?
- 21 A Yeah.
- 22 Q Was Phillip married at some point?
- 23 A Yes, ma'am.
- 24 Q To Missy?
- 25 A Yes, ma'am.

- 1 Q Did you know Missy?
- 2 A Yes, ma'am.
- 3 Q Did you go to Phillips and Missy's house?
- 4 A Yes, ma'am.
- 5 Q Who else lived in the house?
- 6 A Cole, Katie, Missy and Phillip.
- 7 Q Are you the youngest of all of them?
- 8 A Of everybody else in the house?
- 9 Q Yes.
- 10 A Yes, ma'am.
- 11 Q Is Cole the youngest of the Lawson kids?
- 12 A Yes, ma'am.
- 13 Q And Cole and Older Brother are about the same age, correct?
- 14 A Yes, ma'am. If I'm not mistaken Cole is 20 and Older Brother
- 15 is 19.
- 16 Q They are about a year apart. Do you remember when you
- 17 started going over to Phillip Lawson's house?
- 18 A May be around six. Somewhere around there. I was
- 19 young.
- 20 Q Who did you hang out with when you went over to Phillip
- 21 Lawson's house?
- 22 A Mostly Cole and Katie.
- 23 Q What about Phillip and Missy?
- 24 A I hung out with Missy too.
- 25 Q Did you hang out with Phillip?

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- 1 A Some.
- 2 Q How often did you hang out with Phillip?
- 3 A I could not give you an estimate.
- 4 Q You can't estimate? I know it's tough.
- 5 A Are you wanting like a number?
- 6 Q I don't know that anybody expects you to have a number
- 7 of times, but was it a lot?
- 8 A Yeah, a lot.
- 9 Q Is Phillip Lawson a adult or a child?
- 10 A Adult.
- 11 Q So he's over the age of 18?
- 12 A Yes, ma'am.
- 13 Q Do you know why you are here today?
- 14 A Yes, ma'am.
- 15 Q Why?
- 16 A To testify.
- 17 Q About?
- 18 A What do you mean?
- 19 Q Did something happen with Phillip Lawson?
- 20 A Yes, ma'am.
- 21 Q Can you tell the court what happened with Mr. Lawson?
- 22 A He raped and molested my brother and me.
- 23 Q Your brother and you. Sticking specifically with you,
- 24 do you remember when that started?
- 25 A Around I was six, seven. Around that time.

1 Q Do you remember how it started?

2 A It was in a car. I can't remember the color -- but
3 because his kids they're on the boarder of York and Cherokee, so
4 the bus didn't go over there to their house, so he would drive
5 them. Drive them over here to our house and have the bus pick
6 them up. Then the bus let them go.

7 Q So their house was on the -- let me try and fix it. So
8 you're saying that where that bus stop was where you met the
9 Lawson kids was on the boarder of York and Cherokee. In other
10 words one house was in York County, one house was --

11 MS. INZERILLO: Your Honor, I'm sorry to interrupt
12 but I would ask the State to not testify.

13 THE COURT: I will sustain the objection.

14 Q I appreciate that. I'm just trying to clarify. You
15 said on the boarder between York and Cherokee. What did you
16 mean by that?

17 A Their house was on the boarder of York and Cherokee
18 County.

19 Q So the Lawson house York County, your house Cherokee
20 County?

21 A Yes, ma'am.

22 Q Did you spend the night Phillip Lawson's house?

23 A Yes, ma'am, a lot.

24 Q Where did you sleep when you spent the night?

25 A His room.

1 Q Were you by yourself or with somebody else?

2 A Sometimes by myself. Sometimes with somebody else.

3 Q And when you say by yourself or with somebody else do
4 you include Phillip Lawson in that?

5 A No, ma'am.

6 Q Let me reiterate. If you were in the room in Phillip
7 Lawson's room was he with you?

8 A Yes, ma'am.

9 Q And when you say you, yourself, it was just you and he
10 in his room on occasion?

11 A Yes.

12 Q And other times there was you, Phillip Lawson and
13 somebody else?

14 A Yes, ma'am.

15 Q Who was that somebody else?

16 A My brother, Older Brother

17 Q What did you do when you would spend the night?

18 A In his room you mean?

19 Q Yes?

20 A He would make us do things such as touch on him.

21 Q Touch on him?

22 A Yes, ma'am.

23 Q Any particular spot?

24 A On his penis.

25 Q So he would make you touch his penis?

1 A Yes, ma'am.

2 Q And that was in his room in the house in York County?

3 A Yes, ma'am. Sometimes in the car where he was waiting
4 on his kids to get off the bus because my bus -- I went to
5 alternative, so I went on a different bus. And their bus --
6 like my bus dropped me off first and then their bus came.

7 Q It was at that point what you're describing with the
8 bus and getting off the bus and having to go from one location
9 to another, that was this his car?

10 A No, ma'am. The bus I was in it brung me to my house.
11 But sometimes my mom would either be at the dentist or at the
12 doctor's office or something like that, so I would wait with him
13 in his car.

14 Q So you would wait with Phillip Lawson in his car?

15 A Yes, ma'am.

16 Q And were you waiting at the bus stop for his kids to
17 get off the bus?

18 A And my brother.

19 Q Has school been easy for you throughout your life?

20 A No, ma'am.

21 Q If I understand this correctly, there is a period of
22 time where just you and he were this his car by yourselves
23 before the other kids would get off the bus?

24 A Yes, ma'am.

25 Q What would happen in the car?

- 1 A That's where it actually started.
- 2 Q What started?
- 3 A The touching.
- 4 Q And what touching specifically?
- 5 A He would grab my thigh and like work his way up to the
- 6 penis.
- 7 Q So he would start by touching your thigh and work his
- 8 way up to you penis?
- 9 A Yes, ma'am.
- 10 Q Do you remember if you had clothes on or not clothes?
- 11 A I had clothes on.
- 12 Q So at that point in the car was this touching your
- 13 penis with your clothes on?
- 14 A Yes, ma'am.
- 15 Q What would he do when he would touch your penis with
- 16 your clothes on?
- 17 A He would like -- like, kind of like slip his hand in.
- 18 Q And then do what?
- 19 A Touch and then would make me touch him.
- 20 Q When he would touch you would it be touching and
- 21 removing his hand or would he stay there for a while?
- 22 A Stay there.
- 23 Q And what would happen to your body?
- 24 A I felt uncomfortable and I didn't really like it.
- 25 Q You didn't like it?

1 A No.

2 Q Did you say anything to him?

3 A Yes, ma'am.

4 Q And when would -- you said that he asked you to touch
5 him. How would that come about?

6 A What do you mean by that?

7 Q You said he would reach into your thigh and touch your
8 penis over your clothes or reach in under your clothes?

9 A Yes, ma'am.

10 Q What would he ask you to do to him?

11 A He would ask me to touch his penis section at the
12 bottom and pretty much go up and down motion.

13 Q So he would ask you to put your hand on his penis and
14 motion up and down?

15 A Yes, ma'am.

16 Q And that would happen in the car at the bus stop?

17 A Yes, ma'am.

18 Q Do you know how those times would end?

19 A Nine times out of ten the kids would get off the bus
20 and I would get out of the car.

21 Q And then what would happen?

22 A I would just wait. If my mom wasn't back yet I would
23 just wait at the door with my brother.

24 Q When you were touching his penis and rubbing up and
25 down was he wearing clothes or no clothes?

- 1 A Yes, ma'am.
- 2 Q He was wearing clothes?
- 3 A Yes, ma'am, but his penis was out.
- 4 Q He would take his penis out of his clothes?
- 5 A Yes.
- 6 Q And that's when you would touch him?
- 7 A Yes, ma'am.
- 8 Q Were you touching skin to skin?
- 9 A What do you mean?
- 10 Q Like he would take his penis out and was it fully
11 exposed?
- 12 A Yes, ma'am.
- 13 Q Do you remember about -- I'm sorry let me correct. You
14 said this was about the time you first met him in the very
15 beginning?
- 16 A I don't -- I don't remember it being the time I first
17 met him, but this was the first time anything like sexual
18 started happening.
- 19 Q Do you remember how long you had known Phillip Lawson
20 before sexual things started happening?
- 21 A No, ma'am, I can't remember.
- 22 Q You don't have to guess. It's okay if you don't. It
23 is the time when Missy was still alive?
- 24 A Yes, ma'am.
- 25 Q You said things started. Where did it go from there?

1 What happened after that?

2 A After that it would still happen in the car sometimes
3 but after that it would start happening more at his house.

4 Q Where specifically in his house?

5 A Bedroom mostly.

6 Q His bedroom?

7 A Yes, ma'am.

8 Q Can you describe the bedroom?

9 A He had a bed on the I think it was top left and then
10 beside his bed on the right he had a little night stand and
11 that's where he would put his phone. And then if you stood on
12 on the bed looking straight if you turned left, straight left,
13 that would be another place with a computer on it and he had bow
14 and arrows and guns.

15 Q When things started happening in the bedroom, in
16 Phillip Lawson's bedroom, what things?

17 A I'm trying to find the right phrase for that.

18 Q We can come back to that. Did you sleep in his room?

19 A Yes, ma'am.

20 Q Is there anywhere else that you would sleep in the
21 house?

22 A No, ma'am.

23 Q When you slept in his room where would you sleep?

24 A Sometimes he would bring out a mattress. Put it on the
25 floor and I would sleep there, but sometimes I would sleep in

1 the bed with him.

2 Q Were you alone when you slept in his room?

3 A No, ma'am.

4 Q Who else was in there?

5 A Sometimes my brother.

6 Q So Phillip was in there with you and then sometimes

7 Older Brother would also be in there with you?

8 A Yes, ma'am.

9 Q Did this -- what happened in the bedroom, did it happen
10 while Missy was still alive?

11 A Yes, ma'am.

12 Q Did it continue after Missy passed away?

13 A Yes, ma'am.

14 Q When you would be in the room with Phillip do you
15 remember if it was daytime or nighttime or both?

16 A Both.

17 Q Were there times that you go into the room in the
18 daytime just the two of you?

19 A Yes, ma'am.

20 Q And what would happen then?

21 A Pretty much the same thing that would happen at night.

22 Q So day and night. Can you start with what would
23 happen?

24 A A lot of times he would make me touch his penis and
25 after that make me put my mouth on it.

1 Q He would make you touch his penis and then he made you
2 put your mouth on him?

3 A Yes, ma'am.

4 Q How often did that happen?

5 A A lot.

6 Q And was that in his bedroom before and after Missy
7 passed away?

8 A Yes, ma'am.

9 Q When you would put your mouth on him what would happen?

10 A His penis would get hard.

11 Q And then what would happen?

12 A He would try to have anal sex.

13 Q And did that happen?

14 A One time but --

15 Q You never talked about that before.

16 A I said one time.

17 Q One time. Okay. If you were in the room touching his
18 penis with your hand or with your mouth, how did that act end?

19 A What do you mean?

20 Q Like how did it stop?

21 A I guess would get tired of it.

22 Q He would just get tired and quit?

23 A He would just get tired of that certain thing.

24 Q Was there anything that physically happened with his
25 body or yours that you remember?

1 A What do you mean.

2 Q Did anything -- how did you know he was tired of that
3 activity? How did you know?

4 A That's just a guess. That's the only thing I can come
5 up with as to why he would stop that?

6 MS. DESCH: The court's indulgence.

7 THE COURT: Yes, ma'am.

8 MS. DESCH: May I approach the witness?

9 THE COURT: Yes, ma'am.

10 Q **Younger Brother** I'm going to show you some pictures and I will
11 call them out for the record when you're looking. So State's
12 Exhibit 3A and you can look at them but don't say anything out
13 loud. (Handed) Okay. 3B. 3C. 3D. 3E. 3F. 3G. 3H. 3I and 3J.
14 Looking through 3A through J, do you recognize those
15 photographs?

16 A Yes, ma'am.

17 Q What do you recognize them to be?

18 A Can I say them out.

19 Q Do you recognize the whole theme or you can
20 individually look on the back and say what number you're talking
21 about?

22 A One J.

23 Q And what do you recognize them to be?

24 A Like what it is?

25 Q Yeah, do you recognize that?

1 A Yeah.

2 Q Is that something you have seen before?

3 A Yes.

4 Q What is it?

5 A Alcohol.

6 Q Where?

7 A On his -- so the part that had that computer there is
8 some up there like I guess it's a little thing he put stuff. I
9 don't exactly know.

10 Q When you say "he", are you talking about Phillip
11 Lawson?

12 A Yes, ma'am.

13 Q And that alcohol where is that in his house?

14 A His bedroom.

15 Q Okay. Do you recognize the other one?

16 MS. INZERILLO: Your Honor, I will ask that the
17 foundation be laid if the State is going to introduce
18 these into evidence and then have the witness testify.

19 Q As you go through each one, what are those pictures of?
20 The big picture, are they pictures of his bedroom? Go ahead and
21 look through all of them.

22 A Some of them.

23 Q And is there one that's different?

24 A Yes, ma'am.

25 Q And what do you recognize that to be?

1 A The basement.

2 Q Those pictures of his room Phillip Lawson's room --
3 yes.

4 A Basement door.

5 Q Basement door. The pictures of the basement door and
6 the pictures of items in Phillip Lawson's room, is that how you
7 remember the house looking back in 2020?

8 A Yes, ma'am.

9 Q Is that the last time you were at the house?

10 A I want to say yeah.

11 Q And those are -- I don't want to use the word accurate,
12 but that is what it looked like to you back in 2020 the last
13 time you were over there?

14 A Yes, ma'am.

15 MS. DESCH: The State would like to move in 3A
16 through J please.

17 THE COURT: Any objection?

18 MS. INZERILLO: No objection.

19 THE COURT: In evidence without objection.

20 (WHEREUPON, State's Exhibits 3A through 3J were
21 received in evidence.)

22 MS. DESCH: Thank you, Your Honor.

23 Q Okay, now we can talk about them. So start with just
24 whatever is in your hand when you're talking about. If you
25 could tell the Court what number you're looking at?

1 A Can you come here.

2 Q And just to explain to the Court and to the defense, I
3 had originally written 1F so he's is clarifying he's referring
4 to it as 3F?

5 A Three F is the rag that he would wipe fluid off on.

6 Q Fluid. Can you tell us more where that would come
7 from?

8 A The penis.

9 Q So there was fluid that came from his penis. Do you
10 remember when?

11 A A lot of times.

12 Q A lot of times fluid would come from his penis. At
13 what point were you -- where were you when fluid was coming from
14 his penis?

15 A In the bedroom with him.

16 Q You were in bedroom with him when fluid would come off
17 his penis?

18 A Yes, ma'am.

19 Q Was this when he would touch you or you would touch him
20 or both?

21 A I would touch him.

22 Q When you would touch him?

23 A Yes, ma'am.

24 Q When you would touch Phillip Lawson in what way, hand
25 or mouth?

1 A Both.

2 Q When you would touch Phillip Lawson in his bedroom on
3 his penis with your hand or your mouth, fluid would come out?

4 A Yes, ma'am.

5 Q Then what would happen?

6 A He would grab the rag and wipe it off.

7 Q Did he say anything about it?

8 A What do you mean?

9 Q There was no discussion. He would just grab it and
10 wipe?

11 A Yeah.

12 Q All right. Go through the rest of those photos.

13 Q I can't tell if this is a rag or a hat.

14 Q Let me go back to the rag for a second. Did you wipe
15 yourself off? Did you have what...

16 A I was still very young so I didn't have that type of
17 stuff. My body wasn't, you know --

18 Q You had not hit puberty yet?

19 A Yeah, pretty much.

20 Q Do you remember where he kept the rags?

21 A If I remember correctly it's in the little cubbyholes
22 of the -- of the stand on the right side of his bed.

23 Q Looking at 3D, is that what you mean?

24 A No. It's not in these pictures.

25 Q So there is an additional cubbyhole that kept these

1 rags that are not in the pictures?

2 A Yes, ma'am. Its that one, the first one.

3 Q Okay, so 3B and 3c, what is that?

4 A This is his lamp. That's where he would set his phone.
5 That's his knife and around here this is where he would mostly
6 keep it.

7 Q And this is the bedside table that is next to his bed?

8 A Yes.

9 Q And this is a knife that was there?

10 A Yes, ma'am.

11 Q You mentioned a basement door. 3A, what's behind this
12 door?

13 A The basement.

14 Q Is it the underneath of the house?

15 A I'm guessing. I just know it as a basement.

16 Q And did you ever go down there?

17 A Yes, ma'am.

18 Q When did you go down their?

19 A I didn't go down their a lot. Maybe about four, five,
20 six times.

21 Q Before Missy died or after Missy died?

22 A Both.

23 Q So you just went down to what you're calling a basement
24 four or five times?

25 A Yes.

1 Q Who would go down there with?

2 A Phillip Lawson.

3 Q Phillip Lawson would take you down to this basement,

4 3A?

5 A Yes, ma'am.

6 Q What would happen? Does that door open?

7 A I don't if it does still but it did.

8 Q So you don't know in 2023 but back --

9 A Yeah.

10 Q -- before 2020 it did open?

11 A Yes.

12 Q And what would happen when you and Phillip would go
13 down to basement?

14 A Sometimes we would pick up some stuff and sometimes it
15 would turn sexual.

16 Q When you say sometimes you pick up stuff what do you
17 mean?

18 A Like if it was -- like -- I'm trying to figure out how
19 to put it.

20 Q Let's put that aside for a second. When you say
21 sexual, what would happen down in the basement.

22 A He would make me put my mouth on his penis.

23 Q Your mouth on his penis?

24 A Yes, ma'am

25 Q Did he ever touch your penis?

1 A Yes, ma'am.

2 Q And how would he do that?

3 A He would just touch.

4 Q Hand?

5 A Yes, ma'am.

6 Q Mouth?

7 A Sometimes, yes, ma'am.

8 Q Any other -- anything else with him other than the one

9 time of ana?

10 A No, ma'am, not that I can remember.

11 Q And was that before Missy died or after Missy died?

12 A I want to say it was after.

13 Q After Missy died?

14 A I want to say that, yeah.

15 Q Looking at 3H and 3G what is that?

16 A That would be his -- I guess like it's a little end

17 table. The blue thing would be I think a bean bag. The thing

18 that has the socks in it would be for your clothes.

19 Q But the blue thing in those pictures is a bean beg?

20 A Yes, ma'am.

21 Q And is that about where it was kept usually in his

22 room?

23 A As far as I can remember.

24 Q And did anything ever happen on that bean bag?

25 A No, ma'am.

1 Q Have you seen the bean bag before?

2 A Yes, ma'am.

3 Q How have you seen this this bean bag before?

4 A It was there. I saw.

5 Q I'm sorry, say that again.

6 A I said it was just sitting in the house. I saw it.

7 Q Do you remember sitting on it? Being pushed on it?

8 Anything having to do with the bean bag?

9 A I remember sitting on it once or twice.

10 Q Did you just randomly sit on it or did Phillip Lawson

11 have anything to do with you sitting on it.

12 A No, that was my choice.

13 Q Okay. And when you sat on it, the bean bag, what would

14 happen?

15 A I would just sit.

16 Q Three J. I think you talked about alcohol. What is

17 this? (Indicating)

18 A He told me that he was a retired wrestler.

19 Q Okay.

20 A And he was thinking about get being back into it.

21 Q And then the alcohol in there, you recognize this as

22 being in his room?

23 A (Witness nods.)

24 Q Three I, what are those?

25 A Guns.

1 Q And were these the guns you referred to as being in his
2 room?

3 A Yes, ma'am.

4 MS. DESCH: Beg the Court's indulgence.

5 THE COURT: Yes, ma'am.

6 Q Do you remember when you told your mom and dad about
7 what was going on?

8 A Yes, ma'am.

9 Q Do you remember what year?

10 A No, ma'am. I remember how it got brought up.

11 Q How did it get brought up?

12 A They -- my parents and everybody just because I use to
13 be nice, loving, happy and that all just changed. I didn't want
14 to talk to no body. I always felt, you know, stuff like that
15 and the parents caught on to that and my dad sat me down and
16 said -- asked me why my attitude changed.

17 Q I'm sorry, say that again.

18 A He asked me why my attitude changed that way.

19 Q So your dad sat you down. So Michael sat you down and
20 asked you why your attitude had been changing?

21 A Yes, ma'am.

22 Q For the worse?

23 A Yes, ma'am.

24 Q And then what happened?

25 A I told him.

1 Q You told him what?

2 A What Phillip Lawson had been doing.

3 Q So we talked about Phillip Lawson a lot, do you see the
4 Phillip Lawson that you had sexual encounters with? Do you see
5 him in the courtroom today?

6 A Yes, ma'am.

7 Q Can you point him out to the jury.

8 A (Witness points.)

9 Q What color jacket is he wearing?

10 A Brown.

11 MS. DESCH: Let the record reflect the witness has
12 identified Phillip Lawson.

13 THE COURT: The record will so reflect.

14 Q Do you remember taking bathes and showers as a kid?

15 A Yes, ma'am.

16 Q What do you remember about that as a child? Did you
17 ever take them with Phillip Lawson?

18 A Yes, ma'am.

19 Q What do you remember?

20 A We would go camping, fishing, all of that and we'd be
21 camping and they had like shower stalls I guess you could say.
22 And me being like ten, nine, somewhere around there because
23 Michael he was cooking on the grill so he couldn't and Phillip
24 Lawson volunteered to go up there and take me to get a shower.

25 Q And would he go in the shower with you?

1 A Like what do you mean? Take his clothes off and go in
2 there.

3 Q What do you remember?

4 A I remember him pretty much just bathing me.

5 Q Did he touch you when he bathed you?

6 A Yes, ma'am.

7 Q Where would he touch you when he bathed you?

8 A The penis area.

9 Q He would touch your penis while bathing you?

10 A Yes, ma'am.

11 Q When you were sleeping in his room what would you guys
12 wear? Do you remember?

13 A Some -- mostly times what we been wearing.

14 Q Can you move towards the microphone. It make it easier
15 with your low voice?

16 A I said most of the it would be just what we were
17 wearing.

18 Q Would you wear clothes when you were having sexual
19 acts?

20 A Sometimes, but sometimes no.

21 Q And sometimes not. Were you naked?

22 A Yeah, sometimes.

23 Q Was he naked?

24 A Sometimes.

25 Q And would --did anybody ever walk in? How did it stay

1 private?

2 A The door would be locked but, Missy one time when it
3 happened Missy tried to open the door but it was locked.

4 Q So Missy was still alive there was one time when she
5 almost walked in on you?

6 A Yes, ma'am.

7 Q And what happened then?

8 A He got up. Put clothes on. Told me to get clothes on
9 and he opened the door.

10 Q Who else lived in the house besides Phillip and Missy?
11 Did anyone else live there?

12 A Cole Lawson and okay Katie. Sometimes Kyle, but he was
13 working.

14 Q Okay. Do you know Uncle Fred and Graham?

15 A Yes, ma'am.

16 Q And did they live there as well?

17 A Yes, ma'am, at times.

18 Q Not the whole time but sometime?

19 A Yeah.

20 Q Is there anything else that you specifically remember?

21 A Yes.

22 Q What?

23 A He had a scar like -- I want to say right here
24 (indicating) down and he also had like -- I want to say a dent
25 like...

1 Q So there were distinguishing scars on his chest area?

2 A Yeah and then there's --

3 Q Do you remember -- sorry to interrupt, but do you
4 remember -- I'm sorry, I lost my train of thought. Younger Brother
5 look over here.

6 The times that you have described that sometimes you were
7 alone with Phillip Lawson and sometimes your brother was there.
8 Do you remember anything happening with your brother?

9 A He tried to get us to things together. We both looked
10 at each other and said no.

11 Q Did you see Phillip Lawson do stuff to Older Brother that you
12 remember?

13 A I remember seeing something but I don't know exactly
14 what was happening.

15 Q How old are you now?

16 A Fifteen about to be sixteen.

17 Q So in 2020, specifically May of 2020 you would have
18 been about 13 years old?

19 A Yes, somewhere around there.

20 MS. DESCH: Thank you. Please answer any
21 questions that the defense might have.

22 THE COURT: Miss Inzerillo.

23 MS. INZERILLO: May it please the Court.

24 THE COURT: Yes, ma'am.

25 CROSS EXAMINATION

1 BY MS. INZERILLO:

2 Q Okay **Younger Brother** You've had to talk to a lot of people
3 since the time that you told your mom and dad about what
4 happened, right?

5 A Yes, ma'am.

6 Q And back when you told your dad initially what happened
7 he was getting on you for being angry or mouthing off or
8 something like that?

9 A No, ma'am.

10 Q Okay. You said he was talking to you about your change
11 of attitude?

12 A Yes, ma'am.

13 Q Okay. And after that you had to talk to several people
14 about what you were saying Phillip did?

15 A Yes, ma'am.

16 Q All right. Do you remember this lady over here in the
17 blue, Detective Smith?

18 A Not much but, yes, ma'am.

19 Q You remember talking to her one day at your house?

20 A Yes, ma'am.

21 Q I think you were all standing out in the rain or
22 something. Do you remember that?

23 A I think it was drizzling.

24 Q Okay, and then you talked to the two ladies at the
25 table, Miss Desch and Miss Russo, right?

1 A Yes, ma'am.

2 Q And each time that you talked to them you were allowed
3 to tell them as much as you wanted, right?

4 A Yes, ma'am.

5 Q They didn't rush you through any of the meetings,
6 right?

7 A Yes, ma'am.

8 Q And a you could take as much time as you needed, right?

9 A Yes, ma'am.

10 Q And so, when you testified here a few minutes ago you
11 testified about the first time it happening in a car, is that
12 right?

13 A Yes, ma'am.

14 Q And do you recall talking to the Detective Smith that
15 day when it was drizzling?

16 A Yes, ma'am.

17 Q And do you recall telling her that you don't remember
18 the first time it happened?

19 A Yes, ma'am.

20 Q You recall telling her that, okay. You testified today
21 that -- let me make sure I say it right. That --

22 A Can I say something?

23 Q Well --

24 THE COURT: Are you trying to expand on your
25 answer to the last question?

1 THE WITNESS: Yes, sir.

2 THE COURT: Then can you do that.

3 A When that meeting with the detective, yes, ma'am, I
4 said that but my memory just started flooding back.

5 Q But at the time you told her you couldn't remember so
6 you didn't tell her anything about sitting in car or anything
7 like that, right?

8 A Yes, ma'am.

9 Q The -- I believe you testified today and if I'm saying
10 something wrong I want you to correct me, okay?

11 A Yes, ma'am.

12 Q That you only remember Older Brother being there once and you
13 don't really remember what that was exactly?

14 A I remember seeing something occurring once.

15 Q Okay. And Older Brother wasn't with you when all this
16 started? It was just you and Phillip in the car that you
17 testified today?

18 A Yes, ma'am, until they got off the bus.

19 Q Okay. And Older Brother wasn't around the other times it
20 happened just the one time that you can think of?

21 A Sometimes he was.

22 Q Okay. Again, do you recall talking to Detective Smith
23 that day in the rain? The lady in the blue shirt.

24 A Yes, ma'am.

25 Q Do you recall telling her that Older Brother was not around

1 when it happened to you?

2 A No, ma'am.

3 Q Okay, accept one time. You don't remember saying that?

4 A No, ma'am.

5 Q Would it help for you if I were to play it back so you
6 can listen to it?

7 A You mean the video.

8 Q Yes, that part of the video?

9 A To be honest, I don't want to watch that video again.

10 Q Okay. If that were on -- so if she had a video and it
11 was playing and it had that on there would you think that was
12 what happened? That it recorded what happened?

13 A Yes, ma'am.

14 Q Okay. So you went over to Phillip's house a lot,
15 right?

16 A Yes, ma'am.

17 Q And for a while Missy lived there with him?

18 A Yes, ma'am.

19 Q And then she died, right?

20 A Yes, ma'am.

21 Q And then also in the house was Cole and Katie?

22 A Yes, ma'am.

23 Q And you described that when things would happen
24 sometimes you would be naked and sometimes Phillip would be
25 naked?

1 A Yes, ma'am.

2 Q The -- Miss Desch showed you several pictures. Had
3 anyone showed you those items before she showed you those
4 pictures?

5 A As I saw the knife. I saw --

6 Q You saw them in his house?

7 A Yes.

8 Q But if they were taken out of his house no one like
9 Detective Smith or anybody like a policemen showed you those
10 actual items right? They didn't pull them out of the house and
11 say -- and that's a no? Your shaking your head.

12 A Yes, ma'am.

13 Q You talked about your attitude changing. You use to be
14 kind of happy-go-lucky and then your attitude changed, right?

15 A Yes, ma'am.

16 Q But you got into an a lot of fights when you five years
17 old, right?

18 A Around ten. Somewhere around there. Maybe first,
19 second, third, fourth or fifth.

20 Q Grades, first, second, third, fourth or fifth --

21 A Yes, ma'am.

22 Q Grades in school?

23 A Yes, ma'am.

24 Q Okay. And I will talk about the interview with
25 Detective Smith again in the rain. Did you remember telling her

1 that you got into a lot of fights in school when you were five
2 years old?

3 A Yes, ma'am. I got into a lot of fights when I was five
4 years old.

5 Q Five years old. Okay. And that was because I think
6 you explained to her kids were kind of bullying you and you
7 would fight back?

8 A I can not remember why.

9 Q Okay. Again, I don't want you to watch the video if
10 you don't have to, but if that were on the video you would agree
11 that is what you said?

12 A Yeah.

13 Q Okay. Would you agree when you met with Miss Desch and
14 Miss Russo that's when you talked about the camping trips,
15 right?

16 A Yes, ma'am.

17 Q So you didn't tell Detective Smith that day anything
18 about having Phillip touch you in the shower on these camping
19 trips, right?

20 A No, ma'am, I can't remember saying it.

21 MS. INZERILLO: One moment.

22 THE COURT: Certainly.

23 MS. INZERILLO: I have no further questions.

24 THE COURT: Redirect?

25 MS. DESCH: Your Honor, may we approach just

1 briefly.

2 THE COURT: Certainly.

3 (WHEREUPON, there was an off the record
4 discussion.)

5 MS. DESCH: Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. DESCH:

8 Q Younger Brother I just want today clarify a couple of things
9 Miss Inzerillo brought up about the fights in first grade and we
10 all an interpret statements differently. So, do you remember
11 making the statement about like how you remembered in your head
12 that first grade is when it started when Phillip Lawson was
13 touching you?

14 A No, ma'am.

15 Q You don't remember making statement, and it's okay if
16 you don't.

17 A I can't remember that.

18 Q Do you remember independently now like besides what you
19 told Detective Smith or anybody else, do you remember why you
20 remember it started in first grade?

21 A Because I thought around six or seven then I should
22 have been around first grade.

23 Q I don't that I'm asking the question in the right way.
24 Despite not remembering a lot from your childhood, you told us
25 earlier about how you were a happy-go-lucky kid and then

1 something changed. What changed? What do you remember
2 changing?

3 A My demeanor. My attitude towards everything.

4 Q And why? Do you remember why that changed?

5 A Because I was mad at myself.

6 Q Why were you mad at yourself? Younger Brother look over here
7 please.

8 A I have no clue.

9 Q Okay. You just remember being angry?

10 A Yes, ma'am.

11 Q And you remember that being around the time that
12 Phillip Lawson started touching you?

13 A Yes, ma'am.

14 Q Thank you.

15 THE COURT: Any recross Miss Inzerillo?

16 MS. INZERILLO: Your Honor, may I step out for one
17 second?

18 THE COURT: Yes, ma'am.

19 RE CROSS EXAMINATION

20 BY MS. INZERILLO:

21 Q Younger Brother I won't ask to many questions. I'm sure
22 you're pretty tired. But when you were younger you'd fight with
23 your brother, right?

24 A Yes, ma'am.

25 Q Was that one of the reasons why your mom would have you

1 go over to the Lawson's house?

2 A No, ma'am.

3 Q Okay. But would you fight with your brother?

4 A Yes, ma'am.

5 MS. INZERILLO: Your Honor, I have no further
6 questions.

7 THE COURT: Any redirect.

8 MS. DESCH: No, sir.

9 THE COURT: All right. Counsel can I see you all
10 at the bench. Thank you, sir, you can step down.

11 (WHEREUPON, there was an off the record
12 discussion.)

13 THE COURT: All right, ladies and gentlemen.
14 Thank you for you your patience. That will be all the
15 testimony for today. I have a dentist appointment
16 tomorrow morning so instead of 9:30 I will ask you to
17 be back at 11 o'clock to start back. Remember what I
18 told you. Don't discuss the case with anyone. Don't
19 read or watch any news report. Don't do any outside
20 research.

21 You have been paying very close attention. I
22 really appreciate that. I will see you back at 11
23 o'clock tomorrow morning. Not 9:30.

24 (WHEREUPON, the jurors leave the courtroom.)

25 THE COURT: Anything else from little State before

1 we break for the day.

2 MS. DESCH: No, sir.

3 THE COURT: From the defense?

4 MS. INZERILLO: No, Your Honor.

5 THE COURT: We will be in recess until 11 o'clock
6 tomorrow morning.

7 (WHEREUPON, the trial was in recess for the day.)

8 (WHEREUPON, the trial resume on July 19, 2023.)

9 THE COURT: All right. Let's bring the defendant
10 out if he's not already on the way.

11 (WHEREUPON, the defendant enters the courtroom.)

12 THE COURT: All right. All jurors present.

13 THE BAILIFF: Yes, sir.

14 THE COURT: Where's Miss Desch?

15 MS. RUSSO: She had to run out for just a second,
16 Your Honor.

17 THE COURT: All right.

18 MS. RUSSO: I did want to address a couple of
19 housekeeping matters. We anticipate Dr. McMillan
20 testifying this morning and then I think we will need
21 a ruling on the Lyle issue will be ripe after that and
22 that may effect what our later witnesses testify to so
23 that may be a good time for a break after Dr.
24 McMillan.

25 THE COURT: Okay.

1 MS. RUSSO: I also wanted to make sure we just had
2 a couple things as Court's Exhibits. I believe we
3 watched them last time. I don't know if the clerks
4 have held on to our Court's Exhibits from last time
5 around, but I have the body cam for Miss -- Detective
6 Smith.

7 THE COURT: The interview outside the trailer.

8 MS. RUSSO: Yes, and this does contain the whole
9 -- and we haven't clipped it to just Younger Brother S but it
10 is the whole interview, and then Your Honor mentioned
11 that you have already seen the portion of the forensic
12 interview.

13 THE COURT: That's correct.

14 MS. RUSSO: I'm just making sure which one is
15 which kid because I got both and then we would ask to
16 make that a Court's Exhibit as well.

17 THE COURT: Any objection making that a Court
18 Exhibit?

19 MS. INZERILLO: No, Your Honor.

20 THE COURT: Court's Exhibits they are. Anything
21 from the defense?

22 MS. INZERILLO: No, Your Honor.

23 (WHEREUPON, Court's Exhibit 11 and 12 were
24 received in evidence.)

25 THE COURT: As soon as we have Miss Desch we will

1 get rolling.

2 MS. DESCH: Good morning, Your Honor.

3 THE COURT: Good morning Miss Desch.

4 MS. DESCH: Our first witnesses as you probably
5 know is Dr. McMillan and Miss Inzerillo and I were
6 just chatting and so probably clarify a few things
7 before we bring the jury out if that's okay.

8 THE COURT: Sure.

9 MS. DESCH: So in preparation of today I went over
10 the CAC memo that I intend to move into evidence and I
11 have taken out all the redactions that she's asked me
12 to with which is basically anything that refers to
13 Older Brother or things that were both of them describing.

14 THE COURT: Okay.

15 MS. DESCH: I put it on one page. It is a
16 redacted memo from the original but it incorporated
17 what the defense wanted taken out.

18 THE COURT: Okay.

19 MS. DESCH: So at some point with the proper
20 foundations I will move this to go in as State's
21 Exhibit. The original is still in as a Court's
22 Exhibit. Court's nine originally.

23 THE COURT: Do you want to lay the foundation now
24 or Miss Inzerillo do you want her to lay the
25 foundation in front of jury.

1 MS. INZERILLO: She could lay a foundation.

2 THE COURT: All right.

3 MS. DESCH: The other thing is, so we had the
4 ruling yesterday about time and place and then we
5 discussed that -- so we're also going to try and move
6 it -- the State is also going to try and move in the
7 notes that were taken contemporaneously and I showed
8 that to the defense yesterday and she was thinking
9 overnight as to what she wanted to discuss about this
10 morning, but I am going to try and lay the foundation
11 that will satisfy first hand knowledge with Lynn and
12 will I do that and I expect to have a discussion at
13 the appropriate time.

14 One concern the defense has this morning is, just
15 for purposes of in general in the case, I have a
16 couple of questions regarding Older Brother to just say, did
17 you interview [REDACTED] Was it recorded? Basically
18 time and place only for [REDACTED] Not to put words in
19 her mouth, but she is objecting to [REDACTED] being
20 referred to. So we just want to clarify with you if
21 it's time and place for a 16 year old how does the
22 Court feel about that separate from the Younger Brother issue?

23 THE COURT: I'm an a little confused. It is time
24 and place for the 16 year old.

25 MS. DESCH: Correct.

1 THE COURT: I'm not clear what the issue is.

2 MS. INZERILLO: Your Honor, my concern goes mainly
3 to any forensic interview of a 16 year old in an of
4 itself is excluded under the statute.

5 THE COURT: Correct.

6 MS. INZERILLO: So my concern would extend to any
7 mention of said interview and information gathered
8 thereof -- therefrom that would also run afoul of the
9 statute.

10 THE COURT: What are you attempting to introduce
11 as far as Older Brother

12 MS. DESCH: Just the time and the place. In cross
13 examination of Older Brother they already know that he was
14 interviewed because she mentioned it in cross
15 examination. So this is not a surprise or anything,
16 but for disclosure witnesses we're allowed time and
17 place. We are not getting into mentioning his name.

18 THE COURT: Its already been mentioned in court.
19 I will allow it as to time and place.

20 MS. DESCH: Now, we discussed yesterday that the
21 place -- the boys say Phillip Lawson's house. When it
22 comes to Older Brother we can't say that, but Dr. McMillan
23 does not know Mr. Lawson's address. Like they didn't
24 say it happened at , so do I have some
25 leeway to say -- how do we deal with that? I don't

1 want to put her in a position that she is saying
2 something that didn't happen under oath, but I also
3 want to comply with the Court's ruling that says give
4 the address.

5 THE COURT: I think she can be informed of the
6 address, can't she. I mean, she's not-- she's not
7 giving a verbatim. It seems to be the only way to
8 resolve it. She's not offering a recording of what
9 was said. She's paraphrasing. If she's paraphrasing
10 she can give -- even though the child being
11 interviewed didn't use the address I think she can.

12 MS. DESCH: Okay. Can we do this. If she says a
13 residence, can I then clarify is that residence --
14 have you come to learn that's [REDACTED].

15 THE COURT: That sounds good to me. That sounds
16 like a good resolution.

17 MS. DESCH: Okay.

18 MS. INZERILLO: And Your Honor, I just wanted to
19 clarify. I don't think I mentioned in any of my cross
20 examination questions with [REDACTED] Older Brother anything about a
21 forensic interview. What I showed him was outside the
22 presence of the jury. We may have talked about prior
23 statements but I intentionally did not mention
24 forensic interview. I understand your ruling. I just
25 wanted to clarify that for the record.

1 THE COURT: Right. I'm just trying to think
2 through the issue of the notes. Because I mean she's
3 being on to testify due to a special statute that's
4 not the normal rules of evidence. I'm not sure I will
5 let the notes in. I think she's welcome to use them
6 to refresh her recollection as to what was said in the
7 interview especially under these circumstances, but
8 I'm not sure I will let the jury have the notes.

9 MS. DESCH: I will show you exactly what -- and I
10 said this to Miss Inzerillo yesterday. So, looking at
11 Court's 10 there are five pages and I think I showed
12 you yesterday, but the main part of what the State is
13 looking for is the drawing that he made and the words
14 that he did in her presence in response to her
15 questions. And so this -- because we're getting into
16 his responses --

17 THE COURT: Those I think come in. Her notes in
18 the interview I don't think.

19 MS. DESCH: I asked Miss Inzerillo that, but I
20 said I'd remove them but she talked about putting them
21 in because that are -- I mean, you can make that part
22 of the argument.

23 MS. INZERILLO: Your Honor, I mean, I just want to
24 note my objection to that. There are three items that
25 -- and I'm not sure what in the entirety what Miss

1 Desch is going to enter, but there are three items as
2 parts of Court's 10 that were generated by Younger Brother
3 One is a map of how he describes Mr. Lawson's bedroom.

4 THE COURT: Right.

5 MS. INZERILLO: The second is what he wrote down
6 when he was asked to say the basic allegations.

7 THE COURT: Right.

8 MS. INZERILLO: And then a third is a picture of a
9 knife that appears he's contending Mr. Lawson
10 threatened him with.

11 Younger Brother was put on the stand yesterday. Was given
12 the opportunity to authenticate his drawing and his --
13 what he was conveying and did not do that. And so
14 what we have here even though these are photocopies or
15 picture of it, these items contain testimony by a
16 child conveying something he believed happened or
17 perceived and I understand that --

18 THE COURT: So is the objection authentication.

19 MS. DESCH: Can I --

20 THE COURT: Hold on.

21 MS. INZERILLO: It is authentication. I would say
22 authentication. I kind of would say hearsay as well.
23 I understand Dr. McMillan was present, but if these
24 are entered through Dr. McMillan she wasn't in his
25 head. She just watched him write something down.

1 THE COURT: But if the issue is authentication she
2 can authenticate. She was -- they were done in her
3 presence.

4 MS. INZERILLO: Your Honor, it's also testimony by
5 a child writing down some allegations.

6 MS. DESCH: But it is incorporated under the
7 specific statute.

8 THE COURT: I understand, but I think it comes in
9 as part of the forensic interview.

10 MS. INZERILLO: I could not find any law. I don't
11 if the State has any law saying it's admissible. I
12 can not find any law saying it's admissible.

13 MS. DESCH: It's in the statute. It's a
14 statement. And to be clear, yesterday I told you I
15 would take out the knife in her notes.

16 MS. INZERILLO: I just I wanted to make sure
17 everything was covered.

18 MS. DESCH: Okay.

19 THE COURT: I think the other comes in because
20 again, it's part of his statement and it's
21 unquestionably his word. It's not even a video. It's
22 what he actually wrote down or what he drew. I do
23 think -- I think what I just heard you all discussion
24 that you were going to redact out her notes on it.

25 MS. DESCH: So, there is four pages to be clear.

1 And I'm looking at Court's 10 and let me label them --
2 with the Court's permission Court's 1,2,3,4.

3 THE COURT: Correct.

4 MS. DESCH: So for you're purposes, 10-1 is the
5 drawing of the bedroom. And 10-2 is his words. 10-3
6 is the knife, and 10-4 is the an entire copy page of
7 her written notes.

8 So what we discussed is, so Court's 10 will be in
9 the four pages.

10 THE COURT: All right.

11 MS. DESCH: State's Exhibit that I will attempt to
12 lay the foundation for is only basically 1 and 2 which
13 is the bedroom and the wording that he uses in
14 response to the questions.

15 THE COURT: Can I see?

16 MS. DESCH: Yes, sir. Do you have your copy from
17 yesterday?

18 THE COURT: Yes.

19 MS. DESCH: So 10-1 is the picture of bedroom.
20 10-2 is the wording. Now, I asked her specifically
21 yesterday do you want to white out those and suggested
22 that she think about if overnight. So now we just
23 have to decide what her answer is, or I lay the
24 foundation. The foundation that I intend to lay with
25 Dr. McMillan is that this is her -- these specific

1 notes are how she's authenticating that it's him.
2 Like clarifying your statement is this and then she
3 writes what he says. You said what this is. Because
4 you see on there in the coroner she puts her name and
5 the date.

6 THE COURT: Right.

7 MS. DESCH: And then Phillip's bedroom, computer,
8 cabinet, bean bag, end table, door, closet. Happened
9 on bed. So she's just sort of incorporating his
10 statement.

11 THE COURT: I don't think -- we're not going to
12 redact unless you all do it by agreement. We're not
13 redact the date and initials because that
14 authenticates it.

15 MS. DESCH: Okay.

16 THE COURT: Miss Inzerillo, as to the bedroom
17 picture, do you want to redact her notes as to what
18 each drawing represents?

19 MS. INZERILLO: Sure.

20 THE COURT: Those are redacted. Everything except
21 the date and her name where she signed it.

22 MS. DESCH: Okay.

23 THE COURT: And I think definitely on -- if Miss
24 Inzerillo wants, on the one that he wrote redact out
25 all of her comments.

1 MS. INZERILLO: Yes, Your Honor.

2 THE COURT: Again, other than the date and her
3 initials.

4 MS. DESCH: Court's indulgence. So Court's 10
5 will the original before redactions and then State's 4
6 actually before I put a sticker on it I should redact
7 it, right Your Honor?

8 THE COURT: I think that's best.

9 MS. DESCH: Okay, including Phillips bedroom take
10 that out?

11 THE COURT: Miss Inzerillo?

12 MS. INZERILLO: Yes. While Miss Desch is
13 redacting may I step out for a minute.

14 (WHEREUPON, Miss Inzerillo leaves the courtroom
15 and re-enters.)

16 THE COURT: Counsel, we don't normally tell jurors
17 what's redacted. In this case I think it may be
18 helpful to just say what they're getting is what he
19 wrote and drew and the interviewer made notes and
20 that's what's redacted out and that will explain to
21 them. I don't think it prejudices anybody, because
22 they're going to wonder why there is white out all
23 over those pages.

24 MS. DESCH: So, how about when I show her to lay
25 the foundation I talk about the fact that now we've

1 limited it to what [REDACTED] Younger Brother wrote.

2 THE COURT: Right, and whited out her notes. Just
3 say we whited out her notes.

4 Any objection?

5 MS. INZERILLO: No, Your Honor.

6 MS. DESCH: Now, obviously one of the big issues
7 will be pointing out inconsistencies with victim
8 statements. She wouldn't be doing her job if she
9 wasn't pointing those out. We're going to run into a
10 little bit of a problem when -- you know it's one
11 thing if he testified here. It's a little bit of a
12 problem of kind of brining out inconsistencies that
13 I've now been asked to redact. You know what I mean?
14 And I don't know how to articulate it, but there are
15 certain things he was consistent with but now we've
16 redacted some of those and I don't know how that plays
17 in but ...

18 MS. INZERILLO: Your Honor, I'm not sure that will
19 be an issue once we get to that that part of my cross.
20 If Miss Desch has an issue maybe we can address it
21 then.

22 THE COURT: Are you talking about redactions on
23 these?

24 MS. DESCH: I don't know what I'm saying other
25 than the fact that, you know there's certainly when

1 someone's credibility is questioned or their veracity
2 or their memory and all that stuff, usually can you
3 kind go back and say, well, you know, you were
4 consistent at some point.

5 THE COURT: Dr. McMillan can refer to her notes as
6 to refresh her recollection as to what was said. The
7 jury just doesn't get her notes.

8 MS. DESCH: Yes. I think Miss Inzerillo and I are
9 on the same page. I'm not articulating very well
10 right now. Only one cup of coffee this morning.

11 (WHEREUPON, Dr. McMillan enters the courtroom.)

12 THE COURT: Dr. McMillan, I apologize for making a
13 trip back.

14 MS. DESCH: And if I may just clarify some of your
15 rulings?

16 THE COURT: Sure.

17 MS. DESCH: So, Dr. McMillan I think we're doing
18 only two of these with the redacted. You can refer to
19 your own notes to refresh your recollection or answer
20 questions, but the jury will only get the redacted
21 piece of what comes from **Younger Brother** and I'll lay that
22 foundation. The other piece about the address, for
23 time and place on **Older Brother** if we talk about time
24 and place and you limit it to a residence, he
25 disclosed a residence, then the Court has given me

1 permission to say to you, have you come to learn that
2 residence was [REDACTED] Road in Blacksburg.

3 THE COURT: That's correct. That is to avoid you
4 having to say Phillip Lawson's house.

5 DR. MCMILLAN: Is there any point where I do say
6 his name?

7 MS. DESCH: On [REDACTED] Younger Brother [REDACTED] Older Brother os time and place.
8 It's no different than anything else. We only get
9 into statements from [REDACTED] Younger Brother The court has already
10 ruled that he's cognitively under the age of 12.

11 THE COURT: That's correct. Miss Inzerillo,
12 anything from the defense.

13 MS. INZERILLO: No, Your Honor.

14 THE COURT: Let's bring them in.

15 (WHEREUPON, THE jurors enter the courtroom.)

16 THE COURT: Good morning. Welcome back ladies and
17 gentlemen. Were you able to follow the rules I'd
18 given you over night.

19 (WHEREUPON, the jurors respond affirmatively.)

20 THE COURT: I appreciate that. All right, the
21 State can call your next witness.

22 MS. DESCH: Thank you, Your Honor. Dr. McMillan
23 please.

24 DR. LYNN MCMILLAN, called as a witness, having
25 been duly sworn by the clerk, was examined and

1 testified as follows:

2 (WHEREUPON, State's 4 and 5 were marked for
3 identification.)

4 DIRECT EXAMINATION

5 BY MS. DESCH:

6 Q Good morning Dr. McMillan.

7 A Good morning.

8 Q Could you please state your name for the record and
9 spell your last name?

10 A My name Lynn McMillan, L-y-n-n, M-c-M-i-l-l-a-n.

11 Q Where are you employed?

12 A I'm employed at a couple of places. I'm employed at
13 the Children's Advocacy Center, Spartanburg, Cherokee and Union
14 part time, and I also do some part work for University of South
15 Carolina, College of Social Work field office.

16 Q How many years have you been with the Child Advocacy
17 Center?

18 A Since 2001, so over 20 years.

19 Q What are you -- what do you do there?

20 A My primary role is as a forensic interviewer and I also
21 have some administrative responsibilities.

22 Q Forensic interviewer, what is that?

23 A Forensic interviewer -- or forensic interview is a term
24 that we use to describe an opportunity for children to be in a
25 safe and child friendly environment to tell about things that

1 may have happened to them and give a first person account of
2 their experiences. The children's Advocacy Center is national
3 model and our children's Advocacy Center has been in business
4 since 1996 and that is part of the services that we offer
5 through our Advocacy Center.

6 Q And what kind of educational background do you have to
7 get to where you are today?

8 A I'm a social worker. I've been a social worker for
9 over 40 years. I hold three degrees. All in social work. My
10 undergraduate degree is in social work from East Carolina
11 University in Greenville, North Carolina. I hold a masters in
12 degree in social work from the University of South Carolina
13 College of Social Work in Columbia, and I also hold a PHD, a
14 doctorate in social work from the University of South Carolina,
15 College of Social Work in Columbia.

16 Q What type of specialized training do you have to go
17 through in order to become a forensic interviewer? What do you
18 have to learn about them to do them?

19 A Well, first off at our Children's Advocacy Center we
20 require that the interviewer be masters level at least and also
21 be licensed clinicians. I'm a licensed social worker for
22 independent practice in clinical practice in South Carolina and
23 I'm trained and our advocacy training is trained in the National
24 Children's Advocacy Center model out of Huntsville, Alabama
25 which started -- they were the first ones to develop a protocol

1 for interviewing and I've had advance trainings ongoing over the
2 years.

3 Q So you've explained in general what a forensic
4 interview is and that it's an opportunity for children to talk
5 to you. Is there a certain way you ask questions of children?

6 A Our training is a semi-structure protocol. Questions
7 are asked as open ended as possible. I don't predict an answer.
8 There's not an answer I'm looking for. I do not have a check
9 sheet. I don't have prescribed questions to ask. I will want
10 to give that child as much opportunity as possible through open
11 ended questions to share their own narrative about their
12 experiences. So I would start an interview usually with, do we
13 understand why the child is there today. Does the child
14 understand why the child is there today and what we're suppose
15 to talk about today. And then I'll kind of guide them towards
16 letting them tell me initially in their own words where do they
17 want to start and then I can go back and ask questions in more
18 detail or more clarifying questions if there's something I'm not
19 understanding.

20 Q About how many forensic interviews have you conducted
21 over the years?

22 A I would estimate that I have done over fifteen hundred.

23 Q A little bit of background. Usually this comes to you
24 in your professional capacity. For instance, in a law
25 enforcement investigation. Is that how you got involved in this

1 case? Did a law enforcement agency refer a case to you?

2 A Referrals come to us generally from law enforcement or
3 DSS. Someone who is already investing something. So not just
4 any professional agency can call up and make a referral to us.
5 So yes, this referral came to us from Cherokee County Sheriff's
6 Office, Lieutenant Sibley.

7 Q You mentioned basically non-leading questions being
8 open ended, which is non-leading. In other words you can't put
9 words in the child's mouth. Is that what that means?

10 A I do not. I certainly do not put words in a child's
11 mouth.

12 Q If a child walked in and didn't disclose anything, what
13 happens then?

14 A I would kind of assess where we are with that. I would
15 probably invite them back for a a second interview, a follow-up
16 interview. I would try to determine what the barrier may have
17 been. Why that child could not talk with me that day. They may
18 be extremely shy. They may not have the verbal language or the
19 developmental ability. They may be too young to participate in
20 that kind of interview process. It may be that somebody has
21 influenced them in a negative manner to not talk with me. So I
22 got to kind of determine what the issue was or what the barrier
23 was with them talking with me to see if I can remedy that.

24 Q And I know I keep asking this in different ways, but do
25 you learn information from the referral source or from anybody

1 else prior to talking to the child?

2 A I would have basic information about the reason that
3 the referring agency was involved.

4 Q When your trusting the child to kind of lead you down a
5 path, if they don't give you information that you're aware of
6 what do you do then?

7 A I want to listen and explore it more for as much detail
8 as I can.

9 Q But to -- I suppose beat a dead horse -- you don't say,
10 oh, but didn't you say this. Why aren't you telling me this
11 here? Like that doesn't happen?

12 A That would not be what I would do.

13 Q So if the child just talks and doesn't really say any
14 disclosure at all, you get to back to where you were, which is
15 we just figure out what barriers are and we go to the next step?

16 A If they're quite talkative but we're not getting to
17 where we what to go I am going to try and figure out. Remind
18 again about how come you're here today. What did mommy or daddy
19 say about coming here today. And so I can usually work around
20 to figure out -- to get them back to where they can talk about
21 it. I am going to try and do that.

22 I'm not going to pull out the incident report from law
23 enforcement and read it to them in the beginning, so -- but
24 again, they'll usually say, you know, who already knows about
25 what you are here to talk about today. Somebody may say, well,

1 the police already know. Okay, so then I got a starting point.
2 I can start to chip away a little bit about what the barrier
3 might be.

4 Q In this particular case on May 19, 2020, did you
5 conduct a forensic interview with Older Brother [REDACTED]

6 A Yes, I did.

7 Q Do you remember how you got that referral?

8 A That referral came from --

9 MS. INZERILLO: Your Honor, I would just renew my
10 previous objection.

11 THE COURT: Overruled, for the reasons previously
12 stated.

13 MS. INZERILLO: Thank you, Your Honor.

14 MS. DESCH: Thank you, Your Honor.

15 A -- referral came in from Lieutenant Sibley with
16 Cherokee County Sheriff's office.

17 Q How old was [REDACTED] if you remember?

18 A [REDACTED] was 16 at the time I interviewed him in 2020.

19 Q And after going through the steps in the interview with
20 [REDACTED] did he related to you a time or timeframe of his
21 disclosures?

22 A Yes, he did.

23 Q And what was his disclosure of what had happened to him
24 timeframe wise?

25 A May I refer to my notes?

1 Q Yes.

2 Q He gave a timeframe from about the age of ten or 11 to
3 about the age of 13 or 14?

4 Q And what, if anything, did [Older Brother] relate to you
5 concerning the place or places of what he disclosed to you?

6 A He identified a residence.

7 Q And have you come to learn that residence was an
8 address on Piedmont Road, [REDACTED] in Blacksburg?
9 Numbering?

10 A Yes, I have.

11 Q Did you also on that day, 5/19/20, did you also conduct
12 a forensic interview for [Younger Brother]

13 A Yes, I did.

14 Q Now, [REDACTED] was -- same referral source, Lieutenant
15 Sibley?

16 A Correct, the boys were both referred in at the same
17 time.

18 Q And [Younger Brother] is younger, correct?

19 A Correct. He was 12 at the time I interviewed him.

20 Q Can you explain a little bit about how the room is set
21 up when you're talking with a child?

22 A We have interview rooms on the second floor of the
23 Children's Advocacy Center. It's an old house. It's a pretty
24 old house. I think it's a friendly welcoming atmosphere for the
25 children. But the interview rooms are upstairs. Once I have

1 introduces myself to the child, I talk to the parent or
2 caregiver. Then the child goes with me upstairs to the
3 interview room. The interview rooms are fairly stark. This was
4 a time during Covid so they weren't set up particularly as homey
5 as we would have liked it. We had like hardback chairs versus
6 something that was more chusiony. So there's usually a couple
7 of chairs in there. One that I will sit in and one that the
8 child would sit in.

9 Q Is it just you and the child you're interviewing?

10 A It is only me and the child in the room.

11 Q And so in this case it was you and Younger Brother in the room
12 along?

13 A That is correct.

14 Q Older Brother and caregivers were elsewhere and not in the
15 room with you?

16 A No, they were not. They were elsewhere in the building
17 and it was just me and Younger Brother

18 MS. INZERILLO: Your Honor, I would also renew my
19 previous objections to testimony.

20 THE COURT: Overrule for the reason previously
21 stated.

22 MS. INZERILLO: Thank you, Your Honor.

23 MS. DESCH: Thank you, Your Honor.

24 Q Did you use that same semi-structure process that you
25 had explained to us this morning? Did you use that with Younger Brother

1 as well?

2 A Yes, I did.

3 Q And how was his comfort level with you talking at
4 first?

5 A As I recall [Younger Brother] wasn't quite comfortable when he
6 first came into the room and so generally I will try and chat
7 for a moment to see if we can kind of relax a little bit. I
8 think he was a little hesitant initially to be able to say out
9 loud what he wanted to say.

10 Q Was he eventually able to respond to some questions?

11 A Yes, he was.

12 Q Did document his disclosures in any way while you were
13 talking to him?

14 A I had made a few notes. Just reminders to myself as I
15 was talking with him and on several different sheets of paper.
16 That's while I was talking to him and then I documented more
17 formally.

18 Q Typically these interviews are recorded, correct?

19 A They are video recorded, yes.

20 Q And was [Younger Brother] S recorded?

21 A It was mostly recorded. We had an equipment issue at
22 the beginning of his interview and so it only captured about 34
23 minutes of my time with [Younger Brother]

24 Q Were you able to kind of look back and see what was
25 captured and what was not?

1 A Yes.

2 Q And did you realize at some point that the initial
3 disclosures were not captured on the recording?

4 A At some point I did, yes.

5 Q So you didn't capture all the disclosures on the video
6 recording, correct?

7 A Correct. The very beginning part was the part that was
8 missing.

9 Q And then -- so were you able to then go back to your
10 notes that you had been taking contemporaneously to kind of
11 capture what the disclosures were?

12 A Yes.

13 Q Prior to May 19, 2020, had you ever met

Younger Brother

14 A No.

15 Q When you -- and I think I already asked this question,
16 but just to kind of reiterate -- when the recording is not
17 available to you in total were you able to rely on your notes to
18 compose a memo to the referring source?

19 A I used part of my notes that captured -- my notes from
20 the first part of the interview and then the interview to finish
21 the documentation, yes.

22 MS DESCH: If I may.

23 THE COURT: You may.

24 Q What I would like to show you is what we have marked
25 for identification as State's 4. That's two pages. State's 4

1 may look a little funny because we redacted out your notes. So
2 looking at what remains in State's 4 is that what [Redacted] wrote
3 on your notepad during the interview or drew?

4 A Yes, correct. That is [Redacted] writing and drawing.

5 Q How did it come about that he was communicating with
6 you with drawing and words as opposed to a verbal disclosure?

7 MS. INZERILLO: Your Honor, I would also renew my
8 objection to this discussion as well.

9 THE COURT: Objection is overruled for the reasons
10 previously discussed.

11 MS. INZERILLO: Thank you, Your Honor.

12 THE WITNESS: May I continue?

13 THE COURT: You may continue.

14 A I believe he was a little hesitant to use words to tell
15 me and about why he was there and what had happened and so what
16 I might do at that point which is what I did here is I suggested
17 can you write what happened. And so one of these is what he
18 wrote as far as initially what happened. And then I expanded
19 that to drawing the room where he said things happened and he
20 drew the room and then I did follow-up questions for both.

21 Q And so this was his way of communicating with you
22 during this forensic interview?

23 A Sure.

24 Q And I think you stated that you watched him do this and
25 then incorporated follow-up questions based on his disclosures

1 to you?

2 A That is correct, and we kind of did the picture back
3 and forth and he would show me things and explain things.

4 Q Looking at State's 5 for identification is that a copy
5 of your memo to Lieutenant Sibley but only the portion that has
6 to do with Younger Brother

7 A That is correct.

8 Q And if you're looking through State's 5 do you
9 recognize what that is and what you put in that memo?

10 A Well, I wrote it. I'm not sure of the question.

11 Q You wrote that memo?

12 A Correct.

13 Q And you recognize that you wrote that memo?

14 A I do recognize I wrote that memo.

15 Q And was this memo basically dictated at the disclosures
16 from the interview from Younger Brother

17 A Yes, I wrote it the following day.

18 Q And what did you use to incorporate the disclosures?
19 Like, what did you reference to write that memo?

20 A I referenced my notes that I had written and the
21 drawings that he had done.

22 Q Contemporaneously in the interview despite the lack of
23 the recording?

24 A That's correct.

25 MS. DESCH: The State would like to move in 4 and

1 5 into evidence please.

2 MS. INZERILLO: Your Honor, I would renew previous
3 objections to State's 4. No objection to State's 5.

4 THE COURT: State's 4 is in evidence over
5 objection for the reasons previously given, and
6 State's five is in evidence without objection.

7 (WHEREUPON, State's Exhibits 4 and 5 were received
8 in evidence.)

9 MS. DESCH: Thank you, Your Honor.

10 Q Could you please read the memo to the jury on five.

11 A To read it.

12 Q Yes, please.

13 A I wrote the memo to Lieutenant Sibley, Cherokee County
14 Sheriff's Office from me. Dated May 20, 2020 regarding [Redacted] Younger Brother
15 [Redacted] and I also listed [Redacted] Older Brother [Redacted] I wrote, "As you know I
16 interviewed 12-year old [Redacted] Younger Brother [Redacted] on 5/19/2020. Below is a
17 brief summary of the disclosures related to" -- may I state the
18 name?

19 MS. INZERILLO: Your Honor may we approach?

20 THE COURT: You may.

21 (Whereupon, there was an off the record
22 discussion.)

23 A Start again. "As you I interviewed 12-year-old [Redacted] Younger Brother
24 [Redacted] on 5/19/2020. Below is a brief summary of their
25 disclosures relating to Phillip Lawson. Additional disclosure

1 from [redacted] Younger Brother colon -- and I did a bullet points. Referring to
2 [redacted] Younger Brother Describe ejaculate in quotes. I read the word cum
3 which is what he had written on his paper that was white and
4 tasted, "nasty, slimy." Phillip instructed [redacted] Younger Brother to swallow
5 it and [redacted] ejaculated into Phillip's mouth. Phillip would
6 lick his lips. Phillip would also have a "rag" to wipe himself
7 off. He kept the rag on the "end table" next to the bed.
8 Phillip has a knife, parenthesis, black handle, mental blade.
9 Unsure about any writing -- parenthesis -- that was kept on the
10 same end table next to the bed. [redacted] showed me two small
11 scars, parenthesis, one on each hand.

12 MS. DESCH: Can I interrupt you for one second.

13 Can we approach?

14 THE COURT: Yes, ma'am.

15 Q I made some more redactions on the fly by consent on
16 State's five. If we can take this part and only read now down
17 here.

18 A So just move down here?

19 Q Yes, please. Thank you.

20 A Another bullet point. Missy tried to come in but the
21 door was locked. The last incident was about a month or so ago.
22 [redacted] never told anyone. He reasoned that Phillip was quote,
23 old, end quote, and would eventually die and then the abuse
24 would stop.

25 Q Thank you.

1 MS. DESCH: Your Honor, if we may publish State's

2 4.

3 THE COURT: You may publish.

4 Q Dr. McMillan, is that State's four that is in front of
5 you?

6 A Yes.

7 Q And is this in fact what Younger Brother wrote as he was
8 responding to your initial questions?

9 A That is correct.

10 Q And as best you can, can you read that to the jury
11 please.

12 A Put my mouth on his private, and he wrote the word cum
13 which I believe was consistent with what he had verbally stated
14 that I already read. Bend me over and tried to stick his thing
15 in my bottom. Then he wrote, put his mouth on mine private.

16 Q Not to be too graphic, but the c-o-m-e is spelled
17 incorrectly. What did you believe that to mean?

18 A Well, he described it as white, and tasted nasty and I
19 determined that must be ejaculate.

20 Q Okay. And then the next page, what is this?

21 A He had talked about a bedroom and I asked him to draw
22 the bedroom and he did. I may have to refer my notes over what
23 everything was.

24 Q But essentially this is his drawing when you asked him.
25 I think you mentioned earlier when you asked him where it

1 happened in Phillips room and that he had drawn it?

2

3 A Correct, and I asked him to draw it.

4 MS. DESCH: Thank you. Please answer any questions
5 the the defense might have.

6 MS. INZERILLO: May it please the Court, Your
7 Honor.

8 THE COURT: Yes, ma'am.

9 CROSS EXAMINATION

10 BY MS. INZERILLO:

11 Q Good morning Dr. McMillan?

12 A Good morning.

13 Q It sounds to me from your testimony you have been doing
14 this a long time, is that fair?

15 A Since 2001.

16 Q And that you have done it a lot?

17 A I have.

18 Q About fifteen interviews would you think?

19 A Yes.

20 Q So you know how to conduct an interview?

21 A I feel confident that I do.

22 Q Sure. And you know how to memorialize the important
23 parts of the interview?

24 A What manner are you talking about memorialize.

25 Q I talking State's 5 memo, like that?

1 A Yes, I right some kind of memo. It's not a complete --
2 it's not a transcript of the video recording, but it is
3 highlights from there that might be needed for an investigation
4 and also as you say memorialize or document the interview.

5 Q Okay. And this interview was done with [REDACTED] in May
6 2020?

7 A May 19th of 2020, correct.

8 Q And you have I think you testified you had extensive
9 training on how to interview children?

10 A Yes.

11 Q It sounds like you might teach how to interview?

12 A I'm not one of the trainers for teaching forensic
13 interviewing, no. I was previously the interim director for the
14 child protection training center at U.S.C. upstate and I've done
15 a lot of trainings but not specifically to conduct forensic
16 interviews.

17 Q Okay. And you describe the National Child Advocacy
18 method?

19 A Yes, correct.

20 Q And basically you allow the child to talk and then you
21 ask followup questions?

22 A Yes.

23 Q Okay. And it's a semi-structured interview?

24 A It is considered a semi-structured and again, being a
25 clinician it gives me some flexibility to move the interview

1 where it may need to go. To give the child comfort with space
2 if they need a break. Things like that in the interview, or
3 going to drawings if we need to do that to help the child. Some
4 protocols are very, very structured that don't necessarily have
5 that same flexibility.

6 Q Okay. One of the things that can be flexible is the
7 amount of time you spend with a child, right?

8 A Yes.

9 Q Okay, so you don't as an the interviewer rush a child
10 through it?

11 A I try not to rush them through, that is correct. Some
12 are short and some are longer.

13 Q Right, because the child is basically dictating the
14 interview in so many words?

15 A In so many words. Like for a younger child five
16 minutes might be like you are going to do in one particular time
17 where as an older child maybe with you for an hour, hour and a
18 half.

19 Q And you felt in your case with Younger Brother that you had
20 plenty of time to speak with him?

21 A I did feel like I did. Yes.

22 MS. INZERILLO: I have no further questions.

23 THE COURT: All right. Any redirect from the
24 State?

25 MS. DESCH: No, thank you.

1 THE COURT: Counsel, can I see you all at bench to
2 discuss scheduling please.

3 MS. DESCH: May Dr. McMillan be excused.

4 THE COURT: Yes, ma'am. Any objection from
5 excusing her from her subpoena.

6 MS. INZERILLO: No, ma'am.

7 THE COURT: Thank you, ma'am, you are excused.

8 MS. DESCH: The State would Lori Kimble.

9 LORI KIMBLE, called as a witness, was sworn by
10 the clerk and testified as follows:

11 MS. DESCH: The Court's indulgence for just one
12 second, please.

13 THE COURT: Yes, ma'am.

14 DIRECT EXAMINATION

15 BY MS. DESCH:

16 A Good morning. Can I ask questions while you're also
17 reviewing stuff?

18 A Yes, ma'am.

19 Q Please state your name and spell your last for the
20 record..

21 A My name is Lori Kimble, K-i-m-b-l-e.

22 Q And where do you work?

23 A I work for Clover Police Department.

24 Q Are you assigned to a special unit at this point?

25 A I am. I am assigned York County Multi-Jurisdictional

1 Forensic Unit. It's a mouthful.

2 Q But you work for Clover Police Department?

3 A Yes, Clover Police Department is who pays me. That is
4 who I work for but I work with the Multi -- Jurisdiction Unit.

5 Q And before Clover where did you work?

6 A I worked for the York County Sheriff's Office for a
7 number of years.

8 Q And before the York County sheriff's did you also work
9 at dispatch?

10 A I did for the York County Sheriff's Office.

11 Q And how long in total have you worked law enforcement?

12 A Including dispatch it will be I think 20 years.

13 Q I didn't realize you were that old. Twenty years, so
14 now that you're with forensics what kind of training do you have
15 to do? Like what's your role? How has that changed? Were you
16 patrol with police and now you're an investigator.

17 A Yeah, I had several different roles as a police
18 officer. Mainly patrol. I was also supervisor in patrol as a
19 Sergeant. I served years in the drug enforcement unit as well as
20 an investigator and then this will be my fourth year in the
21 forensic services unit as an investigator. Within this unit
22 there is definitely specialized training that goes into the
23 unit. As lot of it as you are working. So we take additional
24 classes and trainings prior to going into the unit and during
25 your time in the unit. Today I have probably 500 hours of

1 additional training.

2 Q What was your role in this investigation?

3 A In this investigation I was contacted by the criminal
4 investigations division. The detectives at York County
5 Sheriff's Office. They had a search warrant that they were
6 serving at a residence and we go along with them to help with
7 the collection and preservation of evidence for that search
8 warrant.

9 Q We heard a lot of talk in the last Cherokee County and
10 York County. Based on your experience at dispatch and your
11 knowledge, where was the Piedmont Road address, [REDACTED]
12 Road, Phillip Lawson's address

13 A Where the search warrant was in York County.

14 Q So essentially -- well, I you shouldn't say
15 essentially. Cherokee County thought it was Cherokee County and
16 then brought it to us.

17 MS. INZERILLO: Objection to the testimony.

18 MS. DESCH: I'll rephrase.

19 THE COURT: Sustained.

20 Q Confirm that it is in York County?

21 A The address where we served the warrant on Piedmont was
22 in fact in York County.

23 Q And based on your familiarity with the county how close
24 is it to Cherokee County line?

25 A It is very close to the Cherokee County line. I don't

1 the distance but I know it's close.

2 Q What I've handed you is a stack of photos and I will
3 refer to them in total as State's Exhibit 6 for identification.

4 A Yes, ma'am. One second I just have a few more to look
5 through.

6 Q Have you had a chance to review the photographs that I
7 put before you?

8 A Yes, ma'am.

9 Q Are those the photos that you took when you went out to
10 the address on Piedmont Road?

11 A Yes, during the search warrant.

12 Q Do you remember when you went out their?

13 A I believe the date was May the 28th of 2020.

14 Q The photos that you have gone through, State's Exhibit
15 6 for identification, are those accurate representations of the
16 photos you took when you went out on May 28, 2020?

17 A Yes, ma'am.

18 Q And what do they entail in general?

19 A So when we go to a scene as forensics the first thing
20 we do for any case whether it be a search warrant or just a
21 crime scene in general we do overall photographs of the
22 residence in the its entirety, which would be exterior and
23 interior. So this a representation of those photographs
24 exterior and interior of every room inside the residence.

25 Q And so essentially start big then go down to small?

1 A Yes, ma'am.

2 Q Did you also collect evidence while were you at this
3 residence?

4 A Yes, ma'am.

5 MS. DESCH: The Court's indulgence.

6 THE COURT: Yes, ma'am.

7 (WHEREUPON, State's Exhibit 7A, B and C were
8 marked for identification.

9 Q Investigator Kimble, I will show you what has been
10 marked as 7A, B and C?

11 A Can you look through the entirety of that without
12 opening it and identify what those items are please.

13 A Yes, ma'am. So the item marked as 7A is what I have
14 marked as evidence number 9 and that is a grey rag that I
15 collected from under a pillow on Phillip Lawson's bed. Item
16 marked as 7B which I have marked as evidence number 7 is a grey
17 rag that was located on top of a computer under the desk in
18 Phillip Lawson's bedroom. And item marked as 7C which I have
19 marked an evidence item number 1, is a white rag which I located
20 on top of a lamp on a bed side table in Phillips Lawson's
21 bedroom.

22 Q When you collect evidence, specifically evidence that
23 is going to be tested, what do you do?

24 A So for any evidence really, we collect using proper PP
25 which would be latex gloves. We separate each item to its own

1 individual packaging. Once those items are sealed into each
2 individual envelope they are sealed with tape and initialed and
3 dated so they can't be tampered with with.

4 Q And what happens when you bring back to the agency and
5 then how does it get to be tested?

6 A Correct, when we bring back -- when I bring it back to
7 the agency I fill out the proper paperwork on it. Submit it to
8 evidence custodian or evidence control. From there the
9 detective in the case typically will file to have that evidence
10 tested for whatever it may be whether it be latents or DNA or
11 whatever it needs. They will submit that paper to evidence
12 control and then it will be turned over to the proper people to
13 do that testing.

14 Q And the proper people in this case DNA is in our --
15 York County has DNA lab?

16 A Correct.

17 Q Are you familiar with the York County DNA lab?

18 A Pretty familiar, yes, ma'am.

19 Q And referring to State's 1 and 2 that has been entered
20 into evidence by stipulation, do you recognize what those
21 reports are?

22 A Yes, ma'am. These reports, State's Exhibit 1 and
23 State's Exhibit 2 are lab reports from the DNA lab. This will
24 be after they did their testing they will type these reports and
25 send them to the officers involved so that they have those lab

1 reports.

2 Q In this particular case you also got what we refer to
3 as buccal swabs from the victims in case. What's a buccal swab?

4 A Yeah, so a buccal swab is just the swab of the inside
5 of cheek. You've see it on TV where they use a Q-tip, a long
6 Q-tip and swab on the inside of someone's cheek to obtain a DNA
7 sample, a controlled sample.

8 Q And did you that with both Older Brother and Younger Brother
9 Younger Brother?

10 A I did at a later date.

11 Q What did you do with those?

12 A Those were submitted in the same fashion they were
13 boxed individually. Kept separate from one another and separate
14 packaging. Sealed, dated and submitted in evidence for further
15 processing in the DNA lab.

16 Q And those lab reports are, to your knowledge, are the
17 results of any testing on the evidence, correct?

18 A Correct, to my knowledge.

19 Q How do you know that -- what numbers match up with
20 reports in evidence?

21 A So the description of the evidence listed here, so for
22 instance, the evidence that I was talking about earlier, number
23 1 is a white rag. It lists that item on here as item number 1
24 is white rag. So they do a matching description so that we know
25 which is what. Is that what your asking?

1 Q Yes. And then the reports 1 and 2 entered into
2 evidence by stipulation would be the results of their testing
3 item seven?

4 A Correct. Correct.

5 Q Now, there is other things that you collected, correct?

6 A Other than these three things, yes.

7 Q What else did you collect in general?

8 A In general there was I think four computers, two cell
9 phones if I'm not mistaken, bean bag chair. I believe that
10 covers it. I would need to look at my evidence list to be sure,
11 but I think that covers it.

12 Q Is that the evidence list you referred to (Handed)?

13 A Yes, ma'am. I think there was a page two.

14 Q Multiple pages?

15 A But this is the evidence list, yes, ma'am. It has got
16 these three items; three computers, 2 cell phones, a bean bag
17 chair and actually the bean bag chair is broken out into
18 multiple items. It's the way we had to be packaged it. It had
19 to broken down in multiple items, but it's just one bean bag
20 chair.

21 Q And I think you document that in State's 6?

22 A Correct, I did in those photos.

23 Q Looking specifically at cell phones, you see mention of
24 cell phones on your evidence sheet before you?

25 A I do. Item number two is a Motorola motor G-4. I'm

1 pretty sure that's a cell phone. Yes, that's a cell phone. And
2 item number eight is a AT&T ZTE cell phone.

3 Q And you would have documented in State's 6 anything
4 before in the original location before you take it into
5 evidence, correct?

6 A Yes, we do our best to do that absolutely.

7 Q Do you remember where the cell phones were retrieved?

8 A Yeah. Both by memory and I document it on this form as
9 well. Both were located on top of a bed side table in Phillip
10 Lawson's bedroom.

11 MS. DESCH: State would like to move in 6 and
12 we're discussing 7 right now. We would also like to
13 move in seven.

14 THE COURT: Any objection to six?

15 MS. INZERILLO: No objection to six, Your Honor.

16 THE COURT: Six is in evidence without objection.

17 MS. DESCH: Thank you.

18 (WHEREUPON, State's Exhibit Number 6 was received
19 in evidence.)

20 Q And in seven please look at those. There are
21 biohazards stickers on those. What does that mean?

22 A Due to the nature of the alleged crime we want to
23 protect ourselves and any one that would handle evidence from
24 any biohazard contamination such as blood, any other bodily
25 fluids mission anything like that so as a safety precaution to

1 put those on there to would handle those items.

2 Q So I'm purposely not opening those because of the
3 biohazard sticker.

4 A Correct.

5 Q But how do you confirm that that is in fact what's in
6 those bags?

7 A The way that I would confirm it is that on the back of
8 each of those packages it has my initials and dates still intact
9 from where I signed them on 5/28/2020 and all three of these
10 have those. So what I placed in the these envelopes are still
11 inside.

12 Q And the numbers on 7A, B and C match with States 1 and
13 2 from the DNA lab as being the same, like what was tested?

14 A Correct.

15 MS. DESCH: The State would like to move in the
16 intact 7A, B and C into evidence.

17 THE COURT: Any objection?

18 MS. INZERILLO: Your Honor, could I clarify. The
19 Investigator Kimble said that it's in the same
20 condition as when she packaged it.

21 THE COURT: You can answer.

22 THE WITNESS: My signatures and dates on the seal
23 of the evidence are the same condition as when I
24 packaged it, yes.

25 MS. INZERILLO: But that item 7A, 7B, 7C looks a

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1 little different now. It's got other markings on it.

2 THE WITNESS: Yes, they have other markings that
3 the Court has put on and labs have put on. But my
4 signature is in tact and this is the packaging and the
5 seal that I put on it.

6 MS. INZERILLO: I have no objection.

7 THE COURT: In evidence without objection.

8 (WHEREUPON, State's Exhibit Number 7 A-C was
9 received in evidence.)

10 MS. DESCH: Thank you.

11 Q And just to kind of explain, so essentially what you're
12 saying is you seal it. You get it secured to where it goes.
13 They test it but they have to open it to test it?

14 A Correct.

15 Q And then they reseal it and initial it?

16 A Right. I know that this is the original packaging and
17 everything I did originally because my original signatures are
18 still on these packages.

19 MS. INZERILLO: Your Honor, may I just clarify
20 real quickly. No objections to it being admitted, but
21 I would renew previous objections from a prior hearing
22 that we incorporated into this trial.

23 THE COURT: I understand what you're saying.
24 We'll clarify on the record when we take a break.

25 MS. INZERILLO: Thank you, Your Honor.

1 MS. DESCH: Six is in. Seven is in and one two
2 are already in.

3 THE COURT: That's correct.

4 MS. DESCH: Thank you. Please answer any
5 questions the defense may have.

6 THE WITNESS: Yes, ma'am.

7 MS. INZERILLO: May it please the Court, Your
8 Honor.

9 THE COURT: You may.

10 CROSS EXAMINATION

11 BY MS. INZERILLO:

12 Q Good morning Investigator Kimble.

13 A Good morning, ma'am.

14 Q Am I using the proper --

15 A Yes, ma'am.

16 Q -- Investigator. Okay. So you're part of basically
17 the county's FSU unit?

18 A Yes, ma'am.

19 Q Just to explain about forensic services, you guys are
20 the ones that go out to collect evidence, right?

21 A Correct.

22 Q And the evidence you collect is with an eye towards
23 being tested later?

24 A Most evidence is, yes, not all, but most.

25 Q So you guys, your unit, are the ones that go in first

1 to make sure it's collected correctly, right?

2 A Yes, ma'am, for documentation and collection, yes,
3 ma'am.

4 Q And so when -- and so because when you collect items
5 like this that have to be tested later you have to make sure
6 they are not contaminated and that kind of thing?

7 A Correct.

8 Q So that's why your specialized person in this?

9 A Yes, ma'am.

10 Q And when you go to a scene you're looking for items
11 that could have potential evidentiary value to that particular
12 case, right.

13 A Yes.

14 Q So you don't just walk into someone's house and collect
15 everything and drag it back out to the agency?

16 A No, ma'am.

17 Q All right. In this case that's what you did. You went
18 to the house and collected some items, right?

19 A Yes, ma'am.

20 Q And you can be on scene for as long as you need to be
21 on scene, correct?

22 A Correct.

23 Q And it looks like in this case you did a lot of things?
24 You took a lot of pictures, right?

25 A Yes, ma'am.

1 Q You collected several items into evidence, right?

2 A Yes, ma'am.

3 Q And you were very careful about how you collected all
4 those things?

5 A Yes, ma'am.

6 Q Let's talk about the house on Piedmont Road for a
7 little bit.

8 A Okay.

9 Q So when you walk into the house you walk into the
10 living room, do you recall that?

11 A Yes, ma'am.

12 Q And then when you're standing in the living room if you
13 look to the left that sort of goes into the kitchen?

14 A Basically it's directly in front of you. When you walk
15 in the front door the entrance the to the kitchen and living
16 room kind of merge right there in the front.

17 Q And then if you were to walk sort of through the living
18 room and go to the right you go down a hallway?

19 A Correct.

20 Q Okay. And on this hallway are four doors, do you
21 recall that? One being a bathroom?

22 A I think there is five.

23 Q Okay.

24 A I think there is four bedrooms and one bathroom.

25 Q And this is is not a very big house, right?

1 A No, ma'am. Medium size.

2 Q So off this hallway all of these doors and rooms
3 they're very close to each other?

4 A Yes, ma'am. They're all in one hallway, yes, ma'am.

5 Q And these doors are made out of -- they're not solid
6 wood doors, Is that correct?

7 A Um --

8 Q They're not high grade?

9 A I wouldn't -- I think they were, but I couldn't say
10 for sure. I don't recall that.

11 Q You don't recall that. Okay. But the rooms are very
12 -- like when you walk don't the hallway there is a a couple of
13 rooms and the bathroom is sort of right close to each other?

14 A Yes, ma'am, if my memory serves me and the pictures
15 serve me, as you're going down the hallway you first encounter a
16 bedroom and a bathroom adjacent in that general area and then
17 three bedrooms are kind of closer at the end of hallway.

18 Q And the bedrooms were small?

19 A I would say pretty normal size. Just normal size
20 bedrooms.

21 Q And we have your pictures to look at, would that be
22 right?

23 A Yes.

24 Q And you went out to the house on May 28th, is that
25 correct?

1 A Yes, ma'am.

2 Q And when you went out to the house you start taking
3 pictures. Is that the first thing you do?

4 A Yes, ma'am.

5 Q And you were taking pictures of the front of the house,
6 right?

7 A Yes. We start from the roadway and work our way in.

8 Q So, front of the house, back of the house?

9 A Right.

10 Q And it seems like you take pictures of a lot of things
11 because you don't really know what is going to be important
12 later, is that right?

13 A Correct.

14 Q And then you go inside the house and you take pictures
15 inside the house, correct?

16 A Right.

17 Q And when you went inside the house you took pictures of
18 anything that you thought might be important to the case?

19 A I take pictures of everything inside, yeah.

20 Q Let's everybody else figure it out, right. And when
21 you walk into at let's two bedrooms there were guns on the wall,
22 do you recall that?

23 A I recall one. I remember a bow and arrow as well. I
24 would have to go back to the pictures to be sure. I know one
25 had a gun and I remember a boy and arrow.

1 MS. INZERILLO: May I approach the witness Your
2 Honor?

3 THE COURT: You may.

4 (WHEREUPON, Ms. Inzerillo hands photos to the
5 witness.)

6 A I definitely know this one.

7 Q So, I'm showing you a picture from one of the bedrooms
8 that has a bed on it with no sheets and then a room with a -- it
9 looks like a chair and ottoman?

10 A Chair and ottoman, yes, ma'am.

11 Q And there was some guns on the wall there?

12 A Yes, ma'am. If you get to the end of the hallway where
13 the cluster of the bedrooms was that is the first one you
14 encounter on the right.

15 Q Right. Okay. It looks like six guns on the wall. Am
16 I looking at that correctly?

17 A In that picture, yes, I don't if that was all that was
18 in that room but in that picture yes, ma'am, there are six.

19 Q Are you aware that this is not Mr. Lawson's bedroom?

20 A To my best knowledge, the detectives on scene tried to
21 give us information that it was not Mr. Lawson's bedroom.

22 Q All right. Thank you for that. All right. Okay. As
23 we discussed you were very thorough in collecting items when you
24 went inside the house that could or may be relevant later,
25 correct?

1 A Yes, ma'am.

2 Q And the three of them are in evidence which are three
3 rags, correct?

4 A Yes.

5 Q And those rags were rags you found in his room?

6 A Correct. Yes, ma'am.

7 Q You didn't collect any other rags from any other room
8 or any other area in house?

9 A No, ma'am. Those were the only three rags that were
10 collected.

11 Q And I just want to be clear, these items are found in
12 Mr. Lawson's house, right?

13 A He lived there. I don't if it's his house as far as
14 ownership, but it's where he lived.

15 Q Exactly. You didn't find it out in the yard?

16 A No, ma'am. Those were found inside of the bedroom.

17 Q So you took into evidence the rags, that State's 7,
18 correct?

19 A Yes.

20 Q And you took into evidence a Motorola G4, correct?

21 A Yes, ma'am.

22 Q And a Toshiba laptop?

23 A Yes, ma'am.

24 Q Blue bean bag chair?

25 A Yes, ma'am.

1 Q And you itemized that as stuffing because you had to
2 take that a part to transport it?

3 A Yes, ma'am.

4 Q You took into evidence the AT&T cellphone, the ATE
5 cellphone?

6 A Yes, ma'am.

7 Q A white Asus computer?

8 A Yes, ma'am.

9 Q HP laptop?

10 A Yes, ma'am.

11 Q And do you have the second page it lists a HP compact
12 like microtower?

13 A I don't have it, but I recall it. Yes, ma'am.

14 Q You do recall it? Okay.

15 A Yes, ma'am.

16 Q As you testified when you go and collect evidence you
17 did note what you take into evidence?

18 A Yes, ma'am.

19 Q And that's to make sure everything is accounted for as
20 the case goes on?

21 A Correct.

22 Q And you also indicated that you put the chair, the
23 white rag and the other rags which is State's 7 into evidence,
24 correct?

25 A Yes, let me make sure that was it. I think that was

1 it. Yes, those items, the rag, the bean bag chair and the three
2 rags were taken directly to evidence.

3 Q Okay.

4 MS. DESCH: Your Honor, can we approach?

5 THE COURT: Certainly.

6 MS. DESCH: May it please the Court, Your Honor.

7 THE COURT: Go ahead and make your motion.

8 MS. DESCH: I'm sorry but I realize there were
9 some additional photos as Miss Inzerillo was talking.
10 So we handed them to the witness and the defense has
11 seen them but to give her an opportunity to cross on
12 them if we could incorporate those into already
13 entered State's 6.

14 THE COURT: Any objection from the defense?

15 MS. INZERILLO: No, Your Honor.

16 THE COURT: They are incorporated in State's 6.

17 MS. DESCH: Thank you, Your Honor.

18 THE COURT: Just for the record, Ms. Desch, if you
19 can just describe what the photos are.

20 MS. DESCH: Yes, they are additional photos that
21 Miss Kimble took -- or Investigator Kimble took in the
22 totality of the photos that she took and those are
23 specific items that were taken from Mr. Lawson's
24 bedroom pertaining a cell phone location before it was
25 taken into evidence and some other things that I

1 believe Miss Inzerillo is now referencing. But it
2 should be pictures of his bedroom and things that were
3 removed from it.

4 THE COURT: Thank you, Miss Desch.

5 MS. INZERILLO: May I approach the witness?

6 THE COURT: You may approach.

7 Q Investigator Kimble, as part of your work on this case
8 did you do an investigator's report?

9 A Yes, ma'am. I did a total of two.

10 Q Would it help you in answering my questions to refer
11 back to those?

12 A Potentially, yes, ma'am.

13 MS. INZERILLO: Your Honor, may I approach the
14 witness?

15 THE COURT: You may approach.

16 Q So, I was just asking you about placing the -- what is
17 now State's 7 and a couple of other items that you noted
18 directly into evidence, is that correct?

19 A Yes, ma'am.

20 Q Okay. And then you submitted the other electronic
21 items to another division?

22 A Correct. I submitted them to Detective Robinson who
23 was in our -- I can't think of the name and they do all the cell
24 phones and computers.

25 Q As part of your job when you go into a location and you

1 take in evidence then have you to then secure that evidence
2 somewhere?

3 A Yes.

4 Q Or get it somewhere?

5 A Yes, ma'am.

6 Q All right, and so that's what you did in this case?

7 A Yes, this is the documentation along with the evidence
8 from where I took items from and then where I placed them.

9 Q Okay. And you noted -- you got my copy so correct me
10 if I'm wrong -- you took every single electronic that you had
11 recovered and you sent it to that division?

12 A Every electronic I recovered, yes, ma'am, I sent it
13 directly to Detective Robinson.

14 MS. IZERERILLO: All right. Your Honor, I no
15 further questions.

16 THE COURT: Any redirect from the State?

17 MS. DESCH: Your Honor, I think if we could
18 publish the reports, the DNA reports that are in
19 evidence. Is that something you want to cross on?

20 (Ms. Inzerillo shakes her head.)

21 REDIRECT EXAMINATION

22 BY MS. DESCH:

23 A Are you familiar enough to kind of read starting with
24 State's Exhibit 1 pertaining to specifically item three and item
25 four from one and then the same thing having to do with the rags

1 on item 2. Are you comfortable with that?

2 A I believe so. So items three and four, three is a grey
3 rag that was located on top of the computer under the desk and
4 item four was a grey rag under the pillow. So what the lab did
5 they examined those items along with others for the presence of
6 semen, using ALS, alternative light sources. They also did a
7 chemical presumptive and a slide preparation. Then they
8 further analyzed those and the results were --

9 MS. INZERILLO: Your Honor, may I approach?

10 THE COURT: Yes.

11 (Whereupon, there was an off the record
12 discussion.)

13 MS. DESCH: Thank you, Your Honor.

14 Q So Investigator Kimble, I think what we'll do is have
15 the law clerk maybe read that into evidence and then I do just
16 to end with the pictures that I just handed you specifically. I
17 think we'll find a -- would you like to actually -- let me back
18 up because I'm making the court reporter's job very hard. I'm
19 going to hand these to you for just one second please and then
20 what I would like to do is publish some of these photos to the
21 jury.

22 THE COURT: You may publish.

23 MS. DESCH: Thank you. I'm handing to the jury
24 exhibits three and some from exhibit six. I'll let
25 that go around the jury. If one of you would like to

1 take that and then keep these separate as six.

2 Your Honor, that's all for Investigator Kimble and
3 if she could be excused and then we will just wait for
4 publishing those.

5 THE COURT: Any objection from the defense?

6 MS. INZERILLO: No, Your Honor.

7 THE COURT: You may be excused.

8 MS. DESCH: Thank you, Your Honor.

9 THE COURT: Miss Desch, if can you just approach
10 the bench and indicate what would you like read.

11 MS. DESCH: Yes.

12 MS. INZERILLO: Your Honor, may I also do the
13 same?

14 THE COURT: Yes please.

15 THE COURT: Ladies and gentlemen, what's going to
16 happen now, these are DNA lab reports and you're going
17 to have these reports with you in the jury room but
18 parts of them are going to be read to you now. They
19 are going to be read to you now by Connor O'Cassel who
20 has been interning with me for a week. He is a law
21 student who is entering his third year of law school.
22 He has nothing to do with the case. He is just
23 reading it because someone has to read it but you will
24 actually have a physical copy of the report.

25 One last thing, he will be in the witness box.

1 This is not sworn testimony. He'S just reading from a
2 document. Okay.

3 And for the record this intern, Connor O'Cassel,
4 who will publishing excerpts that have been agreed
5 upon by both sides, of State's Exhibits 1 and 2.

6 MS. DESCH: Thank you, Your Honor.

7 MR. O'CASSEL: State's Exhibit one. The date is
8 January 20, 2021. Item 1, spermatozoa were
9 identified. The DNA profiles obtained from the
10 non-sperm and sperm fractions of the cutting from the
11 white rag (items 1NS and 1SP, respectively) are
12 consistent with mixtures of at least two individuals.
13 The major components of these mixed DNA profiles are
14 from an identified male source. Younger Brother (Item
15 5) and Older Brother (Item 6) are eliminated as
16 possible contributors to the major profiles. No
17 conclusions can be offered regarding the minor DNA
18 profiles.

19 Items 2. Spermatozoa were identified. The DNA
20 profile obtained from the non-sperm fraction of the
21 cutting from the bean bag (Item 2NS) is consistent
22 with the mixture of at least two individuals. The
23 major component of this mixed DNA profile is from an
24 unidentified male source. Younger Brother (Item 5) and
25 Older Brother (Item 6) are eliminated as possible

1 contributors to the major DNA profile. No conclusions
2 can be offered regarding the minor DNA profile.

3 The DNA profile obtained from the sperm fraction
4 of the cutting from the bean bag (Item 2SP) is
5 consistent with an unknown male. **Younger Brother** (Item
6 5) and **Older Brother** (Item 6) are excluded as potential
7 contributors to the DNA profile obtained.

8 Item 3. Spermatozoa were identified. The DNA
9 profile from the non-sperm fraction of the cutting
10 from the gray rag (Item 3NS) is consistent with a
11 mixture of at least two individuals. The major
12 component of this mixed DNA profile is from an
13 unidentified male source. **Younger Brother** (Item 5) and
14 **Older Brother** (Item 6) are eliminated as possible
15 contributors to the major DNA profile. No conclusions
16 can be offered regarding the minor DNA profile.

17 The DNA profile obtained from the sperm fraction of
18 the cutting from the grey rag (Item 3SP) is consistent
19 with an unknown male. **Younger Brother** (Item 5) and
20 **Older Brother** (Item 6) are excluded as potential
21 contributors to the DNA profile obtained.

22 Item 4. Spermatozoa were identified. The DNA
23 profile from the non-sperm fraction of the cutting
24 from the gray rag (Item 4NS and 4SP, respectively) are
25 consistent with a mixture of at least two individuals.

1 The major component of this mixed DNA profile is from
2 an unidentified male source. [Redacted] (Item 5)
3 and [Redacted] (Item 6) are eliminated as possible
4 contributors to the major DNA profile. No conclusions
5 can be offered regarding the minor DNA profile.

6 The major DNA profiles from the non-sperm and
7 sperm fractions of Items 1 and 4, the non-sperm
8 fraction of Items 2 and 3, and the DNA profiles from
9 the sperm fractions of Items 2 and 3 are consistent
10 with the same unidentified male source.

11 State's Exhibit 2. The date report of the report
12 is May 20, 2021.

13 Item one. The DNA profiles obtained from the
14 non-sperm and sperm fractions of the cutting from the
15 white rag (Items 1NS and 1SP, respectively) are
16 consistent with mixtures of at least two individuals.
17 The major DNA profiles are consistent with the dNA
18 profile obtained from Phillip Lawson (Item 7).

19 The probability of randomly selecting an unrelated
20 individual with a DNA profile matching the major DNA
21 profiles obtained from the non-sperm fractions of the
22 cutting from the white rag (Items 1NS and 1SP,
23 respectively) is approximately 1 in greater than 7
24 trillion (1,000 times the world population).

25 Item 2. The DNA profile obtained from the

1 non-sperm fraction of the cutting from the bean bag
2 (Item 2NS) is consistent with a mixture of at least
3 two individuals. The major DNA profile is consistent
4 with the DNA profile obtained from Phillip Lawson
5 (Item 7).

6 The probability of randomly selecting an unrelated
7 individual with a DNA profile matching the major DNA
8 profiles obtained from the non-sperm fraction of the
9 cutting from the bean bag (Item 2NS) is approximately
10 1 in greater than 7 trillion (1,000 times the world
11 population).

12 Item 3. The DNA profile obtained from the
13 non-sperm fraction of the cutting from the gray rag
14 (Item 3NS) is consistent with a mixture of at least
15 two individuals. The major DNA profile is consistent
16 with the DNA profile obtained from Phillip Lawson
17 (Item7.

18 The DNA profile obtained from the sperm fraction
19 of the cutting from the grey rag (Item 3SP) matches
20 the DNA profile obtained from Phillip Lawson (Item
21 7).

22 The probability of randomly selecting an unrelated
23 individual with a DNA profile matching the major DNA
24 profiles obtained from the non-sperm fractions of the
25 cutting from the gray rag (Item 3NS) and the DNA

1 profile obtained from the sperm fraction of the cutting
2 from the gray rag (Item 3SP) is approximately 1 in
3 greater than 7 trillion (approximately 1,000 times
4 the world population.)

5 Item 4. The DNA profiles obtained from the non --
6 sperm and sperm fractions of the cutting from the gray
7 rag (Items 4NS and 4SP, respectively) are consistent
8 with the mixtures of at least two individual. The
9 major DNA profiles are consistent with the DNA profile
10 obtained from Phillip Lawson (Item 7).

11 The probability of randomly selecting an unrelated
12 individual with a DNA profile matching the major DNA
13 profiles obtained from the non-sperm fractions of the
14 cutting from the white rag (Items 4NS and 4SP,
15 respectively) is approximately 1 in greater than 7
16 trillion (approximately 1,000 times the world
17 population?

18 THE COURT: State satisfied?

19 MS. DESCH: State is satisfied.

20 THE COURT: Is the defense satisfied.

21 MS. INZERILLO: Yes, Your Honor.

22 THE COURT: Thank you Mr. O'Cassey.

23 MS. DESCH: Thank you.

24 THE COURT: Counsel, if I see you all very briefly
25 at the bench.

1 THE COURT: You may.

2 (WHEREUPON, there was a brief recess.)

3 THE COURT: Bring the jury in.

4 (WHEREUPON, the jury enters the courtroom.)

5 THE COURT: Ladies and gentlemen, I understand
6 you're a little cramped in the room. We have a big
7 room down the hall we can use tomorrow. So I'll ask
8 the bailiffs to move you all down the hall tomorrow.

9 The State can call their next witness.

10 MS. RUSSO: Thank you, Your Honor. The State
11 calls Katie Lawson.

12 (WHEREUPON, State's 8 was marked for ID).

13 KATIE LAWSON, called as a witness, was sworn by
14 the clerk and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. RUSSO:

17 Q Would please state your name for the record?

18 A Katie Lawson.

19 Q And do you know the defendant in this case?

20 A Yes, ma'am.

21 Q How do you know him?

22 A He's my father.

23 Q What's his name?

24 A Phillip Ryan Lawson.

25 Q Did you grow up with him?

1 A Yes, ma'am.

2 Q Can you tell us what address you grew up at?

3 A I was -- I believe a year old when we moved to [REDACTED]

4 [REDACTED] Drive and I was 11 or 12 years old when we moved to [REDACTED]

5 [REDACTED] Road.

6 Q And that second house is that in York County?

7 A Yes, ma'am.

8 Q Okay. So you said you were 11 or 12?

9 A Yes, ma'am.

10 Q When is your birthday?

11 A [REDACTED].

12 Q So, that would mean somewhere in 2012, 2013 you moved
13 into an address in York County?

14 A Yes, ma'am.

15 Q Who else lived in your house at that time?

16 A Me, my father, my mother and when we first moved all
17 three of my brothers, my two older and younger.

18 Q What are their names?

19 A My older brother is Chance. My next oldest is Kyle and
20 my youngest brother is Cole.

21 Q The two older brothers, how much older are they than
22 you?

23 A Chance is born in '94. Kyle was born in '97 so about
24 two, three -- or no, three or four years between each one of us.

25 Q So then Cole is younger than you?

1 A Yes, ma'am. Only a year and a half.

2 Q A year and half. And so when you moved into York
3 County they all lived in house with you?

4 A Yes, ma'am.

5 Q When you moved to that residence did you meet a nearby
6 family and become friends with them?

7 A Yes, ma'am. In fifth grade I believe I became best
8 friends with Sabrina Beaty.

9 Q How did you meet her?

10 A We met on the play ground playing free tag.

11 Q Okay. So you met at school?

12 A Yes, ma'am.

13 Q Did you then come to know her family?

14 A Yes, ma'am. After we moved to the Piedmont address we
15 use to have to drive a few miles over their house to get on the
16 school bus.

17 Q Did you know Sabrina before that?

18 A Yes, ma'am.

19 Q But you got closer once you shared a school bus
20 together?

21 A Yes, ma'am.

22 Q At the beginning was that just you were friends at
23 school?

24 A Yes, ma'am. Then there will be some times my mom would
25 be at the doctor then my father would have to take her so her

1 mom would wait for us at the school bus stop until they got back
2 to pick us up.

3 Q And did that progress into hanging out outside of
4 school and doing things together?

5 A Yes, ma'am. We were pretty much inseparable. I was at
6 her house or they were at house playing.

7 Q And both of you had siblings? You both had brothers,
8 right?

9 A Yes, ma'am. She's the oldest of three.

10 Q And who are her younger brothers?

11 A Older Brother and Younger Brother

12 Q Were they close with your family as well?

13 Q Yes, ma'am. Older Brother became best friends with Cole?

14 Q Were they about the same age?

15 A I believe so. I think it was a year between them.

16 Q And then that out all of them then Younger Brother was the
17 youngest?

18 A Yes, ma'am.

19 Q Tell me an a little bit about what it meant that you
20 guys got closer and hung out and did they come over to your
21 house? Did you always go over there house? What was that like?

22 A We be taking turns. Normally when like all of us hang
23 out we go to my house because the yard was bigger. They lived
24 in a trailer park and the house wasn't the biggest. We lived in
25 double wide so it was a lot more space.

1 Q And the timeframe we're talking about starts in about
2 2012 but goes to about 2020. So did that change over time?
3 Different people moved out of the house and you hung out in
4 different places?

5 A Not really. They hung out more at our house. The
6 closer my mom got to the end of her life span.

7 Q I'm sorry I have to ask. Can you tell me when your
8 mother passed away?

9 A July 7th of 2018.

10 Q Before that, her health issues, did they cause her any
11 problems?

12 A She when we were growing up use to take a lot of
13 medicines to counteract the side effect of the other medicines.
14 So before we moved to the Piedmont address she typically slept a
15 lot, so I had to step up and take care of my siblings and then
16 once we moved to the Piedmont address and she started hanging
17 out with April they started taking her off medicines and then
18 she got diagnosed with stage four renal cancer.

19 Q You said she slept a lot. In the new house you moved
20 into where did she sleep?

21 A She slept in the living room.

22 Q And how many bedrooms were in the house?

23 A Three bedrooms. One bathroom.

24 Q How many bedrooms?

25 A Three -- no four bedrooms. One bathroom. We had my

1 father's room, then my room, then my brother Kyle's and then my
2 brother coles room right next to the living room.

3 Q Does that mean that a Chance had moved out by that
4 point?

5 A He moved out two months after we moved in. He and my
6 father weren't getting along.

7 Q Did Kyle ever move out?

8 A He moved out right before my mom passed away. She
9 (sic) and his girlfriend didn't get along and he ended up
10 getting her pregnant so they moved to Salisbury.

11 Q So he moved out if I heard you right 2017, 2018. Okay,
12 somewhere in there.

13 So did you and the Beatys, did your families take trips
14 together?

15 A Yes, ma'am. We went to Paris Mountain, I believe in
16 Greenville for a fourth of July trip and then we with went to
17 Lake Monticello and camped down there.

18 Q Was that the only trips or just the ones you remember?

19 A That's the only ones I remember. The Paris Mountain
20 trip I got a really bad burn and then the Monticello I fell off
21 the swing.

22 Q Do you remember what year the Paris Mountain trip was?

23 A I do not. I want to say I was about 13 or 14.

24 Q Okay. Do you remember how old [Older Brother] and [Younger Brother] were
25 when you met them?

1 A I do not. I do remember Younger Brother he had a really bad
2 speech impediment and he was in primary school.

3 Q They were young?

4 A Yes, ma'am.

5 Q I'm going to hand you what has been marked State's
6 Exhibit 8. Do you know who that is in that photograph?

7 A That's my father.

8 Q And can you tell about when that photo was taken?

9 A Right around my senior year of high school. We were
10 having problems finding a car and I remember him coming to pick
11 us up in the red Suzuki he had bought. So probably around 2018,
12 2019.

13 Q So because of the type of car you can kind of narrow
14 down when the photo was taken?

15 A Yes, ma'am.

16 Q And do you remember your father from that time period?
17 Do you remember what he looked like back then?

18 A Yes, ma'am.

19 Q And is that a fair and accurate depiction of what he
20 looked like back then?

21 A Yes, ma'am. I don't know if this is one of his
22 Facebook photos or not, but I remember after my mom died his
23 girlfriend Karen had a picture of him like this.

24 Q Your mom died in 2018.

25 A Yes.

1 MS. RUSSO: The State would move State's 8 into
2 evidence.

3 THE COURT: Any objection.

4 MS. INZERILLO: No, Your Honor.

5 THE COURT: In evidence without objection.

6 (WHEREUPON, State's 8, picture, was received in
7 evidence.)

8 Q Can you -- do you see your father in the courtroom
9 today?

10 A Yes, ma'am.

11 Q And can you identify who that person is?

12 A The man sitting in the suit over there.

13 MS. RUSSO: Let the record reflect the witness has
14 pointed out the defendant.

15 THE COURT: The record will so reflect.

16 MS. RUSSO: Thank you, Your Honor.

17 Q You lived in the house with your father from that
18 timeframe 2012 to 2020 that we've been talking about, right?

19 A Yes, ma'am.

20 Q And during that time **Older Brother** and **Younger Brother** came to the
21 house?

22 A Yes, ma'am.

23 Q When they came over did they ever spend the night?

24 A All the time.

25 Q What were the sleeping arrangements when they slept

1 overnight?

2 A [Older Brother] usually slept in either the living room or with
3 Cole in Cole's bedroom and [Younger Brother] always slept in the bed with
4 my father.

5 Q Was there ever a time that [Older Brother] didn't sleep in
6 Cole's room?

7 A Normally when the boys would come over I would either
8 stay in my room or I would go to the Sabrina's and spend the
9 night there.

10 Q So that's not something you may be have first hand
11 knowledge of?

12 A No.

13 Q You said that [Younger Brother] always slept in Mr. Lawson's
14 room?

15 A Yes, ma'am.

16 Q Was that always at night?

17 A Yes, ma'am.

18 Q Did they take any naps during the day or do anything in
19 his room during the day?

20 A They would go watch movies on the TV.

21 Q Did you ever ever notice anything strange while [Younger Brother]
22 was in your father's room?

23 A There was a few times when I would go to ask what they
24 wanted for dinner or tell them dinner was done or just if I had
25 a general question I would go to open the door but it would be

1 locked and I would be told that [Younger Brother] was playing around
2 locked it or it got stuck.

3 Q And did you ever talk to your father about that?

4 A I did.

5 Q Did he explain what was going on?

6 A He just told me that it was nothing. The door got
7 stuck. It was an old house or [Younger Brother] locked it.

8 Q So either the door was stuck or [Younger Brother] had locked the
9 door?

10 A Yes, ma'am.

11 Q Did you ever see anything else strange with [Younger Brother]
12 coming out of the room or times that he was in the room or
13 anything like that?

14 A He always come out kind of sweaty, flushed or red, but
15 I was always told it was because they were wrestling.

16 Q Did any of that strike you as strange at the time?

17 A Yes, ma'am.

18 Q And did you do anything about that?

19 A No, ma'am.

20 MS. INZERILLO: Your Honor, I would just renew
21 previously objections.

22 THE COURT: Overruled. Go ahead.

23 Q Did you talk to anybody about that?

24 A I talked to my mom.

25 Q So this happened when your mother was still alive?

1 A Yes, ma'am.

2 Q Do you know how long it was before she had died or what
3 year it was that you had this conversation with with her?

4 A I think it was in 2017. I was 16.

5 Q Okay.

6 A I sat down and talked to her about I just felt
7 uncomfortable with the boys coming over and she told me that she
8 --

9 MS. INZERILLO: Objection to the hearsay Your
10 Honor

11 THE COURT: Miss Russo, do you want to approach?

12 (WHEREUPON, there was an off the record
13 discussion.)

14 THE COURT: Objection sustained.

15 Q What did you tell your mother without getting into what
16 she responded to or what she told you? What did you tell her?

17 A I told her that it was really weird for [REDACTED] Younger Brother always
18 to be sleeping in Phillip's room and that it just made me a
19 little uncomfortable.

20 Q Did anything change or happen as a result of that
21 conversation?

22 A I remember them getting into an argument and they
23 didn't talk for a few days, but other than that nothing changed.

24 Q Did anything at that point get reported to an
25 authority?

1 A No, ma'am.

2 Q Did you ever have a conversation with your father about
3 it?

4 A Yes, ma'am. He told me I was overreacting and
5 over-thinking it.

6 Q And did you believe that at the time?

7 A Yes, ma'am.

8 Q Why did you believe him when he said you were over
9 reacting?

10 A Because when I was six years old I told someone on the
11 church bus that my two older brothers were molesting --

12 MS. INZERILLO: Objection, Your Honor, may we
13 approach?

14 THE COURT: Yes, ma'am.

15 (Whereupon, there was an off the record
16 discussion.)

17 Q I'm sorry Katie, when you were six you made an
18 allegation to a stranger -- a report to a stranger on a church
19 bus that your brother had acted inappropriately with you?

20 A Yes, ma'am.

21 Q And as a result of that report did something happen to
22 you and your siblings?

23 A Yes, ma'am, we were taken away by the State and put
24 into foster care for seven or eight months.

25 Q And were you eventually returned to your parents?

1 A Yes, ma'am.

2 Q When that happened did your parents have a conversation
3 with you about that?

4 A My mom never really talked to me about she liked to
5 pretend it never happened, but when I talked to my father about
6 it he was insisting that it never happened. I made up the
7 entire event and I was the reason for my brothers going through
8 the hardships they were going through.

9 Q Did they go through a hard time when they were
10 separated from your family?

11 A Yes, ma'am. My little brother developed separation
12 anxiety. He started acting out really bad. Even when he came
13 home he struggled with school. My parents were constantly
14 called up there. My brother Kyle was through into boys homes
15 where he issues and when he came home he was always getting in
16 trouble and getting expelled. Then my brother Chance he didn't
17 get to come home right away when the rest of us did and I blamed
18 myself for everyone being split up.

19 Q How old were you when that happened?

20 A I was six when I was taken. I was seven when we were
21 returned.

22 Q As a six-year-old who reported, that you blamed
23 yourself?

24 A Yes, ma'am.

25 Q And did that have anything to do with anything your

1 father told you?

2 A Yes, ma'am. He told me that I made up the events and I
3 was the reason that my brothers were having a hard time.

4 Q And you later found out you had not made up those
5 events?

6 A Yes, ma'am, when I was --

7 MS. INZERILLO: Your Honor, I would renew the
8 objections again.

9 THE COURT: Objection is overruled.

10 MS. INZERILLO: Thank you, Your Honor.

11 MS. RUSSO: Thank you, Your Honor.

12 Q So then when you questioned about what's going on with
13 Younger Brother and you asked those things to your father did he repeat
14 similar things to you about making it up?

15 A Yes, ma'am.

16 Q Did that make you question what you saw?

17 A Yes, ma'am. I was raised not to question my parents.

18 THE COURT: Miss Russo, can you make sure you
19 speak into the mic.

20 MS. RUSSO: I apologize.

21 Q Did you see anything else, any other behaviors between
22 Younger Brother and your father that made you uncomfortable?

23 A I mean when we would come into the living room and
24 kitchen Younger Brother would always be in his lap. They usually take a
25 nap in rolling chair in the kitchen. Other than that even like on

1 camping trips [REDACTED] Younger Brother was always not too far away.

2 Q Did you know what time -- what period of time you
3 noticed these behaviors happening? We're talking about a large
4 timeframe so I just want to make sure.

5 Was it happening all the way to when you if I meet them to
6 2020 or was there a particular timeframe when things increased
7 or when you noticed things it?

8 A It happened for as long as I can remember.

9 Q Thank you. I'm going to hand you what has been marked
10 for identification as State's 9A, 9B and 9C. If you court look
11 through those for me please.

12 Miss Lawson, could identify what is in those photos?

13 A It's the crawl space we had under our house.

14 Q Is that what you recall that crawl space looking like?

15 A Yes, ma'am. It was always pretty messy.

16 Q And that's the residence that we've been talking about
17 that you lived at between 2012 and 2020?

18 A Yes, ma'am.

19 Q Are those a fair accurate depiction of what it looked
20 like?

21 A Yes, ma'am. You can't really tell it, but behind the
22 water heater they're there are boxes and stuff. We ran out of
23 room in the building besides the house, so we will to put like
24 Christmas decorations.

25 Q Storage.

1 A Storage, pretty much.

2 MS. RUSSO: The State would move State's 9A, B and
3 C into evidence.

4 THE COURT: Any objection?

5 MS. INZERILLO: No, Your Honor.

6 THE COURT: In evidence without objection.

7 (WHEREUPON, State's Exhibits 9A, 9B and 9C were
8 received in evidence.)

9 Q Katie we talked about how the kids would kind of swap
10 back and forth. Come to the house and they spent the night a
11 lot. Was there any showering or bathing at your house by Older Brother
12 and Younger Brother

13 A Yes, ma'am.

14 Q And was there anything about that that made you
15 uncomfortable?

16 A It made me uncomfortable that the door had to stay open
17 when they were showering and then Younger Brother had to have help
18 showering.

19 Q Do you know how old he was when he needed that help?

20 A No, ma'am. It was all the way up to probably I want to
21 say I was 15 or 16.

22 Q So, that would put us at -- I shouldn't math in public
23 -- but 2016 or 2017. And so up until then you remember that
24 would need help showering.

25 A Yes, ma'am.

1 Q Who would be the person that would help him?

2 A My father.

3 MS. RUSSO: I have no further questions. Thank
4 you. Please answer any questions the defense may have
5 for you.

6 MS. INZERILLO: Your Honor, I no questions for
7 this witness.

8 THE COURT: Thank you, ma'am, you may step down.

9 THE WITNESS: Thank you.

10 THE COURT: The State can call their next witness.

11 MS. RUSSO: If we can call April Beaty please.

12 APRIL BEATY, called as a witness, was sworn by
13 the clerk and testified as follows:.

14 DIRECT EXAMINATION

15 BY MS. DESCH:

16 Q Good afternoon Miss Beaty. How are you?

17 A Good afternoon. Fine. How are you?

18 Q Good. Could you please state your name and spell your
19 last name for the record?

20 A April Beaty. B-e-a-t-y.

21 Q Are **Older Brother** and **Younger Brother** your sons?

22 A Yes.

23 Q Who are you married to?

24 A Michael Beaty.

25 Q How long have you been married to Michael?

1 A Twelve years.

2 Q There has been a lot of talk from the boys about dad.

3 Do they refer to Michael as dad?

4 A Yes, ma'am.

5 Q Biologically not dad but are they adopted?

6 A They're adopted by him, yes, ma'am. All except for

7 Younger Brother hasn't been quite adopted yet.

8 Q Not legally?

9 A Not legally.

10 Q He's been in the home?

11 A But he's been in the home ever since Younger Brother was three.

12 So that's dad.

13 Q I know this is kind of rough to be talking with these
14 people but the court reporter has to do one at a time. So I'll
15 try to anticipate if you're going to answer. Is that okay?

16 A Yes, ma'am.

17 Q So, [REDACTED] has grown up with Michael as his father
18 figure?

19 A Yes, ma'am.

20 Q What is Older Brother S date of birth?

21 A [REDACTED] [REDACTED].

22 Q What is Younger Brother S date of birth?

23 A [REDACTED] [REDACTED].

24 Q Have you -- at some point did you meet the Lawson
25 family and become friends with them?

1 A Yes, ma'am.

2 Q Tell me about that. Do you remember when?

3 A It was around 2011.

4 Q Was Mrs. Lawson or Miss Lawson still alive?

5 A Yes, ma'am.

6 Q And who did you specifically become better friends
7 with?

8 A Missy.

9 Q Were you also friends with Phillip Lawson?

10 A Yes, ma'am.

11 Q Tell us about -- I think we've heard about -- so you
12 don't have to go get into to many details, but tell us how you
13 sort of viewed this family friendship?

14 A They were like family to us.

15 Q What did that entail? What did you do with them?

16 A They were friends, but we became good enough friends to
17 where they were like blood to us.

18 Q You hung out together?

19 A We hung out together. We went on vacations together.
20 We went over each other's houses. Our kids stayed the night
21 with each other.

22 Q At some point Missy got ill. She fell ill, correct?

23 A Yes, ma'am.

24 Q Did that impact your friendship or family vacations or
25 anything?

1 A We didn't -- it didn't impact anything accept for the
2 vacation and that was not due to Missy's death. That was due to
3 financial reasons.

4 Q At some point as we were preparing I asked to you take
5 a look at some pictures of the boys while they were growing up,
6 correct?

7 A Yes, ma'am.

8 Q Did you do that and give me some pictures?

9 A Yes, ma'am.

10 Q I'm going to approach.

11 (WHEREUPON, State's 10A, 10B and 10C were marked
12 for identification.)

13 Q If I may show you what has been marked State's Exhibit
14 for identification. These are plastic sheets with pictures on
15 front and back marked 10A. Can you identify who is in 10A,
16 front and 10A back? The same with 10B. Identify who is in 10B,
17 front and back and 10C, and then I'm going to ask you
18 approximate years starting with 10A front and back.

19 MS. INZERILLO: Your Honor, I would ask that a
20 foundation be laid before she identify.

21 Q Do you recognize all of those pictures?

22 A Yes, ma'am.

23 Q Are those from you?

24 A Yes, ma'am.

25 Q And looking at each of those photos, is it an accurate

1 depiction of your sons, Older Brother or Younger Brother or both, as you have
2 first hand knowledge from the years that you posted on the back?
3 Are those accurate depictions of the boys at those approximate
4 times?

5 A Yes, ma'am.

6 MS. DESCH: If I may move those into evidence
7 please.

8 THE COURT: Any objection from the defense?

9 MS. INZERILLO: Your Honor, may I have one moment?
10 Your Honor, may we approach?

11 THE COURT: You may.

12 (Whereupon, there was an off the record
13 discussion.).

14 MS. INZERILLO: We have no objection.

15 THE COURT: In evidence without objection.

16 MS. DESCH: Thank you, Your Honor.

17 (WHEREUPON, State's Exhibits 10A, 10B and 10C were
18 received in evidence.

19 Q Miss Beaty, looking at 10A, front and back, can you
20 please identify -- let's start with 10A on the front. Who is
21 that and what approximate year is that?

22 A That's Younger Brother

23 Q And you if you want to look at the back.

24 A That's Younger Brother as well.

25 MS. DESCH: I'm sorry, Court indulgence.

1 A Yes. In this.

2 Q You can take them out of the sleeve. Miss Beaty, I put
3 them in there for identification for the record, but they are in
4 evidence. You can look on either side if it helps you remember
5 what year it is.

6 A Okay, 10A is [Redacted] in 2013 and the back side is 2013
7 -- I'm sorry, 2019 of [Redacted] as well.

8 Q Thank you, and then 10B. And while your looking at the
9 years I just want to, if you turn the year over it says
10 something prior to 13 please do not answer and I will come up
11 and many deal with it.

12 A The 10B is [Redacted] and [Redacted] together and it looks
13 like 2017.

14 Q So that's 10B front [Redacted] and [Redacted] Both of your
15 sons together in approximately 2017?

16 A Yes, ma'am. And then on the back side is picture of
17 [Redacted] for 2019.

18 Q Do you know who is in 10C?

19 A That is [Redacted]

20 Q Does it have a number on the back, a year?

21 A 2013.

22 Q It's [Redacted] in 2013. Thank you very much.

23 A Your welcome.

24 Q You and I have also talked about sort of your
25 relationship with the Lawson family and the family vacations,

1 correct?

2 A Yes, ma'am.

3 Q And trying to kind of look back at the timeframe of
4 your relationship, did you send a picture of a camping trip
5 recently?

6 A Yes, ma'am.

7 (WHEREUPON, State's Exhibit 11 was marked for
8 identification.)

9 Q So what has been marked for identification as 11. Do
10 you recognize that picture?

11 A Yes, ma'am, I do.

12 Q Without getting into the details of what's in it, how
13 do you recognize it? Where did that come from?

14 A Paris Mountain.

15 Q Where did the picture come from? Where did you pull
16 that picture?

17 A From my Facbook memories.

18 Q And had posted it? Is it your picture that you posted
19 on your Facebook page?

20 A Yes, ma'am.

21 A Does it kind of reflect the approximate date of when
22 you posted those? How does memories work?

23 A When you take a picture and you post it on Facebook
24 every year it will pop up in your memories.

25 Q Okay.

1 A And to give like an anniversary date of it.

2 Q So at some point you had taken pictures you had a with
3 camping trip with Lawsons and posted on Facebook page?

4 A Yes, ma'am.

5 Q And is this a copy of the picture that popped up on
6 your memories recently?

7 A Yes, ma'am.

8 Q Is that accurate collage of pictures from your Facebook
9 memories that indicates approximate date of the camping trip?

10 A Yes, ma'am.

11 MS. DESCH: May I move 11 into evidence.

12 MS. INZERILLO: No objection Your Honor.

13 THE COURT: In evidence without objection.

14 (WHEREUPON, State's Exhibit 11 was received in
15 evidence as of this date.)

16 Q Now specifically, if we're looking at that collage what
17 is that a collage of pictures of?

18 A It's pictures of our tents that we set up at Paris
19 Mountain. It's pictures of Older Brother Katie and Kyle together and
20 a picture of all of our camping gear in one big pile before we
21 set it up you.

22 Q So this was one of the many camping trips you took with
23 the Lawson family?

24 A Yes.

25 Q Was Phillip Lawson there?

1 A Yes, ma'am.

2 Q Was Younger Brother their?

3 A Yes, ma'am.

4 Q What is the approximate timeframe. How many years ago
5 was it?

6 A Eight years ago.

7 Q So this is a camping trip from eight years ago. What
8 -- looking back through the eyes of what you now know, what do
9 you remember about that trip?

10 A I remember Phillip at some point took Younger Brother to the
11 showers and gave him a shower.

12 Q At the time did you think anything of it?

13 A No.

14 Q How come?

15 A Because I trusted him.

16 Q These relationships you had with them back then on the
17 camping trips and before Missy died, was it a good relationship
18 with the Lawson family?

19 A I thought so.

20 Q Did your boys go over there by themselves and sleep at
21 Phillip Lawson's house and their kids come over to your house as
22 well?

23 A Yes, ma'am.

24 Q In fact at some point you had I think we've learned
25 that you had some hospital stays with medical problems

1 throughout the years. Who helped care for the boys while you
2 were you stuck in the hospital?

3 A Some times it had been Missy and Phillip, but then
4 after Missy passed away it was Phillip.

5 Q So some of the caretaking while you were dealing with
6 medical issues was before 2018 and also after a 2018?

7 A Yes, ma'am.

8 Q Some time in April of 20 did you confront [REDACTED] and
9 did you learn something from [REDACTED] at some point about Phillip
10 Lawson?

11 A I can give --

12 Q Don't say details. At some point did you learn
13 something. That's it. Don't say anything about what you
14 learned?

15 MS. INZERILLO: Your Honor I would --

16 A Yes, I did.

17 THE COURT: Hold on.

18 MS. INZERILLO: I'm going to object to the form of
19 the question. If we could approach.

20 THE COURT: Sure.

21 (Whereupon, there was an off the record
22 discussion.)

23 MS. DESCH: Court's indulgence.

24 THE COURT: Yes, ma'am.

25 Q I'm trying to put myself back in the timeframe, so

1 Covid happened around April '20. If we remember March into
2 April things were starting to shut down, correct, if you
3 remember?

4 A I think so, yes, ma'am.

5 Q And I'm only bringing it up to try and give you context
6 since it was three years ago. Was it around that time that
7 **Younger Brother** and **Older Brother** stopped going over to Lawson house? When is
8 the last time they went over to the Lawson household?

9 A It was in 2020.

10 Q But that was about the last time that they went over
11 there?

12 A Yes, ma'am.

13 MS DESCH: Please answer any questions the defense
14 might have.

15 THE COURT: Miss Inzerillo.

16 MS. INZERILLO: May it please the Court.

17 THE COURT: Yes, ma'am.

18 CROSS EXAMINATION

19 BY MS. INZERILLO:

20 Q Good afternoon, Miss Beaty?

21 A Good afternoon. How are you?

22 Q I'm all right. I just have a few questions for you.

23 A Okay.

24 Q The area that you lived in during this timeframe it was
25 a trailer that was in a trailer park, is that right?

1 A Yes, ma'am.

2 Q How many trailers were in that park?

3 A At that time I'm a not sure. Between 10 and 12.

4 Q Okay. And do you recall -- under Miss Desch's question
5 said that the kids would go back and forth between your house
6 and the Lawson's house during this time, is that right?

7 A Yes, ma'am.

8 Q Do you recall telling Phillip that you would send your
9 kids to his home because they fought so much?

10 A No, ma'am.

11 Q You don't recall saying that?

12 A No, ma'am.

13 MS. INZERILLO: Okay. Your Honor, I no further
14 questions.

15 THE COURT: All right. Any redirect from the
16 State?

17 MS. DESCH: Nothing from the State.

18 THE COURT: Thank you ma'am. You may step down.

19 THE COURT: Does the State have any additional
20 witnesses for today.

21 MS. DESCH: May I have a second to answer that
22 question.

23 THE COURT: Sure.

24 MS. DESCH: Your Honor, I'm going to see if Mr.
25 Waldron is here and we should end with that.

1 THE COURT: All right.

2 FREDERICK WALDRON, called as a witness, was sworn
3 by the clerk and testified as follows:

4 MS. DESCH: Just for clarity for the Court we are
5 just trying to make sure any legal discussions are
6 abided by.

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

8 MS. RUSSO: I apologize for the delay.

9 DIRECT EXAMINATION

10 BY MS. RUSSO:

11 Q Mr. Waldron, can you state your name for the record.

12 A Alfred Graham Waldron.

13 Q And can you spell that?

14 A A-l-f-r-e-d G-r-a-h-a-m W-a-l-d-r-o-n.

15 Q Do you know the defendant?

16 A Yes, I do.

17 Q How do you know him?

18 A We were both married to sisters.

19 Q And could you give me his name.

20 A Phillip Ryan Lawson.

21 Q Have you known him a long time?

22 A Almost thirty years.

23 Q Has there ever been a time when you lived with him and
24 his family?

25 A Yes.

1 Q What timeframe was that?

2 A It was 16 Piedmont Road about five years.

3 Q For the past five years?

4 A Yes.

5 Q And that's a house in York County?

6 A Yes, ma'am.

7 Q And when you moved in was your sister-in-law Missy
8 still alive?

9 A Yes, she was.

10 Q At that time did you meet any children who were friends
11 of the family?

12 A Yes, [Younger Brother] and [Older Brother]

13 Q And were they over at the house often?

14 A Quite a bit.

15 Q Can you tell me what you recall seeing regarding
16 [Younger Brother] S interactions with Mr. Lawson?

17 A It started with they just wrestled. It seemed like
18 they were friends and everything. Phillip let him stay in his
19 room with him. I asked Missy and Phillip both I thought that
20 was kind of strange a boy his age shouldn't be staying in the
21 room.

22 Q So that struck you as a strange thing to be happening?

23 A Yes, it did.

24 Q And you discussed with Missy and Phillip?

25 A Yes, they both said --

1 Q Without saying what someone told you, was there
2 anything that changed as result of that conversation?

3 A Nothing. No.

4 Q And so this behavior that you thought was strange did
5 it continue?

6 A Yes, even after Missy passed away.

7 Q And did it happen -- you first moved in just shortly
8 before Missy passed?

9 A Yes.

10 Q And it was happening when you moved in?

11 A Yes.

12 Q And is there anything specific about it that made you
13 feel uncomfortable? What was it?

14 A There was a couple of times Younger Brother would run out of
15 the room and he would just be in his drawers and he's be upset
16 and I would ask him, what's wrong and he said nothing, we're
17 just fighting and slammed the door.

18 MS. INZERILLO: Objection, Your Honor. Hearsay.

19 THE COURT: Sustained.

20 Q So you would see --

21 MS. INZERILLO: Your Honor, I would move to strike
22 the response.

23 THE COURT: Ladies and gentlemen, I am going ask
24 you disregard that response as far as what was said by
25 someone else. It's not important.

1 Q So as to what you saw you would see [Redacted] come out of
2 Phillip's room?

3 A Yes.

4 Q And what state was he in when he came out?

5 A He was very upset.

6 Q And what was he wearing?

7 A His underwear.

8 Q And what time of day was it?

9 A It was late at night.

10 Q Usually late at night. Was that one time or more than
11 one time?

12 A I saw it twice.

13 Q And I guess that struck you as being strange?

14 A Yes.

15 Q And you spoke with somebody about it and nothing
16 changed?

17 A Yes.

18 MS. RUSSO: Thank you. I have nothing further.

19 Please answer any questions the defense may have.

20 MS. INZERILLO: I have no questions, Your Honor.

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

22 Any objection to excusing this witness from his
23 subpoena.

24 MS. DESCH: Not from the State.

25 MS. INZERILLO: No, Your Honor.

1 THE COURT: Thank you, sir, you are excused from
2 your subpoena.

3 THE WITNESS: Thank you.

4 THE COURT: Final witness for today?

5 MS. DESCH: Final witness for today.

6 THE COURT: All right, ladies and gentlemen, that
7 will be the end of testimony for today. I very much
8 appreciate your patience today and your attention. I
9 remind you please don't do any outside research.
10 Don't talk amongst yourselves or with anyone else and
11 don't read or watch any news reports. With that said
12 I will ask you to be back at 9:30 tomorrow. I will
13 tell you I think it's highly likely you will receive
14 the case tomorrow. Meaning we will close the evidence
15 tomorrow and there will be closing arguments tomorrow.
16 It will time for juror deliberations tomorrow. Okay.
17 So, I typically -- since that will be a Thursday, not
18 a Friday, I will typically give you an option of
19 whether you if it's five o'clock or five-thirty and
20 you're still deliberating whether you want to stay
21 late or whether you want to come back Friday morning.
22 Think about how you might want to answer that.

23 Ladies and gentlemen, have a great evening and
24 we'll see you all back 9:30 tomorrow.

25 (WHEREUPON, the jurors leave the courtroom.)

1 THE COURT: Anything from the State before we
2 break?

3 MS. DESCH: I don't believe so.

4 THE COURT: From the defense?

5 MS. INZERILLO: Your Honor, there was a bench
6 conference I did want to put on the record.

7 THE COURT: Yes, ma'am, go right ahead.

8 MS. INZERILLO: I had objected to the -- it was
9 during the I believe Katie's testimony and I had
10 approached about my concerns of her specificity of the
11 details she had gone in terms I was six years old and
12 I told someone on the bus. That was outside the
13 proffered testimony. I had expressed my concerns to
14 the court and my objection that was a little to
15 detailed and the Court did decide that would be
16 allowed.

17 THE COURT: Okay, that will be fine.

18 MS. INZERILLO: Thank you, Your Honor.

19 THE COURT: How many more witnesses does the State
20 anticipate for tomorrow?

21 MS. DESCH: I don't know that we do. We'll take
22 overnight to think about it after the legal ruling
23 today.

24 THE COURT: Miss Inzerillo, do you anticipate --
25 I'm not going to hold you to it, but do you anticipate

1 having any witnesses tomorrow?

2 MS. INZERILLO: Your Honor, can I answer that
3 question in the morning?

4 THE COURT: You may. All right.

5 MS. INZERILLO: Thank you, Your Honor.

6 THE COURT: And if you all don't mind be ready to
7 talk about charges tomorrow. All right.

8 All right, we'll see you all at 9:30 tomorrow
9 morning. The court will be in recess.

10 MS. DESCH: Thank you, Your Honor.

11 (WHEREUPON, court was adjourned for the day.)

12 (WHEREUPON, court resumed on July 20, 2023).

13 THE COURT: Anything we need to take up from the
14 State before we bring the jury in?

15 MS. RUSSO: Your Honor, I do think we have the
16 bond paperwork that I believe is self authenticating,
17 but the final order does state -- you signed that he's
18 a flight risk, but it says failure to appear at trial.
19 So I did want to discuss with you and the defense
20 whether there would be an appropriate redaction so we
21 could get the appropriate paperwork in.

22 THE COURT: Do we need the last one, if he
23 violated his house arrest and was found in Georgia.

24 MS. RUSSO: So the other bond orders are actually
25 a little bit confusing.

1 THE COURT: Okay, pass them up. Let me look.

2 MS. RUSSO: Three of the four.

3 THE COURT: Where is the fourth?

4 MS. RUSSO: I'm looking for it.

5 Your Honor, we have it upstairs. I've sent our
6 paralegal to go grab everything that is up there.
7 Which ever one is missing is one of the ones with had
8 yesterday, and I don't know that it is important but I
9 know you may want it to see it.

10 THE COURT: Judging from these three it does not
11 attach that house arrest was in effect.

12 MS. RUSSO: The issue I have Your Honor is that it
13 looks like the future orders are merely amending the
14 first order and doesn't necessarily contain every
15 condition as ordered because they also don't state no
16 contact with the victims and things like that. I do
17 think he's not allowed to leave the State and so that
18 condition is still in place. I think it would be
19 sufficient for the State if we could enter the last
20 one that just says his bonds was revoked.

21 THE COURT: Counsel, can I see I all at the bench
22 please.

23 (WHEREUPON, there was an off the record
24 discussion.)

25 MS. INZERILLO: Your Honor.

1 THE COURT: Yes, ma'am.

2 MS. INZERILLO: If I may, we had a conference at
3 the bench about the State's intention to introduce
4 evidence of flight by Mr. Lawson. It's my
5 understanding they're going to introduce it in two
6 ways. The first through a bond order that Your Honor
7 signed about leaving the state and then the second
8 would be through testimony of a witness.

9 Your Honor, I did wish to place on the record my
10 objection especially to the witness. The transport
11 officers in this case worked Dover and Beard. They
12 were not on the witness list and so we did not have
13 the opportunity to question the jury panel about there
14 knowledge of them and factor that into the way we
15 chose our jury.

16 Secondly, Your Honor, the State did indicate they
17 wanted to call Carson Neely who is captain of the
18 investigative division of the sheriff's office. I
19 would object to that as well.

20 THE COURT: I think we are going to need a proffer
21 on that.

22 MS. INZERILLO: Okay.

23 THE COURT: I suspect I'm going to let it in but I
24 want to be sure and hear exactly what he's going to
25 say on that issue.

1 I don't think it would be a very long proffer but
2 I want to hear exactly what the witness is going to
3 say.

4 MS. RUSSO: And the State would be happy to let
5 you question him directly if that would be faster or
6 easier.

7 THE COURT: Sometimes I'll do that.

8 MS. RUSSO: Your Honor, Captain Neely has
9 returned.

10 THE COURT: Still under oath Captain.

11 DIRECT EXAMINATION

12 BY MS. RUSSO:

13 Q Good morning Captain.

14 A Yes, ma'am.

15 Q Thank you for being here on such short notice. As part
16 of this case did you learn that Phillip Lawson had left the
17 state?

18 A Yes, at some point. I can't tell you exactly when that
19 was.

20 Q Can you tell us about how you found out that
21 information?

22 A Just through talking to the investigators that somehow
23 he ended up in Georgia.

24 Q Did you sign off on orders to send anyone or for pickup
25 or anything like that?

1 A It is possible I signed the NCI sheet to have him
2 extradited back. I just don't recall if I did or did not do.

3 Q Is that something you would normally do?

4 A Yes, ma'am.

5 Q You just don't have an independent memory in this case
6 of actually signing it?

7 A Yes, ma'am. I do so many I just don't know if I did or
8 not. I just don't know.

9 Q Is that paperwork you would still have access to?

10 A Yes, ma'am. In our records, yes.

11 Q Okay. Is there any other way that you learned about
12 Mr. Lawson's trip to Florida -- to Georgia or his return that
13 I'm not asking about?

14 A No, ma'am.

15 MS. RUSSO: Your Honor, that's all the State would
16 be able to present.

17 THE COURT: I don't think that's sufficient. Do
18 you have the document?

19 MS. RUSSO: It appear that we have the document in
20 the computer system at the sheriff's office.

21 THE COURT: They changed that.

22 THE WITNESS: Just to clarify, what this is is the
23 NCI sheet saying that we have another clue where he
24 would be in the event he was ever picked up in any
25 state we would extradite.

1 Q So is that the sheet the solicitor's office sends to
2 you saying he's got a bench warrant?

3 A It's probably similar. It's probably not the same form
4 but it's a similar form.

5 Q And it indicates where he can be extradited from?

6 THE COURT: Actually I will ask a question now.
7 Captain Neely, I just want to make sure I understand.
8 The form that you think you may have signed --

9 THE WITNESS: Yes.

10 THE COURT: -- indicates to other law enforcement
11 agencies that Mr. Lawson is a wanted person in South
12 Carolina?

13 THE WITNESS: That is correct.

14 THE COURT: It is not an order for deputies to go
15 pick him up in Georgia.

16 THE WITNESS: That's correct. There would be a
17 person at the sheriff's office that would sign that
18 order to have him picked.

19 THE COURT: But it would not be be you?

20 THE WITNESS: No, sir.

21 THE COURT: Miss Inzerillo, any questions?

22 MS. INZERILLO: No, Your Honor.

23 THE COURT: Anything else from the State?

24 MS. RUSSO: No, Your Honor. May this witness be
25 be released.

1 THE COURT: Yes. Thank you Captain, you are
2 released.

3 The one remaining avenue do we want to go down the
4 road of whether a witness not on the witness list can
5 be called. I'll pull up the case law on that if you
6 want me to and talk about that.

7 MS. RUSSO: Yes, Your Honor. I'm not familiar
8 with the case laws on that.

9 THE COURT: Okay. The rule is different in
10 general session matters than common pleas matter.
11 What I'm seeing is the State is not required to
12 provide a witness list to the defense other than for
13 purposes of jury selection. So the only issue is
14 whether or not any jurors know the perceptive witness
15 and Miss Inzerillo, is that your understanding of the
16 law?

17 MS. INZERILLO: I believe I have read the case
18 about not providing it in terms of curiosity. The
19 only distinction I would make, Your Honor, the Court
20 does read out the witness list specifically, so I
21 think the Court -- that the case that I believe you
22 are relying on that was in terms of retaining an
23 expert. It was a courtesy matter, not reading it out
24 to a jury.

25 THE COURT: Right. My understanding of the law is

1 -- I'm not going to call the jurors in to ask if they
2 know this witness. The State is opening itself to a
3 possible reversal if the defense after the trial
4 determines the witness is known. My read of law is
5 the only obligation the State has is to provide a
6 witness list to examine the jury pool and if there's
7 no prejudice because none of the jurors know the
8 witness but if it does turn out that one of them does
9 that will be a problem.

10 MS. RUSSO: Your Honor, I think the State would
11 like to not take that chance.

12 THE COURT: The Court is relying on State v
13 Nicholson son from 2005. This issue I had before in
14 the civil context. There's a long list of cases in
15 how you handle that because typically there's a
16 pretrial discovery order in civil cases saying that
17 witnesses must be disclosed by a certain date.

18 I'm reading from State v Nicholson. The State is
19 not required to provide a witness list to a criminal
20 defendant and disclosure of the present case was
21 nothing more than a professional courtesy.

22 MS. RUSSO: Thank you, Your Honor.

23 THE COURT: I do think there's a risk. Does the
24 State decline to call the witness?

25 MS. RUSSO: Yes, the State would decline.

1 THE COURT: Anything else from the State?

2 MS. RUSSO: The State rests Your Honor.

3 THE COURT: All right. Well, you will do that in
4 front of a jury. But since we know that's coming
5 rather than having them come in and out -- we do you
6 have a note from the jury. The note says, could you
7 please ask the lawyers to speak into the microphone or
8 speak louder. Some of the juror members are
9 struggling to hear.

10 All right. So, Miss Inzerillo, do you have any
11 objection to my doing your colloquy now so I don't
12 have to move the jury back and forth.

13 MS. INZERILLO: I do not, Your Honor. Would the
14 Court want to hear motions as well.

15 THE COURT: I think let's go ahead. I mean, I
16 know we have to say the State rests in front of the
17 jury, but if we do that and then send them back out it
18 is already 10:25. I'd prefer to do the motions now.
19 The State has on the record rested, so for performance
20 purposes say that in front of the jury.

21 The State has rested, correct?

22 MS. RUSSO: Yes, Your Honor.

23 THE COURT: Miss Inzerillo, do you have motions?

24 MS. INZERILLO: I do, Your Honor. At this time I
25 would renew all previous motions and objections. I

1 would also move for a directed verdict on the charges.
2 Your Honor, I would like to address specifically the
3 dissemination charge.

4 THE COURT: Okay.

5 MS. INZERILLO: As the Court is aware there has to
6 be substantial evidence to submit a charge to the
7 jury. In reviewing Your Honor's charge as well as the
8 statute we would argue the State has not met that --
9 has not provided substantial evidence. There is
10 testimony by I believe Older Brother that he saw something
11 that he possibly called porn and that he was shown
12 something but he didn't look at it and the only thing
13 he saw was a picture in which Mr. Lawson said look at
14 the size of her chest or something along those lines.

15 Your Honor, under that particular statute the
16 jury has to find that it's obscene and it has specific
17 definitions as well as criteria to determine if it's
18 obscene and there has been no evidence submitted to
19 support that part of the charge. There has been no
20 picture submitted. Nothing was found. No one else
21 describes anything with any more specificity and I
22 will point out in this case, Your Honor, that
23 description of, quote, unquote, porn is coming from a
24 child. Who was a child at the time who may see things
25 differently, nudity and things like that differently,

1 then an adult would and it appears to me that the
2 definition of obscenity has very specific definitions
3 as well as any definition of sexual conduct which is
4 defined as an adult would find it. And so I would
5 submit, Your Honor, that the State has not provided
6 enough evidence to submit that charge to the jury.

7 THE COURT: Miss Russo. Miss Desch.

8 MS. DESCH: Thank you, Your Honor. I just want to
9 clarify, it's 16-15-385 that we have, correct?

10 THE COURT: On the indictment?

11 MS. DESCH: On the indictment, yes, sir.

12 THE COURT: Hold on one second. It's 16-15-345.

13 MS. DESCH: Your Honor, the only note that I would
14 say from the defense's arguments is at this point it
15 doesn't have to be substantial evidence to get to it.
16 It has to be in a light most favorable to the moving
17 party which is the State and there has to be evidence,
18 and so **Older Brother** did make a point of indicating he was
19 shown what he believed to be pornographic materials.
20 I agree that we would look at things differently as
21 adults as we would as children, but in fact the whole
22 point of the statute is to protect children and if he
23 believed it to be porn. But certainly despite the
24 fact that we have seen other disclosures by him
25 regarding those and speaking of Mr. Lawson saying

1 something about look at these titties, it did not come
2 out in court. So I would have to rely on the
3 testimony of Older Brother of talks about seeing what
4 he believed to be porn, and again, there's always
5 those loose definitions of what porn is. In fact even
6 the Supreme Court says you know it when you know it.
7 So for him, Older Brother it was important and it was
8 shown to him by Phillip Lawson and certainly that
9 would be in your discretion if it met the elements. I
10 understand persuasive to the jury is different than
11 meeting the elements, but we're at the directed
12 verdict stage for that.

13 As far as the the other charges I could go through
14 them but I didn't really hear an argument for the
15 other charges, but I think very clearly there's
16 evidence of every other charge.

17 THE COURT: Miss Desch, 345 says look to 305 for
18 the definition of what is obscene. I mean, one of the
19 elements is to a reasonable person, meaning a
20 reasonable adult the material taken as a whole lacks
21 serious literary, artistic, political or scientific
22 value. I just don't think I can send that to the
23 jury.

24 MS. DESCH: Based on what came out in court, I'm
25 just arguing that. But I think maybe other reasons.

1 I don't know. There's no -- I understand your ruling.
2 I disagree on the why, because that is clearly if I'm
3 a, you know, a literally or artwork, like if it's a
4 Mapplethorp back when we were younger. There's a big
5 thing about naked men pictures in art shows. But
6 those were art. So it was pornographic. The statute
7 of David, but we don't --

8 THE COURT: Sure. But there are plenty of movies
9 that would have for example topless, you know, people
10 in it.

11 MS. DESCH: Right.

12 THE COURT: We don't know anything at all about
13 the imagine that was shown.

14 MS. DESCH: So section (D), "Obscenity must be
15 judged with reference to ordinarily adults except that
16 it must be judged with reference to children or other
17 especially susceptible audiences or clearly defined
18 deviant sexual groups if it appears from the character
19 of the material or the circumstances of its
20 dissemination to be especially for or directed to
21 children or such audience or groups."

22 In this particular case he's showing in an
23 overall sexualized grooming material.

24 THE COURT: That material is directed to children,
25 not that the defendant directed to children. That

1 statute means if the material is intended for an
2 audience of children it's subject to a stricter
3 standard. That's what it says.

4 MS. DESCH: I disagree, but you're the judge. But
5 again, you're the judge. I'm just saying it's not
6 artwork. The Court is correct and the defense is
7 obviously correct, that the definition of porn without
8 more details from Older Brother I do agree that I
9 don't that it gets to the jury. I'm just saying it's
10 not artwork. There's absolutely no, no literary or
11 art. It's a grooming behavior, I understand the words
12 that were used in court.

13 THE COURT: Without picture -- if we had the
14 picture it very well may have gone to the jury, but
15 without the picture and the very, very minimal
16 description I heard in court I will grant the directed
17 verdict the motion for acquittal on that charge only.

18 MS. DESCH: Thank you.

19 THE COURT: It's denied as to the other charges.

20 MS. INZERILLO: Thank you, Your Honor.

21 THE COURT: Mr. Lawson, I now need to have a
22 conversation with you about whether you are going to
23 testify.

24 MS. INZERILLO: May I have one more minute.

25 THE COURT: Sure.

1 MS. INZERILLO: Thank you, Your Honor.

2 THE COURT: Mr. Lawson, I will ask the clerk to
3 swear you in.

4 PHILLIP LAWSON, called as a witness, was sworn by
5 the clerk and testified as follows:

6 THE COURT: Mr. Lawson, I'm going to explain to
7 you several of your rights now. If you don't
8 understand anything I say please let me know. If you
9 want me to explain anything in more detail please let
10 me know. Do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE CUOUR: We have now reached the stage of the
13 trial where you may present your defense. You have
14 the right to claim the protections given to you by the
15 5th Amendment of the Constitution which says in part,
16 no person shall be compelled in any criminal case to
17 be a witness against himself. This means that you can
18 not be required to testify in the case. You have the
19 right to testify on your own behalf, however no one
20 can make you testify. This is a personal right and no
21 one can waive your right accept you. If you decide to
22 testify you will be subject to the same rules that
23 govern other witnesses and you may be examined or
24 cross examined of any relevant issue in the case.

25 In addition, if you have any convictions involving

1 dishonest or false statements or for crimes punishable
2 by more than a year and I determine the probative
3 value of admitting the evidence outweighs any possible
4 prejudicial the solicitor will be able to introduce
5 your record to attack your credibility. If you decide
6 to testify the decision on your part must be freely,
7 voluntarily and intelligently made with knowledge of
8 the protections given to you by the 5th Amendment of
9 the consequences of your decision to testify. If you
10 decide not to testify, I will instruct the jurors they
11 can not give the fact that did you not testify any
12 consideration whatsoever and there is to be absolutely
13 no prejudice to you if you do not to testify. It is
14 left entirely up to you whether or not you testify.
15 You may talk with your attorney, your family, your
16 friends or anyone else. The final decision is
17 entirely up to you.

18 Do you understand what I have just explained to
19 you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions about what I
22 just explained?

23 THE DEFENDANT: No, sir.

24 THE COURT: Have you discussed with your attorney
25 whether or not you want to testify in this case?

1 THE DEFENDANT: I have but I would like to have a
2 little more discussion with her.

3 THE COURT: Go right ahead. Mr. Lawson, do you
4 mean here in the courtroom or do you want to go back
5 to the holding cell?

6 THE DEFENDANT: Right here will be fine.

7 THE COURT: Make sure the microphones are off.

8 (WHEREUPON, there was a brief recess.)

9 THE COURT: Yes, ma'am.

10 MS. INZERILLO: Your Honor, I believe Mr. Lawson
11 is ready.

12 THE COURT: Mr. Lawson, at this time have you had
13 enough time to talk with your lawyer?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you need to talk to her any
16 more?

17 THE DEFENDANT: No, I'm good.

18 THE COURT: What is your decision about whether
19 you want to testify or not?

20 THE DEFENDANT: I believe I will testify.

21 THE COURT: All right. In that case what we will
22 do, we will bring the jury in. The State will rest
23 and we'll call to you stand.

24 MS. INZERILLO: Your Honor, do you want to have
25 the charge conference now or do you want to wait until

1 after that.

2 THE COURT: I think the jury has already waited
3 over an hour. I'll have the charge conference after
4 for that reason.

5 I don't know how long Mr. Lawson will testify, but
6 it's possible it could go up to a lunch break. Send
7 the jury out and have our charge conference.

8 MS. INZERILLO: May we take a very short comfort
9 break before we begin?

10 THE COURT: Yes, ma'am. Of course.

11 (WHEREUPON, there was a brief recess.)

12 THE COURT: Is the State ready to proceed?

13 MS. RUSSO: Yes.

14 THE COURT: Is defense ready to proceed?

15 MS. INZERILLO: Yes, sir, we are.

16 THE COURT: All right, let's bring them in.

17 (WHEREUPON, the jury enters the courtroom.)

18 THE COURT: Ladies and gentlemen, welcome back.

19 Were you all able to follow the rules I gave you
20 overnight. (Jurors respond affirmatively).

21 Now ladies and gentlemen, I will apologize again.
22 I have not done as good a job as I ought to in this
23 case in managing when we handle legal issues. I'm
24 sorry to keep having these long breaks, but that's on
25 me. Please don't hold that against the lawyers.

1 Thank you for your patience and I will try to do
2 better.

3 That said, the State can call your next witness.

4 MS. DESCH: Your Honor, the State would rest.

5 THE COURT: All right. In that case the defense
6 may call your first witness.

7 MS. INZERILLO: Your Honor, may I have one moment.

8 THE COURT: Yes, ma'am.

9 MS. INZERILLO: Your Honor, at this time the
10 defense calls Phillip Lawson to the stand.

11 THE COURT: Mr. Lawson step up and be sworn in
12 sir.

13 PHILLIP LAWSON, called as a witness, was sworn by
14 the clerk and testified as follows:

15 MS. INZERILLO: May it please the Court, Your
16 Honor.

17 THE COURT: Yes, ma'am.

18 Direct EXAMINATION

19 BY MS. INZERILLO:

20 Q Can you tell the jury your name?

21 A Phillip Lawson.

22 Q And Mr. Lawson, are you considered the defendant in
23 this case ?

24 A Yes, ma'am.

25 Q And do you know why you're here?

1 A Yes, ma'am.

2 Q Are you aware of the charges against you?

3 A Yes, ma'am.

4 Q Did you do -- are you guilty of charges?

5 A No, ma'am.

6 Q Okay. I want talk about a few things with you. Okay.

7 A Yes, ma'am.

8 Q Did you take camping trips with the Beaty family to
9 some state parks?

10 A Yes, we went to state park in Greenville, Paris
11 Mountain, and we went to Lake Monticello which is run by the
12 State wild life and game and they have a small state park down
13 there.

14 Q Can you describe what the shower area of those camp
15 grounds looked like?

16 A The shower shack themselves have cubicles that you can
17 take a shower in. They have curtains and the curtains are
18 usually a solid color, either white, yellow, grey, like green.
19 Something like that, that goes with the decoration in the shower
20 shacks.

21 Q And did the curtains appear that way the times that you
22 were there with the Beaty family?

23 A Yes, ma'am, I think they did.

24 Q Do you recall -- well, did you ever take somehow
25 showers with Older Brother and Younger Brother

1 A No, ma'am, I did not.

2 Q Okay. When [REDACTED] alleged that there was incident in
3 a car, that was the first time, do you -- can you describe where
4 your car would have been parked in that instance?

5 A The majority of the time when I went to pick the kids
6 up on the bus my car was parked on the left side of the
7 driveway, main driveway to the trailer park. It's designed like
8 an H. The driveway goes straight through the middle of all the
9 trailers and there's like six or seven on each side. There's no
10 way to get to anybody's trailers except through the driveway. I
11 was approximately 40 feet away from the main highway and
12 directly in the middle of all the trailers.

13 Q Anything happen in the car?

14 A No.

15 Q That car that you had, did it have tinted windows?
16 Could you have looked in windows?

17 A Yes, it's very easy to see through.

18 Q And you said by my math it would have been
19 approximately 12 trailers in the area?

20 A Approximately, yes, ma'am.

21 Q Mr. Lawson, is there a particular aspect of your
22 appearance that you would like the jury to know about?

23 A Yes, ma'am. I have a definitive marks in my groin
24 area. One is a mole. About 10 centimeters or one centimeter
25 around. It's almost the size of a shirt button. It's

1 definitely obvious. Has been mistaken for a tick ever since I
2 was a child. And I would like to also say that my erection is
3 also very noticeable because I suffer from Peyronie's disease
4 also known as bent carrot and as -- may I show please?

5 Q Show?

6 A Yes, ma'am. Demonstrate as to what Peyronie's is.

7 THE COURT: Counsel approach.

8 (WHEREUPON, there's an off the record discussion.)

9 THE COURT: Counsel, you may proceed.

10 MS. INZERILLO: Thank you, Your Honor.

11 Q Okay. I see you pulled out your reading glasses.

12 A Yes, ma'am.

13 Q That's what you have in you hand?

14 A If you look at the arm of the glasses where the ear
15 piece is, that's basically what my erection looks like.

16 Q It's a little hard to hear you. I think that
17 microphone is low. Can you lean forward and explain that again.

18 A Yes, my erection when I do have one, the front end of
19 it turns up at about that same angle between a thirty and forty
20 degree angle.

21 Q And those are standing reading glasses that you got?

22 A Yes, standard reading glasses.

23 Q All right. Can you describe your bedroom at the house
24 on Piedmont Road?

25 A My bedroom sits in the left hand corner as you go back

1 the hallway. It's at the end of the hallway where there's a
2 smaller hallway branches off. My daughter's bedroom is beside
3 it. My son's bedroom is across from her room and the bathroom
4 is right at the beginning of the addition to the hallway. So
5 all four doors you can stand and touch all four doors and not
6 have to move.

7 Inside my bedroom I have -- or I had an electric guitar with
8 an amp. A dresser with a TV on it. My bed in the left hand
9 corner. The Dresser was between my bed and the closet which is
10 on the lower right hand corner. The guitar was sitting in the
11 middle of the floor beside my night stand. I have a bookcase,
12 my desk, a tall stool, chair, because I had a tall desk which is
13 almost like the size of a bar stool. A blue recliner was there
14 until 2017 -- '18. My brother-in-law needed a place to stay and
15 I gave him the recliner to sleep in. Beside the recliner I
16 usually kept the two mattresses.

17 Q Mr. Lawson, is there anything I have not asked you that
18 you wish to tell the jury?

19 A No, ma'am.

20 MS. INZERILLO: Mr. Lawson, please answer any
21 questions that the prosecution may have.

22 MS. DESCH: Miss Desch, Miss Russo, cross
23 examination.

24 MS. DESCH: If I could have the Court's indulgence
25 one second.

1 THE COURT: Yes, ma'am.

2 CROSS EXAMINATION

3 BY MS. DESCH:

4 Q Good morning.

5 A Good morning.

6 Q Peyronie's is that what you indicated you had?

7 A I think that's what it's called, yes, ma'am.

8 Q Okay. Is this -- now I just goggled it. Is this what
9 it is?

10 A Yes, ma'am it looks like it.

11 Q Okay. I've never heard this so walk me through this.

12 So you've got Peyronies disease is a non-cancerous condition
13 resulting from tissue your -- blah, blah, blah -- developed on
14 the penis and causes curved painful erection?

15 A Yes, ma'am.

16 Q Right. Okay. So you're describing -- and thankful for
17 using the glasses as an example.

18 A Yes, ma'am.

19 Q So, not sure why, right?

20 A There's a vein that runs up through the center of it
21 that is that gets inflamed during the erection and that causes
22 the distinction of the head of it and the pain because its
23 constricted to the rest of it.

24 Q Okay. So pain and then in this, again, I just googled
25 it. So correct me if I'm wrong. A disease generally results

1 from repeated injury to the penis caused damage during sex,
2 athletic activity, result of an accident. Is that fair to say?

3 A I think it was caused by when I played football.

4 Q Okay. So when you become sexually aroused blood flow
5 to the chamber increases. Chambers fill with blood. Penis
6 expands, straightens and stiffens to an erection. So that's
7 your definition of an erection as well. In addition of he
8 recollection as well. So you're saying when you get hard its
9 painful?

10 A Yes, ma'am, that's the way it was explained to me the
11 way you just read it.

12 Q Okay. All right. But you can get hard and you can
13 have an ejaculation, correct?

14 A Yes, ma'am.

15 Q And there's some indication that it could be caused
16 scars. Do you any scar issue or any indication of and injury?

17 A No, ma'am, I don't think so.

18 Q Has anybody else looked at this in this room for
19 instance? Has anybody else seen it?

20 A The investigator.

21 MS. INZERILLO: Your Honor, I'm going to object to
22 that.

23 THE COURT: Counsel approach.

24 (Whereupon, there was an off the record
25 discussion.)

1 MS. DESCH: Thank you, Your Honor.

2 Q Mr. Lawson, where we left off was discussing who else
3 has seen it. Now without discussing your defense team --

4 A Yes, ma'am.

5 Q -- who has seen your penis?

6 A Only my wife and she passed away.

7 Q Only your wife has seen your penis?

8 A No.

9 Q Nobody else has seen your penis?

10 A No, ma'am.

11 Q How old are you, 57?

12 A Fifty-seven.

13 Q You live in a house with how many people?

14 A Five people.

15 Q Five people?

16 A Yes, ma'am.

17 Q Has there ever been a time that you have not lived with
18 other people in a house?

19 A When I was in the marine core.

20 Q And you say that nobody that besides your wife in 2019
21 has seen your penis?

22 A Her and my ex-wife. That's all.

23 Q I'm struggling. Candidly, I'm struggling with it. No
24 one has seen your penis. No one can corroborate this bent
25 carrot.

1 MS. INZERILLO: Your Honor.

2 THE COURT: Hold on.

3 MS. INZERILLO: I'm going to object as to asked
4 and answered.

5 THE COURT: Overruled.

6 A Ma'am.

7 Q I'm struggling with the fact that you have just said
8 nobody has seen your penis except for a wife that has passed
9 away and nobody can corroborate this theory of an erection?

10 A Yes, ma'am. I don't understand if there's a question
11 there.

12 Q Looking at States 8, is this you?

13 A That's me.

14 Q Is that your car?

15 A Yes.

16 Q Okay. All right. And in fact back here this is --
17 isn't this a trailer, Fred's trailer?

18 A I no idea. I don't where Fred and then live.

19 Q Fred your brother-in-law?

20 A Yes.

21 Q You don't know where they live?

22 A No.

23 Q So this is -- what is this car an SUV?

24 A I think it's like a crossover. It was made by Suzuki.

25 Q So Suzuki crossover, so somewhat of an SUV. Higher off

1 the ground than a regular car?

2 A A little bit, yes. It's a small SUV if anything.

3 Q And when we're talking kids being in the car we're
4 talking about -- what year, 2017, 2018. And let's see, so 20 --

5 A Well actually we used that bus stop from 2012 all the
6 way up to 2020.

7 Q Okay. So we'll go back to 2012 and 2013. Let's see,
8 that puts Younger Brother -- I hate doing math. Five, six years old. So
9 fair to say Younger Brother would be relatively short like maybe half of
10 my height right now.

11 A Yes, ma'am, I agree.

12 Q Okay. Sitting in a car that is an SUV.

13 A Okay.

14 Q With windows about right here? (Indicating)

15 A Correct.

16 Q Okay. The windows are going to be a higher than a five
17 or six-year-old, correct?

18 A Yes.

19 Q And the trailer park that you just mentioned that you
20 could only get to it, this is a pretty desolate road with trees,
21 mature trees all around it, correct?

22 A Accept for where it was cut from the trailer park for
23 yards all the way up to the road.

24 Q Well, obviously there's time where the driveway going
25 in, but other than that --

1 A No, not just the driveway. They have yards on the one
2 side, the left side, that goes all the way to the road and
3 there's usually at least one more parent there waiting on the
4 their kids to get off the bus.

5 Q Usually?

6 A Yes, ma'am, usually.

7 Q Every day from 2012 to 2020 there was a person --

8 A Some times they weren't because some of them walked to
9 the trailers that you just showed me. Others drove up from the
10 trailers down at the back of trailer park. But it would seem
11 there was always traffic up that way.

12 Q Always traffic on this desolate road with mature trees?

13 A Yes, ma'am.

14 Q And this was in the day time?

15 A Yes, ma'am.

16 Q And again, when you're getting your kids off the bus,
17 they are in a different school bus than [REDACTED] was?

18 A Yes.

19 Q They're on a school bus so it's more likely people
20 would come out to get their kids off the same bus that your kids
21 would go on, correct?

22 A No, ma'am, these are small kids. Even younger than
23 [REDACTED] or [REDACTED] Younger Brother S age.

24 Q So younger than five you got kids getting off a school
25 bus?

1 A Yes, ma'am. There was approximately three or four in
2 that age group that got off that school bus.

3 Q Three or four kids under the age of five got off on a
4 public school bus?

5 A Yes, ma'am.

6 Q From public school?

7 A Yes, ma'am. The elementary bus, yes, ma'am.

8 Q Pretty progressive school out there that you got all
9 those kids under five getting off a school buses. So you're in
10 this car, or a car that is a crossover that is SUV type?

11 A Now that one I didn't by until late 2018.

12 Q So what did you have in 2012 and '13? Trucks?
13 Explorers? You got a bunch of cars on your land?

14 A We had an explorer and we had a Blazer.

15 Q Both SUVs?

16 A The Blazer is one of the old ones. One of the very
17 first ones that come out 2001 -- or 1991.

18 Q Big tires?

19 A No, ma'am, regular size tires on it.

20 MS. DESCH: Court's indulgence.

21 A I think they were 235, 75 or 15'S.

22 Q I appreciate that but I have idea what size tires are.
23 I'm showing you what I took some pictures out of our six. Now
24 you got cars like this on your property. I know it's pretty
25 hidden, but we weren't necessarily looking for cars. But that's

1 a car. That's a car.

2 A That's my middle son's truck right there that you see.

3 Q When you describe -- what did you say a 1991?

4 A 1991.

5 Q This is similar to that type of car?

6 A No, ma'am.

7 Q All right, so describe the car to?

8 A 1991 is a very small Blazer. One like an S10 truck
9 with a camper top on.

10 Q S10 truck with a camper top is what you're now saying
11 you were in?

12 A No, ma'am, I'm saying I was in a Blazer, but it looks a
13 lot like a S10 truck with a camper top.

14 Q But a Blazer is a SUV is it not or is it a truck?

15 A Yes, but the one that you showed me is a truck, a full
16 size truck.

17 Q But a Blazer is a SUV?

18 A Yes, ma'am.

19 Q That's all I'm trying to get at. It's not a small
20 little car. Okay.

21 Wooded road. Big mature trees. Driveway to the trailer
22 park and you had Younger Brother in the car with you waiting for your
23 kids to get off the bus along with all the other kids under the
24 age of five in that trailer park, correct?

25 A Yes, ma'am.

1 Q The camping trips, is this one of the camping trips?
2 (Indicating). Is that Paris Mountain or Greenville that you
3 just described?

4 A That I believe is Lake Monticello.

5 Q Okay, but is this one of the camping trips you said?

6 A Yes, ma'am.

7 Q And in this which of -- so [Younger Brother] was there. [Older Brother]
8 was there. Who is that right there? (Indicating)

9 A I believe that is Katie.

10 Q Okay. So, Katie is there.

11 A My daughter.

12 Q So you got [Younger Brother] there, [Older Brother] there, Katie was
13 there. Was Cole there?

14 MS. INZERILLO: Your Honor, I object to the State
15 testifying and just ask a question.

16 THE COURT: This is cross examination. Overrule
17 the objection.

18 MS. DESCH: Thank you, Your Honor.

19 Q Cole there?

20 A Yes.

21 Q April and Michael there?

22 A Yes.

23 Q Was this when Missy alive?

24 A Missy was still alive, yes.

25 Q So you guys are all hanging out and you had a good

- 1 relationship with everybody, right?
- 2 Q Yes, ma'am?
- 3 Q You had a good relationship with the boys?
- 4 A Yes, ma'am.
- 5 Q You found yourself you actually liked taking care of
- 6 the boys, right?
- 7 A I wouldn't say liked. I put up with it.
- 8 Q You put up with it?
- 9 A Yes, ma'am.
- 10 Q You had them at your house constantly?
- 11 A Yes, ma'am.
- 12 Q You had a special relationship with Younger Brother
- 13 correct?
- 14 A What are you saying a special relationship?
- 15 Q You hung out with him in your bedroom, correct?
- 16 A That was to keep him from bothering my wife when she
- 17 was sick, yes, ma'am.
- 18 Q You would -- you would keep him locked behind closed
- 19 doors so --
- 20 A No, ma'am.
- 21 Q Missy wasn't disturbed?
- 22 A No, ma'am, my door did not lock.
- 23 Q But you had him in your room?
- 24 A Yes, ma'am.
- 25 Q And he would sleep in your room?

1 A Yes, ma'am, he had his own mattress. He had his on
2 cover and own pillow.

3 Q Where did you store his mattress and his pillow?

4 A Between the door and the recliner that I described
5 earlier.

6 Q So he spent the night at your house up until the
7 beginning of 2020, correct?

8 A I think so, yes, ma'am.

9 Q So 2020 he spent the night in your house, in these
10 special accommodations?

11 Q Yes, ma'am.

12 Q 2019 he spent the night in your room in your house
13 throughout 2019 as well, correct?

14 A I'm not sure if he come over 2019 but he may have, yes,
15 ma'am.

16 Q So if he slept on this mattress, pillow, blanket that
17 was designated for him, up until the beginning of 2020, did you
18 keep it in your bedroom when he stopped coming over?

19 A No, ma'am. I believe it was transferred to my daughter
20 Katie's room and slide up under the bed in storage. The other
21 one was put out in the store building.

22 Q So was the mattress a regular mattress? Was it an egg
23 crate?

24 A No, ma'am, it was a custom made pillow top mattress
25 that was made for a set of bunk beds that I made my children.

1 Q So you made the bunk beds that were in Katie's room?

2 A No, ma'am. I made bunk beds that were originally in
3 Katie and Cole's room back when we lived on Rebecca Drive.

4 Q So you had a mattress from -- so the bunk beds you made
5 at Rebecca Drive stayed at Rebecca. You did not have them at
6 Piedmont Road, correct?

7 A No, ma'am, didn't need them.

8 Q But you took the mattresses with which -- are they twin
9 size mattresses?

10 A They're youth size is what they call them.

11 Q Youth size. But are they similar to a twin?

12 A In the width, yes, ma'am, but they're only about maybe
13 three quarters of the length.

14 Q So we're talking about this? (Indicating)

15 A Yes, ma'am, about 30 inches.

16 Q About this?

17 A Go down just a little more. A little more. Probably
18 about that.

19 Q For the record just shy of me. I'm about five seven.
20 We're not getting into weight.

21 So you have this mattress that you brought over that you
22 would use when Younger Brother spent the night. Older Brother too?

23 A Yes, ma'am.

24 Q So [REDACTED] was spending the night in your room you had
25 this mattress as well?

1 A Yes, ma'am, he spent the night in my room twice.

2 Q Okay. One mattress, two boys?

3 A No, ma'am. One each. Each one of them had a mattress.

4 Q So you had two?

5 A Yes, ma'am.

6 Q And this was the same bedroom we have pictures of?

7 A Yes, ma'am.

8 Q So two twin sized mattresses in a room when Older Brother and

9 Younger Brother would spend the night inside in your room?

10 A Yes, ma'am, one at the foot of the bed running long
11 ways between the door and the dresser and the other side of the
12 bed one on the side of the bed between the night stand and the
13 desk.

14 Q And you say that you got rid of both of those
15 mattresses between let's say March of '20 and May of '20?

16 A No, I don't remember saying we got rid of the
17 mattresses. I said we put them in storage.

18 Q Storage and Katie's room?

19 A Yes, ma'am.

20 Q But you just happen to move them between March and May
21 of '20, correct?

22 A I think the one was still in Katie's room. The other
23 one was still in the storage room or the storage building.

24 Q So you have a place for Younger Brother to sleep for the
25 majority of his life, six or seven years in your room and in

1 March of '20 or April of '20 you just move it out of your room?

2 A Well, I actually I might have moved it out in 2018
3 because we went occasionally to Katie's room to get it because I
4 think the recliner had went in there for Fred and because the
5 mattress was laid up against the wall. So I can't really tell
6 you when we move them out.

7 Q When [Younger Brother] was in your room in 2019 and 2020 did you
8 sleep naked?

9 A No, ma'am.

10 Q When [Younger Brother] was in your room in 2019 and 2020 did you
11 masturbate in front of him?

12 A No, ma'am.

13 Q When [Younger Brother] was in your room from 2019 to 2020 did you
14 show him anything sexual?

15 A No, ma'am.

16 Q Did you tell him why you used rags?

17 MS. INZERILLO: Your Honor I'm going to object to
18 the question.

19 THE COURT: Overruled.

20 Q [Younger Brother] asked a lot of questions. He was very curious.
21 I don't if it was his nature or he was actually trying to learn
22 but, if he was sitting in the car he would point at knobs and
23 ask what does this do. What do that do. When he was in my
24 room, what is this? What is is that? What do you do with that?
25 And yes, I believe he did ask what the rag was for and I may

1 have told him that I use to wipe my nose at night and wipe the
2 sweat when I have a cold. Wake up in cold sweats.

3 Q So when Younger Brother asked questions you told him those rags
4 -- those grey and white rags, I use them to wipe my nose or wipe
5 the sweat?

6 A Yes, ma'am.

7 Q And that's it?

8 A That's all I can remember.

9 MS. DESCH: Thank you Mr. Lawson.

10 THE COURT: Any redirect?

11 MS. INZERILLO: No, Your Honor.

12 THE COURT: Counsel, can you all approach.

13 Sir, you may step down.

14 (WHEREUPON, there was an off the record
15 discussion.)

16 THE COURT: Ladies and gentlemen, we need to talk
17 scheduling with the lawyers for just a minute. Let me
18 have you head back to the jury room and take a short
19 break.)

20 (WHEREUPON, the jurors leave the courtroom.)

21 MS. DESCH: Thank you for indulging us, Your
22 Honor.

23 THE COURT: Of course.

24 MS. DESCH: I think some of our struggle and I
25 will be candid with the Court certainly we think there

1 was an opening of the door and we would make that
2 argument, but for what we discussed at pretrial all
3 week, but now the practical side we couldn't get even
4 if you ruled in our favor we could not get witnesses
5 here.

6 THE COURT: Are you talking about calling -- tell
7 me what you mean.

8 MS. DESCH: I was just sharing what we were
9 discussing is that certainly I think an argument could
10 be made that the door was open to the pretrial
11 testimony by his own sons, but...

12 THE COURT: I don't. The Court would not agree
13 that the door would be open to the Lyle evidence but I
14 do think there is specific questions that could be
15 asked without getting to the Lyle evidence.

16 MS. DESCH: So, but now the practical situation
17 is, you know, it would take at least two hours even if
18 they dropped everything to get them here. So that was
19 part of the discussion, but I did want to --

20 THE COURT: Well, it's 11:30. We would have to do
21 a charge conference prance and we have to do some
22 other things. It's up to the State.

23 MS. DESCH: I think practically speaking at some
24 point we're going to go with what we have.

25 THE COURT: Okay. So, with that said it's 11:30

1 now. Probably do a charge conference ing 15 to 20
2 minutes which gets us to 11:45. Would you all want
3 to? One possibility is we just tell the jury we are
4 going to order pizza and we'll just roll through and
5 we'll do the charge conference and wait for the pizza
6 to get here. Take a 30 minute break when the pizza
7 get here and we'll just keep rolling or we can take a
8 regular lunch break.

9 MS. RUSSO: Your Honor, I would ask for a regular
10 lunch break even if it's a short one.

11 MS. DESCH: It doesn't make any difference.

12 THE COURT: So, I don't think it makes any sense
13 to try and charge and close prior to the lunch break.
14 Okay. So does the defense have any further witnesses?

15 MS. INZERILLO: No, Your Honor, the defense rests.

16 THE COURT: Okay. In that case I think what I'm
17 going to do is tell the -- bring them in. Let the
18 defense rests. I'll tell them they've heard all the
19 evidence in the case. What remains will be the charge
20 and the close and the attorneys and I need to work on
21 the charge. Give them a little bit early of a lunch
22 break and bring them back for the charge and closing
23 and deliberation. Does that sound reasonable to the
24 State?

25 MS. RUSSO: Yes, Your Honor.

1 THE COURT: The defense?

2 MS. INZERILLO: Yes, Your Honor.

3 THE COURT: Let's bring them back in.

4 (WHEREUPON, the jury enters the courtroom.)

5 THE COURT: All right, ladies and gentlemen thank
6 you. The defense may call your next witness.

7 MS. INZERILLO: Your Honor, the defense rests.

8 THE COURT: All right, ladies and gentlemen, what
9 that means is you now have heard all the evidence in
10 the case. So what remains is for my explanation of
11 the law to you. It is called the charge on the law
12 and then the closing arguments of the attorneys and
13 then it will be time for you to deliberate. What I am
14 going to do I know that it's frustrating, but will
15 give you a two hour lunch break. The reason for that
16 is, the attorneys and I have to discuss the jury
17 charge before I give it. Okay. And then of course we
18 need a break too. So I will ask you to be back at
19 1:30. I think probably the charge and the argument
20 will probably bring us up to about three o'clock,
21 three-thirty. So talk among yourselves if you want to
22 stay late tonight. You may get a verdict before five
23 o'clock any way. That's fine of course if you have a
24 verdict, but you maybe don't have a verdict then and
25 talk amongst yourselves about whether you would want

1 to stay late tonight. The county will be happy to
2 order pizza for you all for dinner. So if you don't
3 want to stay late tonight you could come back tomorrow
4 morning and finish deliberations. So think about what
5 you all will prefer. With that said I will see you
6 back at 1:30. Remember, don't discuss the case.
7 Don't do any outside research. Do read or watch any
8 news reports. Other than that, thank you, very much.

9 See you back at 1:30.

10 (WHEREUPON, jurors exit the courtroom.)

11 THE COURT: Let's do the charge conference. Miss
12 Inzerillo, you said there was a date issue?

13 MS INZERILLO: Yes, Your Honor, when the Court
14 lists the charges and the date ranges, I believe it's
15 on the page -- of the current one that the Court just
16 sent out. Page nine. I think it's just a scrivener's
17 error. Count one says December 18, 2023 to December
18 17, 2018. I think it's just a scrivener's error.

19 THE COURT: Count one?

20 MS. INZERILLO: Yes, sir.

21 THE COURT: What is on the indictment. Let's see.
22 December 18, 2021². Okay. All right. It's fixed.
23 Is the verdict form fixed as well.

24 MS. RUSSO: Regarding that same thing, the bottom
25 of page eight, it says the defendant was charged with

1 six crimes.

2 THE COURT: Already fixed.

3 MS. INZERILLO: Your Honor, I would also note my
4 objection to the Court's standard charge regarding
5 credibility of witnesses and how they can be mistaken.
6 I believe, Your Honor, does charge that every time and
7 I just object.

8 THE COURT: For the record, specifically, what
9 would you either like taken out or added.

10 MS. INZERILLO: My objection, Your Honor on the
11 current copy page seven. In Your Honor's charge where
12 the paragraph starts, "However, keep in mind that a
13 simple mistake doesn't mean a witness wasn't telling
14 the truth."

15 Your Honor, I think that's more keen in this case
16 because it does come down to ability if they believe
17 the two complaining witnesses or if they believe Mr.
18 Lawson.

19 THE COURT: I think the charge as is correct, but
20 your objection is noted for the record.

21 MS. INZERILLO: Thank you, Your Honor.

22 Your Honor, I did have a question. The Court
23 included right after that actually, charge on expert
24 witnesses.

25 THE COURT: There is no expert testimony.

1 MS. INZERILLO: Was that taken out?

2 THE COURT: It is now.

3 MS. INZERILLO: I apologize. Thank you.

4 MS. RUSSO: I think in addition to that on page
5 eight there's a section the State must prove every
6 element.

7 THE COURT: Miss Russo, I'm not sure that mic is
8 working.

9 MS. RUSSO: That the State prove every element and
10 part of that goes to being merely present. I feel
11 that might be confusing to the jury. It's not a
12 merely present case.

13 THE COURT: I don't see a need for a mere
14 presence. Does the defense want one?

15 MS. INZERILLO: Your Honor, I think it's
16 reasonable in this case they could think he was in the
17 house and nothing happened. There's testimony they
18 were going in and out of the room. The State wants to
19 suppose certain things about that, but I think it's
20 just as likely they were just in a room together.

21 THE COURT: Specifically, let me look. I'm okay
22 with keeping it, I mean if the defense wants it. I
23 mean it says, if you didn't participate in the crime.
24 The State is going to argue there was participation.

25 Anything else from the State?

1 MS. RUSSO: I believe that is all.

2 THE COURT: From the defense?

3 MS. INZERILLO: No, Your Honor.

4 THE COURT: Wow, that was quick. Okay. So what
5 about the verdict form just for the record.

6 MS. INZERILLO: Your Honor, your clerk changed the
7 date on the verdict form as well.

8 THE COURT: It's already changed.

9 Is everyone okay with the wording of the second
10 question for the SCS first, if there's a guilty
11 verdict? We pulled that out of the statute. That's
12 required to be asked.

13 Actually I'm going to add in if the answer to
14 question one, the answer to the previous question is
15 yes in quotes. I'm sorry, is guilty.

16 MS. DESCH: I'm just trying to get educated myself
17 on to why would you break it apart and so Miss Russo
18 is explaining that there has to be a finding on the
19 record, but isn't that a legal finding not a factual
20 finding?

21 THE COURT: It's a legal finding if it's a guilty
22 plea. If it's a trial it has to be by the jury, and
23 the reason -- this was new to the Court as well -- if
24 there's a second conviction for the same act and the
25 second conviction -- the second question is also a

1 yes, that makes the defense death penalty eligible.

2 MS. DESCH: Okay.

3 MS. RUSSO: If I may. I'm concerned because we
4 aren't necessarily alleging that type of sexual
5 battery. That may end up being confusing to the jury.

6 THE COURT: We can take it out. If the State is
7 not alleging that particular conduct occurred we will
8 definitely take it out.

9 MS. RUSSO: I believe we have facts in the record
10 to indicate attempt. I don't think sexual intercourse
11 include oral.

12 THE COURT: I believe it's very specific to
13 penetration. Let me pull the statute again to be
14 sure.

15 63-3-365(d)(1) it says, "In a case of a person
16 convicted at trial the judge or jury, whichever is
17 applicable, must designate as part of the verdict
18 whether the conduct that constituted the sexual
19 battery, which would be the CSC 1st, involved sexual
20 or anal intercourse by a person or intrusion by an
21 object." It is slightly strangely worded, but I think
22 that means penetration.

23 MS. RUSSO: Yes, Your Honor, and I don't know that
24 the State is necessarily alleging -- I think we
25 alleged attempt of that. That's not the crux of our

1 case. I'm concerned the jury may read that and think
2 that is what we needed to prove for the initial case
3 and so I'm concerned that they'll then read sexual
4 battery to be somewhat narrower than it needs to be
5 for the actual charge.

6 THE COURT: I think if the State stipulates that
7 the answer to that question is no I can take it off.

8 MS. RUSSO: Yes, we are willing to stipulate, Your
9 Honor.

10 THE COURT: Miss Inzerillo.

11 MS. INZERILLO: We accept the stipulation.

12 THE COURT: We'll take that off then.

13 MS. RUSSO: This will only be for the purposes of
14 the --

15 THE COURT: The second question.

16 MS. RUSSO: Thank you.

17 THE COURT: Anything else from the State?

18 MS. RUSSO: Nothing further.

19 THE COURT: Anything from the defense?

20 MS. INZERILLO: No, Your Honor.

21 THE COURT: Counsel, we'll see you back at 1:30
22 for charge and close.

23 (WHEREUPON, we were in recess for lunch.)

24 THE COURT: Anything from the State before we
25 bring the jury back in to begin the charge.

1 MS. RUSSO: Nothing Your Honor.

2 THE COURT: From the defense?

3 MS. INZERILLO: Yes, Your Honor, we would just ask
4 that in closing argument the State be precluded from
5 characterizing things as grooming or anything along
6 those lines. As we know in these types of cases that
7 is a very specific term with a specific definition and
8 there's been no testimony by any witness usually with
9 expert variety to classify some of these acts as
10 grooming or anything along those lines. So I would
11 ask they be precluded from injecting that into the
12 closing argument.

13 THE COURT: My understanding of that term is that
14 it means actions that are not been so sexual abuse but
15 that would make a child more likely to not object to
16 criminal sexual conduct. I think there's testimony in
17 this case that would fall in that category.

18 MS. INZERILLO: I think there was testimony that
19 there were events like the showers and then there were
20 other events like touching and very sexual acts, but
21 there's been no witness to testify that one led to the
22 other as an example of grooming which is again a
23 specific explanation for an evolution of behavior.

24 THE COURT: I'm going to deny the motion. If you
25 think that something the State says in closing crosses

1 the line you may make a contemporaneous objection.

2 MS. INZERILLO: Thank you.

3 THE COURT: Anything else from the defense?

4 MS. INZERILLO: No, Your Honor, thank you.

5 THE COURT: Let's bring them in.

6 The jury requested a larger room. They are
7 cramped in the regular jury room so they're down at
8 the end of the hall.

9 MS. INZERILLO: Your Honor, just to clarify, when
10 you say contemporaneous objection, does this objection
11 count as that, or would you expect me to make another
12 objection.

13 THE COURT: I think I'm not going to issue an
14 order saying the State can't use that term. If you
15 think a particular argument made by the State is
16 inappropriate you should make an objection at that
17 time.

18 MS. INZERILLO: Thank you, Your Honor.

19 (WHEREUPON, the jurors enter the courtroom.)

20 THE COURT: All right two questions from the jury.
21 Very good questions. The first question is if the
22 jury decides to stay late tonight for deliberation but
23 after several hours we're unable to come to a decision
24 one way or the other are we able to come back the next
25 morning. The answer is yes. If you decide and tell

1 me you want to stay we will not keep you here till two
2 o'clock. If it gets to eight o'clock and you say,
3 judge, we have had enough. That will be totally fine.
4 We got tomorrow.

5 Second question is, the alternates would like to
6 know if they are able to stay to view the result of
7 deliberation. Yes. The alternates are not permitted
8 to be in the jury room with you. So once I've
9 explained the law now and the parties make their
10 closing arguments I will ask the alternates to stay
11 here in the courtroom, but they are welcome to have a
12 seat with the witnesses and the attorneys and wait for
13 the verdict. They are more than welcome to do that.

14 So ladies and gentlemen and madam foreperson and
15 members of the jury, you've now heard the evidence and
16 you will soon hear the closing arguments of the
17 parties. First, I'm going to explain to you the rules
18 of law you must follow and apply in deciding this case
19 which is call the charge on the law. When I'm
20 finished, you will hear the attorneys arguments and go
21 back to the jury room and begin your deliberations. I
22 will give you a written copy of these instructions to
23 have with you in the jury room. During the
24 deliberations you may refer to these instructions to
25 guide your decision making.

1 You must consider the instructions as a whole and
2 not follow some and ignore others. Your decision must
3 be based solely on the evidence presented here in
4 court. You must not be influenced in any way by
5 sympathy, for or prejudice against anyone.

6 The indictment in the case charges the defendant,
7 Phillip Lawson, with three different criminal
8 offenses; criminal sexual conduct with a minor in the
9 first degree, criminal sexual conduct with a minor in
10 the second degree, two counts, and criminal sexual
11 conduct with a minor in the third degree, two counts.
12 And this indictment as I said earlier is simple the
13 formal written instrument which contains the charge or
14 accusation made against the defendant. I remind you
15 that the fact the defendant was arrested, charged and
16 indicted in this case is not evidence and can not be
17 consider by you as evidence of guilt in this case nor
18 does it create any presumption or inference of guilt.

19 The indictments have multiple charges. The
20 indictments in this case allege more than one offense.
21 Each indictment is a separate and distinct offense.
22 You must decide each indictment separately on the
23 evidence and on the law applicable to it uninfluenced
24 by your decision as to any other charges. The
25 defendant may be convicted or acquitted -- which means

1 not guilty -- on any or all of the offenses charged.
2 You will have write a separate verdict of guilty or
3 not guilty for each indictment.

4 Presumption of innocence. The defendant has pled
5 not guilty and that puts the burden of proof on the
6 State to prove him guilty beyond a reasonable doubt.
7 A person charged with comitting a criminal offense in
8 South Carolina is never required to prove himself
9 innocent.

10 I charge you that it is an important rule of law
11 that a defendant in a criminal trial, no matter how
12 serious the charge is, is always presumed to be
13 innocent of the crime for which the indictment was
14 issued unless guilt has been proven by evidence
15 satisfying you, the jury, of that guilt beyond a
16 reasonable doubt. This presumption of innocence does
17 not end when you begin deliberations but follows the
18 defendant throughout the trial until you reach a
19 verdict.

20 The presumption of innocence is not a mere legal
21 theory or legal catchphrase. It is a substantial
22 right to which every defendant is entitled unless you,
23 the jury, are satisfied from the evidence of the
24 defendant's guilt beyond a reasonable doubt.

25 Reasonable doubt. So what is reasonable doubt in

1 the law. Some of you may have served as jurors in a
2 civil case where someone is suing somebody for money
3 damages and you were you told it's only necessary to
4 prove a fact that it's more likely true than not true
5 or another way of saying is by a greater weight of
6 preponderance of the evidence. In a criminal case the
7 State's proof must be more powerful than that. It
8 must be beyond a reasonable doubt.

9 Proof beyond a reasonable doubt is proof that
10 leaves you firmly convinced of the defendant's guilt.
11 Now, there are very few things in the world that we
12 know with absolute certainty and in criminal case the
13 law does not require proof that overcomes every
14 possible doubt. If, based on your consideration of
15 evidence, you are firmly convinced the defendant is
16 guilty of the crime charged, you must find him guilty.
17 If, on the other hand, you think there is a real
18 possibility he is not guilty, you must give the
19 defendant the benefit of the doubt and find him not
20 guilty. Put another way, a reasonable doubt is the
21 kind of doubt that would cause a reasonable person to
22 hesitate to act.

23 Duties of the jury and the judge. I remind you as
24 I said earlier during this trial you and I have duties
25 or jobs to perform. As the trial judge, it is my

1 responsibility to preside over the trial of the case,
2 and I also have the duty to rule on the admissibility
3 of evidence. You are to consider evidence only
4 admitted in court. If there is any testimony I
5 ordered stricken from the record you must disregard
6 that testimony. You are to consider only the
7 testimony that as been presented from the witness
8 stand, and any exhibits which have been made part of
9 the record, and any stipulations or agreements of the
10 attorneys.

11 I have the additional duty to charge you on the
12 law applicable in this case which is what I'm doing
13 now. As the presiding judge I'm the sole judge of the
14 law and it is your duty as jurors to accept and apply
15 the law as I have now explained it. If you have any
16 idea what the law is or what you think it ought to be
17 and that does not agree with what I'm now telling you,
18 you must abandon your idea about the law because you
19 have sworn to accept and apply the law exactly as I've
20 stated to you.

21 In every case tried in the court before a jury,
22 you, the jury, are the sole and exclusive judge of the
23 fact in the case. As a trial judge I can not
24 intimate, state comment on, or make any statement
25 about a view of the facts in the case. Since you, the

1 jury, are the sole judge of the facts please do not
2 infer from anything I have said during the progress of
3 the trial or when ruling upon admissibility of any
4 evidence, or otherwise, or anything that I say now
5 that I have an opinion about the facts in the case.
6 The law does not allow me to have have an opinion
7 about the facts in this case. That is a matter solely
8 for you, the jury, to determine as jurors. It is your
9 duty to determine the effect, the value, the weight
10 and the truth of the evidence presented during the
11 trial.

12 Objections. From time to time you heard the
13 attorneys make objections. In reaching your verdict
14 do not consider objections or my ruling on them. You
15 should not hold any objections made against either
16 party.

17 Evidence. As I have said before, you must
18 consider only the evidence that I have admitted in the
19 case. Evidence includes witness testimony and
20 exhibits or other evidence that has been admitted.
21 You should not assume, as I said earlier, from
22 anything that I have said that I have any opinion
23 about the facts. Except for my instructions right now
24 on the law you should disregard anything I've said
25 earlier in the trial in arriving at your own decision.

1 Your own recollection and interpretation of the facts
2 and evidence is what matters. In considering
3 evidence, you should use reason and common sense to
4 make deductions and reach conclusions.

5 Redactions. Ladies and gentlemen, during the
6 presentation of the case you may have noticed that
7 certain sections of documents or audio or video were
8 presented were redacted or edited out. This is due to
9 the rules of court and that decision was made by me.
10 Please do not speculate or try to guess as to what may
11 have been contained in the redacted portions, and you
12 are not to hold the redacted portions against either
13 party.

14 Direct and circumstantial evidence. There are two
15 types of evidence that can be presented during the
16 trial. Direct and circumstantial evidence.

17 Direct evidence is the testimony of a person who
18 said they have actual knowledge of a fact like an
19 eyewitness. It is evidence which immediately
20 establishes the main fact to be proved.

21 Circumstantial evidence is the proof of a chain of
22 facts and circumstances that indicate the existence of
23 some other fact. It's evidence which establishes
24 collateral facts in which the main fact can be
25 inferred. Circumstantial evidence is based on

1 inference and not on personal knowledge or
2 observation.

3 The law makes no distinction whatsoever between
4 the weight or value to be given to either direct or
5 circumstantial evidence. Nor is a greater degree of
6 certainty required of circumstantial evidence than of
7 direct evidence. However, to the extent the State
8 relies on circumstantial evidence, all of the
9 circumstances must be consistent with each other, and
10 when taken together point conclusively to the guilt of
11 the accused beyond a reasonable doubt. If these
12 circumstances merely portray the defendant's behavior
13 as suspicious, the proof has failed.

14 The State has the burden of proving the defendant
15 guilty beyond a reasonable doubt. This burden rests
16 with the State regardless of whether the State relies
17 on direct evidence, circumstantial evidence, or a
18 combination.

19 You should weigh all the evidence in the case and
20 after weighing the evidence if you're not convinced of
21 the guilt of the defendant beyond a reasonable doubt
22 you must find the defendant not guilty. We're halfway
23 there. Stay with me.

24 Arguments of counsel. While the arguments of
25 counsel or the attorneys are a very beneficial part of

1 the trial, you should remember that the arguments and
2 statements made by the attorneys are not themselves
3 evidence. In presenting their argument, the attorney
4 refer to the evidence. However, you should base your
5 verdict on the evidence as you remember it.

6 Therefore, if there are any conflicts between the
7 recollection of the attorneys about what the evidence
8 is and your own recollection, you should rely on your
9 own recollection and understanding.

10 Credibility and believability of the witnesses.
11 When I say that you must consider all the evidence, I
12 do not mean you must accept all the evidence as true
13 or accurate. You should decide whether you believe
14 what each witness had to say, how important that
15 testimony was. In making those decisions, you may
16 believe or disbelieve any witness in whole or in part.
17 The number of witnesses testifying about a particular
18 point doesn't necessarily matter.

19 In deciding whether to believe a witness, I
20 suggest you ask yourself a few questions. Did the
21 impress you as one who is telling the truth? Did they
22 have any particular reason to not tell the truth, or
23 have a personal interest in the outcome of the case?
24 Did the witness seem to have a good memory? Do they
25 have the opportunity and ability to accurately observe

1 things they testified to? Did the witness appear to
2 understand the questions clearly and answer them
3 directly? If their testimony differs from other
4 witnesses or other evidence.

5 However, please keep in mind that a simple mistake
6 does not mean a witness wasn't telling the truth as he
7 or she remembers it. People naturally tend to forget
8 some things or remember them inaccurately. So, if a
9 witness misstated something, you must decide whether
10 it was because of an innocent lapse in memory or an
11 intentional deception. The significance of your
12 decision may depend on whether the misstatement is
13 about an important fact or about an unimportant
14 detail.

15 The State must prove every element. The burden is
16 on the State to prove every element or part of the
17 crime charged. If you find, after reviewing all the
18 evidence, the State has proved the defendant was only
19 present at the scene of the crime, and that the State
20 has not proved beyond a reasonable doubt any
21 participation in the crime, you're required to find
22 the defendant not guilty.

23 The defendant is charged with five separate
24 offenses or these are referred to as count. Each
25 count correspond to the counts on the verdict form. I

1 will now describe to you the crimes of which the
2 defendant is charged and the dates he is charge
3 comitting them. Now after that, I will define each
4 criminal offense in which he is charged. The State
5 must proof beyond a reasonable doubt that one, the
6 defendant comitted the crime of which he is charged
7 and also that two, he committed on the date or date
8 range he was charge with comitting. And three,
9 against the alleged victim, the individual, against
10 whom he is charged with comitting. The defendant is
11 charged with the following:

12 Number one; criminal sexual conduct with a minor
13 in the first degree between December 18, 2012 and
14 December 17, 2018, against Younger Brother [REDACTED]

15 Number two; criminal sexual conduct with a minor
16 in the second degree between the December 18, 2018 and
17 May the first of 2020 against Younger Brother [REDACTED]

18 Count three; criminal sexual conduct with a minor
19 in the second degree between March third of 2015 and
20 September the 20the of 2018 against Older Brother [REDACTED]

21 [REDACTED]
22 Number four; criminal sexual conduct with a minor
23 in the third degree between March the 23rd of 2015 and
24 September 30th of 2019 against Older Brother [REDACTED]

25 And court five; criminal sexual conduct with a

1 minor in the third degree between the December the
2 18th of 2018 and May the first of 2020 against Younger Brother

3 [REDACTED]
4 Criminal sexual conduct with a minor in first
5 degree. The first count of the charge is criminal
6 sexual conduct with a minor in the first degree. The
7 State must prove beyond a reasonable doubt that the
8 defendant committed a sexual battery against a minor
9 child, who at the time was less than 11 years of age.
10 A sexual battery means any kind of sexual intercourse,
11 cunnilingus, fellatio, anal intercourse, or any
12 intrusion, however slight, of any part of a person's
13 body or any object into the genital or anal opening of
14 another person's body, except when such intrusion is
15 accomplished for medically recognized treatment or
16 diagnostic purposes.

17 Criminal sexual conduct with minor in the second
18 degree. The defendant is charged with two counts of
19 this offense. For each count, the prosecution must
20 prove beyond a reasonable doubt the defendant committed
21 a sexual battery on a minor who was at least 11 but
22 not yet 14 years of age. As I said earlier, sexual
23 battery means any kind of sexual intercourse,
24 cunnilingus, fellatio, anal intercourse, or any
25 intrusion, however slight, of any part of person's

1 body or any object into the genital or anal opening of
2 another person's body, except when such intrusion is
3 accomplished for medically recognized treatment or
4 diagnostic.

5 Criminal sexual with a minor in the third degree.
6 The defendant is charge with two counts of criminal
7 sexual conduct with a minor in the third degree. For
8 each count, the prosecution must prove that the
9 defendant, while himself 14 years of age or older,
10 willfully and lewd or lascivious act on a body or the
11 parts of a child under 16 years of age with the intent
12 of arousing, appealing to, or gratifying the lust,
13 passions or sexual desires of the defendant or of the
14 child.

15 If the defendant was 18 years of age or younger at
16 the time the State must also proof the act was
17 nonconsensual or that minor was under the age of 14.

18 Fair and impartial trial. Madame foreperson and
19 the ladies and gentlemen the jury, as you retire to
20 begin your deliberations, I wish to express the hope
21 that each of you will be mindful of the importance of
22 your responsibility. You are not called upon to serve
23 as jurors very often, and the proper performance of
24 the duty requires you to reach the height of freeing
25 your mind of all improper influences.

1 As the presiding judge, I'm vitally concerned
2 that whatever verdict you find will be the result of
3 your going into the jury room and confining your
4 consideration to the evidence and the law tht you have
5 heard in this courtroom, weighing it fairly and
6 impartially, as I have ever confidence you will do.

7 Your verdict cannot be based on sympathy,
8 compassion, prejudice or emotion or some other
9 consideration not found in the evidence. Remember,
10 ladies and gentlemen, your verdict must be unanimous.
11 I will now explain the verdict form and possible
12 verdicts.

13 This is the verdict form that will you have with
14 you in the jury room. There are two possible verdicts
15 which you may find in this case: Guilty or not guilty
16 for each offense. There is no significance whatsoever
17 in the order in which I just listed those verdicts.
18 Simply one has to be stated first.

19 Ladies and gentlemen, the verdict must be
20 unanimous. When the jury agrees on a verdict for each
21 of the five counts there's a box for guilty or not
22 guilty. The foreperson will check guilty or not
23 guilty for each five offenses and then sign and date
24 the verdict form and you'll let the bailiff know you
25 reached a verdict.

1 Ladies and gentlemen, at the end you are going to
2 hear the attorneys make their closing arguments now.
3 The State has the burden of proof so they get a
4 rebuttal argument. It will be State, defense and then
5 rebuttal by the State and after that I will send you
6 back to the jury room for just a couple of minutes.
7 Don't start deliberating yet, and the reason for that
8 is these exhibits right here that you heard put into
9 evidence, the attorneys and I have to make sure all
10 the exhibits are there and nothing is missing. Once
11 the bailiff brings you the evidence and verdict form
12 and a copy of my instructions that is your signal to
13 begin deliberations. Does that make sense? All
14 right.

15 Ladies and gentlemen, thank you very much for your
16 attention. Again, the State has the burden of proof
17 so they go first. Miss Desch.

18 MS. DESCH: Miss Russo.

19 THE COURT: Miss Russo.

20 MS. RUSSO: Thank you, Your Honor. May it please
21 the Court.

22 THE COURT: Yes, ma'am.

23 MS. RUSSO: It was my fault.

24 THE COURT: Stop Miss Russo. I'm sorry. I have
25 to ask about objections. I forgot to do that.

1 Any objections from the State to my charge?

2 MS. RUSSO: No, Your Honor.

3 THE COURT: From the defense?

4 MS. INZERILLO: No, Your Honor.

5 THE COURT: Thank you, counsel. I apologize Miss
6 Russo. Go right ahead.

7 MS. RUSSO: It was my fault. I'm to blame. I
8 blamed myself. You heard multiple witnesses testify
9 to that. Not because they did this. Not because they
10 saw the act happen. Not because they encouraged it,
11 but because they couldn't stop it. You heard the
12 victim, **Younger Brother** say he was mad at himself.
13 What does he have to be mad at himself for, for not
14 being able to stop what happened to him.

15 You heard the defendant's daughter, Katie Lawson,
16 testify that she was told to blame herself for her own
17 abuse and that when she saw things that she questioned
18 in the home with children and her father that she
19 blamed herself and questioned her own perception of
20 what happened because of what Mr. Lawson had told her
21 previously about her abuse at six years old. You
22 heard **Older Brother** say, sit here and talk about the
23 tightness in his chest and the weight of that guilt of
24 knowing. Knowing and seeing what happened to his
25 younger brother and even though he eventually found

1 the power to get out he didn't make it stop for his
2 brother. And all of those people have to live with
3 that guilt. They have nothing to gain by coming here
4 and talking about it and expressing that and they have
5 nothing to win by admitting to their own part in what
6 happened. And they all said the same things. They
7 all identified Mr. Lawson.

8 **Younger Brother** identified Mr. Lawson as the one who
9 perpetrated the abuse on him. **Older Brother** identified
10 Mr. Lawson as the one who perpetrated the abuse on
11 himself and on his brother.

12 Now, it's very strange to talk about the worse
13 thing that has ever happened to someone and then have
14 to stop and think, but when did that happened? When
15 was it? How old were you? What grade were you in?
16 But the State just can't prove to you that something
17 bad happened or something horrible happened to
18 children. We also have to prove to you who did it,
19 and we have to prove that it falls within a specific
20 statute on the books that says this can not happen.
21 And so it's my job to parcel out for you what those
22 individual elements are that the State is required to
23 prove and we have to prove each and every one of them
24 for each and every indictment.

25 For criminal sexual conduct with a minor in the

1 first degree, we have to prove that this defendant
2 engaged or attempted to engage in a sexual battery
3 with a victim who at the time of that battery was less
4 than 11 years old. You heard [Redacted] Younger Brother [Redacted] who said his
5 date of birth was [Redacted] [Redacted] and you heard him
6 testify that it started at five or six-years-old in
7 2012 and you heard the defendant say that's when he
8 knew these children. That's when he went to take bus
9 stop. You heard him talk about sexual battery and
10 sexual battery has a very specific definition in the
11 law that we'll get to in just a second.

12 [Redacted] -- you'll you have to do some math back in
13 the jury room because I try not to do math in
14 public -- but he was under the age of 11. He was ten
15 years old or younger when the alleged abuse happened
16 and it's difficult for him to say that. I think
17 that's normal. It's difficult for him to say what age
18 he was, but he can tell you it began around six or
19 seven. He can tell you that sexual battery occurred
20 before Missy died and that's a landmark we can use
21 that Missy died in 2018, in July, and that at any
22 point before she died he was under the age of 11 years
23 old and that landmark gives us the proof that we can
24 show to you that this happened with this child was
25 under 11 meeting the statute.

1 The criminal sexual conduct with the minor in the
2 second degree, the age range is a little different.
3 Between 11 up to but not including 14, and again,
4 those dates are important and those ranges of time are
5 important even though in the context of what you're
6 hearing it doesn't always seem that way.

7 Older Brother was born [REDACTED] [REDACTED] and he was under
8 that required age -- again, math in public -- up until
9 March 2nd of 2017. There's a charge for each victim
10 and the State has shown you facts regarding each
11 victim, sexual battery during that timeframe.

12 For criminal sexual conduct with a minor in the
13 third degree the accused who is over the age of 14,
14 and this defendant had a child that was born in 2001,
15 he's older than 14, that this defendant did not commit
16 a sexual battery, but rather willfully, lewdly,
17 attempts to commit a lewd or lascivious act upon the
18 body or with its part of a victim who is under the age
19 of 16 and that during that he had intent to arouse or
20 appeal or gratify the lust or passions either of
21 himself or of the the victim. That's different than
22 what a sexual battery is.

23 So, a sexual battery under the definition of the
24 statute -- and I always write it out -- means sexual
25 intercourse, cunnilingus, fellatio, anal intercourse

1 or any intrusion, however slight, of any part of a
2 person's body or of any object into the genital or
3 anal openings of another person's body, except when
4 such instruction is accomplished for medically
5 recognized treatment or diagnostic purposes. Again,
6 it feels like we're breaking something down so far
7 into it's individual parts. What part of his body
8 touched what part of your body and that's what we have
9 to prove to be part of the statute.

10 I'm not going to lie, the word cunnilingus, I
11 didn't think I learned that word until I was in
12 college and I think I learned it because I was
13 studying Latin. These are not words that we would ask
14 a 12-year-old boy to use. These are not words that we
15 would ask a 16-year-old boy to use and that's how old
16 Younger Brother and Older Brother were in May -- March of 2020.
17 Twelve and 16. They were very young. And at that
18 point they don't know the statute. Let's see, I
19 believe this photo is from 2019. So a year or less
20 from when this all end. The of the timeframe. I
21 don't think this boy knows what fellatio means or
22 cunnilingus. They don't know those terms and they
23 don't know what the law is, but they know it's wrong.
24 They realize it's wrong. That's why he's able to ask
25 for it to stop and that's why he gets so angry that

1 that anger has to go somewhere, and when that happens
2 they're asked questions and the adults were saying
3 what's wrong? What happened? What made you
4 uncomfortable? It is open ended and victim led and we
5 are asking these victims who are 12 and 16 to identify
6 what was wrong. What was happening. When it took
7 them years to realize that themselves. We don't ask
8 them to look at the statute and say, was there
9 penetration however slight. This took place over an
10 eight year period span of time. There is no one hour
11 conversation that can distill all the information that
12 these children know into the legally important facts
13 especially when they are just discovering that it's
14 wrong and it's inappropriate.

15 You heard Older Brother talk about the first time this
16 happened. The first time that he is called into
17 Phillip Lawson's bedroom with his younger brother and
18 Phillip Lawson exposes himself to them with his
19 erected penis and when Older Brother asks, why does that look
20 different? Phillip Lawson instructs him in how to
21 masturbate in front of him. That was the first time
22 something happened, right. That's the first sexual
23 assault. That's the first incident we have. But when
24 you talk to Older Brother more, he also says, well, when I
25 look back now there are other things I now know.

1 There are other things that looking at them now I
2 realize they're important. There's the bathing. The
3 showering. Being asked to bath together. Seeing
4 Phillip Lawson come in. Seeing him touch Younger Brother
5 The showering at camp sites, and seeing that wasn't
6 just somebody being protective of them, but somebody
7 who was watching and looking and then that behavior
8 than progressed to where he was touching the children.
9 Where he was asking them to touch each other. Where
10 he was asking them to touch him. All of those things
11 often leading to completion, ejaculation, which would
12 be the lust, the lascivious acts. The passion of the
13 actor. The passion of the victim.

14 Mr. Lawson didn't threaten them. He didn't beat
15 them. He didn't torture them. He showed them that it
16 was okay. He showed them that this was normal
17 behavior from a trusted adult that their mother
18 trusted. And then when the first thing was okay he
19 went to the next thing. With Younger Brother at five or six
20 he's touching this child in a car waiting for the
21 school bus. Picking him up from the school bus.
22 Maybe that school bus did drop off five or six kids.
23 I don't know. I wasn't there. But those kids go back
24 to their houses. Younger Brother didn't. [REDACTED]
25 goes into Phillip Lawson's vehicle where he waits.

1 This five or six-year-old child waits for the rest of
2 the kids to get off of the school bus and he says at
3 that time the defendant put his hand on his five or
4 six-year-old thigh and then groped his penis
5 underneath his clothes and that's being done in broad
6 daylight. Would a five or six-year-old kid have any
7 idea that's wrong? And when he doesn't, doesn't
8 argue, it progressed. It progresses in the home. By
9 the time this ends Younger Brother knows that his brother
10 knows what's going on and that his brother didn't tell
11 him to stop. His brother didn't tell an adult. By
12 the time this ends there are so many adults who know.
13 Who saw something. Some of whom even said something
14 and were told, we don't need to worry about that.
15 It's all in your head. It's not what you think it is.

16 These children described multiple sexual acts
17 meeting the statute, meeting this definition, and it's
18 very hard to ask them that happened multiple times.

19 This happened during this entire timeframe. That
20 happened over and over and over again, but that is
21 what they said. That yes, oral sex occurred multiple
22 times, meeting the definition of penetration however
23 slight into any part of another person's body. And
24 they described that not waiting years to get to, but
25 they described that prior to Missy's death. They also

1 described those acts in ways that I would argue are
2 how a child would describe it. How they would come to
3 the conclusion this happened. ^{Younger Brother} he is
4 very visual and he looked at those photos and he can
5 tell you where things were in the room and what things
6 were in the room and he can tell you about the rags,
7 and I'm not know sure we've shown those to you yet. I
8 don't now if they've been published. There are photos
9 in here of the rags. There are photos on the screen
10 of where the rags were located in the bedroom. Those
11 rags were collected because they had evidentiary value
12 that a 12-year-old was able to express. Was able to
13 to talk to a forensic interviewer and explain what it
14 was. That there was cum that was sticky and white and
15 wiped off on these rags.

16 We talked about the DNA report. I don't know
17 about you, my eyes glazed over a little bit when we
18 had that read out loud. There are two DNA reports,
19 and I hesitate to even call them DNA reports. They're
20 forensic lab reports and the first one from January
21 20th of 2020 identified the items that are tested.
22 You will you see on here there's white rag that's
23 tested. There's a grey rag that's tested. It was
24 located on top of the computer under the desk in
25 Phillip Lawson's bedroom and another grey rag under

1 the pillow on Phillip Lawson's bed. These rags -- and
2 also a blue bean chair -- but these rags were
3 identified or examined for the presence of semen using
4 a visual examination, alternate light source
5 examination and chemical presumptive test and slide
6 preparation -- microscope slide.

7 On item one, the white rag, which we do have in
8 evidence but we have not opened. White rag.
9 Spermatozoa was identified. There was DNA profiles
10 obtained from both the non-sperm and sperm fractions
11 consistent with at least two individuals. And you'll
12 you see in the first report these profiles are tested
13 against [Younger Brother] and [Older Brother] and they don't
14 match. The spermatozoa here is not [Older Brother S]
15 It's not [Younger Brother] and you heard [Younger Brother] testify
16 he was too young to do that. And you can look through
17 for each item what was identified and who it matched
18 or didn't match. My recollection, for each of these
19 items never identify [Younger Brother] or [Older Brother S]
20 DNA on these particular items where they were looking
21 for a particular thing and they tested for semen.

22 Next, on May 20th of 2020 the evidence was
23 compared against Mr. Lawson. And on item one, the
24 white rag, there's a DNA profile consistent with the
25 profile obtained from Mr. Lawson. In item three, the

1 grey rag, there's a sperm fraction of the cutting
2 matching the DNA profile obtained from Phillip Lawson,
3 and on item four, a second grey rag, there's a DNA
4 profile obtained from both the non-sperm and sperm
5 fractions consistent with the DNA profile obtained
6 from Phillip Lawson.

7 There are three rags in this room. Mr. Lawson's
8 semen on them, and Younger Brother was able to identify
9 that at 12-years-old. Knew that's what would be on
10 these rags and knew that at 12 in May of 2020. And
11 Mr. Lawson testified that he had told Younger Brother who was
12 just curious, about how he wiped his nose with it and
13 how he wiped his sweat with it. How does Younger Brother
14 know what's going to be found on those items
15 unless he has that firsthand knowledge. What he's
16 seen and he knows what's happening with those rags.

17 I don't want to take you through all the very
18 graphic depictions that the children gave us, but I
19 would ask you to consider their demeanor on the stand.
20 And how upset they were and how they felt. How they
21 looked like they felt. How they told us how they
22 felt. Again, Older Brother talked about tightness in his
23 chest. He talked about how he didn't want to see his
24 brother like that. He didn't want that, and that he
25 was afraid if this came out what people would think of

1 him as a man or his sexuality, whether that was right
2 or wrong. And he was afraid to come forward, but now
3 feels that pressure of guilt, and now has to admit to
4 something he is guilty and shamed for.

5 Older Brother also testified that he had told someone.
6 He told his best friend Cole Lawson, who is the son of
7 the defendant, and was told I don't believe you.

8 Older Brother who had all of of that shame around what
9 happened to him found the courage to tell somebody
10 what did happen to him and was told, I don't believe
11 you by someone he cared about. Thought cared about
12 him and thought would have his back, and when he
13 didn't, he said, I knew I couldn't tell anyone else.
14 I knew that you was it. I couldn't tell anybody else.
15 Now he has to deal with the guilt of not getting his
16 brother out.

17 Katie testified that she saw that things were
18 going on. She wasn't in the room. She didn't see the
19 acts, but she saw the behavior she thought was
20 inappropriate and when she questioned it, was told
21 that it was her imagination. Like she previously been
22 told that at six years old it was her imagination.
23 She was sexually assaulted by her own brother which
24 turned out to be true. That she was sexual assaulted.
25 Not that she made it up but that she was and she was

1 told and convinced by the defendant that she wasn't
2 and this time around she was told and convinced by the
3 defendant there is nothing wrong. That there is
4 nothing to look into. Why make a big deal out of it.
5 And you heard from Fred who was in the house. Who saw
6 things that he questioned. Fred doesn't get anything
7 for coming here and talking about his failings because
8 he did fail in reporting what he knew to be wrong and
9 Katie at 17 or 18 at this time, I think she feels
10 acutely that she failed in failing to report what she
11 did wrong. She did report it thought. She reported
12 it to her mother. As a result of that her parents had
13 a screaming match and nothing changed. So you found
14 out that the trusted adults in your life know, your
15 best friend knows, your older brother knows, but
16 nothing changed.

17 I would ask you to consider that back in the jury
18 room. I think it's very important, the failure of
19 adults in this case to those children. I think their
20 failure has impacted what you see in their testimony.
21 What you see about what they are willing and able to
22 talk about, and why that's easier after years than it
23 for **Older Brother** when he was dragged in.

24 MS. INZERILLO: Your Honor, I would ask that State
25 not impose what she thinks about the effect of adult

1 acts on the children's presentation.

2 THE COURT: I sustain the objection.

3 MS. INZERILLO: Thank you, Your Honor. I would
4 move to strike.

5 THE COURT: I would ask to you disregard that last
6 comment by the State.

7 MS. RUSSO: You heard from the defendant who did
8 speak to you. That he told you that there is
9 something so identifiable about his anatomy. That it
10 unmistakable. Would a six-year-old have any idea that
11 that's different. Both of the children described
12 scars all over his body. Did this disease involve
13 scar tissue. Was any evidence presented to you with
14 that those things are true? Was any medical testimony
15 brought to you to show you that that's true? And
16 maybe it is. Maybe it is true and he has a disease
17 where if he's erect it causes pain. The acts that
18 were described in testimony to you from these children
19 were the hands were used. Mouths was used. That this
20 disease doesn't prevent ejaculation. There is
21 admissible semen on the items in the room.

22 I will be able to come back to you in a few
23 minutes and speak to you again briefly, but this case
24 is very hard to listen to and I appreciate you being
25 here, and I think it's even harder to even fit into

1 the tiny boxes that the statute has. But I would ask
2 you to look at those tiny boxes that we have of
3 timeframes, of very specific acts, and see that over
4 an eight year span of time these children have told
5 you about sexual battery happening to them under the
6 age of 11 for **Younger Brother** Between 11 and 14 for
7 both children, and for criminal sexual conduct in the
8 third degree, at any point under 16 years of age. And
9 for all those indictments I will come back to you in a
10 few minutes and ask you again to find the defendant
11 guilty.

12 THE COURT: Miss Inzerillo.

13 MS. INZERILLO: May it please the Court, Your
14 Honor.

15 THE COURT: Yes, ma'am.

16 MS. INZERILLO: When I spoke to you on Monday I
17 told you that Phillip Lawson was innocent. The law
18 declared him innocent and at this moment in time the
19 law still declares him innocent, and during that time
20 I asked -- I explained to you, that the State has the
21 burden in this case, and if I counted correctly this
22 is about the sixth or seventh time that you have been
23 told that the State has the burden in this case and
24 that's because it is a heavy burden. And it's a
25 burden that requires them to prove every single

1 element of every single charge beyond a reasonable
2 doubt. That means if any part of any charge fails, or
3 you do not have -- you have doubt, you must find him
4 not guilty.

5 In my opening statement I asked you to listen to
6 the evidence that is presented and to the testimony
7 that was presented. That's what we have been doing
8 the last few days and now all the evidence is in. All
9 the testimony has been taken and now will be time for
10 you to deliberate. Review that evidence.

11 So let's start with the testimony that has been
12 given in this case. Older Brother [REDACTED] took the stand and
13 said, I remember the first time this happened and he's
14 very specific. I was rough housing in Phillip
15 Lawson's room with my brother. Phillip took his penis
16 out and instructed us on how to touch it. Us. That's
17 very specific detail. He's very specific that Younger Brother [REDACTED]
18 was there. He's very specific that [REDACTED] is there a
19 lot. That this happened a lot. That they were at the
20 house a lot. He also described in great detail the
21 last time he remembers it happening. He described
22 that Phillip Lawson now wanted to take him to a store
23 to buy lube and he was like, no way.

24 Now, when I asked Older Brother [REDACTED] questions he admitted.
25 He had never mentioned the trip to the store before.

1 He gave a lot of specific detail to have never
2 mentioned that before. And obviously it was a mark
3 for [Older Brother] because it was the time he told Phillip
4 Lawson to stop. And so he would remember that day.
5 He would remember the facts of that day if after that
6 any abuse stopped.

7 So then, [Younger Brother] takes the stand. Should be some
8 corroboration. [Younger Brother] is in the room when there is
9 abuse going on with [Older Brother] But what does [Younger Brother]
10 say, oh no, my first time was in a car. He doesn't
11 say he was in the room when Phillip Lawson showed me
12 how to touch his penis. He says, my first time I was
13 at the bus stop, and we heard a lot of talk about bus
14 stop. We know where it is. It is at April Beaty's
15 trailer par. A lot of people came in and testified
16 about that. We know there's about 10 or 12 trailers
17 around. It's out in the open. We also know there was
18 a red Suzuki. Two people testified to that.

19 Katie Lawson came in, looked at a picture of her
20 dad and said, oh yeah, I remember this picture. We
21 had just gotten a red Suzuki. I think we got it about
22 2018, 2019. Phillip took the stand. Yeah, I remember
23 that car. We got it late 2018. December I think. If
24 I've done my math correctly that makes [Younger Brother] 11 or
25 12. Not under the age of 11 as the State has to prove

1 for criminal sexual conduct with a minor, first. It
2 makes him 11 or 12, which is far beyond the testimony
3 that he gave that he was five or six. He also says he
4 was the one that was alone with him in the car.

5 Older Brother is not there.

6 Now, you heard me ask Younger Brother a couple of
7 questions, do you remember saying this and Younger Brother
8 said -- I said, I'll show you a video. Would it help
9 to you see this video? And what was Younger Brother S
10 response, nope. Don't want to see the video. He
11 remember talking to Detective Smith. Don't want to
12 see the video. Detective Smith has been here all
13 week. The State didn't put her on the witness stand
14 to testify about anything. Why?

15 I'm sure you remember Doctor McMillan taking the
16 stand. She's the woman who did fifteen hundred
17 forensic interviews. She takes her time. She doesn't
18 rush the children. The children can disclose,, can
19 talk as long as they want. She did a report that you
20 will have with you in the jury room, and there's a lot
21 of things listed in that report. Let's start with
22 what's not listed in this report. There's nothing in
23 this report about Younger Brother S first time being in a red
24 car. Very specific detail. There's nothing in this
25 report about any showers on camping trips. Nothing.

1 So what's in the report? Very specific descriptions
2 of ejaculate. Very specific. And yet, when [REDACTED] Younger Brother
3 was on the stand and he was asked by the State, you
4 know, how would Mr. Lawyer respond during these acts
5 of oral sex? Well, nothing. He would just kind of --
6 I would just get tired and stopped. He wouldn't
7 really do anything. He's specifically asked on the
8 stand about the act of oral sex and he doesn't repeat
9 it. It's a lack of consistency. These are very
10 specific details that anyone would remember about that
11 particular act and when he's asked directly on the
12 stand he's inconsistent.

13 This report also mentions that there's a knife in
14 the room. I think we heard about three or four
15 witnesses come in. Everybody agrees, these kids are
16 in and out of the Lawson's house. All the time.
17 Everybody agrees to that. Phillip evens agrees to
18 that. They're in and out. [REDACTED] would know where a
19 knife is in the room. He would know what the room
20 layout is. He would know what the house layout is.
21 This report also says that the last incident was a
22 month ago. A month before the date of this report
23 which is May 20, 2020. A month before children are in
24 the room. You heard Investigator Kimble say, I went
25 to the house. I looked for things that had

1 evidentiary value. I can't pack up the whole house.
2 I can't throw it in the back of my truck and take it
3 to the sheriff's, but what I can do in her specialized
4 expertise is she can access the scene and say this is
5 what I'm going to take into evidence. And she takes a
6 lot of things into evidence; three rags and a few
7 other things. And those rags, if you recall, are
8 spread all over the room. There is one on the bed.
9 There is one on the lamp. There's with one in a cubby
10 somewhere. They're all over this room. None of this
11 stuff has the kids DNA on it. None of it. Kids are
12 in and out of this room. In and out of the house.
13 None of this has their DNA on it. There was a DNA
14 report done where they tested this stuff. Nothing.
15 Nothing. Nothing.

16 You heard testimony that it happened on the bed.
17 Rags on the bed. No victim DNA on the bed. None
18 found on the rag. Nothing. No victim DNA is found in
19 this room.

20 There was a lot of talk about showers. Going
21 camping. Taking showers. And if you heard the
22 testimony, everyone that testified said, I didn't
23 think anything of it. April Beaty, the children's
24 mother, didn't think anything of it. Now, she is a
25 mom. She is a mom with two kids. If something had

1 struck her as odd I would imagine she would have
2 spoken up. Not let it happen again. She didn't.
3 Older Brother testified, well, he went to the shower. I
4 couldn't all the way through, but what I could see
5 seemed fine. He testified Younger Brother had trouble
6 showering himself. There was nothing sexual about
7 that. The State in her closing argument liked to talk
8 about what Phillip's actions were going to do. No one
9 in that time seeing these events thought they were
10 odd. You also heard different testimony about what
11 the showers looked like. Mr. Lawson said he couldn't
12 see through the shower curtain. It's a public shower
13 in a campground. You can't see through. It's
14 frosted. It's not clear. You can't see through it.

15 The State also trotted out a lot of observations.
16 Why? Because now we're piling on. Now we have a
17 problem. We have two boys who are allegedly in the
18 same room. Sexual acts going on for some part of it
19 and their stories don't match. Now, we're bringing up
20 showers. No one thought it was a problem before.
21 People at the scene didn't think it was a problem.
22 Nobody involved thought it was problem. Now we're
23 going to talk about the other things we saw. They
24 brought in two people to say, oh yeah, I saw Younger Brother
25 coming out of that room. Not Older Brother and [REDACTED] but

1 Younger Brother

2 Katie Lawson testified and if you listen to her
3 testimony, what she said was, when the boys came over
4 I was either in my room because I was a moody
5 teen-ager. I didn't want to be bothered, or I was at
6 my friend -- I think Sabrina's house. By her own
7 admission she was hardly there. But now she is coming
8 in and talking these disturbing acts that she saw.
9 Who was the other person that came in? Fred. Uncle
10 Fred. Uncle Fred came in and said, yup, I lived there
11 for I don't know, five years, and I saw Younger Brother coming
12 out of that room late at night twice. Two times I saw
13 that. Of all the years he lived there and all the
14 years the kids were going there and all the years and
15 all the times this allegedly happened, he only saw
16 something unusual twice.

17 Now, the State argued that Phillip Lawson just --
18 especially with Katie -- just convinced them it didn't
19 happen. Katie Lawson by her own admission is not in
20 the house. She's at her friend's house. She is
21 locked her bedroom. They're speculating and they're
22 stretching this effect he's got on her. It's just as
23 likely she didn't see what she said because she's
24 never there. The mere fact children are in the room
25 does not equate to sexual abuse. You might not like

1 that fact. You might think it's a weird fact. Maybe
2 you wouldn't do that in your own house. But that does
3 not equate to sexual abuse.

4 The judge told you in his charge that merely being
5 present somewhere does not make you guilty of a crime.
6 What's the other person who talked about something at
7 the time. Not all these years later, but at the time.
8 **Older Brother** tells his friend Cole. This is what your dad
9 has been doing. Cole says, I don't believe you. We
10 also heard a lot of people say Cole lived in the
11 house. Lived in the house. A small house. A house
12 with four bedrooms and one bath and the doors are real
13 close to each other. He lived there at the time he
14 said, I don't believe you. His impression at the time
15 he didn't believe him.

16 What is the other thing the State brought up,
17 isn't it weird that **Younger Brother** sat on Phillip's lap. And
18 they also tried to make a big deal about his demeanor.
19 He was such a loving child. Now he's not. But they
20 can't have it both ways. Either he's a loving child
21 who was sitting on the lap of someone he trusted or
22 not. And the reason these things are important is
23 because they are taking innocuous things and they're
24 expanding them out to try and cover the holes in the
25 case. They are taking things that at the time the

1 people involved that actually observed and actually
2 commented on, testified to, brushed aside.

3 Now, you saw Phillip take the stand. You saw him
4 and heard him take the stand and have to describe to
5 you his own genitalia. He described to you two
6 things. I have a distinctive mark on my penis and --
7 I'm going to use the colloquial phrase, my objection
8 -- I mean, my apologies, Your Honor -- bent carrot,
9 Peyronie's disease. He took the stand and he
10 explained that. The only testimony we heard from
11 Younger Brother and Older Brother was, when they were asked about
12 anything usual that you remember, any scars? Scar on
13 the chest. Scar on the le or something on the leg
14 that they remember. Two things you would see on
15 someone maybe you hadn't seen naked.

16 Ladies and gentlemen, it is the State's burden to
17 prove this case beyond a reasonable doubt each and
18 every element of each and every charge. That means
19 the age range, the alleged acts and the perpetrator.
20 The State -- again, I ask you, listen to the evidence.
21 Review the evidence that they presented. Review the
22 testimony that you have heard. The State has not met
23 this burden ladies and gentlemen and I ask that you
24 find Mr. Lawson not guilty.

25 Thank you.

1 THE COURT: Miss Russo, rebuttal by the State.

2 MS. RUSSO: Yes, Your Honor. May it please the
3 Court.

4 THE COURT: Yes, ma'am.

5 MS. RUSSO: The defense and I can agree on a few
6 things. We agree this is the State's burden. It's my
7 burden to prove to you every element of the charge,
8 timeframes, specific acts and what the testimony was
9 as to those specific acts from the victim. We also
10 agree that coming in and out of Phillip Lawson's
11 bedroom, late at night, even a six or seven-year-old
12 child in his drawers coming out and looking upset is
13 not a crime. It doesn't fit into those tiny boxes
14 that we have access to and say this behavior is
15 illegal. I can point to all sorts of things in life
16 and say it's wrong, but here I have to prove that it's
17 illegal. And that's part not illegal. Fred when he
18 testified he didn't see anything illegal. Katie
19 didn't see anything illegal. But they both saw how
20 Mr. Lawson acted with those victims. They both saw
21 the victims in that house. They both saw the victims
22 upset and they both questioned things and were told,
23 we don't need to deal with that. But that's not all
24 the evidence we have. There not the only evidence.
25 There not the most important evidence. There not the

1 first evidence that was presented to you by the State.
2 We presented the victims who came in and said these
3 are the illegal acts and those illegal acts can boggle
4 your mind. Difficult to understand. And those tiny
5 boxes we have, sometimes happen with other things.
6 There's context. The families are friends. Is that
7 illegal? That's not illegal, but I can still show you
8 with their mother who testified, we were friends.
9 Things were good. I trusted him with my children.
10 And that is still important information for you even
11 if it's not the illegal act itself.

12 You heard about those acts from the victims and
13 you heard about all the things that corroborate what
14 they said. You see the rags that corroborate a 12
15 year-old-boy's statement that the defendant wipes
16 himself off after sexual acts with him on rags. How
17 would he know that without firsthand knowledge, a 12
18 year-old-boy? How would he know these specific items
19 where they are and what would be on them without
20 knowledge. Semen on a rag is not illegal. If I found
21 this in someone's house I -- that would be gross, but
22 it's not illegal. But we still present it to you
23 because it still tells you something about the
24 material facts of this case. Katie and Fred, April,
25 they all tell you something about the material facts

1 of this case that's important for you to know.

2 You've been given a charge by the judge to
3 consider credibility of the witnesses and what they
4 have to gain or lose by coming before you.

5 There are no winners here. There is no winner who
6 took that stand, who sat in this room, who had to deal
7 with this case or with these things that happened.
8 There are no winners.

9 Katie who took the stand, she had to tell you some
10 very personal and embarrassing and shameful things and
11 she had to tell you that she was to blame. She had to
12 admit that she was to blame and that she came from a
13 family where her mother was told something was wrong
14 and did nothing. She had to admit that. Fred had to
15 admit that he saw things that he did nothing about.

16 **Younger Brother** had to admit to the things that happened to
17 him and how he was going to wait for the defendant to
18 die for the activities to stop. And **Older Brother** had to
19 take the stand and tell you about how he did make it
20 stop for himself at some point prior to 2020. He said
21 it went on after Missy died in 2018, but at some point
22 he makes it stop, but he still has the guilt of
23 knowing that he let it happen. He feels like he let
24 it happen to someone else and he has to live with that
25 every day for the rest of his life. Coming in here to

1 testify to that, he didn't have anything to gain.
2 Credibility of these witnesses, who you choose to
3 believe is so important and you all have your own
4 experiences to take back there with you and I would
5 urge you to do that. To think about how your memory
6 works. If you ask me where I was ten years ago. I
7 was graduating from law school in 2012. Starting my
8 law career. And if you you asked me today, tell me
9 about your funniest case. One that sticks out to you.
10 I have some social anxiety so sometimes my mind goes
11 blank. But which one would I tell you and if I have
12 20, a 100, do I tell you about one or two. The worse
13 one. The best one. The one that comes into my mind.
14 If I have hour to talk to you do I tell them all of
15 them. Can I tell you all of them over the last ten
16 years. Is that possible? Is that realistic? Is that
17 truthful and honest or is it truthful and honest to
18 say, if you asked me yesterday about what the funniest
19 was and today you asked me again, I might have
20 different one that comes to mind because the case I'm
21 working on today versus the one I saw yesterday
22 triggered that memory. And that is truthful and
23 honest and it's not perfect and it never will be.

24 You heard a lot of information in this case. I
25 hope that when you go back to think about that you

1 will apply your own experiences to that. I feel that
2 the State has shown every element of every charge.
3 Every little box. Every timeframe. You have dates.
4 You have times. You have landmarks of who was alive.
5 Who was in the house. When they started getting
6 together and I would ask you to apply all those to the
7 law the judge gave you and to find the defendant, Mr.
8 Lawson guilty of all five Indictments.

9 THE COURT: All right, ladies and gentlemen. That
10 concludes everything in the courtroom for today. So I
11 will ask you to head back to the jury room. Do not
12 begin deliberations quite yet. Your signal to begin
13 deliberations is when you receive the evidence and my
14 instructions and the verdict form. One reminder.
15 You're only permitted to deliberate when all 12 are in
16 the room. It is perfectly okay for someone to use the
17 bathroom or a smoke break, but if this happens the
18 other 11 of you or ten of you need to talk about
19 something else until everybody is back. Okay. So
20 just head back to the jury room. I am going to ask my
21 three alternates, Miss Kimsey, Miss McGraw and Miss
22 Gadson to please stay.

23 (WHEREUPON, the jurors leave the courtroom.)

24 THE COURT: Ladies, I'm just going to make sure,
25 Miss Kimsey, Miss McGraw and Miss Gadson.

1 Ladies, thank you very much for all your hard work
2 this week. I know it's not easy to pay attention to
3 people talking for days at time. I can tell you all
4 have been paying very close attention. On behalf of
5 the State of South Carolina and York County and
6 myself, I want to thank you very much for your
7 service. Your jury service is complete. I know it's
8 a little frustrating to be an alternate and not go and
9 deliberate now, but just know that if someone had
10 gotten sick or some kind of emergency that would have
11 allowed the case to go forward and not have to be
12 redone. So thank you very, very much. Just turn in
13 your juror badges and you're welcome to have a seat
14 out here in the benches if you would like to wait for
15 the verdict. You don't have to. Also, all of the
16 restrictions are lifted now. So if you go home and
17 you want to talk to anyone you are free to talk to
18 people about the case including the lawyers. The
19 lawyers may reach out to you. They want to get better
20 at their jobs like everyone else. They may ask how
21 they did good. How they can improve. You don't not
22 have to talk to them. If you want to it's okay.
23 Ladies, any questions? (No reply) Thank you very
24 much.

25 Counsel, if you all want to approach and look at

1 the exhibits.

2 Let the record reflect I have a note. Can some of
3 the jurors take a smoke break. Tell them hold off
4 until they get the evidence and once they get the
5 evidence and deliberations starts they can take as
6 many smoke breaks that they want. Does that make
7 sense. Okay.

8 All right court we will be at ease.

9 (WHEREUPON, the jury began deliberation.)

10 THE COURT: All right. Let's go on the record. I
11 have a note with three questions. The first one is,
12 can you please further define intrusion and the
13 definition of sexual battery does that include groping
14 or putting a hand down another person's pants? Second
15 question, could we also have the court transcripts of
16 Younger Brother and Older Brother S testimony in electronic form if
17 at all possible? And thirdly, can we have a list of
18 witnesses and list of all the evidence gathered?

19 Okay. So one at time. For the first one I think
20 the answer is, that intrusion given the regular
21 ordinarily English meaning of the word and there is no
22 special legal meaning. Is that agreeable to the
23 State?

24 MS. DESCH: Yes, for the State.

25 THE COURT: For the defense.

1 MS. INZERILLO: Yes, Your Honor.

2 THE COURT: The second question, I will tell them
3 that no, they can't have a transcript. It's not
4 available yet but if they want to hear all or part of
5 the audio recording of the testimony they may here
6 that but the transcript is not available yet. And
7 then the third question is, can they have list of
8 witnesses and a list of evidence. No. There is no
9 court -- I'm not sure what they mean by that. If they
10 mean a list of the exhibits we gave them. The court
11 reporter has a list but they can't have that. So, I'm
12 not entirely sure what they mean by that question.
13 I'll ask the foreperson what she means. But the
14 answer is going to be no. There is no witness list
15 and evidence they can have.

16 Any objection from the State to those proposed
17 answers?

18 MS. DESCH: I'm sorry, I was looking up -- I was
19 kind of refreshing my understanding it would be an
20 intrusion however slight and I was just confirming
21 that. Any intrusion however slight.

22 THE COURT: They're asking about the word
23 intrusion. They underline that in the note.

24 MS. DESCH: No objection to that answer and what
25 was the last one? Basically there's nothing to give

1 them.

2 THE COURT: Right. I will ask them specifically
3 what do they mean. Like a court generated list. I
4 don't know what they mean by that. I will ask them
5 what they mean by that, but the answer is going to be
6 no. Whatever it is they can't have it if it exists.

7 Any objection from the defense?

8 MS. INZERILLO: No, Your Honor.

9 THE COURT: Okay. Let's bring them.

10 (WHEREUPON, the jury enters the courtroom.)

11 THE COURT: All right, ladies and gentlemen. I
12 have a note. The first question is, can you please
13 further define intrusion and the definition of sexual
14 battery. Does that include sexual acts sufficient as
15 groping or putting a hand down another person's pants.
16 There is no specialized legal definition of the word
17 intrusion. You should just give that word the regular
18 ordinary English meaning of it in reading the
19 definition of sexual battery. Okay.

20 The second question is, could we have the court
21 transcript of **Younger Brother** and **Older Brother's** testimony in
22 electronic form if at all possible. Ladies and
23 gentlemen, the written transcript is not available
24 until after the trial. The court reporter uses a
25 special machine called a steno machine which maybe you

1 can see it. It's not a regular typewriter. It's a
2 specialized machine. So she's taking it down by
3 symbols in kind of a shorthand and the court reporter
4 has to prepare the transcript into regular readable
5 transcript after the trial. With that said there is
6 audio recording available and if you like to hear the
7 the recording of all or part of either Older Brother or
8 Younger Brother S testimony we can bring you into court and
9 replay it for you.

10 The third question is, can we have a list of
11 witnesses and a list of evidence gathered. Madam
12 foreperson I'm not entirely sure what you mean by
13 that. Do you mean like a list prepared by the court.

14 FOREPERSON: The names of the witness that were
15 brought up.

16 THE COURT: The court doesn't prepare a list like
17 that.

18 FOREPERSON: Okay.

19 THE COURT: You have all of the evidence that has
20 been admitted. I don't have a list of anything that I
21 can give you. All right.

22 Do you know if you want to hear any portion of
23 testimony replayed.

24 FOREPERSON: Yes, please.

25 THE COURT: What would you like to hear?

1 FOREPERSON: If we could hear both Younger Brother and
2 Older Brother S testimony.

3 THE COURT: The full testimony?

4 FOREPERSON: Yes, please.

5 THE COURT: That's fine. We'll be happy to cue
6 that up. If there's a particular thing you're waiting
7 to hear and you hear it you can just tell me, judge,
8 we heard what we needed to hear and we stop it. With
9 that said, madam court reporter.

10 (WHEREUPON, audio was replayed.)

11 THE COURT: All right, you may return to the jury
12 room and continue your deliberations. The Pizza is
13 here.

14 (Jurors leave the courtroom.)

15 THE COURT: All right, we have a note. Could we
16 have a magnifying glass. The answer is no, we can not
17 do that.

18 Counsel can you all approach for a minute please.

19 (WHEREUPON, there was an off the record
20 discussion.)

21 THE COURT: Bring in the jury.

22 (WHEREUPON, the jury enters the courtroom.)

23 THE COURT: Did you all get enough dinner?

24 THE FOREPERSON. Yes, thank you.

25 THE COURT: All right. Thank the ladies from the

1 clerk's office.

2 Ladies and gentlemen, we have a note about a
3 particular photograph. We don't have the capability
4 to truly magnify it. We can what use the ELMO, which
5 will project an image on the TV but it's not like a
6 microscope. It will make it bigger but will not
7 increase the detail. Would you all like us to do
8 that.

9 FOREPERSON: Yes, sir.

10 THE COURT: Okay, we can do that.

11 (WHEREUPON, the picture was displayed on the
12 screen.)

13 THE COURT: Have you seen enough.

14 FOREPERSON: Yes.

15 THE COURT: Head on back to the jury room and
16 continue deliberations.

17 It is 7:17. Whenever you say you had enough you
18 let me know and you can come back tomorrow.

19 (WHEREUPON, the jury leave the courtroom.).

20 THE COURT: All right. We we will be at ease.

21 (Deliberations continued.)

22 THE COURT: Let's go back on the record. I
23 received a note from the jury. It's now ten minutes
24 to eight. The jury says the jury is unable to come to
25 a conclusive vote at this time and we would like to

1 return tomorrow morning to continue deliberating.

2 Bring the jury in.

3 (WHEREUPON, the jury enters the courtroom.)

4 THE COURT: All right, ladies and gentlemen. I
5 understand you all would like to come back tomorrow
6 morning.

7 FOREPERSON: Yes, sir.

8 THE COURT: Well, thank you for much for all your
9 hard work today and just remember don't discuss the
10 case with anyone other than in the jury room when you
11 are all there. Don't do any outside research and
12 don't watch any news report. See you back at 9:30.

13 (WHEREUPON, the jury leaves the courtroom.)

14 THE COURT: All right. Thank you everybody. It
15 was a long day. I appreciate everybody staying late.
16 Will be in recess until nine 9:30.

17 (WHEREUPON, court was in recess.)

18 (WHEREUPON, the jury began deliberating at 9:30
19 on July 21, 2023.)

20 (WHEREUPON, the jury reached a verdict at 4:55)

21 THE COURT: Madam foreperson, I understand the
22 jury has reached a verdict.

23 FOREPERSON: Yes, Your Honor

24 THE COURT: Hand the verdict to the bailiff
25 please.

1 THE COURT: The defendant please rise. Madam
2 clerk publish the verdict please.

3 THE CLERK: The State of South Carolina versus
4 Phillip Lawson, we the jury by unanimous consent find
5 the defendant, Phillip Lawson, as to count one,
6 comitted the crime of criminal sexual contact with a
7 minor in the first degree between December 18, 20212
8 December /TWEPB and against Younger Brother [REDACTED] guilty.

9 We the jury by unanimous consent find the
10 defendant, Phillip Lawson, as to count two, committed
11 the crime of criminal sexual conduct with a minor in
12 the second degree between December 18, 2018 and May
13 the 1st, 2020, against Younger Brother [REDACTED], guilty.

14 We the jury by unanimous consent find the
15 defendant, Phillip Lawson, as to count three,
16 committed the crime of criminal sexual conduct with a
17 minor in the second degree between March 3, 2015 and
18 September 2015 and December this, against Older Brother [REDACTED]
19 [REDACTED] not guilty.

20 We the jury by unanimous consent find the
21 defendant, Phillip Lawson, as to count four, committed
22 the crime of criminal sexual conduct with a minor in
23 the third degree between March 3, 2015 and September
24 30, 2019 against Older Brother [REDACTED] not guilty.

25 We the jury by unanimous consent find the

1 defendant, Phillip Lawson, as to count five, committed
2 the crime of criminal sexual conduct in the third
3 degree, between December 18, 2018 and May 1, 2020
4 against [REDACTED] detail lie [REDACTED] guilty.

5 Signed by the foreperson, dated today's date.
6 Ladies and gentlemen of the jury, if this be your
7 verdict say you all by raising your right hand.

8 Let the record show all jurors affirmed.

9 THE COURT: Does the State like the jury
10 individually polled?

11 MS. DESCH: No, thank you.

12 THE COURT: Does the defense like the jury
13 individually polled?

14 MS. INZERILLO: No, Your Honor.

15 THE COURT: Any motion or requests from the State
16 before we release the jury.

17 MS. DESCH: Nothing from the State.

18 THE COURT: From the defense.

19 MS. INZERILLO: Nothing before we release the
20 jury, Your Honor.

21 THE COURT: Now, ladies and gentlemen, you all
22 have work really, really hard over a period of two
23 days. I really, really appreciate that and on behalf
24 of the State of South Carolina and York County, thank
25 you very much for your jury service. Your jury

1 service is now complete. You are released from all
2 the restrictions we talked about. You can discuss
3 this experience with anyone you choose to. That might
4 even be the lawyers. Something the lawyers want to
5 get better at their jobs like other people. The
6 lawyers may contact you. You do not have to speak to
7 them. They may ask you like, you know, what could
8 they do better. Things like that. But if you choose
9 to it's okay. All right. Same thing, family or
10 friend, you can tell them about the case if you want
11 to but no one can make you discuss it if you don't
12 want to.

13 With that said, ladies and gentlemen, it's been a
14 long week and I will let you go. Any questions?

15 FOREPERSON: Can we stay?

16 THE COURT: You may stay for the sentencing if you
17 like. Turn in your juror badges and take a seat on the
18 benches.

19 Madam, foreperson, I do need you to sign some
20 things if you don't mind, step up front.

21 (WEHREUPON, the jury is dismissed.)

22 THE COURT: All right. Is the State ready to
23 proceed?

24 MS. DESCH: State is ready to proceed.

25 MS. INZERILLO: Before we do that the defense

1 would like to renew all previous motions and arguments
2 and objections and based on that we would move for a
3 new trial.

4 THE COURT: The court is not going to change any
5 of its rulings. Motion for a new trial is is denied.

6 MS. INZERILLO: Thank you, Your Honor. If I may
7 have one additional moment Your Honor.

8 THE COURT: Yes, ma'am.

9 Yes, ma'am.

10 MS. DESCH: May it please the Court, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. DESCH: Your Honor, the State would like to be
13 heard, but at this point I would like to start with
14 **Younger Brother** and his impact statement to you.

15 THE COURT: Yes, sir, **Younger Brother**

16 **Younger Brother** He ruined our lives. He hurt me
17 and my family and he don't deserve to be out ever.
18 And he put his kids under a whole bunch strains and
19 hurt his own kids and that's all I have to say.

20 THE COURT: **Younger Brother**, as the victim in the case,
21 you have right if you want to give your opinion on the
22 sentencing. The most serious charge in this case is
23 criminal sexual conduct in the first degree is a
24 minimum of 25 years up to life in prison and I will be
25 happy to hear from you if you like to.

1 before. None of that was brought into light.

2 So, sir, I'm saying I'm not guilty of anything
3 this and I don't see how any of there begging and
4 pleading could get me life on anything. I don't see
5 how they can say that I did anything, especially if
6 they're calling me evil. That's the evil. Letting
7 the lies go by. If the Court the lies to continue
8 you're not going to have a system of justice. It's
9 just going to crash around everybody's ears. This
10 right here is a travesty of justice.

11 THE COURT: Miss Inzerillo, is there anyone else
12 you would like to call to speak on Mr. Lawson's
13 behalf?

14 THE COURT: No, Your Honor.

15 THE COURT: Anything else from the defense?

16 MS. INZERILLO: No, Your Honor.

17 THE COURT: As to Mr. Lawson's health problems,
18 there are times when the Courts can take that into
19 consideration if the Court was looking at much less
20 serious offenses and much shorter possible sentences
21 the Court might take into consideration Mr. Lawson's
22 has health problems. For these charges it's not going
23 to assist Mr. Lawson.

24 I've given this matter considerable thought and
25 primarily based on the incredibly lengthy amount of

1 time that these events occurred on, repeatedly, over a
2 period of years, the Court finds a life sentence is
3 appropriate.

4 The State of South Carolina versus Phillip Ryan
5 Lawson, Indictment 2020-GS-46-3986, 3822 and 3823, the
6 charges are criminal sexual conduct with a minor in
7 the first degree, criminal sexual conduct with minor
8 in the second degree, criminal sexual conduct with a
9 minor in the third degree.

10 As to the criminal sexual conduct with a minor in
11 the first degree, sentence of the Court is Mr. Lawson
12 is comitted to the custody of the Department of
13 Corrections for his natural life. Criminal sexual
14 conduct with a minor in the second degree, Mr. Lawson
15 is comitted to the custody of the Department of
16 Corrections for a period of 20 years, and for the
17 criminal sexual conduct with a minor in the third
18 degree, Mr. Lawson is comitted to the for a period of
19 15 years. These sentence respect credit three, that
20 is is one /SER /SER three days, and Mr. Lawson is on
21 on the sex offender registry and D S /S-P central
22 registry pursuant to these convictions Thank you, Your
23 Honor.

24 MS. DESCH: Thank you, Your Honor.

25 (END OF TRANSCRIPT).

Younger Brother [REDACTED]	[REDACTED]	12156	4711290443	05/14/2019
Legal Name of Student	DOB	Local ID	SUNS	Evaluation Completion Date

PREVIOUSLY REVIEWED INFORMATION

Health, Medical, and Developmental

Vision

Results from an updated vision screening are needed for the present evaluation. [REDACTED] has a history of normal visual acuity.

Hearing

[REDACTED] has had difficulties regarding his hearing. His mother reported that he is partially deaf in his left ear and was deaf in his right ear. He experienced chronic ear infections and chronic adenoiditis. Because of these frequent ear infections and hearing loss his speech was severely delayed. However, he did reach other developmental milestones such as walking and eating solid foods within normal limits.

Other Medical and Developmental History

According to previous records detailing early development, [REDACTED] was born full term via C-section and weighed 6 lbs., 15 oz. Prenatal care was received during the mother's 6th month of pregnancy. [REDACTED] S APGAR scores were 8 at one minute and 9 at five minutes. No serious complications were reported during pregnancy although the mother was hospitalized several times for [REDACTED] contractions. No complications were reported before or immediately after his birth. His mother reported that he was hospitalized at four and five months old for colic.

Educational Background

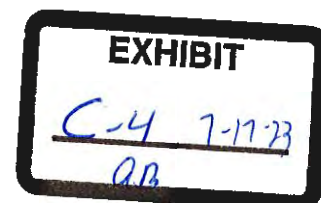
Educational records indicate that [REDACTED] was served through BabyNet, an early intervening service for infants and toddlers. After an evaluation at 2 years 10 months, [REDACTED] transitioned to the school district in Chester County and was served in a special education program for students with developmental delays. [REDACTED] transferred into Blacksburg Primary as a kindergartener and received special education services for academics and speech/language at that time, as a student with a Developmental Delay. [REDACTED] received services through a regular education setting at as a second grader at Blacksburg Primary School, with 375 minutes of resource support per week as a student with developmental delays. [REDACTED] also received 60 minutes per week of speech/language therapy at that time. [REDACTED] entered Blacksburg Elementary in third grade and is now in fourth grade.

English Language Proficiency

[REDACTED] is an English-speaking student from an English-speaking household.

Cognitive Processing

Composite	Composite Score		Percentile Rank	95% Confidence Interval	Qualitative Description
Verbal Comprehension	VCI	84	14	78-93	Low Average
Visual Spatial	VSI	69	2	64-79	Extremely Low
Fluid Reasoning	FRI	58	0.3	54-68	Extremely Low
Working Memory	WMI	69	2	64-79	Extremely Low
Processing Speed	PSI	75	5	69-87	Very Low
Full Scale IQ	FSIQ	63	1	59-70	Extremely Low



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The WISC-V Full Scale IQ is usually the most reliable and valid score on this instrument and is an indicator of an individual's overall intellectual ability. Younger Brother S Full Scale score was 63 and corresponds to the 1st percentile within his age group. This would suggest that he functions within the Extremely Low Range of intellectual ability. However, it is in the examiner's opinion that this score should be interpreted with caution and is an under estimate of Younger Brother S true ability, since Younger Brother S responses to test items were often impulsive and given hastily without time for processing. (From 9/2016)

RIAS Indexes	Standard Scores (95%CI)
Verbal Intelligence Index	
Guess What 34 T	74 (70-79) Borderline
Verbal Reasoning 32 T	
Nonverbal Intelligence Index	
Odd Item Out 19 T	63 (59-70) Low
What's Missing 35 T	
Composite Intelligence Index	65 (62-70) Low

(From 9/2016)

Academic Achievement

Reading

STAR Reading

Administration ?	Grade	Date Taken ?	Scale Score	Percentile Rank	IRL	Lexile	Assessment Number	Screening Category
2018-2019	04	1/24/2019	505	52	4.2	665L	5	
2018-2019	04	12/4/2018	528	59	4.4	710L	4	At/Above Benchmark
2018-2019	04	11/16/2018	429	37	3.6	505L	3	
2018-2019	04	9/19/2018	480	54	4	620L	2	
2018-2019	04	8/28/2018	363	26	3.1	365L	1	On Watch

Math

STAR Math

Administration ?	Grade	Date Taken ?	Scale Score	Percentile Rank	Assessment Number	Screening Category
2018-2019	04	12/5/2018	538	20	5	Intervention
2018-2019	04	11/15/2018	428	4	4	
2018-2019	04	10/24/2018	475	10	3	
2018-2019	04	9/26/2018	447	7	2	
2018-2019	04	8/29/2018	450	8	1	Urgent Intervention

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Writing

Younger Brother can write an average of 28 words on a 3 minutes timed writing when given the prompt. He can consistently capitalize the beginning of his writing and add a punctuation mark at the end. Younger Brother has difficulty writing passages expected of a 4th grade student. His average words written score of 21 is well below the expected national score of 42 expected for a student with his ability. His writing score has decreased since fall in part due to effort, however his spelling and correct writing sequence (capitalization, spelling, and punctuation) limit his ability to quickly produce sentences and get them on paper. Younger Brother needs to work on sounding out words when writing and editing his work for errors.

Communication

Language Processing Test-3rd Edition (LPT-3)8/31/2016

Standard Scores (Average scores are between 85 and 115):

Associations 63 Categorization 74 Similarities 86 Difference 93

Multiple Meaning N/A Attributes 80

Oral and Written Language Scales II Form A (OWLSII-A)

Standard Score (Average scores range from 85-115)

Listening Comprehension Scale 73

Oral Expression Scale 72

Oral Composite 71

Goldman Fristoe Test of Articulation-3rd Edition (GFTA-3)

Number of errors	Standard Score	Intelligibility
38	72	Poor

Adaptive Behavior

Younger Brother has age-appropriate pragmatic, daily living skills.

Motor/Sensory

Gross Motor

Younger Brother exhibits developmentally appropriate gross motor skills.

Fine Motor

Younger Brother exhibits developmentally appropriate fine motor skills.

Sensory

Younger Brother is not affected adversely by outside stimuli.

Social/Emotional/Behavioral

Younger Brother has no discipline referrals. His mother has expressed concern regarding his social skills and bullies at school.

Transition/Vocational

Younger Brother is not of transition age. However, he will continue to receive opportunities to learn about vocations throughout his education.

Younger Brother

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Parent/Outside Agency/Private Provider Information

No additional information was provided.

Other/Miscellaneous

All factors relevant to the present re-evaluation planning have been reviewed and reported.

ADDITIONAL INFORMATION

HEALTH, MEDICAL, AND DEVELOPMENTAL*N/A evaluated by N/A***Date Completed:**

While Brandon has a history of normal visual acuity, an updated vision screening was requested as part of this evaluation. As of this writing, those results have not been obtained by the examiner.

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ACADEMIC ACHIEVEMENT

Woodcock-Johnson IV Tests of Achievement *evaluated by Kathryn Daignault, School Psychologist II*

Date Completed: 05/10/2019

The Woodcock-Johnson IV Tests of Achievement (WJ-IV) is a standardized individual assessment that measures a student's level of skill development in reading, math, and written language. Younger Brother was given subtests in all three areas. The subtest results are reported below as standard scores (SS) with a mean of 100 and standard deviation of 15, grade equivalents (GE) in school year and month, and range (qualitative description):

*Letter-Word Identification SS = 85; GE = 3.6; Low Average range

*Word Attack SS = 88; GE = 3.2; Low Average range

*Oral Reading SS = 88; GE = 4.0; Low Average range

*Passage Comprehension SS = 76; GE = 2.5; Low range

*Applied Problems SS = 59; GE = 1.6; Very Low range

*Calculation SS = 66; GE = 2.4; Very Low range

*Spelling SS = 68; GE = 2.2; Very Low range

*Writing Samples SS = 53; GE < K.0; Very Low range

The subtests are grouped into clusters (domains), with these overall results reported as standard scores, age equivalents (AE) in year and month, and range:

*Reading SS = 81; AE = 8 yr, 6 mo.; Low Average range

*Basic Reading Skills SS = 86; AE = 8 yr, 10 mo.; Low Average range

*Math SS = 60; AE = 7 yr, 5 mo.; Very Low range

*Written Language SS = 57; AE = 6 yr, 11 mo., Very Low range

Younger Brother's sight word vocabulary, phonetic skills, and oral reading levels were evenly developed within the Low Average range. In contrast, Younger Brother did not appear to use context clues effectively, for his passage comprehension skills were significantly lower than his decoding skills. Similarly, a basic comprehension issue, along with gaps in his knowledge of math facts and applications, resulted in a Very Low score for math reasoning (Applied Problems). Younger Brother's knowledge of math facts and operations fell in the Very Low range on the Calculation subtest, as well, indicating that facts, strategies, and reasoning are all deficient in the math domain. Younger Brother used a phonetic approach to the spelling subtest, showing that he heard the sounds, but had difficulty encoding the words correctly, which would depend on his visual memory. Younger Brother had a very difficult time putting his ideas on paper for the writing samples prompts, and his handwriting indicated a possible weakness with visual-motor coordination and control.

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COMMUNICATION

Oral and Written Language Scales II Form A (OWLSII-A) Goldman-Fristoe Test of Articulation, 3rd Edition (GFTA-3) Speech Conversational Observation

evaluated by Sandi Simpson, BS SLP, MA, HI

Date Completed: 04/19/2019

Oral and Written Language Scales II Form A (OWLSII-A):

Standard Score (Average scores range from 85-115)

Listening Comprehension Scale 104 Oral Expression Scale 95

Oral Composite 98

The **OWLSII-A Listening Comprehension and Oral Expression Scales (OWLS-II-A)** assessed a wide range of receptive and expressive language skills including vocabulary (word meanings), grammar (word and sentence structure), pragmatic language (how context influences the expression and interpretation of a message) and supralinguistic structures (nonliteral language i.e., "raining cats and dogs"). The student's performance on the scales, and the resulting oral composite derived from the scales combined, are expressed as standard scores. The standard scores have a mean or average performance of 100 and an average range of 85 to 115.

The OWLS 2 Listening Comprehension Scale assessed Younger Brother S ability to understand spoken language structures, while the Oral Expression Scale assessed his ability to understand spoken language structures, as well as to orally express thoughts and ideas. Younger Brother attained a Listening Comprehension Scale standard score of 104 and an Oral Expression Scale standard score of 95. Younger Brother S Oral Language Composite standard score of 98 for the two scales combined indicated overall functioning that was in the Average range.

Goldman-Fristoe Test of Articulation, 3rd Edition (GFTA-3) Speech Conversational Observation

evaluated by Sandi Simpson, BS SLP, MA, HI

Date Completed: 04/19/2019

Goldman Fristoe Test of Articulation-3 (GFTA-3):

Number of errors	Standard Score	Percentile Rank	Intelligibility
0	105	63 %	Good

The **Goldman-Fristoe Test of Articulation, 3rd Edition (GFTA-3)** assessed Younger Brother S ability to produce speech sounds in the initial, medial and final positions of words, and sound blends in the initial position of words. On the test, Younger Brother demonstrated 0 error phonemes. When compared with other males his age, 's 0 errors placed his articulation performance at the 63rd percentile. He scored equal to or better than 63% of the males his age in the norm group.

Speech Conversational Observation

evaluated by Sandi Simpson, BS SLP, MA, HI

Date Completed: 04/19/2019

Speech conversational Observation:

Oral Structures and Functions -Adequate

Voice and Fluency -Within normal limits

Pragmatic Use of Language -Adequate for Communication

Attentiveness - Appeared Adequate

Speech Conversational Observation revealed Younger Brother S oral structure and functions, speech fluency and voice production are within normal limits. His receptive and expressive language skills appeared to be age appropriate.

Younger Brother S pragmatic use of language appeared to be adequate for communication. He did not exhibit any articulation

Younger Brother

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errors. [REDACTED] appeared to demonstrate adequate attention to the assessment tasks.

EVALUATION SUMMARY

The results of the evaluation determined that Younger Brother S articulation, oral structures and functions, voice production and speech fluency appear to be within normal limits. Younger Brother S pragmatic/social skill areas are age appropriate. Receptive and expressive language skills are within the Average range. Younger Brother no longer demonstrates a speech/language disability. Younger Brother S current articulation and language functioning does not adversely affect his academic participation and performance. Younger Brother is no longer eligible for speech/language services.

Speech/Language assessment and therapy are medically and educationally necessary for the diagnosis and treatment of a speech/language disability.

Younger Brother S sight word vocabulary, phonetic skills, and oral reading levels were evenly developed within the Low Average range. In contrast, Younger Brother did not appear to use context clues effectively, for his passage comprehension skills were significantly lower than his decoding skills. Similarly, a basic comprehension issue, along with gaps in his knowledge of math facts and applications, resulted in a Very Low score for math reasoning (Applied Problems). Younger Brother S knowledge of math facts and operations fell in the Very Low range on the Calculation subtest, as well, indicating that facts, strategies, and reasoning are all deficient in the math domain. Younger Brother used a phonetic approach to the spelling subtest, showing that he heard the sounds, but had difficulty encoding the words correctly, which would depend on his visual memory. Younger Brother had a very difficult time putting his ideas on paper for the writing samples prompts, and his handwriting indicated a possible weakness with visual-motor coordination and control. Overall, Younger Brother S Reading, Writing, and Mathematic skills were in the Very Low to Low Average indicated the need for additional academic support in the classroom. However, the team will make the final determination in regards to eligibility for special education services.

EVALUATOR SIGNATURES

Signature and Title_____
Date_____
Signature and Title_____
Date_____
Signature and Title_____
Date_____
Signature and Title_____
Date_____
Signature and Title_____
Date_____
Signature and Title_____
Date

Younger Brother

Legal Name of Student

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Evaluation Completion Date_____
Signature and Title_____
Date_____
Signature and Title_____
Date

WITNESSES

YCSO

Witnessing Officer: *Ligon*

ARREST WARRANT NUMBER

2020A4610800035

ACTION OF GRAND JURY

Truebilled 11/12/2020 1st Kristin Prater

TRUE BILL

Chantel J. Fowler

Foreperson of Grand Jury

Date: *8/26/2021*

VERDICT

Guilty

07/21/23

Foreperson of Petit Jury

Date:

Amended

DOCKET NO. 2020-GS-46-03986

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 26, TERM 2021

THE STATE

VS.

PHILLIP RYAN LAWSON

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, FIRST DEGREE

SC Code: § 16-03-0655(A)(1)
CDR Code: 0385

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

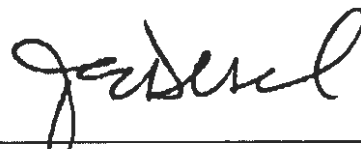
INDICTMENT

At a Court of General Sessions, convened on August 26, 2021, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

The defendant, Phillip Ryan Lawson, did between December 18, 2012 and December 17, 2018, in York County, South Carolina, commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in a sexual battery with a minor, ^{Younger Brother} [REDACTED] (D.O.B. [REDACTED]) who was less than eleven years of age. All in violation of 16-03-0655(A)(1), *South Carolina Code of Laws* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JENNY E. DESCH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE

VS.

PHILLIP RYAN LAWSON

AKA:

Race: W Sex: M Age: 57

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED] Rd

City, State, Zip: Blacksburg, SC 29702

DL#* SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-46-03986A/W#: 2020A4610800035Date of Offense: 01/01/2018S.C. Code §: 16-03-0655(A)(1)CDR Code #: 0385

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Criminal Sexual Conduct with a Minor, First Degree (25 years to Life)In violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

s Jenny E. Desch
Solicitor72806
SC Bar #/s Phillip Ryan Lawson
Defendant/s Melissa A. Inzerillo
Attorney for Defense69416
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of LIFE days/months/years/Time Served☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all 7-21-23 convictions☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.1003 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	Beginning	\$
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25
§14-1-213 (Drug Court Surcharge)		\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
TOTAL			\$ 125

Clerk of Court/Deputy Clerk: Angie Bryant
Court Reporter: Aileen Butler

Presiding Judge:

Judge Code:

Sentence Date:

2761 McLinnen
July 21, 2023

Amended

DOCKET NO. 2020-GS-46-03822

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 26, TERM 2021

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

VS.

PHILLIP RYAN LAWSON

Defendant

Witness:

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

C.C.C. PLS. AND G.S.

SC Code: § 16-03-0655(B)(1)
CDR Code: 0396

WITNESSES

YCSO

Witnessing Officer: *Ligon*

ARREST WARRANT NUMBER

2020A4610100423

ACTION OF GRAND JURY

Truebilled 11-12-2020 /s/ Kristin Prater

TRUE BILL

Chantay G. Doreen

Foreperson of Grand Jury

Date: *8/26/2021*

VERDICT

Guilty - Carson

07/21/23

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

COUNTY OF YORK

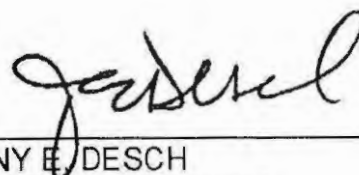
INDICTMENT

At a Court of General Sessions, convened on August 26, 2021, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

The defendant, Phillip Ryan Lawson, did between December 18, 2018 and May 1, 2020, in York County, South Carolina, commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in a sexual battery with a minor, [REDACTED] Younger Brother [REDACTED] (D.O.B. [REDACTED]) who is fourteen (14) years of age or less but who is at least eleven (11) years of age. All in violation of 16-03-0655(B)(1), *South Carolina Code of Laws* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JENNY E. DESCH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE

VS.

PHILLIP RYAN LAWSON

AKA:

Race: W Sex: M Age: 57

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED] Rd

City, State, Zip: Blacksburg, SC 29702

DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-46-03822

A/W#: 2020A4610100423

Date of Offense: 01/01/2018

S.C. Code §: 16-03-0655(B)(1)

CDR Code #: 0396

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Criminal Sexual Conduct with a Minor, Second Degree (NMT 20 years)

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

/s/ Jenny E. Desch
Solicitor72806
SC Bar #/s/ Phillip Ryan Lawson
Defendant/s/ Melissa A. Inzerillo
Attorney for Defense69416
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 20 days/months/0 years Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all 7-21-23 convictions☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.1003 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____	
§14-1-206 (Assessments 107.5%)	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§56-1-286 (DUI Breath Test)	\$25 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25
§14-1-213 (Drug Court Surcharge)	\$150 \$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§50-21-114 (BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500 \$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$
TOTAL	\$ 125

Clerk of Court/Deputy Clerk: Angie Bryant

Court Reporter: Aileen Butler

Presiding Judge: [Signature]

Judge Code: 2761 McKinnon

Sentence Date: July 21, 2023

WITNESSES

YCSO

Witnessing Officer: *Ligon*

ARREST WARRANT NUMBER

2020A4610100421

ACTION OF GRAND JURY

True Bill 11-12-2020 1st Kristin Porter

TRUE BILL

Charity J. Fowler

Foreperson of Grand Jury

Date: *8/20/2021*

VERDICT

Guilty

07/21/23

Foreperson of Petit Jury

Date:

Amended

DOCKET NO. 2020-GS-46-03823

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 26, TERM 2021

THE STATE

VS.

PHILLIP RYAN LAWSON

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: § 16-03-0655(C)

CDR Code: 3661

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

348

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

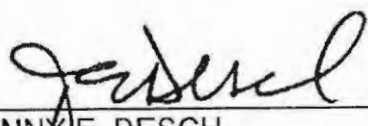
INDICTMENT

At a Court of General Sessions, convened on August 26, 2021, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

The defendant, Phillip Ryan Lawson, who is over fourteen (14) years old, did between December 18, 2018 and May 1, 2020, in York County, South Carolina, commit the crime of Criminal Sexual Conduct with a Minor in the Third Degree by wilfully and lewdly committing or attempting to commit a lewd or lascivious act upon or with the body, or its parts, of the minor victim, ^{Younger Brother} [REDACTED] (D.O.B. [REDACTED]), who is under sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child. All in violation of 16-03-0655(C), *South Carolina Code of Laws* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JENNY E. DESCH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE

VS.

PHILLIP RYAN LAWSON

AKA:

Race: W Sex: M Age: 57

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED] Rd

City, State, Zip: Blacksburg, SC 29702

DL#* SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-46-03823A/W#: 2020A4610100421Date of Offense: 01/01/2018S.C. Code §: 16-03-0655(C)CDR Code #: 3661

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Criminal Sexual Conduct with a Minor, Third Degree (NMT 15 years &/or discretionary fine)In violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

/s/ Jenny E. Desch

72806

/s/ Phillip Ryan Lawson

/s/ Melissa A. Inzerillo

69416

Solicitor

SC Bar #

Defendant

Attorney for Defense

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 days/months/years/Time Served☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all 7/21/23 convictions☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.1007 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling☐ Completion of GED☐ Random Drug/Alcohol Testing☐ Attend Voc. Rehab. Or Job Corp☐ No Contact with Victim☐ Domestic Violence Intervention Program☐ Mental Health Counseling☐ May serve W/E
beginning: _____☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430☐ Public Service Employment _____ days/hours☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$
	\$
\$100	\$ 100
\$100	\$
\$12	\$
\$25	\$
\$25	\$ 25
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$ 125

Clerk of Court/Deputy Clerk: Angie Bryant

Court Reporter: Aileen Butler

Presiding Judge:

Judge Code:

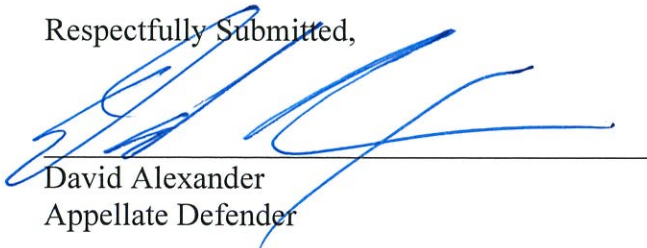
Sentence Date:

2761 McKinnon
July 21, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

RECEIVED

Dec 18 2024

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of December, 2024.

RECEIVED

Dec 18 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PHILLIP R. LAWSON,

APPELLANT

APPELLATE CASE NO. 2023-001190

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Joshua A. Edwards, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 18th day of December, 2024.



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - EDWARDS JOSHUA](#); susanspencer@scag.gov
Cc: [Alexander, David](#)
Subject: 2023-001190 State v. Phillip Lawson - Record on Appeal
Date: Wednesday, December 18, 2024 4:22:00 PM
Attachments: [2023-001190 State v. Phillip Lawson - Record on Appeal.pdf](#)

Mr. Edwards,

Please find attached for service the Record on Appeal for Phillip R. Lawson's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330