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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Heath P. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JUAN COTTO,

APPELLANT

APPELLATE CASE NO. 2025-002214

RECORD ON APPEAL

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State of South Carolina County of Charleston	)	Court of General Sessions Ninth Judicial Circuit
STATE OF SOUTH CAROLINA, Plaintiff, vs. JUAN M. COTTO, Defendant.	)	Case Numbers: 2024-GS-10-05311 2024-GS-10-05312 JURY TRIAL TRANSCRIPT OF RECORD

October 27-28, 2025
Charleston, South Carolina

B E F O R E:

The Honorable Heath P. Taylor

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

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for the Plaintiff;

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Deputy Public Defender,
for the Defendant.

Jamie Bickett
Official Court Reporter

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(Court called to order at 11:13 a.m., Monday, October 27, 2025, in the presence of the potential jurors.)

THE COURT: All right. Ladies and gentlemen, we are about to begin the trial of the case of the State of South Carolina versus Juan Marcos Cotto. Mr. Cotto is charged with attempted criminal sexual conduct with a minor in the second degree and criminal solicitation of a minor.

Before we select the jury, there's several additional questions that I need to ask you. I'll remind you that you remain under oath.

First, is there any member of the jury panel related by blood or marriage or have a close personal or social relationship with Mr. Cotto? If so, please stand.

The following is a list of potential witnesses in this case.

Desiree Schnackenberg, Jason Bowen, James Jacko, Kevin Atkins, Jason Hughes, Shannon Sturgill, Nicholas Carchedi, Deputy C. Aaron from the Charleston County Sheriff's Department, Sergeant Hill from the Charleston County Sheriff's Department, Deputy Barone from the Charleston County Sheriff's Department, Deputy Galman of the Charleston County Sheriff's Department, Deputy Roa of the Charleston County Sheriff's Department, and Deputy Wade of the Charleston County Sheriff's Department.

Is any member of the jury panel related by blood or

marriage or have a close personal or social relationship with any of the individuals I just listed?

All right. I'm going to ask the attorneys to identify themselves.

Mr. Ryan.

MR. RYAN: Good morning, everyone. I'm Stephen Ryan from the South Carolina Attorney General's Office. My cocounsel with me is Michelle Pappas.

MS. PAPPAS: Morning.

THE COURT: Has any member of the jury panel ever been represented by any of these lawyers or have any close personal or social relationship with them?

All right. Ms. Arora.

MS. ARORA: I'm Rachael Arora. My cocounsel in this case is Ted Smith. And then my client is Juan Cotto.

THE COURT: All right. Has any member of the jury panel ever been represented by any of the lawyers or have any -- are related by blood or marriage or have a close personal or social relationship with any of those attorneys? If so, please stand.

Does any member of the jury panel have any knowledge of this case? Or has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case?

Next, is any member of the jury panel aware of any bias

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or prejudice toward either the State or the defendant in this case?

Does any member of the jury panel -- or were you a member of the grand jury which issued the indictment in this case?

Is any member of the jury panel a member of or contributor to any group which has as its primary concern the promotion of law enforcement of victims rights? These groups would include but certainly not be limited to Mothers Against Drunk Driving, Citizen Against Violent Crime, the South Carolina Law Enforcement Officers Association. If that applies to anyone, please stand.

All right. Is any member of the jury or your immediate family or close friends employed by the South Carolina Attorney General's Office, any solicitor's office in South Carolina, or any other prosecutor's office in South Carolina?

Are you or any members of your immediate family or close personal friends employed by the Charleston County Sheriff's Department, SLED, FBI, or any other law enforcement agency?

Have you or any of your friends or relatives ever been the victim of a violent crime?

Have you or any of your friends or relatives ever been assaulted or seriously injured either by accident or by someone alleged to be criminally responsible?

Have you or any of your friends or relatives been a

victim of sexual or physical assault?

Yes, ma'am.

POTENTIAL JUROR: Immediate family. I have a niece.

THE COURT: Okay. What's your juror number?

POTENTIAL JUROR: 131.

THE COURT: Do you believe that would prevent you from being fair and impartial in this case?

POTENTIAL JUROR: No. I just wanted to clarify the niece was -- I mean --

THE COURT: Okay. Thank you.

Yes, sir.

POTENTIAL JUROR: Yeah, I was sexually abused as a child. And, like, I tried to prosecute the guy who did it, but the police filed it wrong so they dismissed the case. This was years ago.

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

POTENTIAL JUROR: 227.

THE COURT: Do you believe that would prevent you from being fair and impartial in this case?

POTENTIAL JUROR: Yes, sir.

THE COURT: Okay. All right. You can have a seat.

POTENTIAL JUROR: Thank you.

THE COURT: All right. Yes, sir.

POTENTIAL JUROR: Juror Number 44.

THE COURT: 44. Yes, sir.

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POTENTIAL JUROR: I do believe I have a personal family experience that would make me partial.

THE COURT: All right. You believe that would prevent you from being fair and impartial?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Juror Number 44. Okay.

He said it was a personal family experience related to this issue.

All right. As I noted, this case involves the allegation of an attempted sexual assault and solicitation of a minor. If any of you have children, do you believe that would affect your ability to be fair and impartial in this case?

Has any member of the jury panel previously served on a jury either for a criminal or civil matter?

Yes, sir.

POTENTIAL JUROR: Just a --

THE COURT: What's your juror number?

POTENTIAL JUROR: 255.

THE COURT: Do you believe the fact that you served on a prior jury would prevent you from being fair and impartial in this case?

POTENTIAL JUROR: No.

THE COURT: Okay. Thank you.

Has any member of --

COURT REPORTER: You've got another one, Judge.
THE COURT: Oh, sorry about that.
What's your juror number?
POTENTIAL JUROR: 137.
THE COURT: 137. Yes, sir.
POTENTIAL JUROR: It would not prevent me from being impartial.
THE COURT: But you've served on a prior jury?
POTENTIAL JUROR: Yes.
THE COURT: Okay. Very good. Thank you.
Yes, ma'am, right here. What's your juror number?
POTENTIAL JUROR: 101.
THE COURT: 101. And you've served --
POTENTIAL JUROR: I have served on a criminal jury. And it won't affect my ability here.
THE COURT: Won't affect you? Okay. Very good. Thank you.
Yes, ma'am, on the left.
POTENTIAL JUROR: It was several questions ago. I was date-raped when I was in college.
THE COURT: Okay.
POTENTIAL JUROR: I don't know if I could be partial to it or not.
THE COURT: What's your juror number?
POTENTIAL JUROR: 237.

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THE COURT: So you're not sure if you can be fair and impartial in the case?

POTENTIAL JUROR: I would like to try to be.

THE COURT: Okay. All right. Thank you, ma'am.

All right. What's your juror number?

POTENTIAL JUROR: 176.

THE COURT: 176. Yes, ma'am. What you got?

POTENTIAL JUROR: I have served on a criminal jury.

THE COURT: All right. Do you believe that would prevent you from being fair and impartial in this case?

POTENTIAL JUROR: No.

THE COURT: Okay.

I sort of asked this earlier, but this incident is alleged to have occurred in July of 2023 in the area of Bexley Street here in Charleston County. Does anyone recall any television, social media, or any other publicity, whether print or online, regarding the case?

Has any member of the jury panel or any of your close personal friends or relatives been accused of a crime, whether or not there was a formal complaint ever made or whether or not there was a conviction?

Has any member of -- have you or any member of your family ever been prosecuted by the South Carolina Attorney General's Office?

Have you ever been --

CLERK OF COURT: Judge?

THE COURT: Oh, sorry.

Yes, ma'am.

POTENTIAL JUROR: Hi. I have a family member.

THE COURT: Okay. Do you believe that would prevent you from being fair and impartial in the case?

POTENTIAL JUROR: Yes.

THE COURT: Okay. What's your juror number?

POTENTIAL JUROR: 224.

THE COURT: 224?

All right. Anyone else?

Have you ever been involved in a legal matter in which the South Carolina Attorney General's Office represented your interests?

Has any member of the jury panel or any of your close personal friends ever been represented by the Ninth Circuit Public Defender's Office?

POTENTIAL JUROR: Yes.

THE COURT: Yes, ma'am. What's your juror number?

POTENTIAL JUROR: 20.

THE COURT: 20? Do you believe that would prevent you from being fair and impartial in this case?

POTENTIAL JUROR: I can't say.

THE COURT: Okay. All right. Thank you.

All right. Anything else from the State?

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MR. RYAN: No, your Honor.

THE COURT: Anything else from the defense?

MS. ARORA: Your Honor, my proposed voir dire numbers 11 through 13.

THE COURT: Okay. 11 has been asked.

12 will be asked.

And I do not plan to ask 13 but I will note your objection.

MS. ARORA: Thank you, your Honor.

THE COURT: All right.

Does any member of the jury panel know of any reason whatsoever why you should not serve as a juror on this case, with particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant in this case?

All right. I think we're ready for selection.

All right. Ladies and gentlemen, it's going to take the clerk's office a minute to generate the list the lawyers will select from. Used to be back in the old days we had, like, a Bingo thing and it spun around and they pulled out numbers. Now we have a random computer-generated list. So it takes a minute to get all that sorted out and printed, but the clerk is working hard.

(Pause in proceedings.)

CLERK OF COURT: Ladies and gentlemen, if your number is

called, if you could please come forward, stand in front of the podium, turn and face the parties on your left. And please bring any belongings with you.

Juror Number 86.

What say you for the State?

MR. RYAN: Please strike this juror.

CLERK OF COURT: You can have a seat back in the audience.

Juror Number 188.

What say you for the State?

MR. RYAN: Please present this juror.

CLERK OF COURT: What say you for the defendant?

MS. ARORA: Please seat this juror.

CLERK OF COURT: All right. If you can line up against the wall back there.

THE COURT: Ladies and gentlemen, if you're selected, we're just going to ask you to line up against the wall over here since we're not doing this in a courtroom and have a jury box for you. If anybody has any issues with standing -- this shouldn't take too long, but if you need to have a seat, just let us know.

CLERK OF COURT: Juror Number 101.

What say you for the State?

MR. RYAN: Please present this juror.

CLERK OF COURT: What say you for the defendant?

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MS. ARORA: Please strike this juror.
CLERK OF COURT: You can have a seat back in the audience.
Juror Number 144.
MR. RYAN: Please strike this juror.
CLERK OF COURT: Please have a seat back in the audience.
Juror Number 34.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please excuse this juror.
CLERK OF COURT: Please have a seat back in the audience.
Juror Number 275.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please stand in the line against the wall.
Juror Number 35.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?

MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join the line against the wall.
Juror Number 71.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join the line against the wall.
Juror Number 219.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please excuse this juror.
CLERK OF COURT: Please have a seat.
Juror Number 137.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join the line against the wall.
Juror Number 128.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.

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CLERK OF COURT: Please join the line against the wall.
Juror Number 214.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please excuse this juror.
CLERK OF COURT: Please have a seat.
Juror Number 54.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join the line.
Juror Number 259.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join the line against the wall.
Juror Number 104.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Juror Number 154.

What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please excuse this juror.
CLERK OF COURT: Please have a seat back in the audience.
Juror Number 199.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join them back in the back row.
Juror Number 17.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join them in the back.
Juror Number 136.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please excuse this juror.
CLERK OF COURT: Please have a seat back in the audience.

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Juror Number 209.
What say you for the State?
MR. RYAN: Please strike this juror.
CLERK OF COURT: Please have a seat back in the audience.
Juror Number 272.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join them in the back.
THE COURT: All right. That gives us 12. We'll select two alternates. The State will have strike per alternate and the defense two.
CLERK OF COURT: Juror Number 41.
What say you for the State?
MR. RYAN: Please present this juror.
CLERK OF COURT: What say you for the defendant?
MS. ARORA: Please seat this juror.
CLERK OF COURT: Please join them in the back.
Juror Number 260.
What say you for the State?
MR. RYAN: Please strike this juror.
CLERK OF COURT: Please have a seat back in the audience.

Juror Number 176.

What say you for the State?

MR. RYAN: Please present this juror.

CLERK OF COURT: What say you for the defendant?

MS. ARORA: Please seat this juror.

CLERK OF COURT: Please join them in the back.

THE COURT: Okay.

All right. Any matters with regard to selection from the State?

MR. RYAN: None, your Honor.

THE COURT: Anything from the defense?

MS. ARORA: No, your Honor.

THE COURT: All right. What time is it?

All right. Ladies and gentlemen, if you were selected I'm going to go ahead and excuse you for lunch. We're -- let's say 2:30. I'm going to ask you to return at 2:30. I have some pretrial matters that I need to take up with the lawyers. So go enjoy a nice long lunch, and then we will try to get this trial started at 2:30. So I ask you to be back -- maybe be back about 2:15. All right? My goal is to get started at 2:30.

(The jury was released for lunch and exited the room at 11:45 a.m.)

(Court recessed.)

(Court resumed outside the presence of the jury.)

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THE COURT: I guess we need to take care of our pretrial matters.

All right. Did y'all get everything worked out as far as the statement redacted and all that?

MS. ARORA: We --

MR. RYAN: No.

Go ahead.

MS. ARORA: We have not. And I don't want to speak for the State, but my understanding is that their intention was to enter the majority of the statement minus any mention of a lie detector, any parts about drugs, and anything pre-Miranda.

I had a -- and I'll go through each of my general objections. And I printed out extra copies, your Honor. This isn't a word-for-word transcript, but I printed out two transcripts of the statements if you want a copy that --

THE COURT: Sure.

MS. ARORA: -- to follow along.

THE COURT: That would be great.

MS. ARORA: This was made with JusticeText, so not everything is word-for-word.

THE COURT: I gotcha.

MS. ARORA: Thank you, your Honor.

THE COURT: So there were two statements?

MS. ARORA: Yes, your Honor.

THE COURT: All right.

MS. ARORA: So I've highlighted what I object to. And the State fully -- I would object to anything that the detectives say in the interview. It's hearsay. Every word uttered by the detectives is inadmissible. I'm relying on a case, *State v. Washington*, which is 431 S.C. 619. I printed out a copy for you if you would like that as well.

THE COURT: Sure.

MS. ARORA: *State v. Washington* is actually a case -- I believe Mr. Smith sat on this case a while ago. But that came out of Charleston, and it involves an interview where Detective McCauley was interviewing someone about a burglary and their fingerprints and how their fingerprints ended up on that house or inside that house.

In that case, the Court found that the detective's statement -- although his interrogation method was proper, everything that he said to the defendant in that recorded statement is hearsay. And the Court had decided previously in *State versus Brewer* that a detective -- during an interrogation, everything is to be unmistakable hearsay and it will rarely be proper for a jury's consideration to hear what the detective has to state.

I would also further argue that our case is similar in that some of these statements made to Mr. Cotto in this statement would be improper burden-shifting. There are

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statements that have been made to the -- Mr. Cotto such as "How is a jury going to believe you? You're never going to be able to convince a jury of that story." And if you go to the interview ending in 001, there's a statement such as "Much like Ted Bundy, he didn't thing he was a serial killer. He didn't see himself as a serial killer." But I think these statements being added are shifting the burden to Mr. Cotto, forcing the defense to have to prove his innocence, which we're not here to do. It's the State's burden to prove beyond a reasonable doubt that Mr. Cotto is guilty.

Another is -- if the Court doesn't find that it's improper burden-shifting, I would also argue that some of the detective's statements are opinions offered by lay witnesses, that they're not experts. They wouldn't be qualified as experts, and it would be improper for them to add their opinion onto Mr. Cotto's statement such as "No one's going to believe you." There's also statements such as "Detective Schnackenberg is the best chatter we have in the state." They talk about how many years they've been doing this.

I also am concerned lastly that there might be what's been called "prior bad acts." There's statements made to Mr. Cotto asking "Have you ever had sex with a minor? Have you ever tried this before?" I think that area of the conversation would be inadmissible. He's not here based off of prior acts, whether he has tried with a minor before,

whether he has had sex with someone under the age of 18 before. We're here based off of this incident that occurred on July 25, 2023. And although Mr. Cotto states "No" to those questions, I do think that is not relevant to our case, and those questions would be confusing to the jury.

THE COURT: All right. Mr. Ryan.

MR. RYAN: May it please the Court.

THE COURT: Yes, sir.

MR. RYAN: I agree with defense. The defense has compelled the State to agree that references to Mr. Cotto's prior drug conviction and any references to the polygraph that was administered are going to be redacted, but that is going to be -- that's what we agree on. And then we have a series of small things.

First part is there's an initial part -- I think at 1 minute and 10 seconds of them -- the defendant coming into the interrogation room where the officers identify themselves and they ask for his name, that is pre-Miranda but that is going to be admissible. There is just a 401 issue. He's not being questioned on anything other than just routine booking questions. His name is not something that would be protected under Miranda. It just goes to show how the conversation began, the voluntariness of the statement. And that these statements were going to be voluntary is going to be a key issue to the State and that we need to be able to show as

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much as possible and with as few redactions as possible.

In reference to hearsay statements with the Court that the defense have cited, there's no statements of fact being put forth to prove the matter asserted. Cases where the officers' statements are struck down as hearsay is when the officers state that "Four witnesses are going to say that you pulled the trigger." That's not what's going on in this case.

What keeps coming up is -- I would say going through the interview and the key part of our case is going to be that he traveled to this location and Mr. Cotto is voluntarily giving his statement to explain why he was there. He gives multiple completely incompatible accounts for why he was there. At a certain point the officers just express their incredulous response. They're not offering any statements of fact to prove the matter asserted.

And when they do say "A jury's not going to believe that" and they say that they don't believe that, that is not a level of hearsay and it doesn't shift the burden. Any concerns of that can be cured with a jury instruction, that that is for the jury to have to determine his guilt or innocence.

And your Honor, whenever we have any editing, we're going to have statements that jump around and the jury isn't going to be able to follow along. And they need to be able

to, 1, know that this is all voluntarily given and that 401 relevance and evidence is admissible. The concerns that are raised don't get to the point that a jury could be confused or hindered. It's not duplicative.

For prior bad acts, we agree that the drug convictions are going to come off, but they are investigating an attempted criminal sexual conduct. And at one point during the interview he claims to be affiliated with Homeland Security and he was acting as a vigilante. He talked at length that he is familiar with human trafficking and he does this to try to help people and he's affiliated with the Baltimore field office of Homeland Security. So they have to respond to what he's saying to them on the cuff, and it doesn't rise to that level.

As far as bad acts, "Have you ever had sex with an 18-year-old?" he denies that. There's no bad act kind of -- that would hinder him.

So we agree that the criminal conviction and the polygraph are going to be redacted, but everything else is going to be admissible under 401 and this is not a basis to redact to that level.

As far as any concerns I think that were raised about the jury comments, the State's solution to that is a jury instruction that they are the finders of the facts. That the officers don't believe his statements as he changes his story

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many times during the interview, that's implicit that this case is still being prosecuted, that they don't believe that he went there for any reason other than for the reason that he's accused of.

THE COURT: I'm not as much concerned about the statements back and forth as I am the potential burden-shifting. I think they're pretty clear in this case that, like it says and Justice Kittredge so well put it, "Law enforcement's ad nauseam insistence that Brewer prove his innocence has no place before the jury." So I am inclined to agree with -- I don't think, again, the back and forth as they're talking makes everything hearsay unless they're saying what someone else was saying.

But I am concerned -- where was it? Well, he said, "But you can't convince me." I don't have a problem with that.

I saw one here. "How are you going to convince anybody else with that?" I'm not as concerned about that.

I saw -- oh. "If you go into a courtroom, convince a judge and jury of that, I would tip my cap to you." That certainly -- he doesn't have that burden. And that certainly -- I will agree with the defense on that; that certainly suggests that he has that burden.

Is there any more of that? That was at 10:54.

And then there's another one at 8:50 and the one of 002. It seems to suggest that he's got to explain it to a jury.

There's another one at 9:50.

All right. So I guess any reference of convincing a judge and jury of that or convincing a jury I think needs to be redacted. I will grant the motion in that regard.

As far as the hearsay, I don't think it's hearsay if the interviewer -- is the interviewer here and going to be subject to cross-examination?

MR. RYAN: He is, your Honor.

THE COURT: Okay. So what he says -- he or she; I can't tell who it is -- says I don't find to be hearsay unless, again, the interviewer is saying what someone else told him or her.

MR. RYAN: And your Honor, I want to clarify there were two officers who conducted the interview. One of them is going to be here. And they were both speaking at certain points. So I don't want to -- but they were both present for the whole conversation.

THE COURT: Okay. All right. So let's make sure we redact anything -- any reference to a judge or a jury.

Are there any -- I'm sorry. Are there any specific instances of hearsay in here?

MS. ARORA: Your Honor, other -- the only other issue I have is in the interview ending in 001 at 2:24 it says "Much like Ted Bundy, he didn't think he was a serial killer. He didn't see himself as a serial killer."

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THE COURT: Okay. Yeah, I agree with you on that. Let's redact that one as well. So that would be 2:24.

There's a 5:14 we have highlighted where he's talking about commitment it again. So I'll allow that.

Page 19 in this, "I'm going to tell you you're not going to convince anybody else," let's redact that.

And 10:54 -- and I'm talking about 001. All right? So that's all on 001.

Was there any -- all right. At 8:50 in 002 and 9:50 in 002.

And y'all agreed 11:58 was the polygraph, right?

MS. ARORA: Yes.

MR. RYAN: Yes, Judge.

THE COURT: Okay.

All right. What else?

MR. RYAN: For 002, the first 1 minute and 10 seconds, all that's pre-Miranda. They're identifying themselves, offering him food and water, if he wants a drink, "What's your name? What do you go by?"

There's got to be some initial contact before they can --

THE COURT: But you want that redacted?

MR. RYAN: I do not want that redacted.

THE COURT: Okay. Yeah, no, I'm -- and what's the basis for having that redacted, Counsel?

MS. ARORA: Your Honor, it was pre-Miranda. And I feel like the detective can come in and testify that he talked to Mr. Cotto himself before Miranda was read.

THE COURT: All right. I don't see anything particularly objectionable in that first one, 1:10, so I'll allow that.

All right. What's next?

MS. ARORA: And your Honor, just to clarify, are you going to allow the portions as to "Have you ever had sexual contact with a minor?"

THE COURT: Do you want that out?

MS. ARORA: I would like that out.

THE COURT: What's the State's position on that?

MR. RYAN: We'd like to keep it in because we want to edit this as little as possible. We don't think it's a 403 issue. He's saying he's never done this, committed a crime, or anything that would be -- we think was illegal. We don't believe it muddies the water, but that is not a hill I'm going to fight and die on on that issue.

THE COURT: Where was that again, counsel? I saw that.

MS. ARORA: Your Honor, if you go to 002, it's at 11:24.

THE COURT: All right.

MR. RYAN: Your Honor, we're not opposed to redacting 11:25 and 11:29: "Have you ever had sex with a minor under 18?" "Never. No. No. I swear." And then it comes back

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in: "This is your first time doing what you did tonight?" Because his argument is that he was there to help make sure the minor wasn't --

THE COURT: Okay.

MR. RYAN: -- being trafficked.

THE COURT: Yeah, I don't know that -- I guess my defense lawyer hat on part of me says "Well, why wouldn't you want in there?" Because he's adamantly saying he's never done anything like this ever in his life. But if you want it out and they agree, it's out.

Is that it?

MS. ARORA: Your Honor, in statement 001 at 6:37, the "What else are we going to find on your phone?" referring to the first warrant. And then again at 7:17, "Or would they find you were talking to other minors? Are they going to find that?"

THE COURT: What's the State's position?

MR. RYAN: It's the State's position that that can come in. They can ask him what they're going to find on his phone. They can ask --

I'm sorry. It was -- he communicated via a phone as part of the crime. They're conducting a investigation from the messaging app that can be seen on his phone. Them asking about that isn't unreasonable.

And "Were you talking to other minors?" much of -- it

just doesn't rise to a 403 level, your Honor. There's just not a basis to keep it out. He's been arrested for messaging other minors, and to ask about these other minors isn't unreasonable. He denies it. But he's also telling a story that he's doing this as part of a human trafficking prevention on his own initiative, so that --

THE COURT: Okay.

MR. RYAN: To ask about that isn't unreasonable, and it just doesn't rise to a 403 level.

THE COURT: Anything else on that?

MS. ARORA: Your Honor, my concern is with the search warrant on the phone, I mean, then the burden being placed on us to show that there was nothing else on the phone. Is the jury going to think about that?

THE COURT: Was there a search warrant on the phone?

MR. RYAN: Yes. The phone was examined, your Honor, but there's not going to be any other conversations of minors. There's no indication he was talking to other minors.

THE COURT: Well, I think I see her point. Because you never know what juries pick up on, whether -- you know, is there -- is somebody going to say "Well, where's the results of the search warrant?" And then does that shift it back to the defendant to then say "Well, here's the search warrant, and it didn't show anything"?

MR. RYAN: Very well, your Honor.

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THE COURT: So let's just -- let's redact 6:37 and 7:17 and 7:21.

All right. What else?

MS. ARORA: Your Honor, I believe that is it for the statement.

THE COURT: Okay.

MS. ARORA: And I guess one last thing along the lines of that. At 17:31: "Have you ever tried this before?" "Never in my life." The State's argument, as before, in presenting this is trying to shift to any prior bad acts.

THE COURT: 7:31.

MS. ARORA: 17:31.

THE COURT: 17:31?

All right. Yeah, same thing there. 17:31 up to 17:42, we'll redact that.

All right. Do we got that covered?

MS. ARORA: Yes, your Honor.

MR. RYAN: Yes, Judge.

THE COURT: Okay.

MR. RYAN: Judge, the only thing I'd ask is that Ms. Arora gave me two great printouts of this. I'd have them marked as Court's exhibits so they'd be part of the record --

THE COURT: All right.

MR. RYAN: -- for -- as people review this later, depending on how this case shakes out.

THE COURT: Okay. Just give them to the court reporter and we'll have those marked as Court's 1 and 2.

All right. So are we having a *Denno* hearing as well?

MR. RYAN: Yes, Judge, we are.

COURT REPORTER: Your Honor?

THE COURT: Yes, ma'am.

COURT REPORTER: They -- with regard to the *Denno* hearing, they had me premark a couple of Court's exhibits as 1 and 2.

THE COURT: Okay. So those --

COURT REPORTER: So these would --

THE COURT: -- are 3 and 4?

COURT REPORTER: -- be 3 and 4.

THE COURT: All right.

(Court's Pretrial Exhibit Numbers 3 and 4 marked for the record.)

THE COURT: Are you ready to proceed?

MR. RYAN: We are, your Honor.

THE COURT: All right. Go ahead. Call your first witness.

MS. PAPPAS: The State calls Special Investigator Kevin Atkins.

In this courtroom, do we stand at the podium or stay at the table?

THE COURT: Wherever you feel comfortable.

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(Witness sworn.)

CLERK OF COURT: Please be seated.

Please state your full name, spelling your last name clearly for the court reporter.

THE WITNESS: Sure. It is Kevin Atkins, A-T-K-I-N-S.

KEVIN ATKINS,

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

DIRECT EXAMINATION

BY MS. PAPPAS:

Q. Investigator Atkins, where are you currently employed?

A. The South Carolina Attorney General's Office.

Q. And how long have you been employed there?

A. Going on 12 years now.

Q. What was your position and what were your duties at the time of this arrest?

A. In 2023 I was the chief criminal investigator in the ICAC section, or the Internet Crimes Against Children section. I supervised a staff of investigators and analysts and also served as the South Carolina Internet Crimes Against Children task force commander to oversee our task force, which is around 130 agencies. It ranges from 200 to 250 different affiliates or investigators around the state.

Q. Okay.

A. I also had a full-time caseload.

Q. Of course.

Can you please tell the Court briefly about your law enforcement background and training other than what you've shared with us.

A. Sure.

I'm from Barnwell County, graduated high school in 1995. I went to Carolina, graduated with an associate's in '97 and a bachelor's degree in '99. And as soon as I graduated, I started work at the Newberry Police Department in July of '99 and was there 'til 2003. I also completed my master's degree at the University of South Carolina. And all those degrees are in criminal justice.

I went to work for the Lexington County Sheriff's Office for three years. I worked the road for about a year, and I was an investigator for about two years in property crimes. And then in 2006 I had an opportunity to come back to Newberry and was a captain there and lieutenant captain and I guess assistant chief for several years until 2014. During that time I graduated from the FBI national academy in the 236th session.

And training-wise, I've taken about everything the academy offers, just about everything I can take as part of the Internet Crimes Against Children, from interview and interrogation to different programs we use and licenses.

Q. Would you mind relaying, other than what you've already

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stated to the Court, any training you've received regarding specifically interviewing during investigations.

A. I've taken some stuff at the academy, and then -- as of at the time, I don't know if I -- I think I had done Wicklander-Zulawski intensive criminal investigation class -- or interviewing class. And I've since done Reid, but that was after this occurred.

Q. Approximately how many interviews have you conducted during your time in this position?

A. In ICAC?

Q. Yeah.

A. Several hundred.

Q. Okay. And you mentioned 2023. Were you involved in an chat undercover operation in July of 2023?

A. Yes, ma'am.

Q. What was your main role during that specific chat operation?

A. I do some chatting, but mainly interviewing.

Q. Did you have the occasion to actually interview Mr. Cotto in relation to this operation?

A. I did.

Q. Do you recall the date this interview took place?

A. I think it was July 25, 2023.

Q. And do you see the man who you interviewed here today?

A. I do. He's sitting over there in the black suit.

Q. Can you please point to him.
A. Right there.
Q. Thank you.
Where did that interview take place?
A. The Charleston County Sheriff's Office. It was in a conference room.
Q. Okay. Was he under arrest at that point?
A. He was.
Q. Did he know that?
A. Yes.
Q. And when did that arrest occur?
A. On the 25th.
Q. The same day?
A. Yes.
Q. So Mr. Cotto was in custody at the time of the interview?
A. Yes, ma'am.
Q. Was he handcuffed?
A. When they transported him he was, and then we had them taken off. I believe so. Yes, ma'am.
Q. Okay. So to clarify, the cuffs did not stay on Mr. Cotto for the duration of the interview?
A. That's correct.
Q. And you mentioned it was a conference room. Can you tell me a little bit about what the room was like. Was the

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door open or closed? What was the environment?
A. I think we closed the door. It can be kind of loud at the sheriff's office. It was a large conference room with a big table with rolling chairs. And then myself and another investigator were present.
Q. Okay. Who else was with you during the interview?
A. Jason Hughes.
Q. Okay. And where is Investigator Hughes today?
A. He is now retired. He did his 25 and is working security at the Mack in Columbia.
Q. Congratulations to him.
Was Mr. Cotto read his Miranda rights?
A. He was.
Q. How did you document that he had been read his Miranda rights?
A. It was recorded audio-wise, and then I did a -- used a Miranda form.
Q. Okay.
MS. PAPPAS: Your Honor, permission to approach the witness?
THE COURT: Yes, ma'am.
BY MS. PAPPAS:
Q. I'm going to give this to you for a moment.
A. Yes, ma'am.
Q. This has been marked as Court's Exhibit 1. Do you

recognize it?
A. I do.
Q. What is it?
A. It's our South Carolina ICAC Miranda form with our ICAC logo -- or our task force logo on it.
Q. Is that Mr. Cotto's name listed at the top?
A. I wrote that. Yes, ma'am.
Q. You wrote that. Okay.
And what is listed by each line?
A. I mean, I wrote the place. I wrote the date and time that we were in there. And then by each prong are his initials.
Q. And who wrote those initials?
A. Mr. Cotto did.
Q. Okay. Is there a signature at the bottom?
A. There is.
MS. PAPPAS: The State moves to enter Court's Exhibit 1 into evidence, your Honor.
THE COURT: Any objection?
MS. ARORA: No objection, your Honor.
THE COURT: It will be admitted as State's -- er, as Court's Exhibit 1 without objection.
(Court's Pretrial Exhibit Number 1 marked for the record.)

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BY MS. PAPPAS:
Q. Investigator Atkins, after he signed the Miranda waiver, did Mr. Cotto voluntarily speak with you?
A. Yes, he did.
Q. What was Mr. Cotto's demeanor like during the interview?
A. He was talkative. He wasn't -- he didn't seem agitated.
Q. Did he appear to be under the influence of any intoxicating substance? Drugs or alcohol?
A. He did not.
Q. Did he appear to have any physical or mental disability that would interfere with his ability to understand his rights?
A. Not that I observed. No, ma'am.
Q. And approximately how long did the interview last?
A. The first one, I think it was less than 20 minutes -- maybe somewhere around 20 minutes.
Q. Did Mr. Cotto ever ask to stop the interview?
A. No, ma'am.
Q. Did he ever ask to take a break?
A. No, he did not.
Q. Did he ever request to speak a with a lawyer?
A. No, he did not.
Q. Did he ever indicate that he already had a lawyer?
A. No, he did not.
Q. Was he threatened or coerced to give a statement?

A. No, ma'am.
Q. Was he promised or offered anything?
A. No, ma'am.
Q. Once Mr. Cotto was Mirandized and waived his rights, can you please describe what he relayed to you.
A. He indicated to us that it was not as it seemed, that he was kind of being proactive, doing his own investigation, that he did not have a sexual interest in meeting with the alleged child. But he admitted to engaging in the conversations and traveling to meet the minor.
Q. Okay. And how was that statement documented?
A. It was an audio recording.
Q. Okay.
MS. PAPPAS: Your Honor, permission to approach the witness once more?
THE COURT: Yes, ma'am.
BY MS. PAPPAS:
Q. This has been marked as Court's Exhibit 2. Do you recognize it?
A. I do.
Q. What is it?
A. It's a USB. It has the recorded interviews. There's two different interviews.
Q. Has it been altered or changed in any way from the original recording?

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A. Not to my knowledge.

MS. PAPPAS: The State moves to enter Court's Exhibit 2 into evidence.

THE COURT: Any objection?

MS. ARORA: Just as a Court's exhibit, making note that the redacted version should go to the jury.

THE COURT: Okay. Yeah. It will be admitted as Court's 2 but not published to the jury until it has been redacted as we discussed.

MS. ARORA: Thank you, your Honor.

(Court's Pretrial Exhibit Number 2 marked for the record.)

MS. PAPPAS: I'm now going to plug in and play the -- play both interviews.

THE COURT: You're going to play the whole interview?

MS. PAPPAS: There are two.

MR. RYAN: Can we go over and talk?

THE COURT: Sir?

MR. RYAN: Can we talk for a moment?

THE COURT: Sure.

(Pause in proceedings.)

MS. PAPPAS: Your Honor, the State would like to play a portion of the first recording --

THE COURT: Okay.

MS. PAPPAS: -- stop the interview, and then ask a

question of Investigator Atkins.

THE COURT: Okay. I mean, I'll let you make whatever record you need to. I'm just -- for purposes of this hearing, I don't want -- I'm not concerned with the substance of it, only whether or not it's voluntary or not.

MS. PAPPAS: Understood.

(Audio played in open court.)

BY MS. PAPPAS:

Q. The first part of the interview happened at 5:47 and the interview continues after that, correct?

A. Yes.

Q. Is this an accurate representation of how the interview went with him making statements after you explained Miranda?

A. Yes, ma'am, it is.

Q. At any time did he invoke his Miranda rights?

A. Not at any point, no.

Q. Have -- Investigator Atkins, have my questions essentially covered your involvement in Mr. Cotto's case?

A. Yes, ma'am.

MS. PAPPAS: That's all from the State at this time, your Honor, but the State would like an opportunity to rebut, if required.

THE COURT: Absolutely.

MS. PAPPAS: Thank you.

THE COURT: Cross-examination.

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MS. ARORA: Your Honor, I don't have any cross-examination for the *Denno*.

THE COURT: Okay.

(Witness excused.)

THE COURT: All right. Anything else?

MS. PAPPAS: No, your Honor.

THE COURT: All right. You can step down.

(Witness excused.)

THE COURT: All right. Anything else on the *Jackson v. Denno*?

MR. RYAN: No, Judge.

MS. ARORA: No motions, your Honor.

THE COURT: Okay. For purposes of the *Jackson v. Denno* hearing, I'll find that the defendant did make the statement, that defendant was advised of his Miranda warnings verbally and in writing before being questioned by law enforcement, and that he knowingly and intelligently waived his constitutional rights. The statement was given voluntarily. And I find all that by a preponderance of the evidence.

What's next?

MR. RYAN: The State doesn't have any more pretrial motions, your Honor.

THE COURT: Okay.

MS. ARORA: Your Honor, I had filed a motion to sequester. I don't think the State objects to that.

MR. RYAN: No, your Honor.

THE COURT: All right. It's granted.

MS. ARORA: I filed just a precautionary measure motion to exclude testimony of any prior bad acts. I believe we have addressed what was mentioned in the interview. I would just ask, I guess, we address it if anything were to come up.

MR. RYAN: No issues at this time. Depending how the trial plays out, we might have -- the door might be opened, I mean, when people take the stand. But for right now, no, we do not intend to offer any criminal history.

THE COURT: Okay.

MS. ARORA: And your Honor, my last motion was a motion to determine the admissibility of prior convictions if Mr. Cotto were going to testify at this trial.

THE COURT: Okay. What you got?

MS. ARORA: And your Honor, my understanding is he has a 1989 drug conviction and that is the only thing. And my argument would be that is not admissible under the rules. It's outside of ten years. It doesn't fall under any exception under Rule 609.

THE COURT: Mr. Ryan?

MR. RYAN: We don't intend to bring that up unless it becomes an issue towards credibility. And when I say that, I mean -- because at one point he brings it up on his own during the interview, he says "I pled guilty but I just took

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that rap for someone else." It might go to his constantly having some sort of excuse for his truthfulness during that and then while being interviewed by law enforcement. But right now we don't plan on bringing that up.

THE COURT: Okay.

MR. RYAN: The prior drug conviction.

MS. ARORA: And just to be clear, that's not -- that portion of the interview is not coming in.

MR. RYAN: Correct. That part with his criminal history and then the references to that are going to be redacted.

THE COURT: All right. Based upon the State's representation that they do not intend to bring it up, I'm going to just leave that in abeyance. If it does come up, then we'll look at it in its context with Rule 609.

MS. ARORA: Thank you, your Honor.

THE COURT: It's very old, and it doesn't sound like the State's going there. So if it becomes an issue, it will certainly be preserve and we'll address it at that time.

MS. ARORA: Thank you.

Those are all the motions that I had.

THE COURT: Okay. Are we ready?

MR. RYAN: The State's ready, your Honor.

THE COURT: Okay.

Got all the jurors back?

THE BAILIFF: Yes, sir.

THE COURT: All right. Well, let's bring them in.

MR. RYAN: Your Honor, we're sequestering our witnesses, but Detective Jacko is our case agent.

THE COURT: Okay.

MR. RYAN: He's going to be with us.

THE COURT: All right.

MR. RYAN: Unless there's --

MS. ARORA: We have no objection to that, your Honor.

THE COURT: Very good.

(The jury entered the courtroom at 2:32 p.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you, sir.

Ladies and gentlemen, you can be seated.

Okay. Ladies and gentlemen, we are about to begin the trial of the State of South Carolina versus Juan Marcos Cotto. I want to again thank you for accepting your responsibility of jury service. Without folks like you being willing to show up, we simply -- our justice system can't function and I can't and these lawyers can't do our jobs. And the State and the defense can't get a fair trial without good folks like you being conscientious and coming in and helping us out.

I'm going to give you some instructions that are an introduction to the trial. These remarks are not a charge on the law in the case. I'm going to instruct you on the law

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applicable at the end of the trial before you consider your verdict. What I'm doing right now is just merely an explanation of the procedure we're going to follow during the trial to help you better understand what's happening.

This is going to be a relatively short trial, and we're not going to be taking notes.

The defendant is charged by warrants and subsequent indictments filed in this court with the crimes of attempted criminal sexual conduct with a minor in the second degree, as well as criminal solicitation of minor, the elements of which will be explained to you later. The warrants and the indictments are simply the charge -- or charges, rather, by which this case is brought into court and are not in any sense evidence of any allegations contained therein.

The defendant has pled not guilty to the indictments. Therefore, the State has the burden of proving each of the elements of the crimes beyond a reasonable doubt. And it's your duty, ladies and gentlemen, to decide whether the State has met that burden. Your purpose as jurors is to find and determine the facts.

You are the sole judge of the facts. If at any time I make a comment regarding the facts, you must disregard it. You are to determine the facts from the testimony you hear and other evidence introduced in court. It's up to you to determine the inferences which you feel may be properly drawn

from the evidence.

It's especially important that you perform your duty of determining the facts diligently and conscientiously because ordinarily there is no way to correct an erroneous determination of the facts by a jury. If I make an error on the law, there's folks in Columbia at the Supreme Court or the Court of Appeals that will correct my mistakes. But they don't correct mistakes -- factual mistakes by a jury.

On the other hand and with equal emphasis, the same rules that make you the judge of the facts make me the judge of the law. The law as given by this Court is the only law you may consider. You must accept and follow it even though you may disagree with it. I can't tell you what the facts are, and you can't disagree with me about what the law is or should be. Your job is to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and other evidence that's introduced. After doing that, you will render a verdict under the oath that you will take shortly.

Until I advise you to begin your deliberations, you must not discuss the case with anyone, including your fellow jurors, friends, family members, or anyone involved in the case. You must decide the case based solely on the evidence presented to you here in this courtroom. This means during the trial you must not conduct any independent research about

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the case by searching the media, internet, websites, blogs, or any other electronic means to try to get information. After the case is submitted to you, you must decide it only in the jury room with your fellow jurors.

The attorneys and parties in this case have been advised that they are not to talk to you at all. So if you see anyone involved in the case and they don't even say hello, they're not being unfriendly. They're just following my instructions.

It's important that you keep an open mind and not decide any issue in the case until all the evidence has been presented, the parties have made their closing arguments, and I have instructed you on the law.

If you become aware of another juror's violation of these instructions, you must inform the Court immediately.

In just a moment, the assistant attorney general will make what's called an opening statement in which he or she will explain to you the issues in this case, or at least what they believe the issues are in the case. Counsel for the defendant may also make an opening statement, although he or she is not required to do so. What the attorneys tell you during their opening statements is not evidence in the case. It is only their contention as to what the evidence may show and what the issues are.

After opening statements, testimony will begin.

It's your responsibility to determine the guilt or innocence of the defendant, and your verdict must be based solely on the evidence as it is presented to you in this courtroom during the trial and on the law as I instruct you at the close of the trial. The evidence in this case will be presented to you by the testimony of sworn witnesses from this witness stand and by exhibits that may be introduced into evidence.

In determining what the facts are in this case, you must decide whether or not the testimony of a witness is believable. It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible. But once the testimony is admitted, it is solely for you to determine the believability of the witness's testimony.

In deciding whether to believe a witness, you have the right to consider the interests of any witnesses, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify, and the way the witness acts on the witness stand. You have the right to consider anything that is in the record that will help you evaluate the testimony of the witness.

That means you must pay close attention to the witnesses, observe the witnesses, listen to the witnesses, and pay close attention to the attorneys and the Court.

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Don't let your thoughts wander, but give strict attention to the testimony in the case so that at the end of all testimony, after the arguments of counsel, and after my charge on the law, you will then be in a position to determine what the applicable facts are and to apply the law to those facts and render a verdict.

From time to time during the trial you may hear one of the lawyers say something like "Your Honor, I believe we have a question of law" or "a matter of law to discuss with you," or "May we approach the bench?" Or sometimes I, myself, might find it necessarily to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law.

The reason for this is you are the judges of the facts in the case and, sometimes when I am discussing matters of law with the attorneys, it may be necessary for me to make some comment as to the facts in connection with a ruling about whether or not a particular law applies. I'm not supposed to tell you what the facts are, so I'll excuse you from the courtroom while discussions take place so that you will in no way be influenced by anything that I might say or do in connection with the facts.

Sometimes those breaks may be extended if we're discussing, you know, complex matters of law. I promise you if you're -- a lot of times you're going to feel -- you may

feel like you're back there wasting your time, but I promise you we're out here working. We're not talking about how bad the Gamecocks and the Tigers are this year. We're out here working.

As I told you during the selection process, your time is no less valuable than mine or the lawyers. And we're going to be working. So -- and there will likely be a time where you feel like you're back there spinning your wheels, but I promise we're doing our jobs out here and it's just something. We have different jobs, and sometimes we have to be separated.

All right. I need to appoint a foreperson.

Sir, here in the front with the purple lanyard, what's your juror number?

JURY FOREPERSON: 54.

THE COURT: 54. All right. You'll be our foreperson. You picked the magic seat.

Now, it will be your duty to preside in the jury room and be the spokesperson here in court. It will be your duty to write the verdict, but I will give you further instructions on that at the close of the case. You're not going to get paid any more than anybody else, but we'll discuss the verdict form at the end.

Anything -- any exception from the State about what I've told the jury?

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MR. RYAN: No, your Honor.

THE COURT: Anything from the defense?

MS. ARORA: No, your Honor.

THE COURT: All right. Madam Clerk, will you please swear the jury.

CLERK OF COURT: If the defendant would stand.

Ladies and gentlemen of the jury, please stand and raise your right hand to be sworn.

(The jury was sworn to try the issues.)

CLERK OF COURT: If you have accepted this oath, please be seated. If you have not accepted this oath, please remain standing.

Let the record reflect all jurors have been seated.

THE COURT: Very good.

State ready to proceed?

MR. RYAN: We are, your Honor.

THE COURT: All right.

MR. RYAN: May it please the Court.

THE COURT: Yes, sir.

MR. RYAN: Counsel, members of the jury, good afternoon. My name is Stephen Ryan. This is Michelle Pappas. We're lawyers with the South Carolina Attorney General's office.

This case is going to be about children, technology, and a man who tried to use that technology to satisfy his own sexual gratification. You've heard the charges and you heard

some of the questions earlier today, so you have a general idea what this case is going to be about.

The convenience that we get from technology has made all of our lives easier. It has connected us to each other. But it has also allowed individuals who want to use that to get access to children who they never would have otherwise to bring themselves into those children's lives.

Now, this case is called State versus Cotto, but it really should be State versus Steve Ryan because I'm the one who bears the burden. It's going to be my duty to convince you all beyond a reasonable doubt that he's guilty of these charges. And I intend to do that.

You'll hear from law enforcement officers from different agencies about an operation they conducted here in Charleston County about two years ago.

You'll hear from a police woman who went online and created an undercover persona as a 13-year-old girl. Then you'll hear about a conversation between that persona and a man and that they kept having that conversation after that man noticed and commented and acknowledged that he was about 59 years old and the persona was 13. They kept having that conversation, and the conversation was about sex, about meeting for sex.

We'll go over the messages. You'll hear all about it. And you'll hear how they made plans to meet at a

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predetermined location here in Charleston County to have that sexual encounter. And when the man that the undercover officer is communicating with arrives at that location, this defendant Juan Cotto was taken into custody. You'll hear about what he told law enforcement after he was taken into custody.

I do not expect this to be a long trial either. I don't think this is too complicated. But what I am going to ask is that while we're here that you give us your attention and you keep an open mind to all the evidence that's presented to you, any testimony that we provide or anyone provides, and any exhibits that are put forward. And then at the end of this trial, I'm going to stand up again and I'm going to ask you to give us the only verdict that the evidence supports, that the defendant Juan Cotto is guilty of these charges.

Thank you all very much.

THE COURT: All right. Ms. Arora.

MS. ARORA: Thank you, your Honor. May it please the Court.

THE COURT: Yes, ma'am.

MS. ARORA: Have you ever felt like you were being targeted? A couple years ago I bought my husband a Dallas Cowboys jersey for his birthday. When I bought that jersey, I didn't sign up to subscribe to the NFL shop or Fanatics. I didn't say I was a Dallas Cowboys fan. I didn't ask for

updates about the Dallas Cowboys.

But yet years later I am still getting Facebook messages about the Dallas Cowboys. I'm getting Instagram ads about the Dallas Cowboys. I'm still getting emails that there's a new player. I'm getting emails if a player was traded. The Dallas Cowboys won't leave me alone, which is painful. I grew outside Philly. My whole family is a Philadelphia Eagles fan.

I'm sure some of y'all have experienced that bombarding: the Facebook ads, the Instagram ads, the things that pop up in your emails and you don't know how they got there. There's some algorithm that's following you and you don't know why. It targets you.

That targeting, the bombarding of advertisements, that's what this case is about. Juan's intent was not to have sex with a minor on July 25, 2023. Juan's intent was not to engage with a minor online. Juan's intent is important in this case and in the law. This case, though, isn't just about Juan's intent. It's about the government's intent, the government trying to instigate a crime.

These detectives that you're going to hear from this week, they sought out Juan. They messaged him. They called him over and over and over again. Instead of trying to find someone who was committing a crime, the detectives went out and tried to create one.

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This week, these next couple days, the State is going to present you with what they say is evidence. They're going to show you text messages. They're going to show you phone calls. They're all going to say that these phone calls and these text messages show Juan's intent, but they don't. These phone calls and text messages were sent to Juan to try and trap him into committing a crime.

I ask that as you listen and watch this week that you look for the officer's role. Look for the role in the messages. What are they saying to Juan? Are the officers showing you the full story? Are there things that they can't show you or tell you about?

Juan didn't commit a crime. He was trying to figure out who this person was that was messaging him, and he was trying to figure out what this person wanted from him. He was confused. He messaged this person. He messed with this person. If this was a 13-year-old girl, he wanted to do the right thing.

This is one of the most important moments in Juan's life. You all have an incredibly important duty to listen to the evidence in this case, to think critically about what you see and hear, but also what you don't see and hear this week. We picked all of you because we believe that you could set your feelings aside and be the judges of the facts. How each and every single one of you interprets those facts is

important.

The State has to prove their case to you beyond a reasonable doubt. That means the evidence they present to you must meet the highest standard that we have in American law. They have to put in evidence that leaves you firmly convinced that Juan did something to meet each and every element of each offense he is charged with.

At the end of this trial, you'll go back to your jury room and you will vote. You will vote to determine whether Juan is guilty or not guilty. His fate is in your hands. After you do that and after you listen to all the evidence this week, you will see that the only verdict is that Juan is not guilty. He is not guilty of criminal solicitation and he is not guilty of attempted criminal sexual conduct with a minor.

Thank you.

THE COURT: State ready to call your first witness?

MR. RYAN: We are, your Honor.

The State calls Desiree Schnackenberg.

CLERK OF COURT: Please raise your right hand and place your left hand on the Bible.

(Witness sworn.)

CLERK OF COURT: Please be seated.

Please state your full name, spelling your last name clearly for the court reporter.

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THE WITNESS: Desiree Schnackenberg, S-C-H-N-A-C-K-E-N-B-E-R-G.

DESIREE SCHNACKENBERG,

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

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good afternoon, Detective Schnackenberg.

A. Good morning.

Q. How you doing today?

A. Er, good afternoon.

Q. Where are you currently employed?

A. I work for Mount Pleasant Police Department.

Q. How long have you been employed there?

A. Since October of 2017.

Q. Can you tell us about your law enforcement background and training.

A. I worked at Charleston County Detention Center for a year before I came over to Mount Pleasant Police Department. I worked as a patrol officer for about two and a half years before I became a detective with Mount Pleasant. I've had training in undercover chat operations, homicides, cybertips, forensics, and interviewing.

Q. Great.

Are you familiar with the South Carolina Attorney

General's Office Internet Crimes Against Children task force?
A. I am.
Q. Briefly, what is that?
A. It's a task force throughout the state where individuals in different jurisdictions are members of. We investigate crimes that involve children with cybertips. We handle offenders, extortions.
Q. Okay. Are you a member of this task force?
A. I am.
Q. Okay. Your referenced this, but can you tell us what kind of training you've had about undercover chat operations.
A. I took the South Carolina Internet Crimes Against Children undercover chat course in 2021. Since then I've done a couple trainings from the National Criminal Justice Training Center online, as well as some National ICAC conferences.
Q. Okay. Were you involved in an undercover chat op in July of 2023?
A. I was.
Q. What was your role in this operation?
A. I was what they call a chatter.
Q. Okay. What's that?
A. It's where we go on multiple dating sites or application where somebody's going to be at and portray ourselves as a minor child.

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Q. Okay. What was your physical location while this chat operation was going on?
A. I was at the Charleston County Sheriff's Office.
Q. Is that in Charleston County?
A. It is.
Q. Thank you.
Did you create an online persona for this operation?
A. I did.
Q. All right. On what website or application or app? You tell me what you did. What did you do?
A. My persona was on multiple dating apps as well as text message, WhatsApp. Sometimes I would make phone calls.
Q. Okay. What was your persona's age?
A. Thirteen.
Q. Okay. Did that persona have a name?
A. Maddy.
Q. Okay. While you were engaged in this chat operation, did you end up having any conversations that created a further investigation that would be relevant for today?
A. Yes.
Q. Okay. Do you recall who you were having the conversation with?
A. His name was Giovanni, and then went to John Cotto.
Q. Gotcha.
While you were having this conversation, did you

establish the undercover persona's age?
A. I did.
Q. Did the conversation continue?
A. It did.
Q. What was the nature of the conversation?
A. It was a sexual explicit conversation.
Q. All right.
How long were y'all chatting?
A. I believe it was a day.
Q. Okay. Did y'all ever make arrangements to meet?
A. We did.
Q. Did you end up giving him an address?
A. I did.
Q. Do you know if the person you were speaking with traveled to that address?
A. He did.
Q. Okay. How do you know that?
A. He arrived at the predetermined location.
Q. Okay. Where was that predetermined location? Do you recall?
A. I don't recall the address, but it was in Charleston County.
Q. Thank you.
Were you able to -- from the Charleston County Sheriff's Office, was there any way for you to know what was going on

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at that predetermined location?
A. Yes. They had cameras on the house, and it was live fed into the room we were at at Charleston County Sheriff's Office.
MR. RYAN: One moment, please.
THE COURT: Mm-hmm.
(Pause in proceedings.)
MR. RYAN: Permission to approach the witness?
THE COURT: Yes, sir.
BY MR. RYAN:
Q. I'm going to hand you what's been marked as State's Exhibit 1. Can you take a second to take a look at that.
Do you recognize what I just handed you?
A. I do.
Q. What is it?
A. It's a thumb drive that contains the chat conversation as well as phone calls.
Q. Is that the chat conversation and phone calls that you had during this operation?
A. Yes.
Q. Thank you so much.
MR. RYAN: At this time the State moves to enter Exhibit 1 into evidence and for permission to publish to the jury.
THE COURT: Any objection?

MS. ARORA: No objection.
THE COURT: All right. It will be admitted as State's 1 without objection.
(State's Exhibit Number 1 admitted into evidence.)
MR. RYAN: Beg the Court's indulgence, your Honor.
THE COURT: Yes, sir.
MR. RYAN: I'm navigating multiple passwords.
(Exhibit displayed on screen in open court.)
BY MR. RYAN:
Q. Detective Schnackenberg, do you see the beginning of the conversation on your screen there?
A. I see the start on the screen of the conversation.
Q. All right. I'm going to hit play, and I'm going to let it play for a second and then I'm going to interrupt.
(Video played in open court.)
(Video paused.)
BY MR. RYAN:
Q. All right. Can you tell me what we're looking at.
A. We started a text message conversation.
Q. Okay. I see two -- looks like two people talking. Are you one of these sides?
A. The side that's green.
Q. And the person you're communicating with, is that -- where are they at?
A. They are in with the gray background.

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Q. I gotcha.

What I'm going to ask is -- I'm just going to pause and let this play. I'd ask you to just read your chats into the record and just -- I'll interrupt here and there if I have any questions. But I want to know about the conversation you had.

A. Okay. Starting from the beginning?

Q. Yes, please.

A. Okay.

(Video resumed.)

BY MR. RYAN:

A. The defendant said, "Hey."

The UC persona said, "Hi."

He said, "I'm in Summerville, S.C. Help family business."

The UC stated, "Oh, cool. I'm in North Charleston."

He stated, "Dine, friends, shop, more. Your name?"

The UC stated, "Maddy. Yours?"

He stated, "Giovanni. Are you trying hook up or?"

The UC put, "Yeah, but most don't like my age."

He said, "Why are you on the app?"

UC said, "'Cause I can be."

He said, "What is your age? Twelve?"

The UC states, "13."

He said, "LOL."

UC said, "What?"

He said, "What? We can go out. We're all friends. Can help you lots. Friends first."

UC said, "I'd like that. Okay. IG?"

He said, "You have WhatsApp?"

UC said, "Yeah. Same number?"

He said, "Yes."

UC said, "Okay. What, you want to switch to WhatsApp?"

He said, "Listen. Not here to play you or abuse you or take advantage. I'm here for the long haul, make, keep you happy always."

UC said, "Okay."

Q. And one more. Go ahead, please.

A. He said, "And not here for just a fishing trip. LOL. Call me here. Okay?"

UC states, "LOL. I like fishing."

He said, "We can go, maybe rent a boat or go out deep sea. Can make lots of" -- with money sign. "Sail off to my family. Five restaurants. Call."

UC said, "What?"

He said, "Sorry for my text. I'm new to this."

UC said, "New to what?"

He said, "Pickup talk okay. Texting. Not a text person. Can't you tell? LOL."

UC states, "I like texting. What you look like?"

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(Video paused.)
BY MR. RYAN:
Q. One moment. And thank you for your patience.
(Video resumed.)
BY MR. RYAN:
Q. Go ahead, please.
A. He said, "I wasn't texting that you love fish, so I was thinking we can go fishing. I can rent a boat to fish on and catch and sail to my family five stores, Italian restaurants. Restaurants. Understand? Call me WhatsApp."
UC said, "Send me a pic."
He sent a picture.
(Video paused.)
BY MR. RYAN:
Q. I see a picture on here. Is that the picture that you received?
A. Yes.
Q. Can you read anything that's included in that pic?
A. "John Scott 20044 TikTok Joe Facebook John Mark Cotto World News John Scott 2004144."
Q. Do you see the man in that picture here today?
A. I do.
Q. Can you point him out to us.
A. He's right there.
Q. If you can point him out to us, please do.

A. Yeah. He's right there.
Q. What color jacket he got on?
A. A black jacket, black shirt.
Q. Thank you.
MR. RYAN: I would just like the record to reflect that it was the defendant that was pointed out.
THE COURT: Noted.
BY MR. RYAN:
Q. All right. I'm going to hit play again.
(Video resumed.)
BY MR. RYAN:
Q. All right. Can you keep going for us, please.
A. Yes.
He states, "Now you, Maddy."
UC wrote, "That's not you."
He said, "Yes."
UC said, "Send another."
He said, "Go on WhatsApp."
UC said, "Okay. Text me on it."
He said, "Nothing to hide. Doing nothing wrong."
UC said, "Okay."
He said, "What app?"
UC said, "You can text me on it."
He said, "Send me yours. [redacted]. Better you add. Okay?"

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UC states, "[redacted]."

Q. Keep going, please.

A. He states, "You like beaches?"

UC said, "Yes" -- er, "Yeah."

He said, "I live in Clearwater Beach, Florida, on the beach. Come stay anytime."

UC said, "I thought you were in S.C. I wish, but can't drive at 13."

He said, "Yes. I working here, got house here, family. Check your text."

UC said, "Okay."

He said, "You can fly or I can drive."

UC said, "Okay. Don't have a text on WhatsApp."

He said, "Or can go be near beaches. You like gym?"

UC states, "Yeah."

Q. Okay. Go ahead, please.

A. He said, "Hold on. Okay. What app."

UC said, "Okay."

He said, "Listen, love. Be with you, help you future. A real friend for life. Okay? No lies."

UC states, "I like that."

He said, "Dine, shop, travels, all. Got to do right for future invest well."

UC said, "Okay."

He said, "Understand I can show, teach you all about

life experience."
Q. Go ahead.
A. UC said, "I like that."
He said, "Experience to show before do be a pro at all skills."
UC said, "Okay."
He said, "Finish college so can make bank, retire early. Understand invest in you."
UC states, "Okay."
He said, "Send me a photo."
UC said, "Don't really want to talk about this stuff."
He said, "Okay. I understand. Just for future I'm here for you 101 percent. Okay?"
UC said, "Just trying to have fun."
He states, "I got you."
Q. Go ahead, please.
A. UC states, "Okay. How?"
He said, "No stress with me. We do it all, try all. Okay."
UC said, "Try what?"
He said, "Will you love that if whatever you want to do. If I can help, I will. Okay? Try what you love to do."
UC said, "Okay."
He said, "Fishing, beaches."
UC said, "Sure. How long you gonna be in Summerville?"

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He said, "I'm here to make you, keep you happy. Okay? Down for whatever. I'm a giver, hearted. Okay?"

UC said, "Same."

Q. Okay. Please continue.

A. He said, "As long as you want me to be. I'm alone here. Just work, stay busy. I got to find me a hobby. LOL. Photo, Maddy."

UC said, "Same. I'm bored at my aunt's house again" -- I'm board at my aunt's house sitting."

He said, "I get off work at 7:00 p.m. Can you stay up late? Or what time? In advance I can take off any. Okay, Maddy" -- er, "Okay? Photo, Maddy."

UC said, "Yeah, I can."

He said, "Madison."

UC sent a picture of the 13-year-old persona and said, "I'm Maddy."

He said, "What else you do, love" -- er, "What else you love to do?"

UC said, "Anything."

He said, "Wow. I got protect you. You are very gorgeous female girl to lady. Tall are you?"

UC states, "Five three. You?"

He said, "Nice. Ever been with boy or a girl before?"

(Video paused.)

MR. RYAN: One moment, please.

(Video resumed.)
BY MR. RYAN:
Q. Go ahead, please.
A. He said, "Are you going through the stage feeling getting boyfriends or girlfriends, partners? Hey."
UC said, "Hi."
He said, "You playing or what?"
UC said, "What? No. I'm a girl."
Q. Thank you.
(Exhibit displayed on screen in open court.)
BY MR. RYAN:
Q. All right. Are you able to see what's on the screen?
A. Yes.
Q. All right. Do you recognize this conversation?
A. Yes.
Q. All right. Is this still part of the same investigation that you've been testifying to?
A. Yes.
Q. All right. Can you -- are you able to read that top part?
A. Yes.
Q. Will you read it for me, please.
A. "John Mark Cotto Ponce De."
Q. Okay. Let's -- just like we've been doing -- thank you so much -- I'm going to try to hit play so you can read this.

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But I want to hear everything that was read. Thank you so much.

All right.

A. It's --

Q. Sorry. This is my fault.

(Video played in open court.)

BY MR. RYAN:

Q. Go ahead.

A. He said, "Hi. Hey."

UC said, "Hi."

He said, "Is me."

UC said, "Okay."

He said, "Talk."

UC said, "Text. No video."

And then he sent a voice message.

(Video paused.)

(Audio played in open court.)

BY MR. RYAN:

Q. All right. Thank you.

(Video resumed.)

BY MR. RYAN:

Q. Please continue.

A. UC put, "I know you're real."

He said, "Call me."

UC said, "Why? LOL."

He said, "Voice me to make sure you are not a scam dude. LOL. Hey."

US said, "I'm a girl. Why you calling, babe?"

He said, "You playing."

UC said, "I'm not. Why you want to hear my voice if you just want to be friends?"

(Video paused.)

BY MR. RYAN:

Q. I see two missed voice calls on here. What -- why does it say that?

A. He tried to call on WhatsApp, but the UC did not answer.

Q. Okay. Somebody's calling you?

A. Yes.

Q. Thank you.

(Video resumed.)

BY MR. RYAN:

Q. All right. Keep going, please.

A. He said, "Call me one second. Confirm. Lesson number 1, trust" -- er, "Lesson number. Trust is earned, not given."

UC states, "Confirm what?"

And then there's another missed call.

He said, "Voice. Stop playing."

UC said, "I'm not playing?

He said, "Okay. Send me a photo with the paper on you

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left hand. Okay? A paper on left say write Maddy. Okay? Okay? Fair?"

(Video paused.)

BY MR. RYAN:

Q. "Okay. Send me photo of a paper on your left hand. A paper on your left hand say write Maddy."

Those are the messages you received?

A. Yes, I received those.

Q. All right. Does that mean anything to you?

A. He wanted me to send him a photo writing that to show that I was real.

Q. Thank you.

(Video resumed.)

BY MR. RYAN:

Q. All right. Keep going, please.

A. I then received another missed call.

UC send a photo, said, "That's what you get."

He said, "Paper write Maddy. Okay? Left hand. Okay?"

And then he sent a message but it -- but then deleted it.

"That's me. Okay."

Q. All right. Go ahead, please.

A. Missed call.

UC states, "Bye."

He states, "Yes. I just made put photo on there."

Another missed call.

UC said, "Stop calling."

He said, "I can take a photo again if you want or live."

UC said, "Sure."

He said, "Also want to know when will you like to go fish a place at near beach and fishing trips. You want? Yes or no."

UC states, "No fishing."

He said, "Beach?"

UC said, "No."

He said, "What you want hotel?"

(Video paused.)

BY MR. RYAN:

Q. All right. And again, I'm asking you -- not telling you -- when you say "UC states," you're the UC?

A. Yes.

Q. Okay. So you said, "Stop calling" --

A. Yes.

Q. -- at one point?

Thank you.

(Video resumed.)

BY MR. RYAN:

Q. Go on, please.

A. UC said, "I have my aunt's. Why hotel?"

He said, "Asking. Your aunt's house?"

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UC said, "Yes" -- er, "Yeah."

He said, "You want me there?"

UC said, "Sure, if you want."

He said, "Your aunt single?"

UC said, "No."

He said, "Okay. She okay having a man come over? What you need from me? Be honest. Okay?"

UC said, "She not here. What do you mean?"

He said, "Are you looking for love? Make love to you, teach and show you all."

UC said, "Like?"

He said, "Be honest. I'm asking like a friend."

UC said, "Okay. Everything."

He said, "Okay. Are you going through, like, a very horny, active, you need it real bad? Do you have experience? Try before asking."

UC said, "No experience."

He said, "Wow. You like older? Want older or younger?"

UC states, "I like older."

He said, "Okay. You want just sex or a committed partner?"

UC said, "Yeah."

He said, "Which?"

UC said, "First."

He said, "So you want to try more than one?"

UC said, "Yeah."

He said, "At once or a few a week?" White? Black? Latin? Asian?"

And then UC received another missed call.

UC states, "Stop calling. LOL."

He said, "What?"

UC said, "Why you calling? You just want to know I'm a girl?"

He said, "Your first time with one or at once, very gentle? Calling so we can text?"

UC said, "What?"

He said, "Don't like to wait. I don't" -- "I won't do that to ya."

UC said, "Do what?"

He said, "I call so you can go to text, see it."

UC said, "Oh, okay."

He said, "Another full" -- "another photo, a full one. Okay?"

UC said, "What? Why?"

He said, "I'll make it up to you. Okay? I need to see what I'm working with. You look good already. Can you? Okay. Your aunt's away."

UC said, "Yeah. She gone for the week."

He said, "How long?"

UC said, "Week."

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He said, "So you want me in your bed, sleep, wake up with you, cuddling?"

UC said, "Yeah."

He said, "Okay. You like oil lube massage?"

UC said, "Sure."

He said, "You ever watched porn?"

UC said, "No."

He said, "What is your fantasy? Tell me. Be honest. Female?"

UC said, "I don't have one."

He said, "Male. Okay. Ever think female?"

UC said, "No."

He said, "Try. Just male. Size you prefer?"

UC said, "Don't care."

He said, "Okay. Have you tried toys yet?"

UC said, "Where you at?"

He said, "S.C., Summerville."

UC said, "Cool."

He said, "Be there after 7:00 p.m. Okay?"

UC said, "Today? What are we gonna do?"

He said, "Are you using any dildos?"

UC said, "No."

He said, "Have got to get a few or you need me to work you in?"

UC said, "Yeah, you."

He said, "Gentle, very. Okay?"

UC said, "Okay."

He said, "Send me a photo."

UC said, "I already did. I'm not going to keep sending."

He said, "Standing, curves, ass."

UC said, "You can see soon."

He said, "Oh, okay."

UC said, "Yeah."

He sent a message and then deleted it and then said, "Is that what you want?"

UC said, "If you want me to, yeah."

He said, "12 inch but can control 6, 8, 10, 11, 12."

UC said, "LOL. Okay."

He said, "Maddy."

UC said, "Yeah."

He said, "I know it was you."

UC said, "What?"

He said, "Do you want D-I-C-J-K dick?"

UC said, "Yeah."

He said, "You need to call me."

UC said, "Why?"

He said, "Just to hear you. Be mature. Okay?"

UC said, "Okay. Hold on. When you come, can you go to the gas station and get me a Reese's parfait? It's right by

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my house."

He sent a message and it was deleted.

UC said, "It's good. LOL. It's good."

He said, "What is it?"

UC said, "Good."

He said, "Smoke?"

UC said, "Huh?"

He said, "I don't know. Call me."

UC said, "Hold on."

And then I received four missed calls.

He said, "Call me now. Now."

(Video paused.)

BY MR. RYAN:

Q. Those -- are these four missed calls here?

A. Yes, they're missed called.

Q. Are those -- okay. Those are ones that the -- you were receiving?

A. Yes, I received four missed calls.

Q. Thank you.

(Video resumed.)

BY MR. RYAN:

Q. Go on, please.

A. UC states, "Okay. In bathroom. Hold on."

And then I received another missed call.

He said, "Did I make you wet? Yes or no."

UC said, "I'll call just so I know" -- I'll call just so I know I'm real. Okay?"

He said, "Okay. Now I got to be in a few minutes work call."

UC said, "You're going to work?"

He said, "Yes. Be out two hours tonight. All yours. And I'll pick up all you want. Okay? Anything. But stop playing. Okay? Okay."

Q. Go ahead, please.

A. UC said, "Yeah, okay. I'll tell" -- "I'll tell when I call."

He said, "Now before go to work. Now."

Then I received another missed call.

He said, "Pick or I'm done. No more."

UC said, "Bye. Why you calling?"

I then received another missed call.

He said, "Because like I say, want to be your friend first. Then you need to get married 13 years old. Voice don't match. Be honest. Okay? Be honest. All I ask. I want to be help you. Okay?"

UC wrote, "I'm 13. Don't know what else to tell you."

He said, "Okay. Okay. Voice is very off unless picture old."

UC states, "No. Sorry. I sound older."

He said, "I'll call you tonight. Okay? Maddy, do

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right, better, committed, so all future good. Okay? Okay."

UC said, "What? I looking for fun, so bye."

He said, "Okay. Call me tonight 7:30 p.m., live video. Okay?"

UC said, "Why if you just want be friends?"

UC received another missed call.

He said, "Can you talk tonight at 7:00 p.m.? 7:30 p.m.? Yes or no."

UC said, "Why you want to talk?"

I then received another missed call.

UC said, "You said I sound older than 13 and just wanna by friends, so bye."

He said, "It will be better first few minutes. Okay? Lots fun."

UC said, "Huh?"

He said, "Lots. Okay. Call me at 7:30 p.m. Okay? You sound like Lynn, a friend of mine I met."

UC said, "Huh?"

He said, "That's why say sound like I wasn't confused. Okay? Can we talk, chill tonight, and go from there?"

UC received another missed call.

UC said, "Are you okay that I'm 13? You got weird on the phone."

He said, "Your voice sounds okay, mature. You like schools."

He said, "Nervous. First time. Okay?"

UC said, "Okay, I guess."

He said, "I'll give what you want but need to feel, okay, not nervous. Okay? Teach and slow. Okay? First is here sound partner."

UC said, "Okay. I like that."

He said, "Okay."

He said, "Send me a photo standing. Okay?"

Then the UC sent a picture, said, "Friend took that yesterday."

He said, "When with a partner must have sound talk, culminating skills, breath, moans, to connect in advance. Know all these for better, for the best ever. Get craving for it always."

He said, "Wow. Who took photo? You looking like a model for real. I'll shop for you. Okay? Work together."

UC said, "What?"

He said, "I got lots money and I spend, maintain you look like a model."

UC said, "Okay."

He said, "You lie Victoria's Secret?"

UC said, "Yeah."

He said, "See a catalog of Victoria's Secret. Okay? I'll get for you all. Okay? Perfumes you love" -- "you, like, love."

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UC said, "Okay. Maybe we can look together when I get here you get here."

He said, "7:30 p.m. call. Okay? Meantime, don't touch no one. Okay? Okay. Please stay away from all promises to me. Don't touch them. They've been all over. Don't get sick. Okay?"

UC said, "What?"

He said, "Nit (verbatim) to trust anyone. Trust is earned -- okay? -- on a daily basis. Not to trust anyone one. Don't want them to use and abuse you. Okay? And most people are sick. Okay?"

UC states, "Okay. Why you being like this?"

UC received another missed call.

UC said, "What?"

He said, "No, I'm just" -- "I'm saying that just chill 'til 7:30 p.m. I'll explain then. Fun. Okay? Know each other first. Okay? Won't be disappointed."

UC said, "Okay. But what so I can be prepared? LOLOL."

He said, "You looking for a one partner or a couple different? Yes, get you ready. Trying to teach. Show here first is key. Okay?"

UC said, "Okay. Tell me a little what we gonna do."

He said, "So can be the vest (verbatim) ever for you. Was you wet earlier? Yes or no."

UC said, "No, 'cause you got me confused."

He said, "One through 100 tonight. Okay?"

UC said, "Huh?"

He said, "Then we connect. Okay? Talk few minutes, then I come. Okay? I promise. Okay? Trust is earned."

UC said, "Okay."

He said, "Is your first time, right? You will bleed. You okay with that?"

UC said, "Yeah. So gotta use protection."

He said, "Okay. Peach, show all. Okay?"

UC said, "Okay."

He said, "I got to get you ready. Okay? Listen voice, show, teach what to do so be the best before going in. Okay? Get you super wet first. Okay? You masturbate?"

UC said, "What? I have once."

UC received a missed call.

He said, "When I show, teach you, you will be back-to-back orgasm. Okay?"

UC said, "Okay."

He said, "So you think I'll be good for you or great for you? I will love you, in love. It's okay. Make love first, then ask for all other type style. Okay?"

UC said, "I like that."

He said, "Unless you want filled hard. Which one?"

UC put a bunch of question marks.

He said, "Making love or fucked first, which you want or

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both?"

UC said, "Both" and then received another missed call.

He said, "Okay. Are you horny now? Very wet?"

UC said, "Maybe. Thought you were working."

He said, "Wait to hear" -- "Wait 'til you hear me. Then you now get hooked. I am."

UC said, "Okay. What is your name?"

He said, "Giovanni. Call tonight. Okay?"

UC said, "Hi."

He said, "Are you wet? How much?"

UC said, "Will be later. How's work?"

He said, "Okay. Busy."

UC said, "Oh. What's the name of the restaurant? Guess not."

UC received another missed call and then said, "What?"

And then he sent a video.

(Video paused.)

(Another video played in open court.)

(Video resumed.)

BY MR. RYAN:

Q. Okay. Keep going.

A. He said, "You like flowers?"

UC said, "I do" and received another missed call and said, "What?"

Then he sent a voice message.

(Video paused.)
(Audio played in open court.)
(Video resumed.)
BY MR. RYAN:
A. He sent the voice message and then said, "Okay."
UC said, "You off work?"
He said, "You mad? Yes."
UC said, "No. Just don't want to talk on the phone if you gonna say you just wanna be friends and say I sound old. That's kind of rude. LOL."
He said, "No. Was nervous."
UC said, "I know."
He said, "Sorry."
UC said, "LOL. Me too."
He said, "You sound very nice, clear, very sexy."
UC said, "Thanks."
He said, "Love your voice."
UC sent a kissing emoji.
He said, "Call me. Got to get you ready. We talk you'll no feel it."
UC said, "I'm already ready. Was waiting for you to get off work."
He said, "What?"
UC said, "Nothing. Was bored waiting for you to get off work."

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He said, "Have to go in at 4:00 p.m."

UC said, "Tomorrow?"

He said, "Is why I can text much or talk."

UC said, "Okay."

He said, "No. I take off all for you."

UC said, "Yay."

He said, "I make time always. All you have to do is tell me what and when. Only for you. I'm only for you. Okay?"

UC said, "Okay. I'd like that."

He said, "Call."

UC said, "Okay. But why again?"

He said, "I want to get you very wet and know how much. Okay? Hear me."

UC said, "Can't you when you're here?"

He said, "Okay. Then I go in."

UC said, "Yeah, when you're here. Okay, baby."

He said, "No. Us got to be so when I'm there you already feel me spirit. Okay? Trust. Okay?"

UC said, "I will be. I will be. I'll eat my parfait that you bring me, then we can do whatever. I'll be ready."

He said, "Oh, was going to ask you about that. What is that? How many do you want?" -- "How many you want?"

UC said, "It's like a yogurt. It's Reese's and so good.

He said, "Call me."

UC said, "Just one. LOL. Unless you want one too."

He said, "Nice. Your favorite?"

UC said, "Yeah."

He said, "Okay. Will be on the list every day. I promise."

UC said, "Okay. Not tonight?"

He said, "You want a partner for life first or try others and then decide?"

UC said, "Either. You?"

He said, "Call me. Okay?"

UC said, "I already did, though."

He said, "Be patient. Okay?"

UC said, "I am."

He said again, "Want to hear you. Was nervous like you."

UC said, "I know, but least we heard each other."

He said, "Now I've been waiting in you."

UC said, "Okay."

He said, "Didn't stop thinking of you, for real."

UC sent a blushing face emoji.

He said, "Waiting for you" and then sent this picture and said, "You like?"

UC said, "Sure. Why you send me that?"

He said, "She wants to try as well because you say you wanted a girl try."

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UC said, "No, I didn't."

He said, "She in school for nurse."

UC said, "We hanging out tonight or not?"

He said, "Yes. You asked if like man and female or both. You reply both try. I got the text."

UC said, "No. Like guys" and then "Only."

He said, "Okay. Guys one at a time, three guys there at once, a train or just one big 12."

(Video paused.)

MR. RYAN: One moment, please.

(Video resumed.)

BY MR. RYAN:

Q. Go ahead, please.

A. UC said, "What? Okay. Bye."

He said, "Black guys you like? LOL. Joking. Call me."

UC said, "I'm not talking on the phone 'til you tell me what we're doing or I'm just gonna watch TV."

UC received another missed call.

He said, "I want to just see you, but first want to talk for a few minutes, get safe, understand safe."

UC said, "Okay. But I don't like talking on the phone, so I won't talk long."

He said, "Okay. Cool. I know we both can be the best for each other."

UC said, "Okay."

He said, "I can help give you all."

UC said, "Okay."

He said, "Just trust first."

UC said, "Okay."

He said, "Daily basis."

UC said, "If we hanging tonight, I'll call. If not, then I'm not calling."

He said, "Yes."

UC said, "Fine."

He said, "Call."

UC said, Hold on."

He said, "Remember that I respect you. Okay?"

UC said, "I know."

He said, "If I take you and you like me a lot to love, can you be mine mine?"

UC said, "Okay," and then received another missed call and then a video call.

UC said, "I don't want to hear about you nervous. You know, so am I, but still."

Receive another missed call.

He said, "Okay. For me to trust and come over right now, once thing."

And then UC received another missed call.

He said, "One thing."

UC said, "What? My camera is broken kinda so you ain't

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gonna really see me. Already tried with my friend. That's why I wanted to talk. If you call, I'll show you."

He said, "Okay. I want to get you wet first before I go there. Okay? One minute. Okay?"

UC said, "Isn't that the point of coming over?"

He said, "So I hear, you know, if you safe."

UC said, "I am safe."

He said, "No. It will be all when get there, be for hours a day. I know you safe with me."

US said, "How far away are you?"

He said, "Not far. Call. Let me show you. Okay? Then I'm safe. Okay?"

UC said, "You're gonna show me your house?"

He said, "Do you want me not to stop? Do all very gentle first."

He said, "Yes. All."

UC said, "Okay? Are you in S.C. or Florida?"

He said, "Yes. Which one at Florida beach, S.C.?"

UC said, "So you coming or what?"

He said, "Yes, but first I need to make you come so all is correct. Listen. Okay?"

UC said, "What?"

He said, "Learn."

UC said, "No. I want to do that when you're here."

He said, "I am going to make get you start just for you

to come. When you come, then I'll know you ready. Then I'll come there anytime you want. Okay? Fair."

UC said, "That's weird in the phone. Either we do it in person or bye."

He said, "Not trying to scare you. Okay? Set you up in any way. All has to be in order so you ge the best. Okay?"

UC said, "Either come or not. Show me."

He said, "No, not weird. Just trying, yo, since trust that is all. Call me."

UC said, "Show me in person or bye. I'm not calling anymore."

He said, "You know I could be the best for you."

UC said, "IDK now."

UC received another missed call and stated, "I'm not answering anymore."

He said, "Okay. Number 1 rule, one you want me to control all or not."

UC said, "What?"

He said, "Do you want me to take you all?"

UC said, "Yes."

He said, "Do you want to experience all, learn all, how to do all?"

UC states, "Yes, but done talk about" -- "Yes, but done talking about it."

UC states, "You getting me mad. Either we doing this or

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not."

He states, "Okay. You must listen to me. Every detail is why I want to know. If you can feel loose, like open to me, not too tight."

UC said, "Then tell me when you see me."

He said, "I'm not a text sex. LOL."

UC said, "Or I'm gonna block you 'cause you're saying you're coming but you ain't."

He said, "Or have phone sex. I understand you 101 percent. Just listen to me. Okay?"

UC said, "What?"

He said, "I promise all. Just list and do as I ask so you can feel what I'm saying. Feel the trust. It is the key to any partners."

UC said, "I trust."

He said, "And your first time."

US said, "I know."

He said, "Trust me. Once is all for you. Don't be hard on me. You'll get all you want and desire. I promise."

UC states, "Want me to give you the address to the gas station so you can start hearing there?"

He said, "You call me. Okay? And listen and he what I say one minute. Okay? Then I'm all yours. Okay?"

UC said, "No."

He said, "Fair. No more talk. Okay?"

UC said, "You can teach me in person, not over the phone."

He said, "Now you have two on here. First thing, you win all my trust. Okay?"

UC said, "Nope. Bye."

He said, "Okay" -- er, "One minute. Okay?"

UC said, "No."

He said I take care. You always the person. Okay? I cook for you as chef. I oil lube you massage. Fishing nonstop all places."

UC said, "Okay."

He said, "Always you favorite snacks, flowers. Eat you out hours all. Great dancer. Teach, show you. Activate all. Love nipples all day."

UC said, "I'm gonna block you."

He said, "Just call me. LOL."

UC said, "No."

He said, "Stop controlling. Won't work."

UC said, "Bye."

UC said, "You played me and had me waiting all day."

He said, "I'm asking for one thing before I come there and all I'm offering. No, don't play you."

UC said, "And I already called you, so not doing it again."

He said, "You can have me forever."

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UC said, "If we don't hang --"

He said, "I call you. Just call me. I make you come, and I'm on my way. And you can have me any time you want nonstop. Okay? Nonstop. Okay?"

He said, "Okay?"

And then UC received another missed call.

And then UC said, "Nope. I want to do this in person, not over the phone even if you call just to teach me.

(Video paused.)

(Audio played in open court.)

(Video resumed.)

BY MR. RYAN:

A. He sent the voice message, and then he said, "Gotta make you come first so I know you ready. Okay? Trust me. Okay?"

UC said, "I ain't calling you."

He said, "It's all for you. Don't be mad. I want you no matter. Okay? Call."

UC said, "I am not calling. We either hang out or I'm blocking you."

He said, "And you will happy always I make and keep you happy. I promise you. You drink? You smoke?"

UC said, "I've tried it."

He said, "What?"

He said, "I know. I tried weed, and it make me very horny. I'm already normal like that."

UC said, "Okay."

He said, "I stay rock hard always, and I come last. Born like this, a twin with sister. 13 sibs. Same parents, got married young. With you to be a honor, kissing you. You know you will bleed, but you will feel good, wanting more. Very gentle. All muscles, tissues needs relax and broken in. So the more you break in, the better all fit. Best partner. Also need to kiss, like, a lot so can be very extra horny then normal. Also you need muscle to break in to don't hurt. Can last for hours, days. More sensitive, more orgasm. Do you wan to feel pain or very gentle?"

And then he said, "If you can't come, I know how to make you always, back to back, but must listen. Are you going to listen? Learn to listen to my voice. It's key to it all. Voice, feel, touch, kiss, like suck in order. Listen. Yes or no, my love. Special."

He said, "101 percent special."

UC said, "I said bye 'cause you lied."

He said, "No lied."

UC said, "I waited 'til you got off work. Now you're in bed."

He said, "You like the beach? No. Getting ready, but texting so much not con sleep."

US said, "The stop texting."

He said, "Do you want to go to the beach?"

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UC said, "Do you want the address or not?"

He said, "Now. Today. Bye. Yes."

US said, "So if I give it, you've gonna come tonight?"

He said, "Yes. Not playing with you. You my friend first, remember? You want me to take you to beach?"

UC said, "No."

He said, "Or hang out where?"

UC said, "My aunt's house."

He said, "I'd love to, but I'm nervous. Why your aunt's house?"

UC said, "She's out of town and I'm house sitting."

He said, "Sitting what?"

UC said, "I'm watching her house."

He said, "Oh. Send photo of house now you standing. Put a note your name on it."

UC said, "I ain't sending you a pic of my aunt's house."

He said, "Kitchen table."

US said, "I'm done with you."

He said, "Or your name on your forehead."

UC said, "No. I'm done with your game."

He said, "Address. Sending pizza to house. Okay? Kinda pizza like? I'm real. Or Chinese? Do you like seafood? Crab House?

UC said, "I want the Reese's parfait."

He said, "Address."

UC said, "Not seafood. Let me Google it."

He said, "I know I got it. Is there a near store next to you? Meet there."

UC said, "5644 N. Rhett Ave."

He said, "Is there any place, a gas station near you?"

UC said, "That's the gas station."

He said, "We -- we all meet. I'll get gas. Okay?"

UC said, "Okay."

He said, "You be there?"

UC said, "Let me know when you're there. I'll start walking."

He said, "Okay. Friends first, right?"

UC said, "Yes."

He said, "Are you going to want me after or try others?"

UC said, "You."

He said, "Okay. I respect."

He said, "Friends first. Never do wrong. Right?"

UC said, "Okay."

He said, "Why you online with others?"

UC said, "What? Are you coming or not?"

He said, "You like movies or love? Yes."

UC said, "How far away are you?"

He said, "Going to get gas and buy you your snack. Okay? Fair. Vibe. Okay?"

UC said, "Okay. How far away are you so I know?"

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He said, "I'll Mapquest now. Okay?"
UC said, "Okay."
He said, "Are you a virgin? You are virgin or not?"
UC said, "Yes."
UC said, "Hat does maps say?"
He said, "Respect you. Okay? Hold on."
UC said, "Bye."
He said, "Twenty minutes."
UC said, "Cool."
He said, "I just checked. Why you mad?"
UC said, "'Cause you took too long to" -- er, "You" -- "'Cause you took long time to respond."
He said, "I know you are wanting it bad, right?"
UC said, "Yeah. When are you leaving?"
He said, "Right now. How hot are you?"
UC said, "Yay."
He said, "Rate it 1 to 100."
UC said, "What you driving so I know what car to look for?"
He said, "Just meeting at Parker's, right?"
UC said, "Yeah. That's why I need to know what car."
He said, "Call you. Be in the store. Okay? I never showed yet. Are you showered?"
UC said, "No. We can walk back my aunt's."
He said, "Me too so I can start kissing you."

UC said, "I'm not waiting up all night."

He said, "Okay. On my way. Okay. Want see you. Okay. I'm tall, 6-1. Okay."

UC said, "Okay."

He said, "You like tall man?"

UC said, "Let me know when you there and I'll walk."

He said, "How many minutes are you? Address to house."

UC said, "Like five."

He said, "Address to house."

UC said, "I ain't giving you that since we meeting at the gas station."

He said, "Okay. On my way. Okay. How horny are you now?"

UC said, "Okay."

He said, "How horny are you now?"

US said, "Really?"

He said, "Yes. Are you wet? Yes or no."

US said, "Yeah."

He said, "How much? 1 to 100, rate it. You feel how much."

He said, "Touched. Yes or no."

UC said, "I'm done talking about this 'til I see you."

He said, "Okay. On my way. Okay? Friends first. Okay?"

UC said, "Okay," with question marks."

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He said, "You like me? Why?"

UC said, "Yeah. But if you lie to me, I don't."

He said, "Okay. Never."

UC said, "Then how far away are you now?"

He said, "Just do right better. Okay? Thirteen minutes."

UC said, "Okay."

He said, "Call me, like see me on highway. Okay?"

UC said, "Call when you at the gas station."

He said, "Call me live. Why you hide?"

UC said, "What?"

He said, "Call me. Miss the voice."

UC said, "Are you on the way or not?"

He said, "Oh, yes. Is why want to talk. Talk to me."

UC said, "I'll talk when you're there while I walk to the gas station."

He said, "Okay. You at? Hey."

UC said, "Hi" and received another missed call.

He said, "You at?"

UC said, "What?" and received another missed call.

He said, "You at? You coming?"

UC said, "You at the gas station?"

He said, "Yeah. Yo at."

UC said, "You really there? Send me a pic before I start walking."

And then he sent a picture of the gas station.

He said, "No lies. What part of store you coming from, the left or right? Looking at the store, left or right?"

UC said, "Right, but haven't left."

He said, "Okay. You want me to pick up your snack? How many?"

UC said, "Yeah. Just one, unless you want one."

He said, "Okay."

UC said, "Can you just come to my house? It's dark out" question mark.

He said, "What? You playing?"

UC said, "No. I mean it's dark. I can try and walk."

He said, "Okay."

He said, "What address? Or start walking."

UC received another missed call.

He said, "Hey."

UC said, "I'll start to walk."

He said, "Okay. Which side? I can walk. Okay."

UC said, "I think right side."

He said, "On Pilot Gas side?"

UC said, "No. Other."

He said, "Oh, I -- okay." Then sent a picture.

He said, "Other side?"

UC said, "Yeah."

He sent another picture.

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He said, "Should I walk up sidewalk?"

UC said, "No. I'm like couple miles away."

He said, "You want me to drive up? You want me to do?"

UC said, "It's too far. Just drive to me."

He said, "Okay."

He said, "You on way walking okay?"

UC said, "Can you just drive here?"

He said, "Address."

UC said, "[redacted] Bexley Street. Too far to walk."

He said, "Okay."

UC said, "I'd be walking for so long. LOL. LOL. How much longer?"

He said, "Eight miles."

UC said, "Okay. I'm excited."

He said, "You at?"

UC said, "Huh? I'm inside at my aunt's."

He said, "Come out, flashlight, porch."

UC said, "I don't want the neighbors to see, so hurry and come in the side door."

He said, "I'm dropping off ice cream. Okay?"

UC said, "Huh?"

He said, "Oh, just."

UC said, "I flash porch light."

He said, "Okay."

UC said, "Did you see me flash light?"

He said, "Here at door?"

UC said, "You at the side?"

He said, "Yes. Yo, here."

And UC said, "Okay. Hurry and come inside. Don't want neighbors to see you."

He said, Already did. Open front. Okay?"

UC said, "Okay. I gotta go unlock it."

Q. I saw all the missed calls. But were there phone calls that you actually had with the person you were communicating with?

A. Yes.

Q. Okay. I'm going to play some phone calls.

THE COURT: Mr. Ryan, we've been going almost an hour and a half. Is this -- would it miss you up to take a brief break?

MR. RYAN: This wouldn't hurt me one bit to take a break.

THE COURT: All right. Why don't we let this be our afternoon break. It is 3:52, so why don't we take a break 'til about let's say 4:10. Give everybody a chance to refresh themselves.

Ladies and gentlemen, I remind you you're not to discuss the case at all, even amongst yourselves. So just keep that in mind. Feel free to talk about anything else you want to, but don't discuss the case until its conclusion. And we'll

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be back with you about 10 after 4:00.

(The jury exited the courtroom at 3:52 p.m.)

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

THE COURT: All right. We're at ease. You can use the restroom, take a walk, and come back.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Please be seated.

All right. Before we bring the jury back in, we're trying to figure scheduling because we have that other trial as well. What do y'all think? How much longer?

MR. RYAN: For today, your Honor?

THE COURT: Yeah.

MR. RYAN: Well, I think we'll be done by tomorrow.

THE COURT: By the end of the day? Lunchtime?

MR. RYAN: I think we'll give it to the jury by lunch tomorrow.

THE COURT: Do you agree with that, Ms. Arora?

MS. ARORA: I think it depends on how many witnesses they've called. As of right now, I still want to talk with my client about whether he intends to testify or not.

THE COURT: Okay.

MS. ARORA: But I think we can let you know by the morning.

I agree; I think early afternoon/lunch sounds reasonable.

THE COURT: All right.

(A discussion was had on an unrelated matter.)

THE COURT: Anything else before we start back?

MR. RYAN: No, your Honor.

THE COURT: All right. And I'll do his Fifth Amendment advisement before we leave today, and y'all can talk it over overnight.

MS. ARORA: Good thinking, your Honor.

THE COURT: All right. Bring us in the jury, please, sir.

(The jury entered the courtroom at 4:13 p.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: All right. Thank you.

All right, Mr. Ryan. Are you ready to proceed?

MR. RYAN: We are, your Honor.

THE COURT: Have a seat. Have a seat.

All right. Go ahead.

MR. RYAN: Thank you, Judge.

BY MR. RYAN:

Q. All right, Detective. Thank you for going over those chats with me.

Now, I'm under the impression that there were actually phone calls between you and the person you were speaking

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with?
A. Yes.
Q. All right. Let's play those.
(Audio played in open court.)
BY MR. RYAN:
Q. All right. Thank you so much for going over all those chats and phone calls with me, Detective. It wasn't -- it was a little slow to kind of go through that, but I appreciate your patience so much.
All right. You testified that you were at the Charleston County Sheriff's Office when you were messaging and having these phone calls?
A. Yes.
Q. And they had video of the -- I'm going to use the word "arrest location" but correct me if I'm using the wrong term.
But the arrest location had video that was being played in the command post?
A. Yes.
Q. All right. Now after the defendant got taken into custody, did you get any more messages or phone calls from the person you were chatting with?
A. No.
Q. All right. Thank you so much.
MR. RYAN: One moment, your Honor.
(Pause in proceedings.)

MR. RYAN: Nothing further, Judge.
THE COURT: Cross-examination.
MS. ARORA: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. ARORA:

Q. Good afternoon, Detective.
A. Good afternoon.
Q. Just to be clear, your current job is with the Mount Pleasant Police Department?
A. Yes.
Q. During the time in 2023, you were working in that capacity with the Mount Pleasant Police Department?
A. Yes.
Q. And that was with the task force to investigate the internet crimes against children?
A. Yes.
Q. And your job was to go undercover?
A. Yes.
Q. And this is someone who goes on the internet and you chat with different people?
A. Yes.
Q. And you stated you used different platforms?
A. Yes.
Q. And was this dating apps?
A. There's some dating apps. Some just -- it depends on

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what we use for that op.
Q. And for this op, which dating app?
A. I was on multiple.
Q. Was one of those MeetMe?
A. Yes.
Q. And during your time going undercover, you would either pretend to be a male or a female that was underage?
A. My -- I only pretend to be a female.
Q. And during this time, you engaged in online chats?
A. Yes.
Q. And at no point do you let anyone know that you're a cop?
A. No.
Q. And you stated you've been a police officer since 2017?
A. Yes.
Q. And you originally started -- I believe it was at the detention center?
A. Yes.
Q. And then you moved to Mount Pleasant Police Department?
A. Yes.
Q. And you worked in the patrol unit?
A. Yes, for about two years.
Q. And before you became an officer, you had to go to an academy?
A. I did.

Q. Police training academy?
A. I did.
Q. And you learned the basics of being an officer?
A. Yes.
Q. And one thing you learned was how to write a report?
A. Yes.
Q. And what you would put in a report while you were investigating?
A. Yes.
Q. And so that's so all your actions are documented?
A. Yes.
Q. And so other detectives can look at what work you've been doing?
A. Yes.
Q. And so I can look at what work you've done if the case were to go to court?
A. Yes.
Q. And so the attorney general can look at what work you've done on a case?
A. Yes.
Q. And that's because it's important for you to build a case against someone?
A. Yes.
Q. And sometimes cases aren't prosecuted 'til years later?
A. Yes.

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Q. And sometimes you might need them in court to refresh your memory?
A. Yes.
Q. And in this certain case, you did not write a police report?
A. I did not.
Q. There's no record of what you specifically did for this case other than those chats?
A. Correct. That's all I did for this case.
Q. No record of if it was you specifically chatting with Juan or someone else?
A. The Charleston County Sheriff's Office writes all that down.
Q. So there's no record of your investigation at all?
A. So we keep a copy of the chats and we create our own case file that we give to them at the end of the -- to the Charleston County Sheriff's Office and the AG's office.
Q. But you didn't write a report?
A. I did not.
Q. Earlier today you testified as to specific chats, so that was text messages and WhatsApp, correct?
A. Yes.
Q. And you stated that the conversation was initiated but you didn't state which app it was initiated on?
A. Correct.

Q. So in this case you don't know how the messages were initiated between you and Mr. Cotto?
A. They were initiated on a separate app, and then it was switched to text message.
Q. But those separate app messages were not presented today?
A. Correct.
Q. And we actually don't have those messages?
A. Correct. If you get deleted -- if you get banned from a website, your account gets banned and you can't go back and get any.
Q. So you weren't able to go back and get those messages?
A. Correct.
Q. And they weren't recorded at the time of the messaging?
A. Correct.
Q. And you didn't take a screenshot of them?
A. No. You're talking with multiple people at the same time. And if one doesn't like your age, it's quick for them to go back to the app and report you where you get blocked. So it's hard for you to go back in so quickly and just capture other chats.
Q. And you just said if one doesn't like your age. Do these apps have age requirements?
A. They -- most of them do.
Q. And with an age requirement, you can't be less than 18

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while using the app?
A. Correct, unless you just put in a different birth date.
Q. Okay. And that's listed on dating profile or whatever profile is listed?
A. Yes.
MS. ARORA: Beg the Court's indulgence.
(Pause in proceedings.)
MS. ARORA: No further questions.
THE COURT: Anything on redirect?
MR. RYAN: No, your Honor.
THE COURT: All right. You can step down, ma'am.
THE WITNESS: Thank you.
(Witness excused.)
THE COURT: All right, Mr. Ryan. It's about 4:30. Do you have a relatively short witness?
MR. RYAN: I believe we can get this one done relatively quickly, your Honor.
THE COURT: Okay. Let's do it. Call your witness.
MR. RYAN: The State calls James Jacko.
CLERK OF COURT: Please raise your right hand and place your left hand on the Bible.
(Witness sworn.)
CLERK OF COURT: Please be seated.
Please state your full name, spelling your last name clearly for the court reporter.

THE WITNESS: James Deleo Jacko, J-A-C-K-O.

JAMES JACKO,

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

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good afternoon, Detective Jacko. How you doing today?

A. Not too bad. How you doing, sir?

Q. Very well. Thank you for asking.

How long you been employed at the sheriff's office?

A. Going on 13 years.

Q. Outstanding.

What's your current position?

A. I'm a full-time ICAC investigator.

Q. What does that -- what are your duties?

A. Mostly getting assigned cybertips and investigating those: extortion cases, chat cases if we have a chat operation.

Q. Okay. Are you familiar with the South Carolina Attorney General's ICAC task force?

A. Yes.

Q. Are you a member of it?

A. Yes, sir.

Q. How long have you been a member of that task force?

A. About three years.

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Q. All right. You mentioned chat operations. Can you briefly tell me what a chat operation is.
A. So a chat operation is a proactive online operation where investigators portray minors with open and accessible apps that we actively seek adults who talk to children and exploit them.
Q. Okay. Were you involved in a chat operation in July of 2023?
A. Yes, sir.
Q. All right. In what capacity were you involved.
A. I was the case agent. I mostly did paperwork.
Q. Okay. What does it mean to be the case agent for a chat operation?
A. Case agent, most of the time you just collect all of the documentation from an investigation and do a followup report and all the court documents.
Q. Okay. And does that include the investigation for Mr. Cotto?
A. Yes.
Q. Okay. Where were y'all hosting the chat operation July 25, 2023?
A. Charleston County Sheriff's Office.
Q. All right. Is that in Charleston County?
A. Yes, sir.
Q. Was there a predetermined arrest location?

A. Yes, there was.
Q. All right.
Now, you probably know what I meant when I say "predetermined arrest location," but can you just describe it and make sure everyone understands. What does that mean in a chat operation?
A. A predetermined arrest location is pretty much where we try to get the suspect to go to meet with the persona, the child.
Q. For these chat operations, are you targeting one individual, or is it multiple people if there's multiple leads that are developed?
A. Yeah, I mean -- yeah. As many people as -- that want to communicate with us.
Q. Okay. Was that predetermined arrest location in Charleston County?
A. Yes, sir.
Q. Did this location involve people conducting surveillance, or did they have cameras set up?
A. Yes, they did.
Q. Okay. Were those videos being played at the command post?
A. Yes, sir.
Q. Okay were you able to view or review the surveillance videos for the investigation involving Mr. Cotto?

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A. I did.

MR. RYAN: All right. Permission to approach, your Honor?

THE COURT: Yes, sir.

BY MR. RYAN:

Q. All right. I'm going to show you what's been premarked as State's Exhibit 2. Take a second to take a look at it.

What did I just give you?

A. This is the USB drive that contains the surveillance video from the arrest location.

MR. RYAN: All right. The State moves to enter this exhibit into evidence.

THE COURT: Any objection?

MS. ARORA: No objection.

THE COURT: All right. It will be admitted as State's 2 without objection.

(State's Exhibit Number 2 admitted into evidence.)

MR. RYAN: Permission to publish to the jury, your Honor?

THE COURT: Yes, sir.

MR. RYAN: Thank you, Judge.

Q. [By Mr. Ryan] All right. I'm going to play some of the video, so I want you to --

(Exhibit displayed on screen in open court.)

BY MR. RYAN:
Q. What are we looking at here?
A. This is the outside view at the front door of the arrest location.
Q. All right. Is this where -- for this chat operation that, when possible, the people that the officers were chatting with were being directed to?
A. Yes.
Q. Is there a bunch of cops inside that house?
A. Yes.
Q. I'm going to jump ahead to 5 minutes and 15 seconds.
Is there really anything going in the first 5 minutes of this video that you're aware of?
A. No, sir.
Q. All right. I'm going to jump ahead to 5 minutes and 15 seconds.
(Video played in open court.)
(Video paused.)
MR. RYAN: I'm going to skip ahead a little bit.
(Video resumed.)
BY MR. RYAN:
Q. Are there other videos that show Mr. Cotto being taken into custody?
A. Yes. There were different angles of the house.
Q. Okay. Thank you.

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MR. RYAN: One moment.

(Video played in open court.)

BY MR. RYAN:

Q. What are we looking at here?

A. I believe this is the back yard of the residence.

Q. Okay.

(Video paused.)

MR. RYAN: Let's skip ahead a little bit.

(Video resumed.)

BY MR. RYAN:

Q. Is this the same house, same case?

A. Yes.

Q. Thank you, sir.

(Video continued.)

MR. RYAN: All right, Detective. Thank you so much. Nothing further, your Honor.

THE COURT: Ms. Arora, cross-examination?

MS. ARORA: Yes, your Honor. Just briefly.

CROSS-EXAMINATION

BY MS. ARORA:

Q. Good afternoon, Detective Jacko.

A. Good evening, ma'am.

Q. Oh, evening.

Just to confirm, your current role is in the Internet Crimes Against Children unit?

A. Yes, ma'am.
Q. And as part of this job, do you ever work undercover as well?
A. Now I do. I took the undercover class after this operation.
Q. And in your role undercover, are you someone like Detective Schnackenberg that will go into the online platforms?
A. Yes.
Q. And in your role, do you initiate chats with people in these platforms?
A. Sometimes, yes.
Q. And then sometimes others initiate chats with you?
A. Yes, ma'am.
Q. And this is pretending to be an underage male?
A. Underage female actually.
Q. Female? Okay.
And you stated, I believe, you've been an officer for 13 years?
A. Yes, ma'am.
Q. And during that time, have you always been in Internet Crimes Against Children?
A. No, ma'am.
Q. Did you work with patrol, or where did you -- what were your roles?

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A. I started in 2013 with the Al Cannon Detention Center as a detention officer. After that, about two years, I then went to the law side and became a patrol deputy. About three years into that, I became what's called a field training instructor where I would train new deputies. I came out to the road. After that, about two years later, is when I became a detective for CID. I did property crimes for about two years, did a brief stint in violent crimes, and then was transferred to SVU and ICAC.

Q. So you've had great experience of working patrol, detectives, investigations?

A. Yes, ma'am.

Q. Before you became a detective and when you became a police officer, you had to go to the academy?

A. Yes, ma'am.

Q. And during your time in the academy you learned what you needed to do to become a police officer?

A. Yes, ma'am.

Q. Part of your role is learning how to write a report?

A. Yes, ma'am.

Q. And what to put in a report?

A. Yes, ma'am.

Q. Why it's important to write a report when investigating a crime?

A. Yes, ma'am.

Q. And I'm sure you did that when you worked in property crimes?
A. Yes, ma'am.
Q. And when you were working on the road in patrol?
A. Yes, ma'am.
Q. And that's important so other detectives can look at your work?
A. Yes, ma'am.
Q. So the attorney general can look at your work?
A. Yes, ma'am.
Q. So I can look at your work?
A. Yes, ma'am.
Q. So we can look at it or you can refresh your memory in court?
A. Yes, ma'am.
Q. And here in this case you did not write a written report?
A. I wrote a supplemental report. Yes, ma'am.
Q. You wrote a supplemental report?
A. Mm-hmm.
Q. And what did you put in that supplemental report?
A. Pretty much the basics: that Detective Schnackenberg started a online operation and made contact with the defendant, traveled, what violations he did, what the interview was like. That's pretty much about it.

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Q. And in that supplemental report, did you put what the initial platform was used?
A. I did not know.
Q. And at the time, do you know what initial platform was used for the messaging?
A. I do not know the initial. I didn't do the chats for this case.
Q. You stated that your role here was case agent?
A. Yes, ma'am.
Q. And part of being a case agent is that you are kind of in charge of the whole investigation?
A. You're in charge of the paperwork, gathering the paperwork and all the evidence for the case. Yes, ma'am.
Q. So gathering all the evidence.
And you were aware that you didn't know which --
A. I didn't know that we were missing any -- er, the initial contact where they started.
Q. And part of your role is that you could do search warrants for cases, correct?
A. I could.
Q. And when you were made aware that you're missing chats, did you do a search warrant for this?
A. No, because it was already too far gone.
Q. What do you mean by "too far gone"?
A. Usually they only keep it for about 90 days, depending

on the platform.

Q. So no search warrant was done and those chats weren't recovered?

A. Yeah, because it was probably about a year later when I found out about it.

MS. ARORA: Beg the Court's indulgence.

(Pause in proceedings.)

MS. ARORA: No further questions.

THE COURT: Any redirect?

MR. RYAN: No redirect, your Honor.

THE COURT: All right, sir. You can step down.

(Witness excused.)

MR. RYAN: Judge, can we approach?

THE COURT: Yes.

(An off-the-record discussion regarding scheduling was had at the bench in the presence of the jury but outside the hearing of the jury.)

THE COURT: All right, ladies and gentlemen. We're at the point where we could probably keep going but might be here 'til about 6:00. So I'm going to go ahead and call us in recess for tonight. I'm going to ask you to be back here about 8:45, 8:50 in the morning, and we're going to try to get started about 9:00.

And again, don't discuss the case with anyone at all, not even amongst yourselves. Don't read -- It's not in the

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media here that I'm aware of because I have to sign an order permitting them to be here, but don't -- if something were to pop up on the news or anything like that, just change the channel. Don't do any research, watch anything, listen to any news reports or anything else. And I want you to be able to keep an open mind about the case until I instruct you to begin your deliberations.

All right. So we'll see y'all here tomorrow about 8:50, and we'll try to get started up around 9:00. Have a good evening.

(The jury was released for the day and exited the courtroom at 4:51 p.m.)

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

THE COURT: All right. Let's go ahead and give Mr. Cotto his Fifth Amendment advisement.

Madam Clerk, can you swear him in.

CLERK OF COURT: Sir, if you can raise your right hand.

(Defendant sworn.)

CLERK OF COURT: Please be seated.

THE COURT: All right. Mr. Cotto, you can sit down. This is going to take a minute.

THE DEFENDANT: Okay.

THE COURT: All right. At this time I'm going to give you or explain to you certain rights that you have under the

Fifth Amendment to the United States Constitution. If you don't understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know.

Do you understand all that?

THE DEFENDANT: Yes, sir.

THE COURT: Now, we have almost reached the stage of the trial where you may present a defense in the case. You have the right to claim the protections given to you by the Fifth Amendment of the United States Constitution. This states in part that no person shall be compelled in a criminal case to be a witness against himself. This means you can't be required to testify in this case. You have a right to testify on your own behalf. However, nobody can make you testify. It's a personal right, and no one can waive that right except for you. If you decide to testify, you'll be subject to the same rules that govern other witnesses and you may be examined and cross-examined on relevant issues in the case. In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by imprisonment for more than one year and I determine that the probative value outweighs any prejudicial effect to you, the solicitor will be -- er, the attorney general, rather, will be able to introduce your record to attack your credibility. If you decide to testify, this decision on your part must be

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freely, voluntarily, and intelligently made with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify. If you decide not to testify, I will instruct the jury that they cannot give the fact that you did not testify any consideration whatsoever and there's to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify. Now, you can talk to your attorneys, your family, your friends, anybody else, but the final decision will be left entirely up to you.

Do you understand what I've explained to you?

THE DEFENDANT: Yes, your Honor.

THE COURT: And do you have any questions about it?

THE DEFENDANT: No.

THE COURT: Have you discussed this with your lawyers thus far?

THE DEFENDANT: Somewhat.

THE COURT: Some? Okay. Well, that's why I typically try to do it the day before to give you the evening to talk it over with your lawyer some more or anybody else that you wish to. So I'm not going to ask you for a decision here today, but I just wanted to make sure you understood all your rights moving forward tomorrow.

THE DEFENDANT: Yes, sir.

THE COURT: Very good.

All right. Anything else?

MR. RYAN: No, Judge.

THE COURT: All right. I'll see y'all ready to go at 9:00.

MS. ARORA: Thank you.

MR. RYAN: Thank you, your Honor.

(Court recessed at 4:54 p.m., to resume at 9:00 a.m., Tuesday, October 28, 2025.)

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(Court resumed at 9:26 a.m., Tuesday, October 28, 2025, outside the presence of the jury.)

THE COURT: Please be seated.

All right. We've had some maintenance problems, some traffic problems. I've had some computer problems. Anybody else have any other problems before we get started?

MR. RYAN: No, Judge.

THE COURT: Are you ready to call your next --

MS. ARORA: Can you hear the squeaking in the courtroom?

THE COURT: Well, I think that was the maintenance issue. I thought they had it fixed. Right?

MS. ARORA: You can't hear it?

THE COURT: I don't.

MS. ARORA: Only half of us can hear it.

MS. PAPPAS: I can hear it.

MS. ARORA: Yeah.

THE COURT: Maybe it's all the gunfire I've subjected my ears to.

All right. Ready to call your next witness?

MR. RYAN: We are, your Honor.

THE COURT: All right. Guess we need to bring in the jury.

(The jury entered the courtroom at 9:28 a.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: All right. Thank you, ma'am.

Y'all can have a seat.

All right. Ladies and gentlemen, I'm sorry for the delay. We've had some maintenance problems, some traffic problems, and I've had computer problems. But I think everything's resolved now and we're ready to go.

Mr. Ryan, call your next witness.

MR. RYAN: May it please the Court.

THE COURT: Yes.

MR. RYAN: The State calls Kevin Atkins.

CLERK OF COURT: Raise your right hand.

(Witness sworn.)

CLERK OF COURT: Please be seated.

Please state your full name, spelling your last name clearly for the court reporter.

THE WITNESS: It's Kevin Atkins, and it's A-T-K-I-N-S.

KEVIN ATKINS,

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

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning, sir.

A. Good morning.

Q. All right. Investigator Atkins, where are you currently employed?

A. I'm with the South Carolina Attorney General's Office in

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the Internet Crimes Against Children section.
Q. How long have you been employed there?
A. I think I'm going on 12 years now.
Q. All right. What's your position and a rough description -- quick description of your duties?
A. So I'm currently the chief criminal investigator in the Internet Crimes Against Children unit. I supervise a staff of investigators. There's a total of eight people now in our unit and the analyst. And I'm also a full-time investigator. I have a full caseload. And I also oversee the Internet Crimes Against Children task force for South Carolina.

So they call it a commander position. There's 61 ICAC commanders in America. I'm one of them. And we have around 200 to 250 affiliates at any given time at different agencies and about 130 agencies that can all go through us for help and assistance.
Q. Thank you.

Roughly what kind of crimes does -- do you oversee in your role as commander?
A. Just for a more common term, child pornography investigations generally, file-sharing investigations, anything that involves children being victimized over the internet.
Q. And does your role as an investigator involve conducting interviews?

A. Yes, it does.
Q. All right. What kind of, if any training do you have in conducting law enforcement interviews?
A. I've been through Wicklander-Zulawski, had some local classes around the state, the Reid method. And I also teach interview and interrogation courses involving ICAC investigations.
Q. Thank you.
Were you involved in an undercover chat operation in July of 2023?
A. I was. Yes, sir.
Q. Where was that located at?
A. In Charleston County.
Q. Okay. What were you doing during that chat operation?
A. Mostly interviewing people who were picked up and also was doing some undercover chatting as well.
Q. All right. Thank you.
Did you have occasion to actually interview Mr. Cotto in relation to this operation?
A. I did get to speak with him, yes.
Q. Okay. Do you see the person you interviewed here today?
A. I do.
Q. Can you point him out to us and just briefly describe his clothing.
A. He's wearing a suit and a red shirt.

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MR. RYAN: Let the record reflect the defendant was identified.

THE COURT: It's noted.

BY MR. RYAN:

Q. All right. So where did this interview take place?

A. The conference room at the sheriff's office.

Q. Okay. Was the defendant under arrest at this point?

A. He was.

Q. Did you let him know that?

A. Yes, I did.

Q. Was he handcuffed during the interview?

A. I think when they initially brought him in he was handcuffed, and we had those removed.

Q. Was he read his Miranda rights?

A. He was.

Q. Okay. Was that documented in any way?

A. We did the form we fill out and also had a recording of me giving those -- giving the Miranda warnings.

Q. Okay. Thank you.

MR. RYAN: One moment, please.

(Pause in proceedings.)

MR. RYAN: Permission to approach, your Honor?

THE COURT: Yes, sir.

BY MR. RYAN:

Q. Take a look at this and let me -- familiarize yourself

for half a second and just let me know when you're ready.
A. Yes, sir.
Q. Do you know what -- well, what did I just hand you?
Well, are you familiar with what I just handed you?
A. Yes, sir, I am.
Q. What is it?
A. It's a Miranda rights form that we use on the task force with our logo on it.
MR. RYAN: Permission to enter what has -- what's been previously marked as State's Exhibit 3, permission to enter into evidence and publish to the jury?
THE COURT: Any objection?
MS. ARORA: No objection.
THE COURT: It will be admitted as State's 3 without objection.
(State's Exhibit Number 3 admitted into evidence.)
BY MR. RYAN:
Q. All right. Can you go over what's on that form.
A. So it's got his name at the top of it, which I filled out. There's also the place. It's got CCSO, which would be Charleston County Sheriff's Office. And I put the date and time of July 25 of 2023 at 2:52 p.m.
Q. Thank you.
Does it -- is there any point on there where he signed anything or he wrote on it?

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A. Yeah. So as I go through each prong, as it's called, I read it. Then I ask them to read it themselves and, if they understand it, to place their initials beside each prong, which he's done here. At the bottom there's a waiver of rights portion which I asked him to read and he signed it. And then there's also where I signed it, and Investigator Jason Hughes, formerly with the AG's office, also signed the form.

Q. All right. Thank you so much.

You said Investigator Hughes, formerly with the AG's office. Where is he at these days?

A. He is retired. He did his 25 years and then some, and then he is working at the National Advocacy Center doing security.

Q. Thank you so much.

Briefly, what did y'all talk about during the interview?

Well, let me rephrase that. That's too broad.

Did you talk about any online conversations that the defendant had had?

A. We did.

Q. All right. How did he get brought -- what information did you have prior to the interview beginning?

A. Once somebody's in custody, I kind of go to the chatter and say, "Can you give me the CliffsNotes version?" If I have time, I can read over the chats, look over maybe a

driver's license, get some basic demographic information on him.

Q. All right. Do you remember whether or not the defendant was 18 or older at the time of this interview?

A. He was over 18.

Q. All right. Thank you so much.

You said that this interview was audio recorded?

A. It was, yes.

MR. RYAN: One moment.

(Pause in proceedings.)

MR. RYAN: Permission to approach?

THE COURT: Yes, sir.

BY MR. RYAN:

Q. Sir, I want to show you what's been previously marked as Exhibit 4. Can you take a second and just familiarize yourself with that.

A. Yes, sir.

Q. Do you recognize what I just handed you?

A. I do.

Q. What is it?

A. It's a recording of the two different interviews that took place that night.

Q. Thank you so much?

MR. RYAN: State moves to enter into evidence and permission to publish to the jury.

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THE COURT: Any objection?

MS. ARORA: Your Honor, I'd just renew my pretrial objections.

THE COURT: Okay. And you've had the opportunity to view this?

MS. ARORA: Yes.

THE COURT: Okay.

All right. Subject to the pretrial objections, it will be admitted as State's 4.

MR. RYAN: Thank you.

(State's Exhibit Number 4 admitted into evidence.)

(Audio played in open court.)

MR. RYAN: Okay. I'm going to play the second audio recording.

(Audio played in open court.)

(Audio paused.)

BY MR. RYAN:

Q. I'm going to interrupt a second.

Did he just say that he had some sort of affiliation with the Department of Homeland Security?

A. He did.

Q. Okay. Wasn't Homeland Security a part of the South Carolina Attorney General's Office task force?

A. There are.

Q. Were there HSI agents present during this chat

operation?
A. There were.
Q. As far as you're aware of, are you aware of any HSI agents identifying the defendant as being affiliated with them?
A. Not to my knowledge.
Q. All right. In the two and half years that this case has been pending, are you aware of any HSI agents from Baltimore contacting anyone involved in this case that the defendant was acting on their behalf?
A. Not to my knowledge.
Q. Thank you.
(Audio resumed.)
MS. ARORA: Your Honor?
(Audio paused.)
MS. ARORA: Can we approach?
THE COURT: Yes, ma'am.
(An off-the-record discussion was had at the bench in the presence of the jury but outside the hearing of the jury.)
THE COURT: Ladies and gentlemen, we're going to need to take a break so I can address a matter of law. I will be back with you as soon as possible. And again, please don't discuss the case. We'll get you back in as soon as we can.
(The jury exited the courtroom at 10:06 a.m.)

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

THE COURT: All right, Counsel.

MS. ARORA: Your Honor, my objection was that the 17:31 through 17:42 be redacted. I had emailed the attorney general this morning when he sent me the clips, and I emailed me him back and stated that this portion was still in it and I objected to it. He said that was going to be redacted out and assured me before it was entered that that portion would be redacted out.

I would add, you know, the whole section wasn't played, but I think it has them saying "Have you ever tried this before" was played. My concern is that the jury did hear that. I'm not sure if it could be cured with a curative instruction that that should be stricken from the record or not be considered.

THE COURT: All right. Mr. Ryan.

MR. RYAN: That section should have been redacted, your Honor, and I apologize. I thought we had gotten that taken care of. We're not opposed to redacting the rest of the interview from 17:31 for the rest of the interview. I don't think there's anything that's addressed that's going to be nothing but repetitive. We're not opposed to just getting that -- "Have you ever tried this before" when they're having the context of the vigilante issue, that's minimum intrusion,

your Honor, with the Court having instructed us to --

THE COURT: Well, and I do remember when we were discussing it in pretrial thinking to myself and I think I made the comment, "I'm not quite sure why you wouldn't." But I certainly respect your whatever strategic decision you have for doing that.

So you're talking about just ceasing the interview all together now?

MR. RYAN: Yes, your Honor.

THE COURT: All right.

MR. RYAN: And an instruction from the Court to disregard the last --

THE COURT: The only thing that concerns me about a curative sometimes is it draws more attention to it than it fixes.

So if we were to do a -- maybe if we just stop, are you comfortable with that, Ms. Arora? I'm afraid if I cut in and say, you know, "The question was asked 'Have you ever tried this before?' You should completely disregard that and don't think about that at all that -- you know how the curative goes. Sometimes the curative does more harm than good.

Now, I'm happy to give a curative if you want me to, but I don't -- I think sometimes it calls more attention to it if it's coming from me. And I don't want to prejudice your client if -- you know, somebody might have completely glossed

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over that.

I think the flip side of that now is if it's not played in full and somebody caught that question and now they're not hearing the answer, the jury could say, "Well, they stopped the interview altogether and maybe he has tried this before."

So if y'all -- you and Counsel and your client want to talk about it, I just -- I think there's some competing concerns and I want to make sure everybody is treated fair. And I'll do whatever you want to do as far as a curative. We can play it to make sure -- again, if one person seized on that question and now they don't hear the answer, they may assume the wrong thing as well. So I want -- you know, y'all talk it over. I want to make sure we get it right.

MS. ARORA: Thank you, your Honor.

Beg the Court's indulgence.

THE COURT: Okay.

(Pause in proceedings.)

MS. ARORA: Your Honor, at this point, I think since that question has been asked and I'm not sure the jury has heard it or not, I think what would be best is just to play that portion 17:31 to 17:38 so the jury at least hears the answer of "No."

THE COURT: All right. You want to play -- continue playing it in its entirety so it doesn't call any attention to it?

MR. RYAN: That's -- that wouldn't be a problem at all, your Honor. It looks like there's just one other section that was the subject of --

THE COURT: Well, I'm not telling you you have to. I'm just --

MR. RYAN: I'm fine to keep going.

THE COURT: I just -- again, what concerns me, in all fairness, because it was -- we did agree to redact it --

MR. RYAN: Mm-hmm.

THE COURT: -- or I ruled that it should be redacted, which is why I asked Ms. Arora to begin with. Or I thought I did. But I don't want it to call any undue attention to the question. And I don't think there's anything else in here that was objectionable.

Was there?

MS. ARORA: No. There's nothing else in this.

THE COURT: And I don't know what y'all's strategic decision as to whether he has testified. I know lots of times this is the testimony.

MS. ARORA: Right.

THE COURT: So if you would like the interview -- based upon, I guess, the mistake of that coming in and -- I prefer to have it done -- played in full because I'm assuming this may be his testimony. I don't know. I'm not telling you either way how its got to be. That's his decision and

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y'all's decision.

MS. ARORA: Your Honor, my understanding was that this was to be played in full, and I would like it to be played in full.

THE COURT: Okay.

MR. RYAN: Of course.

THE COURT: All right.

MS. ARORA: When we start right at this question.

THE COURT: Yeah. I would start back at 17:31 where that question is asked. It's what I think, based upon --

That's what you're asking for, correct?

MS. ARORA: Yes, your Honor.

THE COURT: Okay. All right. Let's do that.

MR. RYAN: And very briefly, can I speak to Counsel?

THE COURT: Sure.

(Pause in proceedings.)

(Audio played in open court.)

MR. RYAN: Is that an acceptable place to stop? That is the previous question. He's about to say, "I just knocked on the door." And then the interviewer was about to ask, "Have you ever done this before" with the department --

THE COURT: Is that acceptable with the defense?

MS. ARORA: Yes, your Honor.

THE COURT: Okay.

All right. We ready to go? Anybody need a quick break?

MS. ARORA: We're good.
THE COURT: Okay.
All right. Bring in the jury, please, ma'am.
(Pause in proceedings.)
THE COURT: Okay. Can you turn the volume up any more on that?
MR. RYAN: Yes, sir.
THE COURT: Okay. All right. Just a note from the jury, "10/28, Juror Number 275, Turn volume up." I'll have that marked as Court's whatever I am now. 4? 5?
(Court's Exhibit Number 1 marked for the record.)
(The jury entered the courtroom at 10:17 a.m.)
THE BAILIFF: All jurors are present, your Honor.
THE COURT: Thank you, ma'am.
Y'all can have a seat.
Mr. Foreman, I got your -- er, I got a note to turn up the volume, and we're going to adjust that for you right now.
MR. RYAN: May it please the Court.
THE COURT: Yes, sir. Go ahead.
(Audio played in open court.) (0926 -- 11.00.03)
BY MR. RYAN:
Q. All right. Investigator Atkins, have my questions essentially covered your involvement in this investigation?
A. Yes, sir.
MR. RYAN: One moment, your Honor.

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(Pause in proceedings.)

MR. RYAN: Nothing further, your Honor.

THE COURT: Cross-examination, Ms. Arora.

MS. ARORA: Yes, your Honor.

May it please the Court.

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. ARORA:

Q. Just to confirm, I want to make sure I heard correctly on the direct.

Your full-time job is just to work the Internet Crimes Against Children?

A. In the investigative unit, crimes against children section. Yes, ma'am.

Q. And you've been doing that for 13 years?

A. I'm going into year 12.

Q. Year 12?

A. Yes, ma'am.

Q. Okay. And you don't work any other types of cases for the attorney general's office?

A. No, ma'am.

Q. You came into this case after an arrest was made?

A. That's correct.

Q. Okay. So you were at the station, waiting for anyone the arresting officers would bring you?

A. Yeah. I'm in, like, the room at the command center where the chatters are, so I can read the chats or, you know, listen to a phone call if I need to before I do the interview.
Q. Okay.
A. I'm also chatting as well.
Q. Say that again.
A. I'm also doing some of the chatting as well.
Q. Okay. And so in this case your role is to wait there, read the chats, and then conduct interviews?
A. Yes, ma'am.
Q. And you were not involved in the original chats with this case?
A. Not at all. No, ma'am.
Q. And you stated that sometimes you have time to read the chats and sometimes you don't?
A. Yeah. Sometimes I have -- I ask for, like, the CliffsNotes version, just the highlights. Sometimes I'll have time to sit and go through them realtime. It just depends on how quickly it takes place.
Q. And that's because there might be more than one person that was arrested in this operation?
A. Yes, ma'am.
Q. So you were not involved in any of the pre-arrest investigation here?

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A. No, ma'am.
Q. And your job was solely to do the post-Miranda interview?
A. Yeah. We do, like, a manpower worksheet, and my job is assigned interviewer -- my official job in most of these operations.
Q. Okay. And so here you conducted the interview?
A. Yes, ma'am.
Q. And you recorded it?
A. Yes, ma'am.
Q. You passed along that information to the attorney general and the case agent?
A. Yeah, to the -- I turned it in as part of the case file. They have somebody assigned to make the case file in there, and I give them the recording if it's downloaded.
Q. Okay. And you didn't have any other role post-investigation on this case?
A. No, ma'am.
MS. ARORA: Beg the Court's indulgence.
(Pause in proceedings.)
BY MS. ARORA:
Q. On direct you were asked about Homeland Security; is that correct?
A. Yes, ma'am.
Q. And you stated that Homeland Security was actually at

the sheriff's office that night?
A. Yes. Yes, they were.
Q. Okay. And did you do any followup with Homeland Security about Mr. Cotto's statements?
A. I did not.
Q. And during the course of your interview -- we heard you in that last exhibit -- Mr. Cotto repeatedly told you he did not intend to go to the house to have sex?
A. That's correct.
MS. ARORA: No further questions, your Honor.
THE COURT: Anything on redirect?
MR. RYAN: No redirect, your Honor.
THE COURT: All right. You can step down.
THE WITNESS: Thank you, sir.
(Witness excused.)
THE COURT: All right. Mr. Ryan.
MR. RYAN: Your Honor, at this time the State moves that all its exhibits not previously entered into evidence be entered into evidence, although I believe they were.
But the State has no further witnesses.
THE COURT: The State rests?
MR. RYAN: The State rests, sir.
THE COURT: All right, ladies and gentlemen. The State has rested their case. I have some matters of law I need to take up at this point, so I'm going to ask you to retire to

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your jury room. Please don't begin discussing the case. And we'll be back with you as soon as we can.

(The jury exited the courtroom at 10:29 a.m.)

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

THE COURT: All right. Bring those exhibits back up, please.

MR. RYAN: Yes, sir. Sorry.

THE COURT: Ms. Arora, I assume you have a motion.

MS. ARORA: Yes, your Honor.

At this time I would make a motion for a directed verdict. For that motion, I would say that the State has not presented evidence or proved that Mr. Cotto intended to have attempted criminal sexual conduct with a minor. I do not believe that the traveling action proves intent. I would also argue that there was no evidence presented as to the solicitation of a minor as well.

THE COURT: Mr. Ryan.

MR. RYAN: Yes, your Honor.

The State respectfully disagrees and requests that both charges be put to the jury. The minimum level of evidence has been put and the weight should be decided by the jury. We've established jurisdiction for all crimes.

We've -- in reference to the solicitation of a minor, we've established jurisdiction. We've established that the

defendant was 18 or older. We've heard the communications via the messaging app and the interviews: "break you in," "make you wet," "I'll be gentle," "dildos"; that this was an attempt to encourage or induce or persuade a minor to get into sexual activity -- that is something that goes to the jury for; that the undercover persona was 13.

That is going to be the clear intent that -- well, those issues address the criminal solicitation of a minor.

For the attempted criminal sexual conduct of a minor, it is attempted so we need a --- the case is *State versus Green*. We need a clear intent and an overt act. And the facts in *State versus Green* are identical, at least the allegations and charges are identical to what we're doing here today.

I've established that the defendant was attempting to encourage the minor to engage in sexual activity. They made plans to meet and talked about it at length, about different acts, and then made the overt act of getting in his car and driving to meet for the predetermined location.

At this time, both charges should be presented to the jury.

THE COURT: All right. Well, as -- you know, I have to take the evidence in the light most favorable to the State at this stage. And based on that, the lengthy text string, we've certainly heard Mr. Cotto's statement, which a jury can certainly infer from that that he had no intent to do that.

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But based on the texts, I'm going to find that if viewed in the light -- the evidence in the light most favorable to the State that the motion is denied.

Anything else?

MS. ARORA: Your Honor, nothing else as to that.

I would also renew all my pretrial and trial objections.

THE COURT: Okay. They're noted.

Are you going to present a case?

MS. ARORA: Your Honor, we do not intend to. I do not believe Mr. Cotto intends to testify.

THE COURT: Okay. Is that correct, Mr. Cotto?

THE DEFENDANT: Yes, sir.

THE COURT: That's correct? Okay.

All right. Here's what we'll do then. We have a draft of the charge. Let's go back there. I've been having some computer problems, but we're going to try to get it printed and to y'all to review. And then, assuming everything is good with the charge, we'll bring the jury back in, I will let you rest on the record, and we can go right into closings if y'all are comfortable with that.

MR. RYAN: Very well, your Honor.

THE COURT: All right?

MS. ARORA: I'm good with that.

THE COURT: Okay.

MS. ARORA: And my email is on that sheet that was up

there.

THE COURT: Yep. I got it.

And what I did -- with the criminal solicitation, there was not a charge -- a model charge. And I charged -- well, basically just charged the statute. But if you've got any changes, you can let me know.

So if you'll just print a copy for each of them. I just want one for me back here. Thank you.

CLERK OF COURT: Okay.

THE COURT: All right. We'll be at ease. I'll give y'all -- I don't know -- 15, 20 minutes to review that. And if you have any issues, then we can make any corrections. All right?

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Okay. Have y'all had the opportunity to review the charges?

MS. ARORA: Yes, your Honor.

MR. RYAN: Yes, your Honor.

THE COURT: Any changes? Additions? Corrections?

MS. ARORA: Your Honor, from the defense we would just say that we don't think it's necessary to have the prior inconsistent statement --

THE COURT: Okay.

MS. ARORA: -- section on 8. I don't believe that was

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an argument made or any -- there was any witnesses that testified inconsistently.

THE COURT: All right. What's the State --

MR. RYAN: Agreed.

THE COURT: Okay. All right. Well, I will just strike through that rather than waste more paper.

Yeah, we weren't sure how -- what position the State was going to be taking on that.

All right. What you got next?

MS. ARORA: Nothing else from us. Everything else looks good.

THE COURT: Okay.

MR. RYAN: Your Honor, the only thing that we would suggest striking is that on page 16 and ending on 17, the criminal solicitation of a minor, when it begins with an act or condition that depicts bestiality, sadomasochistic abuse, those really aren't the allegations.

THE COURT: Okay.

MR. RYAN: It's only the first half of that paragraph that there was going to be -- you know, masturbation, vaginal, anal, oral, toughing, like he was there for a sexual encounter but not some of the more elaborate things that fall under --

LAW CLERK: I copied and pasted straight from the statute.

MR. RYAN: Absolutely.

THE COURT: All right. So you want to start at "an act or condition"?

MR. RYAN: Correct. And "an act or condition" and then going the rest of the paragraph that ends on the top of the next page, "recognized medical procedure."

THE COURT: Okay. Ms. Arora, you okay with that?

MS. ARORA: Your Honor, we agree to that.

THE COURT: Okay.

All right. Anything else?

MR. RYAN: Not from the State, your Honor.

THE COURT: Okay. I have verdict forms here, if y'all want to just take a look at them. They're pretty standard.

(Pause in proceedings.)

THE COURT: All right. Everybody otherwise ready?

MR. RYAN: Yes, your Honor.

THE COURT: Okay. Well, I'll go print these verdict forms and put on a dress and we'll get going.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Please be seated.

All right, counsel ready?

MR. RYAN: Ready.

THE COURT: All right. Bring in the jury, please, sir.

(The jury entered the courtroom at 11:13 a.m.)

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THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you, ma'am.

Y'all can have a seat.

All right. Ms. Arora.

MS. ARORA: Your Honor, the defense has no witnesses. We rest.

THE COURT: Okay. And I assume you would like to renew your motions --

MS. ARORA: Yes, your Honor.

THE COURT: -- you made at the close of the State's case?

All right. I'll note that they are renewed and, for the same reasons, they are respectfully denied.

Y'all ready for closings?

MR. RYAN: Yes, Judge.

THE COURT: All right, ladies and gentlemen. The parties have presented all the evidence in the case. It's now time for the attorneys to make their closing arguments. Much like I told you about the opening statements, the arguments the attorneys are about make now are not evidence. Their statements and arguments are meant to help you understand the evidence and apply the law to the evidence. You should disregard any remark, statement, or argument which is not supported by the evidence presented during the trial or the law that I will explain to you later on.

Mr. Ryan.

MR. RYAN: May it please the Court.

THE COURT: Yes, sir.

MR. RYAN: Good morning again, everyone.

I feel like we kept our promise to you with a short trial. And in the beginning, I asked you all to pay attention, to listen to all the evidence, everything that's presented, and I believe you have. The whole trial I saw you either looking at me, witnesses, or the monitors.

And I thank you for that because we had a problem and only you could tell us what happened. You know, we got to figure out what happened in July back in 2023. Why did the defendant go to the house? What was his intent?

Well, we read his messages. We heard his phone calls. We listened to his interview. So how do you figure out what somebody's thinking. Well, you are all blessed with eyes to see, ears to hear, and a mind to make sense of it all. You should make an inference of what you saw about what that person was intending.

How many times did Mr. Cotto say that the person -- the girl was 13? How many times was it typed? How many times was it said in the phone? How many times was it said in the interview?

How many missed calls did we see when we were going through the texts? How many times did the undercover officer

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tell him just "Stop calling me"? They weren't drawing him in. You heard in one of those phone calls she hung up on him. He had every chance to walk away from this, but he chose not to.

We read and we heard why he was there. He told us all what he wanted to do: "break you in," "Virgin? You're gonna bleed," "dildos," "staying hard." He was there for sex. He did every act that he could to complete this attempt and only failed because there was no girl there and that law enforcement was there waiting for him. There's every reason to believe that if there actually was a Maddy that he was going to carry out what he told us wanted to do.

Now, if you believe that he was a Homeland Security agent here on Charleston, South Carolina, on behalf of the Baltimore field office and that he was doing some sort of reverse solicitation sting, please find him not guilty. If that's what you believe, not guilty's the only verdict that you can give.

It's hard to judge people. We're not supposed to do it. We're not supposed to say, "I don't believe you."

I'm not asking you to judge anyone. I'm not saying you should say something you don't believe. I want you to just use your common sense and everything that you watched here to come to your conclusion on what he was trying to do that day. Why did he get in that car and do everything that he could to

complete that act? He went there to engage in a sexual encounter with what he believed was a 13-year-old girl.

Now, in the beginning I told you I was going to come and I was going to ask you to do one thing, and that was to give the verdict that all the evidence supports. And that is that the defendant Mr. Cotto is guilty of both these charges. And I pray you do so.

I thank you for your time and attention.

THE COURT: Ms. Arora.

MS. ARORA: May it please the Court.

THE COURT: Yes, ma'am.

MS. ARORA: I asked each and every one of you yesterday have you ever felt like you've been targeted. I wanted you to see and I also want you to understand that this is what happened to Juan. The government targeted him and tried to commit a crime.

This case is about Juan's intent, about whether he solicited a minor online and whether he traveled to that house, that address in North Charleston, to engage in any type of sexual conduct with a minor.

But Juan didn't initiate contact with this 13-year-old online persona. He didn't engage in conversations with this online persona because he thought there were a 13-year-old girl. And he didn't travel to that house in North Charleston to engage with any sex or sexual battery with a minor.

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The judge is going to instruct you, after I speak, about what the State's burden is. The State must prove their case to you beyond a reasonable doubt. This means that the State must put up evidence that leaves you firmly convinced of Juan's guilt. It's not my responsibility and it's not Juan's responsibility to put up any evidence. And the judge will explain that more to you.

When you walked into this courtroom yesterday and you were here today, you must that Juan is innocent. He is innocent until the State meets their burden. That reasonable doubt, that's a protection. It protects every single one of us from being convicted on a suspicion. It's the kind of hesitation that if someone asks you to make a big life-changing decision, you wouldn't do it based off of uncertain evidence or facts.

So let's go through what we heard yesterday and today about what those doubts are. What are the reasonable doubts that would make you hesitate?

The biggest one I have is there are missing messages. You heard Detective Schnackenberg. She told you that she texted Juan, that she messaged with him on WhatsApp. You also heard her say that she initially met him on some online platform. She wasn't able to give us the name of that online platform. She didn't give us the details of the conversation that happened in that online platform. She didn't let the

lead detective, Detective Jacko, know that those text messages on what that online platform was was missing.

You heard Detective Jacko. When he found out that there was missing messages, it was almost a year later and those messages weren't preserved. With all his training and experience and with all Detective Schnackenberg's training and experience, they dropped the ball. We're not provided with the full story. We don't know what was said to Juan before the messages that you were presented with. And I think what's even worse is that the State didn't tell you about them. Detective Schnackenberg did not admit to that until I asked. That was not brought to your attention.

Detective Schnackenberg read you all those messages yesterday that were available. You also saw in those messages, and you'll be able to see as you go back to the jury room, you saw the pictures that she sent of herself. You also heard the phone calls that were made to Juan that were recorded. She doesn't look like a 13-year-old girl in those pictures. And you hear that in Juan's voice because he questions her, not only the way she looks but the way she sounds. He states, "Your voice is mature." That shows right there that he didn't believe that whoever he was engaging with was a 13-year-old female.

The State presented you with evidence saying that Juan called multiple times, that he engaged and kept engaging, and

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that he had every opportunity not to show up. I also ask you to consider the messages that were sent back to him. One of them: "I'm done talking about this 'til I see you."

"I don't want the neighbors to see so hurry up and come inside the side door." Juan's response to that was "I'm just dropping off ice cream." In that message he was not saying he wanted to come inside that house. He said he was just dropping off food.

Another message sent to Juan: "We're either hanging out or I'm blocking you."

All the messages were sent to Juan to ask him to come over, to try to get him to come over, to try to engage.

Even so, you see that there were multiple phone calls. The State argues that those multiple phone calls show that Juan kept wanting to engage he; kept wanting to talk to her. I ask you to consider that those multiple phone calls were made because Juan was confused. He was trying to figure out who this person was, why they were messing with him, why they kept asking him questions, why they kept trying to get him to bring a Reese's parfait over to the house. Those weren't him trying to engage. It was him trying to figure out who's messing with him online because he didn't know. He was confused.

Detective Schnackenberg also testified that these apps have age restrictions. Most of them you have to be 18 years

old to participate. And when you aren't, you would have to lie to enter your age.

The biggest thing I want you to consider is what you heard this morning. You heard Juan's statement. You heard what he said to Detective Atkins -- er, Investigator Atkins. And you even heard what Investigator Atkins said on the stand: Juan never said in his interview that he had an intent to have sex with this person. He said multiple times over and over again, "I never wanted to do that. I haven't done this. No, I didn't want to. That wasn't the case."

He said in his interview that he knew that this person wasn't 13 years old, that he knew this person was a cop. Even so, if he thought it was someone that was underage, he wanted to make sure they were not being sex trafficked.

The State touched on some statements made about Homeland Security. And if they really wanted to know about that, detectives said Homeland Security was there, and there was no followup investigation with Homeland Security. They easily could have accessed that.

I ask you today as you're about to deliberate to consider the government. With all of their powers and all of their resources, they targeted Juan. They messaged him on an unknown platform, one that's still unknown to all of us. Those messages are unknown, and we'll never know because they weren't preserved. The government doesn't want you to see

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the whole story. But the whole story's important because the whole story shows Juan's intent.

The detectives lied. They pretended to be a minor female. And it's fine if they lie. That's what they said. That's part of their job. It's fine if they send these messages. They're saying it's not fine that Juan messages back. Consider this: They weren't going to tell you about what was missing until I asked this week.

The government came here today believing this was easy for them; that all they had to do was get up here, play the messages; that all they had to do originally in 2023 was set up an online platform, message people, ask them to come over. That's it. They've done their job.

But you can't assume someone's intent. You can't assume Juan's intent on those messages just by what was sent and what was read to you. Those messages were sent by Juan to figure out who this person was, to mess with them. He wasn't trying to engage in sex with this online persona, and he didn't believe this person was under 18.

At one point he even said he became concerned and he need ed to go check it out. He needed to make sure that this person was here -- er, was there and doing okay. If you go back and reread those messages, you see that he offers to send food, he offered to send pizza, and then just decided to go check it out for himself.

I told you on Monday and as we picked you we felt that you could put your feelings aside, that you cannot rely on sympathy or emotions when making your decision. Not only is this the most important day in Juan's life, this is probably one of the most important decisions, an important day in your life. It's important because your job today is to decide someone's fate.

That decision that you're about to make that the judge will talk to you about is a collective decision. Each one of you has a diverse experience. So not only is it collective, but it's an individual decision. Each one of you has something to contribute that someone else might not. And each one of you might see things differently. That's okay. That's why you get to go back and deliberate.

I want you to remember, though, that once you go back and deliberate, you only have one chance to get this right. One chance. When the decision has been made collectively, you cannot change your vote. You can't change it five minutes after the verdict is read. You can't change it one day after the verdict. You can't change is one year after the verdict.

Juan has been patiently waiting for this day for two years, waiting for each and every one of your to listen to the evidence in this case. I'm asking you today to review the evidence and render the only just verdict and find Juan

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not guilty: not guilty of criminal solicitation and not guilty of attempted criminal sexual conduct with a minor.

Thank you.

THE COURT: All right. Ms. Arora, can you move that podium while you're up there.

Thank you.

Mr. Foreman, ladies and gentlemen of the jury, you've heard all the evidence and the arguments of both parties. I'm now going to explain to you the law which you will apply in this case. If sometimes it seems like I'm reading to you, it's because I am because there's a lot here and it's kind of complicated at times.

Now, as we talked about in the beginning, you and I have specific duties to perform. As the trial judge, it's my responsibility to preside over the trial. It's your responsibility to consider the testimony which has been presented from the witness stand and the exhibits introduced.

I have the duty to charge the law applicable in this case. As the presiding judge I am the sole judge of the law, and it's your duty as jurors to accept and apply the law as I now state it to you. If you already have an idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon your idea because you're sworn to accept the law and apply the law exactly as I state it to you.

Your duty is to determine the facts. In every case, the jury is the sole and exclusive judge of the facts. A trial judge cannot suggest, state, comment on, or make any statement to a trial jury about the facts in a case.

Since you, the jury, are the sole judge of the facts, you are not to infer from what I have said during the progress of this trial in ruling upon the admissibility of evidence or otherwise or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts. This matter is solely for you to determine. As jurors it is your duty to determine the effect, value, and weight of the evidence presented to you during the trial.

The indictment charges the defendant with one count of attempted criminal sexual conduct with a minor, victim 11 to 14, in the second degree and one count of criminal solicitation of a minor. The fact that the defendant was arrested, charged, and indicted is not evidence and cannot be considered by you as evidence of guilt, nor does it create any presumption or inference of guilt. The indictments are simply the formal written instruments which contain the charges made against the defendant. They are the formal documents by which the case is brought into this court.

The defendant has pled not guilty to the indictments.

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That plea puts the burden on the State to prove the defendant guilty beyond a reasonable doubt. A person charged with committing a criminal offense in South Carolina is never required to prove themselves innocent.

I charge you that it is a guiding rule of law that the defendant in a criminal trial, no matter how serious the charge, is always presumed innocent of the crime for which the indictment was issued unless guilt is proven by evidence satisfying you of that guilt beyond a reasonable doubt. This presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on the evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt. The presumption of innocence is not mere legal theory. It is not just a legal phrase. It is a real substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

What is reasonable doubt in the law? A reasonable doubt

is the kind of doubt that would cause a reasonable person to hesitate to act. The State has the burden of establishing every fact necessary to prove the defendant guilty beyond a reasonable doubt. The law presumes every person charged with a crime to be innocent, and the burden of establishing guilt is placed solely on the State.

Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence. Other civil cases use the clear-and-convincing standard. In those cases it's necessary to prove that a fact is highly probable. But this is a criminal trial, and the State's proof must be more powerful than those burdens of proof. In criminal cases, the State's proof must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the defendant's guilty of the crime charged, you must find the defendant guilty. The defendant is not required to prove his innocence. If, on the other hand, you think there's a real possibility that the defendant

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is not guilty, you must give the defendant every -- I'm sorry; you must give the defendant the benefit of every reasonable doubt and find him not guilty.

Necessarily, you must determine the credibility of witnesses who have testified. "Credibility" simply means believability. It is your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in the case. You may also consider the appearance and manner of a witness while on the witness stand.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a

matter that must be determined by the jury from the circumstances existing at the time.

There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present. It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact: by taking into consideration the acts of the parties and all the facts and circumstances in the case.

Criminal intent is a mental state of conscious wrongdoing. You must determine what the defendant intended to do based on the circumstances existing at that time. Criminal intent can arise from action or a failure to act. It may arise from negligence, recklessness, or an indifference to duty or to consequences that are considered by law to be the equivalent of criminal intent.

There are two types of evidence which are generally presented during a trial: direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the

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existence of a fact.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, the circumstances must be consistent with each other and, when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt.

If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed. The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

I instruct you and emphasize to you that the fact that the defendant did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of the guilt or the innocence of the defendant. It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations.

I repeat: Under your oath, you are to draw no conclusion whatsoever from the fact that the defendant did not testify. The fact that the defendant did not testify

should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State, and the defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt as to the charge against the defendant.

The defendant is charged with one count of attempted criminal sexual conduct with a minor, age 11 to 14, in the second degree. The State must prove beyond a reasonable doubt that the defendant attempted to engage in a sexual battery with a victim who is 14 years of age or less but who is at least 11 years of age.

An attempt is an effort to accomplish a crime which does not succeed. An attempt includes a specific intent to do a particular criminal act, along with an act falling short of the act intended. The State must show more than mere preparation and intent. There must be some overt act committed in the effort to commit the crime. "Intent" means intending the result which actually occurs, not accidentally or involuntary. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

A sexual battery is sexual intercourse; cunnilingus; fellatio; anal intercourse; or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body except when

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the intrusion is accomplished for medically recognized treatment or diagnostic purposes.

The State must then prove beyond a reasonable doubt that the victim was at least 11 years old but not more than 14 years old at the time of the attempted sexual battery. Consent, willingness, indifference, or ignorance on the part of the minor, if any, as to what was taking place does not in any way affect the charge of criminal sexual conduct with a minor because an unmarried woman under the age of 14 cannot legally consent to sexual intercourse.

The defendant is also charged with one count of criminal solicitation of a minor. The State must prove beyond a reasonable doubt that the defendant knowingly contacted or communicated with or attempted to contact or communicate with a person who is under the age of 18 or a person reasonably believed to be under the age of 18 for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in sexual activity or with the intent to perform a sexual activity in the presence of someone under the age of 18 or a person reasonably believed to be under the age of 18.

Sexual activity includes any of the following acts or simulations thereof: masturbation; vaginal, anal, or oral intercourse; touching in an act of apparent sexual stimulation or sexual abuse of the clothed or unclothed

genitals, pubic area, or buttocks of another person or the clothed or unclothed breast of a human female.

It is not a defense that the person reasonably believed to be under the age of 18 is a law enforcement agent or officer acting in an official capacity. Consent is not a defendant if the person under the age of 18 or the person reasonably believed to be under the age of 18 is under the age of 16.

Now, ladies and gentlemen, I have declared the law to you through these instruction to help guide you to a verdict. Whether some of these instructions apply depends on what you find to be the fact. The fact that I have instructed you on various subjects in this case should not be taken as indicating an opinion of this Court as to what you should find to be the facts or as to what your verdict should be. Your verdict must represent the considered judgment of each juror.

In order to return a verdict, it is necessary that each juror agree. Your verdict must be unanimous. All 12 of you must agree on the verdict. Your verdict cannot be based on sympathy, passion, prejudice, emotion, or any other consideration not in evidence in the case. Remember at all times you are not partisans favoring one party over another. You are the judges of the facts. Your sole interest is to determine whether the State has proven the defendant's guilt

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to the charges beyond a reasonable doubt based on the evidence presented to you in the case.

As I stated, ladies and gentlemen, your verdict must be unanimous.

Mr. Foreman, when the jury agrees on a verdict, you will circle the verdict on the verdict form and sign your name as foreperson. Then you'll knock on the jury room door and inform the bailiff you have reached a verdict. At that time we will receive you back into the courtroom.

Now I'm going to ask you to return to the jury room but do not begin deliberations until you're told by the clerk or the bailiff to do so. There are some matters of law that I need to discuss with the lawyers, and we'll get all the exhibits together and bring everything back to you and tell you when you can begin.

I think we have lunch on the way for you as well.

CLERK OF COURT: It should be here soon.

THE COURT: Okay. So lunch should be here for you shortly. All right?

So I'm going to excuse you to the jury room. Don't begin deliberations until we tell you to.

And the alternates, y'all can stay with us.

(The jury exited the courtroom at 11:44 a.m.)

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

THE COURT: All right. Any objection to the charge from the State?

MR. RYAN: No, Judge.

THE COURT: Any exception from defense?

MS. ARORA: No, your Honor.

THE COURT: Okay. If y'all want to get all the exhibits together and we will send them back and they can begin deliberating.

All right, ladies. Thank y'all for being here, but we don't need you, thankfully. None of the primary jurors had any issues. You are free to leave. You are free to hang around and see what happens. At this point you are free to talk to the lawyers or any of the parties if you want. You don't have to. That is solely up to you. If anybody tries to talk to you and you don't want to talk then, you let me know and I'll take care of it.

But again, we thank you for being here. I know it was an inconvenience but, as I stated earlier, we can't do our jobs without good folks like you being here and willing to serve. So on behalf of the State and the defense, we very much -- and the Court -- we very much appreciate y'all being here. So you can -- you're free. I think --

CLERK OF COURT: Yes. All the lunches are out there.

THE COURT: Okay. And your lunch is here, so at least you get a lunch out of it. But you're free to sit in the

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gallery and wait on the verdict if you'd like or go on back about your life, whatever you want to do. All right?

Well, thank you.

(The alternate jurors were release from service and exited the courtroom at 11:46 a.m.)

THE COURT: All right. Y'all get your exhibits together. And here's the verdict forms.

(The jury was instructed to begin their deliberations at 11:50 a.m.)

THE COURT: Okay. I guess we are at ease.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: All right, folks. We have a note from the jury.

The first question is "Can we have the full description of the two charges?"

What I typically tell them in situations like that, I don't send my charge back because it can be -- historically what I've seen is one person picks out one word they like, one person picks out this word they like, and then they fight about a piece of paper all day. So what I offer to them if they have any questions is, at the appropriate time, just to recharge them from the bench.

Does that suit everybody?

MR. RYAN: Yes, Judge.

MS. ARORA: Your Honor, no objection to that.

THE COURT: Okay. All right. So if they want to be recharged on that -- just the charges, I can do that.

Second question is "Can the chat messages be printed out?"

I don't think we can because there's not a printout in evidence. I don't know if y'all have the capability to do that anyway.

MR. RYAN: We can certainly try and see if we have that capability and then have it be as a Court's Exhibit to go back, if that medium --

THE COURT: I don't know about that.

MS. ARORA: Your Honor, I would object to that. If it's not entered into evidence, that can --

THE COURT: Yeah, because it -- and I've had that come up a lot like if folks use demonstrative, you know, like pads to write dates on it and they want to see that because it has a better, I guess, outline of dates and times and things like that. And if they want that, I can't send that back because it's not in evidence either. So I think even if we could print it, we can't send that back.

Madam Clerk, did you mention they were having trouble getting it to play?

CLERK OF COURT: Yes. Angela is -- we're having issues with the USB playing on the TV in the back. That's why

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they're wanting it printed out. Angela's coming up to see if she can figure it out.

THE COURT: Okay. That's a person in the clerk's office?

CLERK OF COURT: Yes.

THE COURT: Okay.

Is there any objection to that?

CLERK OF COURT: We should be able to figure it out. If not, then I don't know what to do.

THE COURT: I normally will permit somebody, you know, from the clerk's office that's not affiliated with either of the parties or me, if that -- if nobody has any objection to that.

MS. ARORA: And just for my clarification, do they have a laptop that can be played on.

THE COURT:

CLERK OF COURT: It's a TV. I think there is a computer, but that's why Angela's coming up to see what they can play it on.

THE COURT: Yeah, and it --

CLERK OF COURT: I don't think it's a problem with the TV.

MS. ARORA: I have no objection to using that way.

THE COURT: It's a clean laptop?

CLERK OF COURT: Yes.

THE COURT: With no internet capability?
CLERK OF COURT: Correct.
THE COURT: Okay.
CLERK OF COURT: It will just be to play the USB.
THE COURT: Okay. All right.
Well, let's bring them in, and I will address their questions.
(Court's Exhibit Number 2 marked for the record.)
THE COURT: I just had that marked as Court's 2.
(The jury entered the courtroom at 12:22 p.m.)
THE BAILIFF: All jurors are present, your Honor.
THE COURT: Y'all can have a seat.
All right. Mr. Foreman, I have a note here, and you had two questions.
One was "Can we have the full description of the two charges?" I typically do not send back the written versions of what I charges you on for various reasons. But I can -- if at any point during your deliberations you feel like you want to hear the charges again, I can read -- er, you know, give you the charge on each of the two charges -- or indictments, rather, if you feel like that would be beneficial.
As to the second question, "Can the chat messages be printed out?" unfortunately they can't at this point because they are not in evidence. Neither party has moved to print

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-- er, printed them out or moved them into evidence, and you're only available -- the only thing you're able to look at are what was put into evidence.

We are trying -- it seems like y'all might be having some technical difficulties back there. The clerk's office is trying to get you a laptop that may make that easier. So that's where we are on that right now.

Anything else?

If you want to be charged on the law again now, I can do that now.

Would that be helpful?

MR. FOREMAN: Yes, please.

THE COURT: Okay. Any objection from the parties?

MR. RYAN: No, Judge.

MS. ARORA: No objection.

THE COURT: All right.

Okay. The defendant is charged with one count of attempted criminal sexual conduct with a minor, 11 to 14 years of age, in the second degree. The State must prove beyond a reasonable doubt that the defendant attempted to engage in a sexual battery with the victim who is 14 years of age or less but who is at least 11 years of age.

An attempt is an effort to accomplish a crime which does not succeed. An attempt includes a specific intent to do a particular criminal act, along with an act falling short of

the act intended. The State must show more than mere preparation and intent. There must be some overt act committed in the effort to commit the crime. "Intent" means intending the result which actually occurs, not accidentally or involuntary. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

A sexual battery is sexual intercourse; cunnilingus; fellatio; anal intercourse of intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body except when the intrusion is accomplished for medically recognized treatment or diagnostic purposes.

The State must then prove beyond a reasonable doubt that the victim was at least 11 years old but not more than 14 years old at the time of the attempted sexual battery. Consent, willingness, indifference, or ignorance on the part of the minor, if any, as to what was taking place does not in any way affect the charge of criminal sexual conduct with a minor because an unmarried woman under the age of 14 cannot legally consent to sexual intercourse.

The defendant is also charged with one count of criminal solicitation of a minor. The State must prove beyond a reasonable doubt that the defendant knowingly contacted or communicated with or attempted to contact or communicate with

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a person who is under the age of 18 or a person reasonably believed to be under the age of 18 for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in sexual activity or with the intent to perform a sexual activity in the presence of someone under the age of 18 or a person reasonably believed to be under the age of 18.

Sexual activity includes any of the following acts or simulations thereof: masturbation; vaginal, anal, or oral intercourse; touching in an act of apparent sexual stimulation or sexual abuse of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breast of a human female.

It is not a defense that the person reasonably believed to be under the age of 18 is a law enforcement agent or officer acting in an official capacity. Consent is not a defense if the person under the age of 18 or the person reasonably believed to be under the age of 18 is under the age of 16.

So that's the law on two charges. And if you need that again later on, I'm happy to do it again. Or I'll charge you on anything else you have questions on.

And hopefully, we'll have the technology worked out by the time y'all get back there.

Any exceptions from the State?

MR. RYAN: No objection.
THE COURT: Defense?
MS. ARORA: None, your Honor.
THE COURT: All right. Anything else?
Okay. We'll be here if you need us.
(The jury exited the courtroom at 12:28 p.m.)
(The following proceedings were had outside the presence of the jury.)
THE COURT: All right. I guess we'll be at ease until we hear from them.
(Court recessed.)
(The jury indicated a verdict was reached at 1:28 p.m.)
(Court resumed outside the presence of the jury.)
THE COURT: All right. Everybody back?
MS. ARORA: Yes, your Honor.
THE COURT: All right. Bring us in the jury, please.
(The jury entered the courtroom at 2:00 p.m.)
THE BAILIFF: All jurors are present, your Honor.
THE COURT: All right. You can have a seat.
All right. Mr. Foreman, I understand you have a verdict on both charges?
JURY FOREPERSON: Yes, sir.
THE COURT: All right. If you'll hand that to the bailiff and have him bring it up to me.
Thank you, sir.

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THE BAILIFF: Yes, sir.

THE COURT: All right. The clerk will publish.

CLERK OF COURT: Case Numbers 2024-GS-10-05311 and 2024-GS-10-05312, the State of South Carolina versus Juan Marcos Cotto, indictments for criminal solicitation of a minor and attempted criminal sexual conduct with a minor in the second degree.

The verdict of the jury as to attempted criminal sexual conduct with a minor, age 11 to 14, in the second degree: guilty. Signed by the foreperson of the jury, dated October 28, 2025.

Verdict of the jury as to attempted criminal sexual conduct with a minor, ages 11 to 14, in the second degree: guilty. Signed by the foreperson of the jury, dated October 28, 2025.

Mr. Foreperson, ladies and gentlemen of the jury, if this is your verdict, please raise your right hand.

Thank you.

THE COURT: All right. Anything from the defense.

MS. ARORA: Your Honor, at this time I would request to poll the jury.

THE COURT: All right. Madam Clerk, will you please poll.

CLERK OF COURT: Ladies and gentlemen of the jury, I will call our your numbers -- your juror numbers, and when I

do please raise your hand. I will then ask each of you two questions. Please answer yes or no.

Juror Number 17, is this your verdict?

JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF COURT: Juror Number 35 --

JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF COURT: Juror Number 54, is this your verdict?

JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF COURT: Juror Number 71, is this your verdict?

JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF COURT: Juror Number 104, is this your verdict?

JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF COURT: Juror Number 128, is this your verdict?

JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

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JUROR: Yes.
CLERK OF COURT: Juror Number 137, is this your verdict?
JUROR: Yes.
CLERK OF COURT: Is this still your verdict?
JUROR: Yes.
CLERK OF COURT: Juror Number 188, is this your verdict?
JUROR: Yes.
CLERK OF COURT: Is this still your verdict?
JUROR: Yes.
CLERK OF COURT: Juror Number 199, is this your verdict?
JUROR: Yes.
CLERK OF COURT: Is this still your verdict?
JUROR: Yes.
CLERK OF COURT: Juror Number 259, is this your verdict?
JUROR: Yes.
CLERK OF COURT: Is this still your verdict?
JUROR: Yes.
CLERK OF COURT: Juror Number 272, is this your verdict?
JUROR: Yes.
CLERK OF COURT: Is this still your verdict?
JUROR: Yes.
CLERK OF COURT: Juror Number 275, is --
JUROR: Yes.
CLERK OF COURT: -- this your verdict?
JUROR: Yes.

CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF COURT: Juror Number 41 --

I apologize. That's all of them, your Honor.

THE COURT: All right. Anything else from the defense?

MS. ARORA: Your Honor, at this time I would make a motion to renew my directed verdict motion and all previous pretrial and trial objections. And then based off of that, a motion for a new trial.

THE COURT: All right. I will note your motion and respectfully deny it based upon the jury's verdict.

Anything else?

MS. ARORA: Nothing further.

THE COURT: Anything else from the State?

MR. RYAN: No, your Honor.

THE COURT: All right. Y'all ready to proceed to sentencing?

MS. ARORA: Yes, we are, your Honor.

THE COURT: Okay.

All right. Ladies and gentlemen, I'm going to excuse you to your jury room. I'll be right back there shortly to let you go. If you'll just sit tight for just a few more minutes, I'll be back there.

(The jury exited the courtroom at 2:04 p.m.)

(The following proceedings were had outside the presence

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of the jury.)

THE COURT: All right. Mr. Ryan, do y'all have sentencing sheets already prepared?

MR. RYAN: We do, Judge.

THE COURT: All right. Well, let me go cut the jury loose and I'll come back and do that.

(Court recessed.)

(The jury was released from service at 2:20 p.m.)

(Court resumed.)

THE COURT: Please be seated.

All right. Mr. Ryan, you got sentencing sheets?

MR. RYAN: I do, Judge. May I approach?

THE COURT: Yes, sir.

All right. Does the State have any position on sentencing?

MR. RYAN: We do, your Honor.

THE COURT: Okay.

MR. RYAN: Your Honor, the State's recommendation on this matter is a recommendation of no less than 20 years active. The attempted criminal sexual conduct carries up to 20; the State's recommendation is 20. The criminal solicitation of a minor carries up to 10; the State's recommendation is 10. Those should run concurrent or consecutive, as the Court deems appropriate.

And the State's able to a little more context if and

when the Court deems appropriate.

THE COURT: Sure. Go ahead.

MR. RYAN: Your Honor, just -- I'm not going to talk long.

The salaciousness of these types of charges are evident in their elements and the titles. The undercover persona was 13 years old. Judge, that's the 6th grade.

And the Court -- I'm not penalizing the defendant for demanding a trial. He has every right to do so. But the Court got to hear his voice in the interview and the phone calls and read his text messages. The Court got to see his enthusiasm. Oftentimes in these cases there's trepidation and wavering. The defendant was all in. When he was arrested and taken into custody, he failed to take any responsibility. He offered only nonsensical excuses. And he showed a lack of remorse.

We would ask the Court to take all these events into account, as well as sending a message to others that engage in this sort of activity.

He does have a very little criminal history. And if the Court's inclined to offer some leniency, that's where concurrent sentences could be baked into the part. But a minimum 20-year sentence is the State's recommendation, sir.

THE COURT: Okay.

MR. RYAN: Thank you, your Honor.

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THE COURT: What's the criminal history?

MR. RYAN: He has a 1989 conviction for possession of narcotics.

THE COURT: Okay.

All right, Ms. Arora.

MS. ARORA: Thank you, your Honor. May it please the Court.

THE COURT: Yes, ma'am.

MS. ARORA: I think it's important to state for the record what the offer was that Mr. Cotto did not exercise his right to a trial, and that was to dismiss the attempted CSC with a minor and have Mr. Cotto plead to the criminal solicitation of a minor, which would have only exposed him to zero to 10 years. I do not think Mr. Cotto should be punished or penalized for exercising his constitutional right.

In regards to who Mr. Cotto is, I'm not going to comment on the facts of the case, but I would ask that you consider that he has a very, very limited and remote criminal record going back to the '80s. I would also add that you consider he is 60 years old -- 61 years old today. He's gone most of his life without a conviction.

In regards to time spent in jail, he did do 62 days pretrial for this charge. When he was released, he was actively working. As you heard, he works in his family

restaurant. He does Italian -- he does culinary work with them, and he had a good support system with them. He also has a family and a very supportive family. He grew up outside New York, spent some time in Florida, and then moved here because of the family restaurant.

I'd also ask that you consider he did take this extremely seriously. He worked with me on this case, met with me with no issues. And I'd ask that you consider leniency and not the maximum 20 years or potential 30-year sentence for Mr. Cotto because that would be a life sentence.

THE COURT: Okay. Anything else?

MS. ARORA: No, your Honor.

THE COURT: Anything else from the State?

MR. RYAN: Nothing, Judge.

THE COURT: And both of these require registry as well, right?

MR. RYAN: Yes, your Honor.

THE COURT: Okay. On the attempted criminal sexual conduct with a minor, second degree, I find the defendant be committed to the Department of Corrections for a term of 20 years, provided upon the service of 15 years. The balance to be suspended to probation for five years. He'll be given credit for 62 days time served and required to register as a sex offender.

And on the criminal solicitation of a minor, I find he

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be committed to the Department of Corrections for a term of ten years. Those will be concurrent. And he'll also be given credit for 62 days time served and required to register as a sex offender.

Good luck to you, sir.

MS. ARORA: Thank you, your Honor.

MR. RYAN: Thank you, your Honor.

(End of proceedings.)

CERTIFICATE OF REPORTER

State of South Carolina

County of Charleston

I, Jamie L. Bickett, an Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Charleston County, South Carolina.

_____
Official Court Reporter

Dated this 3rd day
of April, 2026.

DOCKET NO. 2024-GS-10-05311 SAG

WITNESSES

Jason Bowen – Charleston Sheriff

B/M. Goldstein /BARRY N. GOLDSTEIN

ARREST WARRANT NUMBER

2023A1010204205

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: OCT 0 8 2024

VERDICT

Guilty

Foreperson of Petit Jury
Date: 10/29/25

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

October **2024 TERM**

THE STATE

vs.

JUAN MARCOS COTTO
D.O.B. [redacted] 1964
W/M

Indictment for

ATTEMPTED CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE

SC Code: **16-3-655(B)**
CDR Code: **0396**

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.

198

STATE OF SOUTH CAROLINA	)	**INDICTMENT**
	)	
	)	**ATTEMPTED CRIMINAL SEXUAL CONDUCT**
COUNTY OF CHARLESTON	)	**WITH A MINOR IN THE SECOND DEGREE**

At a Court of General Sessions, convened on October, 2024, the Grand Jurors of Charleston County present upon their oath:

That Juan Marcos Cotto, on or about July 25, 2023 did attempt to commit the crime of Attempted Criminal Sexual Conduct with a Minor in the Second degree. To wit: Juan Marcos Cotto, a person eighteen years of age or older, did knowingly travel to and arrive at a pre-arranged location within the County of Charleston, State of South Carolina, for the purpose of, or with the specific intent to, engage in sexual battery, as defined in Section 16-3-651(h), with a person whom he reasonably believed to be a fourteen year-old minor. This is in direct violation of Section 16-3-655(B) and Section 16-1-80, of the 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.

OFFICE OF THE ATTORNEY GENERAL

Alan Wilson

ALAN WILSON (SJR)
ATTORNEY GENERAL

DOCKET NO. 2024-GS-10- 05312 SAG

WITNESSES
Jason Bowen Charleston Sheriff
B/M. Goldstein / BARRY N. GOLDSTEIN

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
October, 2024 TERM

ARREST WARRANT NUMBER
2023A1010204206

THE STATE

vs.

JUAN MARCOS COTTO
D.O.B. [redacted]/1964
W/M

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date: OCT 0 8 2024

VERDICT
Guilty

Foreperson of Petit Jury
Date: 10/18/24

Indictment for

CRIMINAL SOLICITATION OF A MINOR

SC Code: **16-15-0342**
CDR Code: **2999**

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.

200

STATE OF SOUTH CAROLINA)
)
) INDICTMENT
)
) CRIMINAL SOLICITATION OF A MINOR
COUNTY OF CHARLESTON)

At a Court of General Sessions, convened on October, 2024, the Grand Jurors of Charleston County present upon their oath:

That Juan Marco Cotto, on or about July 25, 2023, did commit the crime of Criminal Solicitation of a Minor. To wit: Juan Marco Cotto, a person eighteen years of age or older, did knowingly contact and communicate with a person he reasonably believed to be under the age of eighteen, in Charleston County, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5), or a violent crime as defined in Section 16-1-60, or with the intent to perform a sexual activity in the presence of the person reasonably believed to be under the age of eighteen. This is in direct violation of Section 16-15-0342, of the 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.

OFFICE OF THE ATTORNEY GENERAL

Alan Wilson

ALAN WILSON (SJR)
ATTORNEY GENERAL

RECEIVED
Jun 03 2026
SC Court of Appeals

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,

W. Chandler Norville
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of June, 2026.