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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Cherokee County

Honorable Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DANIEL MACHITO BUCKSON,

APPELLANT

APPELLATE CASE NO. 2025-001631

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,
PLAINTIFF,

vs.

DANIEL MACHITO BUCKSON,
DEFENDANT.

TRANSCRIPT

OF

RECORD

2023-GS-11-1014
2025-GS-42-621, 622
2025-GS-42-958 - 962

August 4th, 5th, 6th, 2025

B E F O R E:

THE HONORABLE GRACE GILCHRIST KNIE, Judge; and a jury

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Circuit Court Reporter

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P R O C E E D I N G S

(WHEREUPON, the following takes place outside the presence of the jury venire.)

THE COURT: All right. So, is there anything else before I begin the pretrial matters on Mr. Buckson?

MR. MacDONALD: None from defense, Your Honor, other than pretrial motions.

THE COURT: Okay. Can y'all come up for just a moment then?

(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)

(WHEREUPON, State's Exhibit Nos. 1 through 12 were marked for identification purposes only at this time.)

THE COURT: Y'all need a break before we get going?

MR. MacDONALD: No, Your Honor.

THE COURT: Okay. Okay. Can y'all hear me okay?

This mic doesn't go green and red. It just has kind of an up and down button.

Okay. Good morning. I'm Judge Knie and this is a term of General Sessions jury trial. I know that the bailiffs are curious about what we're doing right now and if we're going to have the jury come in right at 10:30 but we are not now. I know they're coming in downstairs right now.

1 We're gonna take up some pretrial motions to try to
2 make the best use of our time as they're getting checked
3 in. I think they were told to be here at 10:30.

4 Okay?

5 All right. And so that is also for counsel's benefit
6 as well.

7 Let me officially have counsel identify themselves
8 for the record.

9 SOLICITOR LESKANIC: May it please the Court?
10 Kim Leskanic on behalf of the State.

11 SOLICITOR HANEY: Evan Haney, assistant solicitor for
12 the State.

13 MR. MacDONALD: Dan MacDonald from the Public
14 Defender's Office.

15 MR. BAINBRIDGE: Nicholas Bainbridge from the Public
16 Defender's Office.

17 THE COURT: Okay. Thank you.

18 And let me go ahead and state that this is with
19 regard to the matter of the State versus -- and I don't
20 want to mispronounce the gentleman's name -- Daniel Ma --
21 Machito Buckson?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Machito.

24 Okay. All right. And I feel like I've talked to
25 your lawyers more than members of my family in the last

1 week. We have talked and talked and tried to get all the
2 motions lined up for today, tried to make sure that all
3 the witnesses -- I need potential witnesses I was aware of
4 to make sure I didn't have a conflict with anyone involved
5 in the case. And also to make sure of, of what the State
6 was going forward on.

7 And I have copies of those indictments. I have
8 copies of the witness list. I have their voir dire, which
9 is the questions for the jury, and I also have a list of
10 motions that we've tried to pare down and I appreciate
11 that because the lawyers know I like to be as prepared as
12 possible.

13 Okay. So, a couple of housekeeping things on the
14 record. In speaking with the lawyers last week, I did
15 explain that my law clerk, who is right here, English
16 Moseley, her last day with me will be Wednesday. She will
17 go to work for the Solicitor's Office in Spartanburg in
18 the Spartanburg office and I wanted to know if anybody
19 objects to her being in this trial with me.

20 If so, we have plenty of other work she can do, okay,
21 and she doesn't need to be in the courtroom.

22 Is there any objection?

23 SOLICITOR LESKANIC: None from the State.

24 MR. MACDONALD: And none from defense, Your Honor.

25 THE COURT: Okay. Mr. Buckson, let me have you

1 sworn. Please rise.

2 (WHEREUPON, the defendant was placed under oath at
3 this time.)

4 THE COURT: Sir, do you have any objection to her
5 being in here?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Okay. Thank you. Please be seated.

8 All right. And so, as I understand it, Mr. Buckson
9 needs to be arraigned on, on the eight indictments.

10 MR. MacDONALD: That's correct, Your Honor.

11 SOLICITOR LESKANIC: Yes, Your Honor.

12 It's actually on seven. The incest indictment,
13 2023-GS-11-1014, is off of a warrant number. But if the
14 Court wants to go through that with him as well just so
15 that all charges that we're going forward on are covered
16 that is fine. But that one is the one indictment that we
17 are moving forward with this week that was not a direct
18 presentment or direct indictment.

19 THE COURT: Okay. So, five CSC with a minor second
20 degree, one CSC with a minor first degree, one incest, and
21 one --?

22 MR. MacDONALD: Third degree, Your Honor. Not first
23 degree.

24 THE COURT: I'm sorry. Third degree. That's a big
25 difference.

1 Thank you, Mr. MacDonald.

2 One CSC with a minor third degree and one exposure of
3 private parts in lewd and lascivious manner, right?

4 (WHEREUPON, there was no audible response.)

5 THE COURT: Okay. And those are Indictments
6 25-GS-11-621, 622, 23-1014, and then 25-958 through 962?

7 SOLICITOR LESKANIC: That is correct.

8 THE COURT: Okay. Mr. MacDonald, your client has
9 been sworn.

10 Does he waive reading of these indictments?

11 MR. MACDONALD: He does, Your Honor.

12 THE COURT: Okay. Again, Mr. Buckson, sir, if you
13 will please rise?

14 (WHEREUPON, the defendant complies.)

15 THE COURT: Sir, your attorney has indicated that you
16 don't need for me to read the indictments to you.

17 But are you aware of what you've been charged with?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And, sir, how do you plead to those eight
20 charges?

21 THE DEFENDANT: Not guilty.

22 THE COURT: And, sir, how do you wish to be tried?

23 THE DEFENDANT: Trial by jury.

24 THE COURT: And, sir, I do wish you the best. God
25 grant you a speedy delivery. You may be seated at this

1 time.

2 THE DEFENDANT: Thank you so much.

3 THE COURT: Okay. Anything else with regard to very
4 preliminary matters, LWOP?

5 MR. MacDONALD: Yes.

6 SOLICITOR LESKANIC: Yes, Your Honor.

7 May it please the Court.

8 I would like to place on the record that the
9 defendant has been served with notice of life stating that
10 if he is convicted of the CSC with a minor second degree
11 or CSC with a minor third degree, that the Court would
12 have no choice but to sentence him to life without the
13 possibility of parole in the South Carolina Department of
14 Corrections. That is based upon the fact that criminal
15 sexual conduct with a minor is classified as a most
16 serious offense under the law.

17 The defendant has numerous prior charges classified
18 as serious offenses, at least two, but there are actually
19 more.

20 Those certified convictions were attached to the
21 notice of life that was filed with the Court on May
22 20th of 2025 and he was personally served with that
23 notice of life.

24 The State did file an amended notice of life sentence
25 that was filed on July 29th of 2025 updating the current

1 indictment numbers. But the body of the notice was the
2 same. The charges were the same. We just changed from a
3 specific type of sexual battery to a sexual battery, which
4 I know we'll go into with the, the motion regarding
5 indictments.

6 But in an abundance of caution, we did serve him with
7 an amended notice so that he would have those particular
8 indictment numbers before him. But the charges themselves
9 and the basis for the notice of life did not change.

10 THE COURT: Okay. Mr. MacDonald, does your client
11 understand all that?

12 MR. MacDONALD: He does, Your Honor, and he still
13 wishes to proceed.

14 SOLICITOR LESKANIC: And, if I may, just for offers
15 just so that the Court---

16 THE COURT: Let---

17 SOLICITOR LESKANIC: Okay.

18 THE COURT: Let me just explain.

19 SOLICITOR LESKANIC: Yes, ma'am.

20 THE COURT: Okay. So, Mr. Buckson, sir, I'm
21 directing my comments to you as well as your counsel. But
22 I, I know Mr. MacDonald well. I've worked with him so
23 much and I, I know that he's gone over this with you.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: But I need for you to understand that, if

1 you are found guilty, and it would be of the CSC with a
2 minor in the second degree that -- there are five counts
3 of that, right?

4 SOLICITOR LESKANIC: That is correct---

5 THE COURT: I---

6 SOLICITOR LESKANIC: ---or of CSC with a minor third
7 degree.

8 THE COURT: Third degree.

9 One count of that, sir, if you're found guilty on any
10 of those charges, just one of them, I don't have a choice.

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: It's life without parole.

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And do you, do you need any more time to
17 talk to your lawyer?

18 THE DEFENDANT: No, Your Honor. No, ma'am.

19 THE COURT: All right. Okay. Now, with regard to
20 offers.

21 SOLICITOR LESKANIC: Yes, Your Honor.

22 Just the defense has not extended any offer to the
23 State and the State has not extended any formal offers to
24 the defense.

25 MR. MacDONALD: That's correct, Your Honor.

1 THE COURT: Okay. And understanding that, y'all are
2 all ready to go?

3 MR. MacDONALD: Yes, Your Honor.

4 SOLICITOR LESKANIC: Yes, Your Honor.

5 THE COURT: Okay. And I, I know the answers to a lot
6 of the questions I'm asking but I just want to make sure.

7 With regard to the sequestration of witnesses,
8 meaning that witnesses would step out until they are
9 called to testify, is there any request -- I think it's
10 Rule 615 -- but is there any Rule 615, 615 motion by
11 either side?

12 If so, I normally grant it. So --.

13 MR. MacDONALD: None from defense.

14 SOLICITOR LESKANIC: Not from the State.

15 THE COURT: Okay. And the potential witnesses that
16 you all have provided to me are, and, Dan, I won't say
17 this in front of the jury, but Mr. Buckson -- I'll just
18 ask if anybody knows the defendant.

19 Okay?

20 MR. MacDONALD: Uh-huh. (Affirmative).

21 THE COURT: Cassandra, Cassandra, Sundra Buckson,
22 Doris Buckson, Jordan Cutchin, Doctor Monique Fox, Nick
23 Mabry, Complainant, Jackie Bridges, Mary Crosswell,
24 Doctor Mary Crosswell, and Shauna Galloway Williams.

25 Is that it?

1 I'm trying not to overlap.

2 But Jordan was on both of your lists, right?

3 And Doctor Monique Fox, DO?

4 MR. MacDONALD: Uh-huh. (Affirmative).

5 THE COURT: DO meaning doctor of --?

6 MR. MacDONALD: I forgot what DO stands for, Your
7 Honor. That's just what --.

8 THE COURT: Then I don't feel so bad.

9 MR. MacDONALD: It's not --.

10 THE COURT: All right. Okay. I'll just say doctor.

11 All right. So, is that everybody?

12 (WHEREUPON, there was no audible response.)

13 THE COURT: Okay. No, no new witnesses as far as
14 y'all know?

15 SOLICITOR LESKANIC: Correct.

16 THE COURT: All right. And Lynn McMillian is not on
17 the list.

18 Y'all may be referring to her in the testimony, is
19 that right, but she's not an official witness?

20 MR. MacDONALD: That's correct.

21 THE COURT: Okay. All right. So, let's begin then
22 with the motions.

23 Do y'all want to start with the Rape Shield Statute?

24 Is that all right?

25 MR. MacDONALD: Yes, Your Honor.

1 THE COURT: Okay. Rule 412 and the statute is
2 16-3-959.

3 Wait a minute.

4 (Pause.)

5 THE COURT: Okay. I've got the rules and it does not
6 matter to me who goes first. I think I understand y'all's
7 argument but we do need to preserve the record.

8 Okay?

9 SOLICITOR LESKANIC: Certainly, Your Honor.

10 THE COURT: Okay.

11 MR. MacDONALD: I'll go first.

12 SOLICITOR LESKANIC: Okay.

13 MR. MacDONALD: Your Honor, there's this, you know,
14 kind of cross-motions here. The State wants to preclude
15 any sort of mention about sexual history involving the
16 complaining witness in this case. We intend to im --
17 impeach the victim's credibility in this case with several
18 statements that she has made regarding her sexual history.

19 There's two cases I'd like to site in my argument,
20 *State v. Lang*, which is 304 S.C. 300, 403 S.E.2d 677,
21 Court of Appeals in 1991. That case states that there's
22 an exception to the Rape Shield Statute that exists if
23 evidence is offered to impeach credibility rather than
24 attacking the victim's morality. And then *State v.*
25 *Finley*, which is 300 S.C. 196, 387 S.E.2d 88, 1989, which

1 states the same.

2 Your Honor, in this case, there are four interviews
3 of the complaining witness, **Complainant**, in this case.

4 In those interviews she gives difference (sic)
5 testimony about being raped. She gives different
6 testimony about different people doing it. In some
7 instances she says that it's the defendant. In some
8 instances she references a individual by the name of Toe,
9 who has sexually molested her and not the defendant. And
10 then, in other interviews, she has stated that there was a
11 member in her high school that she actually was having
12 sexual relations with and not Mr. Buckson.

13 So, for those reasons, we feel like we can impeach
14 the complaining witness' credibility. We're entitled to
15 do so as an exception to the Rape Shield Statute because
16 of the statements that she's given in those interviews in
17 this case.

18 SOLICITOR LESKANIC: May it please the Court?

19 THE COURT: Yes.

20 SOLICITOR LESKANIC: Thank you, Your Honor.

21 The, the rape shield motion is for other incidents of
22 sexual abuse.

23 **Complainant** did report and has confirmed with me that
24 there was an incident when she was seven or eight years
25 old with a family member that she knew by the name of Toe.

1 That's, that's all we have as far as a name. And that
2 involved a, a touching on the outside of clothing, the
3 buttock area, and the legs when she was doing a handstand
4 and split. There was no allegation in that case of a
5 sexual battery.

6 And so we were -- we're moving to exclude anything
7 about actual sexual conduct or sexual abuse that occurred
8 to Complainant.

9 I certainly -- I don't have any objection and I think
10 it is relevant for Mr. MacDonald to impeach her if she
11 has, if she has made other statements. I'm not trying to
12 prevent them from going into impeachment, and just for the
13 Court's knowledge, there was a DSS investigation in
14 January of 2022.

15 I believe someone from the high school had reported
16 to DSS that Complainant was being molested by the defendant.
17 DSS, they came out. They, they did an investigation.
18 When Complainant was asked about that, she denied that there
19 was any abuse with her dad.

20 Then she was referred to Doctor Fox and, during the
21 interviews with Doctor Fox, she did deny that her father
22 was abusing her but stated that she had been abused by an
23 individual by the name of Toe. She was sent to Lynn
24 McMillian at the Advocacy Center where she, again, she
25 denied abuse by her father and talked about this with Toe.

1 After this allegation came out, **Complainant** did disclose
2 abuse to Detective Cutchin, after text messages were
3 found, sexual battery including oral sex and
4 vaginal/penile sex.

5 After she met with Detective Cutchin, she did go to
6 the Advocacy Center and met with Lynn McMillian for the
7 first time regarding this case but the second time because
8 she had been before due to the referral by Doctor Fox.

9 During the -- this time with Lynn McMillian, she
10 backed off of the sexual intercourse and she's gonna be
11 asked about that during her direct exam. So, I have no
12 problem, of course, with the defense asking if she said,
13 at some point, that her father did not molest her.

14 But, during that interview, she still did disclose
15 cunnilingus, fellatio, other types of sexual battery. She
16 just retracted on the sexual intercourse.

17 She then went to see the child abuse doctor, Doctor
18 Crosswell, and, during that, she did disclose the abuse to
19 her. She went back to Lynn McMillian, explained why she
20 had retracted the sexual intercourse part of that, and she
21 did disclose sexual abuse and sexual battery by the
22 defendant.

23 So, those, those types of denials, I think that's,
24 that's a fair question on the stand to **Complainant**. I'll ask
25 the same types of questions.

1 But if there's anything where the defense is
2 attempting to say **Complainant** was sexually active with another
3 person, and it's not for impeachment, that, I believe, we
4 have to have an in camera discussion and we have to be
5 made aware of that before any of those allegations are
6 placed before the jury.

7 THE COURT: Okay. Mr. MacDonald, do you want me
8 to -- just to take those up as they come?

9 I, I haven't referred -- I haven't been provided the
10 records that y'all are referring to from CAC. But I know
11 y'all know the rules of evidence and certainly, if she has
12 made an inconsistent statement or makes an inconsistent
13 statement, you, you will have the ability to impeach her.

14 But just her -- as, as I understand the Rape Shield
15 Statute, and admissibility of evidence concerning her
16 sexual conduct in criminal sexual conduct cases pursuant
17 to Rule 412, it, it -- you're very limited in -- into what
18 you can get into and I thought, just based on our
19 discussions, that there was something about a family
20 member or friend from when she was a -- very young.

21 My understanding is now she's 19?

22 UNIDENTIFIED SPEAKER: Correct.

23 MR. MACDONALD: Uh-huh. (Affirmative).

24 THE COURT: And so, I, I, I don't think that that
25 would be relevant based on just our discussions prior to

1 today. But, again, I haven't read the records.

2 And so I, I feel like, if we get to that point in her
3 testimony, we may need to take a break and then y'all can
4 publish or let me hear it in camera before the jury hears
5 it.

6 okay?

7 MR. MacDONALD: Your Honor, so, there's kind of two
8 instances where she alleges sexual activity with someone
9 else. One was when she -- in the, in the first CAC
10 interview where she stated that she was molested by a
11 family member named Toe. A subsequent interview, she also
12 states that she was not -- she did not have sex with her
13 father. She actually had sex with someone from her high
14 school.

15 That I believe I can get into because it's a
16 contradictory statement that she made during an interview.
17 I don't know who this person is. But I think that those
18 statements can come in because it's inconsistent
19 statements that are made across interviews.

20 THE COURT: And, and I think that -- I think that
21 counsel is agreeing that, if she were to deny that, that
22 you could get into it.

23 Correct?

24 SOLICITOR LESKANIC: Yes, I think the -- what I am
25 told is that there was no incident with a boy at school.

1 THE COURT: Okay.

2 SOLICITOR LESKANIC: That, that was actually
3 information provided by the defendant and he told her to
4 say that, to blame this on someone else at school. That's
5 gonna be -- that's my understanding what her testimony was
6 going to be.

7 The incident with Toe is true or she is confirmed
8 with me that occurred. And so I don't believe that any
9 testimony regarding that is relevant.

10 Based on the case law, I believe the Court has to
11 look at three things. Number one, was it a false
12 allegation. And, if so, then you move onto the additional
13 prongs of remoteness and factual similarity to determine
14 if it is relevant.

15 But, in this case, it's not, it's not for
16 impeachment. It would be in violation of rape shield
17 because that incident occurred with Toe.

18 Now, with her stating that she had to take Plan B
19 because of a boy at school --.

20 THE COURT: Right. It's different.

21 SOLICITOR LESKANIC: It's, it's---

22 THE COURT: Yeah.

23 SOLICITOR LESKANIC: ---different.

24 THE COURT: Okay. But -- and, and the facts that are
25 alleged with this person that -- the family member, not

1 the defendant, how old was she?

2 SOLICITOR LESKANIC: Seven or eight years old, Your
3 Honor.

4 THE COURT: Okay. And this was disclosed at CAC.
5 But there weren't any charges brought when she was seven
6 or eight---

7 SOLICITOR LESKANIC: That's---

8 THE COURT: ---right?

9 SOLICITOR LESKANIC: That's correct.

10 THE COURT: Okay. And what, what is it again that
11 was alleged to have happened?

12 It was touching of above the -- groping above the
13 clothing or something?

14 SOLICITOR LESKANIC: Yes, Your Honor.

15 MR. MacDONALD: That's correct.

16 THE COURT: Very different conduct.

17 SOLICITOR LESKANIC: Yes, Your Honor.

18 THE COURT: Okay. I find that that's too remote.

19 Okay. All right. So -- but you understand, Mr.
20 MacDonald, anything else that you want to bring up in your
21 cross-examination of **Complainant**, then you just -- we may have
22 to take a break with that?

23 MR. MacDONALD: Yes, Your Honor.

24 THE COURT: Okay. I'm not trying to get into y'all's
25 strategy too much.

1 All right. So, is that it for the State at this
2 time?

3 The *Jackson v. Denno* we're holding?

4 SOLICITOR LESKANIC: Yes are, Your Honor.

5 Mr. MacDonald and I have discussed that. The State,
6 at this point, does not intend to introduce his statement
7 in the case in chief. If something changes, then, at that
8 point, we would request Your Honor to allow us to have
9 that *Jackson v. Denno* and I believe there are things that
10 Mr. MacDonald and I would have to agree to as far as
11 redactions before that would be able to be played to the
12 jury.

13 MR. MacDONALD: That's correct, Your Honor.

14 THE COURT: Okay. And I, I know that would be time
15 consuming for you both. It's a couple hours --

16 MR. MacDONALD: Two hours, Your Honor.

17 THE COURT: -- according to what I was, yeah, looking
18 at.

19 SOLICITOR LESKANIC: Yes, ma'am.

20 THE COURT: Okay.

21 All right. Yes, sir, Mr. MacDonald, your motions.

22 MR. MacDONALD: Sure, Your Honor.

23 I'll start with just one that we've already kind of
24 worked out and that was a motion to preclude the State
25 from getting into prior bad acts or also known as *Lyle*

1 evidence. There's references to incidents that occurred
2 in Spartanburg and Myrtle Beach in this case and it
3 sounds -- and also in the -- at Rigsby and it sounds like
4 there's -- those are out of this county. They're not in
5 this county and it doesn't sound like the State plans on
6 going into these incidents.

7 And so, unless -- if they've changed their minds or
8 attempt to get into that sort of testimony, I don't think
9 a hearing would be required. But I just want to put that
10 on the record.

11 THE COURT: And you said Myrtle Beach, Spartanburg,
12 and where else?

13 MR. MacDONALD: There's reference to an incident in
14 Spartanburg at a Rigsby incident in Spartanburg.

15 THE COURT: What, what is Rigsby?

16 MR. MacDONALD: It's a, it's a restaurant.

17 THE COURT: Oh, it's the restaurant.

18 MR. MacDONALD: Yes.

19 THE COURT: Okay.

20 MR. MacDONALD: Yes, Your Honor.

21 THE COURT: Thank you.

22 Okay.

23 SOLICITOR LESKANIC: That was a physical abuse
24 incident. Not a sexual abuse incident.

25 MR. MacDONALD: That's correct.

1 THE COURT: Okay. Is that correct that y'all will
2 not be getting into that?

3 SOLICITOR LESKANIC: That is correct.

4 We will -- we don't plan on going into anything
5 Myrtle Beach or Spartanburg County. We would just go into
6 conduct in Cherokee County, and as we've discussed, that
7 would be at the [REDACTED] Colonial Avenue, Apartment [REDACTED], [REDACTED]
8 McCluney Drive, [REDACTED] Brookwood Drive. There is a unnamed
9 business in Cherokee County near Granard Middle School and
10 also hotels within Cherokee County. Specifically the Red
11 Roof Inn located in Cherokee County.

12 THE COURT: Okay. Thank you.

13 Yes.

14 MR. MacDONALD: Thank you, Your Honor.

15 Our next motion is to prohibit the use of the word
16 victim in this case.

17 The defendant requests protection for defendant's
18 constitutional right to a fundamentally fair trial and
19 prohibit the Court, prosecuting attorneys, and all
20 witnesses from referring to the complaining witness as the
21 victim in this case.

22 We are fine with being -- her being approached by her
23 legal name or as the complaining witness and we would ask
24 that any jury instructions refer to the complain --
25 complaining witness -- to not refer to the complaining

1 witness as the victim to the jury.

2 Our argument is that a criminal, a criminal defendant
3 is presumed innocence under federal and state
4 constitutions. It is elementary that the accused is
5 presumed innocent until proven guilty and that burden is
6 upon the state to prove the accused committed the crime
7 charged.

8 An accused has a right to rely entirely upon the
9 presumption of -- upon his presumption of innocence and
10 the weaknesses of the State's case against him.

11 Under Article 1, Section 2(C)(2) of the South
12 Carolina Constitution, it defines victim as a person who
13 suffers direct or threatened physical, psychological, or
14 financial harm as the result of the commission or
15 attempted commission of a crime against him.

16 Section 16-3-1110, Section 8 of the South Carolina
17 Code of Laws defines victim as a person who suffers direct
18 or threatened physical, emotional, or financial harm as
19 the result of an act by someone else, which is a crime,
20 and, lastly, Black's Law Dictionary defines victim as a
21 person harmed by a crime toward or other wrong.

22 Therefore, the word victim creates an improper bias
23 inferring the commission of the crime prior to any such
24 determination made by a jury and is wholly inconsistent
25 with the presumption of innocence that they'll be ordered

1 to follow by, by Your Honor.

2 So, essentially, because the word victim suggests an
3 inference of guilt, we're asking that the complaining
4 witness be precluded from being referred to as, as victim.

5 THE COURT: Yes, ma'am.

6 SOLICITOR LESKANIC: Thank you, Your Honor.

7 May it please the Court.

8 I would direct the Court to the definition section
9 for criminal sexual conduct under 16-3-651. The statute
10 under which we are prosecuting the defendant actually
11 defines the word victim as the person alleging to have
12 been subjected to criminal sexual conduct.

13 The statute for criminal sexual conduct with a minor
14 under 16-3-655 uses the word victim in the language. A
15 person is guilty of criminal sexual conduct with a minor
16 in the second degree if the actor engages in sexual
17 battery with a victim and then you refer back to the
18 definitions that the victim is the person alleging to have
19 been subjected to criminal sexual conduct.

20 So, I believe that it is completely appropriate in a
21 criminal sexual conduct case because that's how they are
22 referred to in the law in which I have to prove beyond a
23 reasonable doubt. It is defined within the statute and
24 the word victim is used within the criminal sexual conduct
25 statute itself.

1 THE COURT: Anything else?

2 MR. MacDONALD: No, Your Honor.

3 THE COURT: Okay. Are y'all aware of any case on
4 point in South Carolina?

5 I mean I, I found *Jarrold versus Martel*, a 2024 case,
6 regarding a PCR action that said that it was not error or
7 that counsel was not deficient for not objecting. I
8 understand that you are objecting.

9 Okay. But that counsel was not deficient for not
10 objecting to the term victim.

11 Okay. And so I'm gonna respectfully deny that.

12 MR. MacDONALD: Thank you, Your Honor.

13 THE COURT: And she was a minor at the time.

14 All right. Next.

15 MR. MacDONALD: Our next motion, Your Honor, is a
16 motion to quash the indictments that alleged criminal
17 sexual conduct with a minor in the second degree, which I
18 believe are indictments ending in 958, 959, 960, 961, and
19 962. And our argument is that criminal sexual conduct
20 with a minor in the second degree requires proof of the
21 following elements:

22 That the actor engaged in sexual battery with a
23 victim which is at least 14 years of age but less than 16
24 years of age and the actor was in a position of familial,
25 custodial, or official authority to coerce the victim to

1 submit or was older than the victim.

2 Sexual battery is defined under Section
3 16-3-650(1)(h) as sexual intercourse, cunnilingus,
4 fellatio, anal intercourse, or any intrusion, however
5 slight, of any part of a person's body or any object into
6 the genital or anal openings of another person's body
7 except when such intrusion is accomplished for medically
8 recognized treatment or diagnostic purpose.

9 Your Honor, we allege that the indictment's deficient
10 under two grounds. One is notice. Article 1, Section 18
11 of the South Carolina Constitution states that, in all
12 criminal prosecutions, the accused shall have the right to
13 be fully informed of the nature and cause of the
14 accusation.

15 Under *State v. Gentry*, which is 610 S.E.2d 494, 500
16 S.C. 2005, the sufficient -- which stated -- that case
17 stated that the suf -- the sufficiency of an indictment is
18 determined by whether, one, the offense is stated with
19 sufficient certainty and particularity to enable the Court
20 to know what judgment to pronounce, and the defendant to
21 know what he's qualified to answer and whether he may
22 plead an acquittal or conviction thereon, and, two,
23 whether it apprises the defendant of the elements that is
24 intended to be charged.

25 Our second is -- reason for why the motion should be

1 quashed is because -- particularity. The defendant
2 asserts that his rights under Article 1, Section 11 will
3 be violated if the State's allowed to proceed forth with
4 the prosecution of -- under the above listed indictments
5 in this motion.

6 These indictments, these indictments do not specify
7 which form of sexual battery that the defendant is alleged
8 to have committed. In *Town of Mayesville v. Clamp*, 149
9 S.C. 346, 147 S.E. 455, 457, Justice Blease, who was later
10 chief justice, stated in his concurring opinion, while an
11 accused may be arrested on a warrant that does not fully
12 inform him of the nature and cause of the accusation, he
13 may, when he's brought to trial, demand the information
14 he's entitled to under the provisions of Section 18,
15 Article 1.

16 Also, in *State v. Randolph*, 239 S.C. 79, 84 through
17 85 and 121 S.E.2d 349 at 351, in 1961 the Court held that
18 indictment was defective in that the charge was entirely
19 too general. That Court stated that all could be found in
20 the affidavit and warrant is the designation of the
21 offense by name, which is a mere legal conclusion.

22 There were no facts constituting the alleged offense
23 that were stated and no particularity was given as to the
24 contemplated crime. The crime was breach of peace, which
25 embraced a variety of conduct, and that just what type of

1 conduct is claimed that the appellants agree to engage in.
2 We think the Court erred in not requiring the State to
3 make the charge more definitive asserted by such
4 information that would enable the appellants to understand
5 the nature of the offense named in the warrant.

6 In this case, the same logic can be applied for the
7 term sexual battery. This is a case in which the accuser
8 has made allegations of multiple forms of sexual battery,
9 has recanted multiple accusations of sexual battery, and
10 has changed what kind of sexual battery has occurred
11 throughout the investigation.

12 Specificity in the indictment in the underlying
13 offense is necessary to ensure the defendant is not to be
14 held to answer for an underlying offense that the Cherokee
15 County Grand Jury never considered.

16 So, in conclusion, Your Honor, there's a case that
17 just came out. It's called *State v. Dent*. It came out
18 July 16th of this year. And, in the opinion, the
19 opinion led off with indictments matter. In criminal
20 trials where the weight of the, the government comes to
21 bear against an individual citizen, indictments are a
22 foundational part of that citizen's constitutional right
23 to due process.

24 They put the citizen on formal notice of the charges
25 against him and the theories the government intends to

1 present at trial to show that the citizen violated the law
2 thereby allowing the citizen to return -- prepare a
3 defense.

4 In this present case, the indictment does not
5 specifically identify the sexual battery that has
6 occurred. As such, the defendant is not able to
7 adequately prepare his defense for the unknown.
8 Therefore, we respectfully ask that the Court quash the,
9 the indictments listed in this case.

10 Now, Your Honor, I do want to point out that the
11 indictments that we aren't moving to be quashed, which are
12 the CSC third degree, the exposure of private parts, and
13 the incest charges. We feel that the State has been
14 particular enough in those indictments because, in those
15 three indictments, they say to -- so, for example, in
16 indictment ending 621, the CSC third degree, they make the
17 allegation of sexual battery and then they say to wit,
18 touching the victim's breasts and vagina.

19 We have been formally noticed -- given notice of
20 particularly what crime of sexual conduct has occurred.
21 And so we are adequately prepared to defend that
22 indictment.

23 Indictment 622 states the same. To wit, expose his
24 penis. So, it gives us a specific example of what the
25 State's moving forward with.

1 And then, in Indictment 1014 -- ending in 1014, it
2 states that the defendants engaged in sexual intercourse.
3 So, they're -- and those three indictments, they are
4 specifically telling us what sort of acts they're moving
5 forward on versus these five CSC second indictments.
6 They're just being -- they've been listed as sexual
7 battery without saying what type of sexual battery
8 occurred.

9 And so, Your Honor, for those reasons, we ask that
10 those indictments be quashed.

11 THE COURT: Thank you.

12 SOLICITOR LESKANIC: Thank you, Your Honor.
13 May it please the Court?

14 THE COURT: Yes.

15 SOLICITOR LESKANIC: When *State v. Dent* came out, I
16 did reach out to Mr. MacDonald and I did present direct
17 indictments to the Grand Jury because the indictments did
18 have more specificity. But they were, I think, too
19 specific because, in *State v. Dent*, the young child --
20 they had alleged fellatio in their indictments, sexual
21 battery, to wit, fellatio.

22 well, during that child's testimony, I believe, based
23 on the case, she stated that she had to lick his penis.
24 But she alleged other acts that were other sexual
25 batteries and the Court said no, indictments matter.

1 You're bound to what you allege.

2 In this case, the victim has alleged, and it has been
3 provided through discovery, all of the videos, the text
4 messages between the defendant and the victim, many
5 different types of sexual battery including digital
6 penetration, cunnilingus, fellatio, sexual intercourse.

7 So, I believe that the defendant is on notice that
8 there is not one particular sexual battery that occurred
9 in this case. There are many.

10 And so that is why I went forward with sexual
11 battery. But there is specificity on those with regard to
12 the address. The State did try to provide as much
13 information as possible so he would be in a position to
14 answer these charges.

15 But I don't think he would be held just to the
16 wording of the indictment because, as the Court is well
17 aware, whatever I have in my file I turn over to Mr.
18 MacDonald. We actually got together and reviewed files,
19 made sure that he had everything.

20 So, the defense, in having a complete copy of the
21 state's file, would be well on notice that we would be
22 alleging multiple types of sexual battery at these
23 locations.

24 In addition to that, in the beginning of the
25 relationship, it did begin with a grooming type behavior

1 involving touching. So that was addressed in the CSC with
2 a minor third and there were multiple incidents of
3 exposures of his penis in a lewd and lascivious way. But
4 we just brought one indictment and then, of course, the
5 incest indictment would cover not just the CSC with a
6 minor second degree locations but any sexual intercourse
7 that occurred in Cherokee County. And, again, we're
8 specifically, with that, going into conduct that occurred
9 at Red Roof Inn here in Cherokee County.

10 But I believe, with everything that has been provided
11 to the defense through discovery, again, including the
12 paper discovery, the videos, the interviews, and the text
13 messages, that the defendant is well advised of what he is
14 here to answer for this week.

15 MR. MACDONALD: We have been provided discovery, Your
16 Honor, in this whole case. However, the indictments (sic)
17 is specifically there to give the defendant notice of the
18 charges.

19 By making a charge as vague as possible by not
20 including what types of sexual battery that they're -- the
21 state's going to allege, then they're depriving my client
22 of come -- of coming up with a full defense because we
23 don't know what exactly the victim's gonna take the stand
24 and say because she has changed her story so many times
25 and we, we need to be adequately prepared for that. And

1 by the -- by being adequately prepared, the State needs to
2 give us notice of which types of sexual battery they're
3 going to be alleging.

4 SOLICITOR LESKANIC: I just -- I believe sexual
5 battery is more than sufficient. Otherwise it could be an
6 and/or.

7 But, but we have provided information. I've spoken
8 with Mr. MacDonald about it being sexual intercourse,
9 fellatio, digital penetration, cunnilingus, everything
10 that is alleged in the discovery and, frankly, that the
11 defendant says himself in messages to his daughter.

12 So, I, I would think, based on those communications
13 where he's admitted to engaging in some, if not all of
14 that behavior, he is sufficiently advised of why he is
15 here and the charges he would have to answer against.

16 THE COURT: Anything else?

17 MR. MacDONALD: No, Your Honor.

18 THE COURT: Okay. Well, I, I am aware of the nature
19 of the argument and the motion based on prior
20 communications with counsel.

21 Okay. And so I did review the indictments. I have
22 copies of them and I reviewed the law, the new law, the
23 case law, and also other cases regarding the sufficiency
24 of indictments and the purpose of the indictments.

25 I, I, I do want to go ahead and put on the record too

1 because I know it's very important to the defendant to
2 make -- when he's making this motion, the jury's not in
3 here. They have not been sworn.

4 Okay. So, the motion is still timely until the jury
5 is sworn.

6 I'm -- Mr. MacDonald, you had made quite an argument
7 as to these indictments. But I, I think they're
8 sufficient enough. I think they are notice documents and
9 they do have a period of time and they do have a location.

10 MR. MACDONALD: Thank you, Your Honor.

11 THE COURT: Thank you.

12 MR. MACDONALD: I just want to make sure---

13 THE COURT: Yes, sir.

14 MR. MACDONALD: ---that we were protected on the
15 record.

16 THE COURT: Yes, sir. Well done.

17 Okay. Next.

18 MR. MACDONALD: All right, Your Honor.

19 I think this is our -- this is gonna be our final
20 motion and that -- this is involving the text messages
21 that the State plans to introduce. And this is a motion
22 to suppress the printout of text messages due to lack of
23 authentication.

24 In this case, Jackie Bridges had gained access to
25 **Complainant's** phone and took pictures of text messages

1 allegedly between Daniel Buckson, who's the defendant, and
2 Complainant. In the investigation, it pointed to a
3 photo in the contacts and the phone number belonging to
4 the defendant to support, to support its contention that
5 the text messages came from Mr. Buckson.

6 In this investigation, both cellphones were collected
7 by law enforcement and cellphone extractions were
8 completed on both phones.

9 According to the incident report written up by
10 Investigator Cutchin, the text messages that were
11 submitted to law enforcement by Jackie Bridges could not
12 be located on either device after a cellphone extraction
13 was completed on each phone.

14 The, the first case I wanted to cite is *Griffin v.*
15 *State*. This is out of Maryland. It's 19 A.3d 415, 420
16 through 421. This was one of the first Courts to address
17 the question of whether traditional authentication
18 standards should apply to electronically stored
19 information.

20 In *Griffin v. State*, the State admitted into evidence
21 a message from the defendant's girlfriend's MySpace page
22 which said -- which stated "Free Boozy. Just remember
23 snitches get stitches. You know who you are."

24 The Maryland Supreme Court held that a printout from
25 a social networking site requires a greater degree of

1 authentication than the standard authentications
2 methods. The Court recognized that "anyone can create a
3 fictitious account and masquerade under another person's
4 name or gain access to another person's account by
5 obtaining the user name or password" and that's at Page
6 421 of this case.

7 The potential for fabricating or tampering with
8 electronically stored information poses a significant
9 challenge from the standpoint of authentication of
10 printouts.

11 Thus, the *Griffin* Court held that "authentication
12 requires the State to present some evidence disproving the
13 prospect that someone other than the defendant's
14 girlfriend could of not only created the site but also
15 posted the snitches get stitches comment. Tremendous
16 concerns over authentication, authentication exist to
17 the ease fabricating and tampering with electronically
18 stored information. Therefore, the mere fact that an
19 electronic communication purports from -- originally
20 certain person's account is insufficient to authenticate
21 that person as the author of the, the communications.

22 The Court held that the State failed to provide
23 sufficient evidence that the MySpace messages were from
24 the defendant cause the only information tying the account
25 to the defendant was his name and the photograph. Despite

1 the defendant's girlfriend's testimony the defendant had
2 sent the message to her, the Court found this was not
3 sufficient.

4 Your Honor, in *United States v. Jackson*, this is in
5 Seventh Circuit, this is 208 F.3d 633, 636 to 637, Seventh
6 Circuit in the year 2000, the defendant attempted to
7 introduce website postings from two white supremacy
8 websites to exonerate herself in an attempt, in an attempt
9 to prove that these white supremacists groups, not the
10 defendant, sent racist hate mail -- hate mail that the
11 defendant was accused of sending.

12 The Court stated "to authenticate the website
13 postings, the defendant needed to know that the web
14 postings in which the, the white supremacists groups took
15 responsibility for the racist mail was -- actually were
16 posted by the group as opposed to slipped onto the group's
17 website by the defendant herself who was a skilled
18 computer user." The Court found that the defendant was
19 unable to authenticate the website posting.

20 Your Honor, and I've, I've listed a couple of other
21 cases that have addressed the issue as well, *State v.*
22 *Eleck*, E-L-E-C-K, which is a Connecticut Court of Appeals
23 case, which is 23 A.3d 818, 822, Connecticut Court of
24 Appeals, 2011. That case recognized that the -- in the
25 emergence of authenticating social media records created

1 unique problems and electronic communication such as a
2 Facebook message could be generated by someone other than
3 the named sender.

4 And in *Smith v. State*, the -- which is 136 SO.3d 424,
5 433, Mississippi, 2014, this Court found that, because of
6 the special concerns regarding fabrication, the fact that
7 an electronic communication, on its face, purports to
8 originate from a certain person's social networking
9 account is generally insufficient, standing alone, to
10 authenticate that person as the author of the
11 communications.

12 In the Fourth Circuit, *United States v. Recio*, which
13 is 884 F.3d 230, 236 to 237, Fourth Circuit, 2018, the
14 Court found that a Facebook post was authenticated where
15 the government presented a certification by a Facebook
16 records custodian showing that the Facebook record
17 contained the post was made at or near the time the
18 information was transmitted by the Facebook user. The
19 user name was associated with the defendant and one of
20 four emails associated with the account included the
21 defendant's full, full name, more than a hundred photos of
22 the defendant were posted to that account, and one of the
23 photos posted a timeline with a text wishing the defendant
24 happy birthday.

25 THE COURT: And, Mr. MacDonald, I'm not gonna stop

1 you. But I just want to say that if you want to make your
2 motion an exhibit, I'm assuming the State would not object
3 to that.

4 SOLICITOR LESKANIC: No objection.

5 THE COURT: And you've gone into a great amount of
6 detail with your research --

7 MR. MacDONALD: Okay.

8 THE COURT: -- which I do appreciate. I have one
9 very basic question because y'all are in the minutiae of
10 this and I am not.

11 who is Jackie Bridges?

12 MR. MacDONALD: That is the -- she's the aunt or
13 cousin of the complaining witness and I, I think she's
14 currently where -- who she lives with or she was at the
15 time.

16 THE COURT: Okay. And I just needed to clarify that
17 for the record.

18 That is not -- so it's a friend or family member of
19 the victim?

20 Not a member of law enforcement, right?

21 SOLICITOR LESKANIC: That is correct, Your Honor.

22 THE COURT: Okay. Can, can I hear briefly from the
23 State and then I -- let me see. I think I've written on
24 my copy of this. But we can print it again cause you
25 emailed it and we can print it and get a cleaned copy for,

1 for it to be made an exhibit.

2 MR. MacDONALD: Sure.

3 THE COURT: But let me -- and I'll let you reply to
4 anything new.

5 Yes.

6 SOLICITOR LESKANIC: Thank you, Your Honor.

7 May it please---

8 THE COURT: How many messages are there?

9 Do -- y'all indicated there were---

10 SOLICITOR LESKANIC: There's two binders.

11 THE COURT: ---500?

12 MR. MacDONALD: Five hundred pages, Your Honor.

13 THE COURT: Okay. Please go ahead.

14 SOLICITOR LESKANIC: Thank you, Your Honor.

15 May it please the Court.

16 One of the things, of course, that the Court looks at
17 in introducing any evidence is the trustworthiness of it,
18 the relevance of it.

19 In many of the cases, if not all, Mr. MacDonald
20 referenced a deal with a post by an individual and trying
21 to prove that that individual made a post about something.

22 This case is very different. It's a conversation
23 between two people and, and one of those individuals is
24 **Complainant**. And so she is going to be able to take
25 the stand and identify these as something that she was

1 involved in with the defendant.

2 This is not a random post that we're trying to say
3 look, Mr. Buckson posted this about this activity. She's
4 a party to it. She was on the other end of the phone.
5 She's gone through all these messages. She recognizes
6 these messages and she can state that the -- these are
7 conversations that she had with the defendant.

8 During, during his interview, and I realize that we
9 are not going into his statement in front of the jury, but
10 the Court has had an opportunity to watch the defendant's
11 interview with Detective Cutchin, and, even during that,
12 he admits to these messages. Detective Cutchin reads him
13 some of the messages from these text threads and, and he
14 admits to sending them and says yes and he gives a
15 different explanation as to what those things mean.

16 But I believe that, looking at the statement he gave
17 to law enforcement, admitting that he made these messages,
18 **Complainant** is a party to this. She can authenticate them.
19 And, if anything, it may go to the weight of the evidence
20 that the jury wants to give it but not it's admissibility.

21 So, we would request that these messages be allowed
22 in through **Complainant's** testimony.

23 THE COURT: Yes, sir.

24 MR. MacDONALD: All right, Your Honor.

25 They reference -- so, he -- Mr. Buckson did not get a

1 chance to ever look at the messages that they're referring
2 to when he was being interviewed by Investigator Cutchins
3 (sic). He never read the messages and confirmed that and
4 he definitely didn't confirm all 500 of those messages
5 were written by him, Your Honor.

6 Our contention here is that these photos are a
7 printout and not the original copy. Both phones were
8 extracted by law enforcement through Cellebrite and none
9 of the messages that Jackie Bridges provided to law
10 enforcements (sic) could be found on either phone. Both
11 phones were provided to law enforcement and both
12 individuals gave law enforcement the passcode to open
13 those phones.

14 So, law enforcement had not only the passcode, but
15 they had permission to do a Cellebrite extraction. And
16 when they did the Cellebrite extraction, there was no
17 messages that corroborate the pictures that were sent to
18 law enforcement by Jackie Bridges.

19 Your Honor, there's an article that I want to admit
20 as a pretrial exhibit, All Pixels and Perjury, The
21 Alarming Ease of Fabricating Text Message Evidence and
22 What To Do About It. And, in that article, which was
23 written by Envista Forensics, they've been used in this
24 state as experts in forensic -- in cellphone forensic
25 before, in our office even, they state that creating fake

1 text, text messages is easy. Modern photo evidence -- and
2 software has made it remarkably simple to alter text
3 message screenshots.

4 There's tools like Adobe Photoshop, GIMP, or even
5 smart phone apps that can be used to change dates, times,
6 message content, or sender information.

7 For example, in Adobe Photoshop, one could take a
8 screenshot of a text message conversation, use the clone
9 stamp tool to remove existing texts, and then replace it
10 with new fabricated contents. Users can manipulate device
11 settings to create misleading screenshots with or without
12 technical skills. Simply changing your device's date and
13 time before taking a screenshot can alter a timestamp of a
14 message. Editing contact in -- before captioning the
15 screen can misrepresent the parties involved in the
16 conversation.

17 In this article, it states that the best way to
18 authenticate a text message is through forensic
19 acquisition which is where the cellphone is delivered to
20 someone to actually physically go into the phone and pull
21 out messages.

22 That was done in this case by law enforcement. They
23 did a Cellebrite examination of the phone. They did not
24 find the text messages that the State's trying to
25 introduce.

1 So, all we have is a physical copy of text messages
2 that can not be verified and there was attempts to verify
3 them and they failed. The -- there's other methods to
4 verify that the text messages occurred.

5 The cellphone provider could of been subpoenaed or
6 could of been -- or, or a search warrant could of been
7 sent to them to send them the inform -- information of
8 both phones. These were both iPhones. So Apple could of
9 been subpoenaed to provide more information. That was not
10 done in this case. All we have are photocopies, not the
11 original.

12 So, even -- also under the best evidence rule, Your
13 Honor, we feel that not only are these not authenticated
14 but these don't pass the best evidence rule because it's
15 not the original. These are photocopies.

16 But, for those reasons, Your Honor, we ask that the
17 text messages be suppressed and also, Your Honor, I would
18 move to admit the following exhibits or items as pretrial
19 Exhibit 1.

20 First is my motion to suppress. Second is the
21 article I referenced, Pixels and Perjury, The Alarming
22 Ease of Fabrication Text Message Evidence and What To Do
23 About It written by Envista Forensics, and then, thirdly,
24 I'd like to introduce the incident report of Jordan
25 Cutchin where he discusses doing the cellphone

1 extractions.

2 Your Honor, I'd like to admit these all as
3 plaintiffs -- Defense Pretrial Exhibit 1.

4 THE COURT: Okay. So, any objection to them coming
5 in as a pretrial exhibit, PT Exhibit 1, that's how they
6 would be marked?

7 SOLICITOR LESKANIC: I don't have any objection. I
8 haven't seen the article that he's referencing. So, I'm
9 really not in a position to comment on that.

10 THE COURT: Okay.

11 MR. MacDONALD: Sorry.

12 SOLICITOR LESKANIC: That's okay. I just -- I
13 haven't had a chance to read it or look through this. I
14 just wanted that on the record as well.

15 But I don't have any objection to the Court, Court
16 looking at that. I may need time to look at it as well.

17 May I respond to Mr. MacDonald or is that --?

18 THE COURT: Quickly, yes, ma'am.

19 SOLICITOR LESKANIC: Okay. Thank you, Your Honor.

20 In this case, the phones were extracted. Nick Mabry
21 is on our witness list and would be in a position to
22 testify that they had basic Cellebrite at the time, which
23 often did not pull iMessages. That's actually a
24 protection that Apple has that sometimes messages are not
25 pulled. But Investigator Cutchin actually had **Complainant's**

1 phone and physically went through the phone, saw messages
2 on the phone. He can testify to that as well.

3 And, in this case, another I guess ring of truth is
4 that this was an accidental disclosure. **Complainant** did not
5 just come forward and say I need to tell somebody what's
6 happening.

7 There was an incident that occurred. Her aunt,
8 Jackie Bridges, said give me your phone and give me your
9 passcode and she opened it up and came across very
10 inappropriate messages. And, frankly, if the Court would
11 read them, there are things in here that would be very
12 embarrassing for **Complainant** to have to read in front of a
13 jury as well, which I think is also a ring of truth that,
14 if these were fabricated, they would be simply fabricated
15 placing blame on him.

16 But there are instances of, of sexual conduct that
17 are not gonna be easy for anyone to testify to much less a
18 19 year old girl.

19 So, if the Court needs to look at those, but, again,
20 I believe it goes to the weight of the evidence, not the
21 admissibility. She can authenticate these. Detective
22 Cutchin saw messages on her phone and Nick Mabry can
23 explain why they would not show in the Cellebrite
24 extraction.

25 THE COURT: And, to be clear, or what are the

1 notebooks marked?

2 State's what, 1, 2?

3 State's 8 and 9.

4 SOLICITOR LESKANIC: State's 8 and 9, yes, ma'am.

5 THE COURT: All of those didn't show up on --?

6 SOLICITOR LESKANIC: That is correct. No iMessages
7 between these two individuals or between anyone else.
8 So---

9 THE COURT: Okay.

10 SOLICITOR LESKANIC: ---any other, other messages
11 that they had had with other friends, family members,
12 those did not pull from the Cellebrite either. It was a
13 basic Cellebrite that would only get basic information---

14 THE COURT: Okay.

15 SOLICITOR LESKANIC: ---at the time.

16 THE COURT: All right. So, first of all, defendant's
17 pretrial Exhibit 1 is in and I'll, when we get through
18 talking, or Madam Court Reporter can't do that and can't
19 mark that and continue typing, as that would come in as a
20 pretrial exhibit as to the motion to suppress.

21 Mr. MacDonald, I, I understand your arguments and I
22 think it does go to the weight.

23 Okay. I think these are admissible. I understand
24 and you certainly can bring that up.

25 okay?

1 MR. MacDONALD: Thank you, Your Honor.

2 THE COURT: All right. Any other pretrial motions?

3 MR. MacDONALD: One moment, Your Honor.

4 (Pause.)

5 MR. MacDONALD: That's all for defense, Your Honor.

6 THE COURT: Okay. Anything else?

7 SOLICITOR LESKANIC: Not from the State, Your Honor.

8 THE COURT: Okay. We can take about 10 minutes and
9 have the jury come, come in.

10 (WHEREUPON, the motion for the defense with
11 attachments was marked as Defendant's Exhibit No. 1 for
12 identification purposes only at this time.)

13 (WHEREUPON, a short recess was taken at this time.)

14 THE COURT: Okay. Ladies and gentlemen, the next
15 step for the morning, we are now getting into the first
16 matter that I need your participation with. And so I am
17 going to give you all a little bit of background about
18 this matter and then I'm going to introduce some people to
19 you.

20 I'm gonna read a list of witnesses, potential
21 witnesses to you, and then I'm going to have some more
22 questions for you, excuse me, and then, at the conclusion
23 of asking you these questions -- pardon me.

24 At the conclusion, I'm going to give y'all an
25 opportunity to come down and talk to me privately again.

1 All right. And, again, if you do need to stand,
2 remember to use your juror number only.

3 All right?

4 Okay. Ladies and gentlemen, we are ready to begin
5 with jury selection in the first case that's going to
6 require some of your participation and the title of the
7 case or the heading would be the State versus Daniel
8 Machito Buckson and he has been accused by the solicitor
9 of having committed the crimes of criminal sexual conduct
10 with a minor in the second degree, five counts, criminal
11 sexual conduct with a minor in the third degree, one
12 count, incest, one count, and exposure of private parts,
13 one count. And I'm getting ready -- I'm gonna read y'all
14 these indictments.

15 Okay. But before I do that, I want to explain that
16 an indictment is simply a charging document. It is not
17 evidence of anything. It is not proof of anything. It
18 doesn't establish anything. It simply is the means by
19 which any person who is accused of a crime is brought into
20 this Court to stand trial on a charge, how that person is
21 notified of the crime that the state claims they
22 committed. And so we have to have a charging document for
23 the cases to come to trial.

24 With regard to Indictment 25-GS-11-621, this is an
25 indictment for criminal sexual conduct with a minor in the

1 third degree, that Daniel M. Buckson did, in Cherokee
2 County, on or between August the 1st of 2020 and August
3 the 3rd of 2022, commit the offense of criminal sexual
4 conduct with a minor in the third degree in that the
5 defendant, he being over the age of 14 years, did
6 willfully and lewdly commit or attempt to commit a lewd or
7 lascivious act upon the body or its parts.

8 To wit, by touching the victim's breasts and vagina
9 while at [REDACTED] Colonia Avenue, Apartment [REDACTED], one Complainant
10 [REDACTED] a minor under the age of 16 years, with the
11 intent of arousing, appealing to, or gratifying the lust,
12 passions, or sexual desires of the defendant or such child
13 all in violation of South Carolina Code 16-3-655(c), the
14 Code of Laws of South Carolina, 1976 as amended.

15 Under Indictment 2562, this is an indictment for
16 exposure of private parts in lewd and lascivious manner,
17 that Daniel M. Buckson did, in Cherokee County, between
18 August the 1st of 2020 and August the 3rd, 2022, willfully
19 and knowingly, knowingly expose the private parts of his
20 person in a lewd and lascivious manner and in the presence
21 of another person. To wit, the defendant exposed his
22 penis to the victim, Complainant [REDACTED] while at [REDACTED]
23 Colonial Avenue, Apartment [REDACTED] in violation of South
24 Carolina Code Section 16-15-365 of the Code of Laws of
25 19 -- of South Carolina, 1976 as amended.

1 As to Indictment 23-1014, this is an indictment for
2 incest that Daniel M. Buckson, between September the
3 24th in 2020 and August 3rd, 2022, did commit the crime
4 of incest in that he did engage in sexual intercourse with
5 Complainant his biological daughter. Said incident
6 occurred in Cherokee County, South Carolina all in
7 violation of South Carolina Code 16-15-20, Code of Laws of
8 South Carolina, 1976 as amended.

9 And then as to five indictments, 25-958, 959, 960,
10 961, and 962, all are for the offense of criminal sexual
11 conduct with a minor in the second degree, that Daniel M.
12 Buckson did, in Cherokee County, on or between September
13 the 28th of 2020 and August the 3rd, 2022, commit the
14 offense, the offense of criminal sexual conduct with a
15 minor in the second degree and that the defendant did
16 engage in a sexual battery while at a business near
17 Granard Middle School, while at McCluney Drive, while
18 at Brookwood Drive, and Colonial Drive, Apartment
19 , with Complainant who was at least 14 years of age
20 but who was less than 16 years of age, and the actor was
21 in a position of familial, custodial, or official
22 authority to coerce the victim to, to submit or was older
23 than the victim all in violation of South Carolina Code
24 section 16-3-655(b)(2), the Code of Laws of South
25 Carolina, 1976 as amended. All indictments being against

1 the peace and dignity of the State and contrary to the
2 statute in such case made and provided.

3 Now, as to the allegations of these charges, the
4 defendant has entered pleas of not guilty and a plea of
5 not guilty places upon the State the burden of proving the
6 allegations that they have made against the defendant, the
7 burden of proving each of the essential elements that
8 constitute the crimes that are alleged against the
9 defendant, and the State, therefore, has the burden to
10 establish the defendant's guilt to the satisfaction of 12
11 jurors beyond a reasonable doubt before any verdict of
12 guilty could be returned as to any of the charges.

13 Now, before we begin with jury selection, I do have
14 some people to introduce to you and I have some questions
15 to ask you as I stated to you earlier. The purpose of all
16 of this is to make sure that if you think you know any of
17 these people or if you attend church with them, school
18 with them, you have children that know them, if you used
19 to be neighbors, if you used to work together, now is the
20 time to, to bring that to light. Not after you've been
21 chosen to sit on a jury.

22 Okay. And so even if you think you might know the
23 name of somebody, just stand up and we'll try to clear it
24 up for you.

25 Okay. And so let me see if I can find my list.

1 All right. And so the -- I'm gonna ask these folks
2 to stand up for me now.

3 Okay. The defendant is Mr. Daniel Ma -- Machito
4 Buckson and he is represented by his lawyers, Dan
5 MacDonald and Lawyer Nick Bainbridge.

6 (WHEREUPON, all parties stand at this time.)

7 All right. Thank you all. Y'all may be seated.

8 (WHEREUPON, all parties sit at this time.)

9 THE COURT: And then I also have here, at counsel
10 table, the deputy solicitor, Ms. Leskanic, Kim Leskanic.
11 She's the deputy solicitor of the Seventh Judicial
12 Circuit.

13 SOLICITOR LESKANIC: Morning.

14 THE COURT: And I -- if you can have the gentleman
15 next to you --.

16 SOLICITOR LESKANIC: Certainly, Your Honor.

17 This is Richard Burgess, investigator with the
18 solicitor's office.

19 THE COURT: Okay. And then -- all right. Yes.
20 And this is Mr. Haney?

21 SOLICITOR HANEY: Evan Haney with the solicitor's
22 office.

23 THE COURT: Okay. And so thank you all.

24 SOLICITOR LESKANIC: Thank you, Your Honor.

25 THE COURT: Now, also in addition to those folks,

1 potential witnesses to be called during the trial
2 include -- and I will ask, if these people are present,
3 please stand and turn around. So sometimes people don't
4 recognize a name but they will recognize a face.

5 **Complainant**

6 (WHEREUPON, the witness stands.)

7 THE COURT: Daniel Buckson.

8 (WHEREUPON, the defendant stands.)

9 THE COURT: Cassandra Buckson.

10 (WHEREUPON, the witness stands.)

11 THE COURT: Doris Buckson.

12 (WHEREUPON, the witness stands.)

13 THE COURT: Jackie Bridges.

14 (WHEREUPON, the witness stands.)

15 THE COURT: Shauna Galloway-Williams.

16 Doctor Monique Fox.

17 Jordan Cutchin.

18 (WHEREUPON, the witness stands.)

19 THE COURT: And he's with the Sheriff's Office here
20 in Cherokee County.

21 Nick Mabry who's also with the Cherokee County
22 Sheriff's Office.

23 And Doctor Mary Ratchford Crosswell.

24 Everyone please be seated.

25 (WHEREUPON, all witnesses sit down.)

1 THE COURT: Thank you.

2 All right. Counsel, did I miss any of your
3 witnesses?

4 SOLICITOR LESKANIC: No, Your Honor.

5 MR. MacDONALD: No, Your Honor.

6 THE COURT: Okay. Thank you.

7 All right. And so let's start.

8 Does anyone know any of the people or think that you
9 know any of people?

10 (WHEREUPON, jurors respond at this time.)

11 THE COURT: All right. That I just named.

12 All right. I want y'all to stand up, all right, and
13 then what we're gon' do, we're gonna start in the front
14 and we'll work from my left to right.

15 All right. And I just want y'all to be reminded,
16 juror number only, and then be responsive to my question.
17 Don't just start talking.

18 Okay. All right. What is your juror number, ma'am?

19 THE JUROR: 44.

20 THE COURT: And who is it that you know?

21 THE JUROR: Ms. Leskanic and Officer Burgess.

22 THE COURT: Okay. Bear with me just one minute.

23 Okay. Four-four.

24 And is that through work or a social relationship?

25 THE JUROR: I used to work for the Department of

1 Social Services.

2 THE COURT: And how long ago was that?

3 THE JUROR: Eight years.

4 THE COURT: And was that in Cherokee County or
5 Spartanburg?

6 THE JUROR: It was Cherokee County.

7 THE COURT: And you're no longer there?

8 THE JUROR: I am not.

9 THE COURT: And did you have any involvement with
10 anyone other than that?

11 Any, any particular case?

12 THE JUROR: No.

13 THE COURT: Okay.

14 THE JUROR: A case with them --

15 THE COURT: Okay.

16 THE JUROR: -- that they prosecuted.

17 THE COURT: Okay. That they prosecuted.

18 All right. And is there anything about that prior
19 relationship that would affect your ability to be fair and
20 impartial in this case?

21 THE JUROR: No.

22 THE COURT: Okay. Any other connection with anybody?
23 I know this is a small community over here.

24 THE JUROR: No.

25 THE COURT: Okay. Thank you.

1 That's Juror Number 44.

2 Yes.

3 THE JUROR: Juror Number 19.

4 THE COURT: Yes, ma'am.

5 THE JUROR: The solicitor and the investigator.

6 THE COURT: Okay. And how -- well, was that through
7 work or a social relationship?

8 THE JUROR: I guess maybe social. I don't know.

9 THE COURT: Okay.

10 THE JUROR: Yeah, not quite sure.

11 THE COURT: How long have you known them?

12 THE JUROR: Not known them. Just three years ago.

13 The situation was three years ago.

14 THE COURT: Okay. And is there anything about that
15 relationship that would cause you not to be fair and
16 impartial?

17 THE JUROR: No.

18 THE COURT: Okay. Thank you.

19 That's Juror Number 19.

20 Yes.

21 THE JUROR: Juror 130.

22 THE COURT: Yes, ma'am.

23 What -- who do you know?

24 THE JUROR: I don't know of them. I live in Gaffney
25 my whole life. I'm familiar with the Cassandra, the

1 sister. I'm familiar with her. But we -- we've never
2 been friends or anything. But I'm familiar with her.

3 THE COURT: Okay. And is that because of where you
4 live or the---

5 THE JUROR: That's---

6 THE COURT: ---church that you attend?

7 THE JUROR: The area. Just the area in Gaffney.

8 THE COURT: Yeah.

9 Okay. Would that affect your ability to be fair and
10 impartial in this case?

11 THE JUROR: No, ma'am.

12 THE COURT: Okay. Thank you.

13 That's Juror Number 1-3-0, correct?

14 THE JUROR: Yes, ma'am.

15 THE COURT: Okay. Thank you.

16 Yes, sir.

17 THE JUROR: Juror Number 86.

18 THE COURT: Yes, sir.

19 THE JUROR: I know Daniel Buckson.

20 THE COURT: And is that through work or friendship?

21 THE JUROR: That's just through church, through
22 church.

23 THE COURT: Through church.

24 And how long have you known him?

25 THE JUROR: We grew up in a church together.

1 THE COURT: And which church?

2 THE JUROR: Ebenezer Baptist Church.

3 THE COURT: And, sir, is there anything about that
4 relationship that would cause you not to be fair and
5 impartial?

6 THE JUROR: No, ma'am.

7 THE COURT: All right. Thank you.

8 That's Juror 8-6.

9 Yes, sir.

10 THE JUROR: One twenty-nine. I know Mr. Buckson and
11 the family.

12 THE COURT: And you said 1-2-9?

13 THE JUROR: One twenty-nine, yes.

14 THE COURT: Okay. And is that through employment or
15 social?

16 THE JUROR: He used to date my sister back and he'd
17 come to family functions usually.

18 THE COURT: How long ago?

19 THE JUROR: That's probably back in the early 2000s.

20 THE COURT: Okay. So 20 years ago?

21 THE JUROR: Probably.

22 THE COURT: Okay. And is -- sir, is there anything
23 about that relationship that would cause you not to be
24 fair and impartial?

25 THE JUROR: I wouldn't feel comfortable.

1 THE COURT: Okay. Okay. I'm gonna let you come down
2 and talk to me again in just a minute.

3 THE JUROR: Okay.

4 THE COURT: That's Juror 1-2-9 --

5 THE JUROR: Yes, ma'am.

6 THE COURT: -- correct?

7 THE JUROR: Yes, ma'am.

8 THE COURT: All right. Yes.

9 THE JUROR: Juror 97.

10 THE COURT: Yes, ma'am.

11 THE JUROR: I went to school with Cassandra.

12 THE COURT: I'm sorry?

13 THE JUROR: I went to school with Cassandra.

14 THE COURT: Okay. And was that high school, middle?

15 THE JUROR: High school.

16 THE COURT: Okay. And is there anything about that
17 relationship that would cause you not to be fair and
18 impartial?

19 THE JUROR: No, ma'am.

20 THE COURT: All right. Thank you.

21 Yes, ma'am.

22 THE JUROR: Twenty-seven. Twenty-seven.

23 THE COURT: Yes.

24 THE JUROR: Doctor Fox.

25 THE COURT: Okay. And is that a business or social?

1 THE JUROR: Business.

2 THE COURT: And are you a patient?

3 THE JUROR: My children are.

4 THE COURT: Okay. Currently?

5 THE JUROR: Uh-huh. (Affirmative).

6 Yes, ma'am.

7 THE COURT: Would that cause you not to be fair and
8 impartial?

9 THE JUROR: No, ma'am.

10 THE COURT: All right. Thank you. Bear with me just
11 one second.

12 (Pause.)

13 THE COURT: Yes, ma'am.

14 THE JUROR: Juror Number 71.

15 THE COURT: Yes, ma'am.

16 THE JUROR: And I know Ms. Leskanic and Mr. Burgess.

17 THE COURT: Okay. And is that a social or business
18 affiliation?

19 THE JUROR: Social.

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

22 THE JUROR: No, Your Honor.

23 THE COURT: All right. Thank you.

24 That's Juror 7-1.

25 Yes, ma'am.

1 THE JUROR: Sixty-four, Kim Leskanic. Our sons were
2 friends from where they went through school.

3 THE COURT: Okay. So, it's a social relationship?

4 THE JUROR: Yes, ma'am.

5 THE COURT: And is there anything about that
6 relationship that would cause you not to be fair and
7 impartial in this case?

8 THE JUROR: No, Your Honor.

9 THE COURT: Okay. Thank you.

10 MR. MacDONALD: What number was that?

11 THE COURT: Sixty-four.

12 MR. MacDONALD: Thank you.

13 THE COURT: Thank you.

14 Okay. Yes. Yes, ma'am.

15 THE JUROR: Juror 49.

16 THE COURT: One more time.

17 THE JUROR: Forty-nine.

18 THE COURT: Yes, ma'am.

19 THE JUROR: I know Complainant from school. From
20 school.

21 THE COURT: And that would be Mr. Buckson?

22 THE JUROR: Miss Buckson.

23 THE COURT: Miss Buckson?

24 Which Miss Buckson?

25 THE DEFENDANT: Complainant

1 THE COURT: Okay. And what school was that?

2 THE JUROR: That was Limestone Elementary, Granard
3 Middle. I believe Gaffney Middle and Gaffney High.

4 THE COURT: Okay. So you all were contemporaries --

5 THE JUROR: Yes, ma'am.

6 THE COURT: -- growing up together?

7 THE JUROR: Graduated close.

8 THE COURT: Okay. And, ma'am, is there anything
9 about that relationship that would cause you not to be
10 fair and impartial?

11 THE JUROR: I just knew her.

12 THE COURT: Okay. Thank you.

13 That's Juror 4-9.

14 Yes.

15 THE JUROR: Juror 29. I know Complainant Daniel
16 Buckson, Cassandra Buckson, and Darlene Buckson. I went
17 to---

18 THE COURT: Is it business or social?

19 THE JUROR: Social.

20 THE COURT: Okay. And is it because you all live in
21 close proximity---

22 THE JUROR: No.

23 THE COURT: ---or attend the same---

24 THE JUROR: I go---

25 THE COURT: ---church?

1 THE JUROR: ---to church -- went to church with all
2 of them and I graduated with Cassandra Buckson and I went
3 to school with Daniel and Cassandra, elementary, junior
4 high, and high school.

5 THE COURT: Ma'am, is there anything about that
6 relationship that would cause you not to be fair and
7 impartial?

8 THE JUROR: Yes.

9 THE COURT: Okay. And that's Juror Number -- you
10 said 2-9?

11 THE JUROR: Yes.

12 THE COURT: Okay. Juror 29, you are going to be
13 excused from this jury. I'm gonna ask that you leave now.

14 All right. And, Madam Clerk, she will call back?

15 THE CLERK: Yes, ma'am.

16 THE COURT: After 6:00?

17 THE CLERK: Yes, ma'am.

18 THE COURT: But I can't excuse you for the whole
19 week. You need to call back tonight.

20 Okay?

21 THE JUROR: Okay.

22 THE COURT: Thank you for being here.

23 That's Juror 29.

24 Okay. Yes, ma'am.

25 THE JUROR: Thirteen.

1 THE COURT: Yes.

2 THE JUROR: I know Complainant

3 THE COURT: And how -- is that social or --?

4 THE JUROR: She was one of our former employees.

5 THE COURT: Okay. How long?

6 THE JUROR: In 2024. Last year. 2024.

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

9 THE JUROR: No.

10 THE COURT: Okay. Thank you.

11 Yes, ma'am.

12 THE JUROR: One hundred six.

13 THE COURT: Yes.

14 THE JUROR: I know of Complainant from school.

15 THE COURT: And, ma'am, how long ago was that
16 relationship?

17 THE JUROR: I just knew of her. I -- we never talked
18 before. I just knew of her.

19 THE COURT: Which school was it?

20 I'm sorry.

21 High school?

22 THE JUROR: Gaffney High.

23 THE COURT: And would that affect your ability to be
24 fair and impartial in this case?

25 THE JUROR: No.

1 THE COURT: Okay. Thank you.

2 That's Juror 106.

3 Yes, sir.

4 THE JUROR: Twenty-six. Detective Cutchin.

5 THE COURT: And is that social or---

6 THE JUROR: Neither.

7 THE COURT: ---em---

8 THE JUROR: Neither. It's more local proximity to
9 where he lives.

10 THE COURT: I'm sorry. I can't hear.

11 THE JUROR: I knew---

12 THE COURT: Do you want to come down and talk to me?

13 THE JUROR: Yes.

14 THE COURT: Okay. So you're Number 26?

15 THE JUROR: Yes, ma'am.

16 THE COURT: All right. I've gave some more questions
17 for y'all. So, if y'all have indicated that you want to
18 come forward, you'll, you'll need to and I know I've got
19 one juror that just went to the bathroom. So, I can't ask
20 any more questions quite yet. Y'all just bear with me.

21 Okay?

22 (Pause.)

23 THE COURT: Okay. We will now continue with our
24 questions.

25 Again, if you need to respond, stand and then give

1 your juror number first.

2 Has any juror or juror's family member or close
3 personal friend ever been represented by counsel for the
4 defendant, Mr. Dan MacDonald, or any member of the
5 Cherokee County Public Defender's Office or -- and/or has
6 any juror, juror's family member, or close friend ever
7 been involved in a case prosecuted by the Seventh Circuit
8 Solicitor's Office?

9 That will be not only over here in Gaffney but also
10 in Spartanburg by Deputy Solicitor Leskanic or Mr. Evan
11 Haney or has anyone ever been a victim of a case or had a
12 family member or close personal friend who has basically
13 been represented by the solicitor's office?

14 The case was prosecuted on the victim's behalf.

15 So, if that applies, please stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Anyone?

18 (WHEREUPON, there was no response.)

19 THE COURT: No response.

20 Does any member of the jury panel -- and if y'all
21 have already stood up regarding that you know the
22 defendant, you don't need to stand again. But I didn't
23 ask this specific question.

24 Does any member of the jury panel follow the
25 defendant on social media or anyone involved, any witness

1 or anyone involved in this case?

2 Do you follow any of those people on social media, if
3 so, please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: No response.

6 Has any juror, juror's family member, or close friend
7 ever been arrested for, accused of, con -- or convicted of
8 or been a victim of any violent crime such as rape,
9 criminal sexual conduct, or any similar crime?

10 And be reminded that I will let you come down and
11 talk to me privately, okay, if this applies.

12 (WHEREUPON, there was no response.)

13 THE COURT: So, does anyone need to stand at this
14 time in response to that?

15 (WHEREUPON, one juror responds at this time.)

16 THE COURT: Ma'am, just give your juror number right
17 now and then I'll let you come down and talk to me.

18 THE JUROR: Twenty-seven.

19 THE COURT: Twenty-seven, right?

20 (WHEREUPON, the juror nods affirmatively.)

21 THE COURT: Okay. Anyone else?

22 (WHEREUPON, there was no response.)

23 THE COURT: Is any juror, juror's family member, or
24 close friend either currently or previously, and I'm, I'm
25 gonna ask it both ways, being prosecuted by the Seventh

1 Circuit Solicitor's Office or currently or previously been
2 involved in a case handled by the Cherokee County
3 Sheriff's Department, Department as a defendant or person
4 accused or as the victim of a crime, if so, please stand.

5 (WHEREUPON, jurors respond at this time.)

6 THE JUROR: Are you saying like the solicitor?

7 THE COURT: I'm sorry?

8 THE JUROR: Are you saying like if the solicitor
9 investigator has tried someone we know?

10 THE COURT: Yes.

11 THE JUROR: Okay.

12 THE COURT: Okay. Your juror number?

13 THE JUROR: Nineteen.

14 THE COURT: Okay. And --.

15 THE JUROR: My husband.

16 THE COURT: I'm gon' let you come down and talk to
17 me---

18 THE JUROR: Okay.

19 THE COURT: ---privately.

20 Okay. Juror Number 19 will come down in just a
21 minute.

22 Yes, sir.

23 THE JUROR: Eleven.

24 THE COURT: One eleven?

25 THE JUROR: No, just 11.

1 THE COURT: Okay. I'm gonna let you come down and
2 talk to me privately.

3 Okay?

4 THE JUROR: Yes, ma'am.

5 THE COURT: Are -- is any member of the jury panel
6 related by blood or marriage or are you close friends with
7 any current member or former member of the Cherokee County
8 Sheriff's Department or any -- a member of any law
9 enforcement agency, if so, please stand.

10 (WHEREUPON, jurors respond at this time.)

11 THE JUROR: Seventy-two.

12 THE COURT: And who is it, sir?

13 THE JUROR: My son-in-law and my daughter.

14 THE COURT: And where are they -- where do they live?

15 THE JUROR: Where do they live?

16 Blacksburg.

17 THE COURT: Okay. And are they law enforcement?

18 THE JUROR: Yes, ma'am.

19 THE COURT: What is the agency?

20 THE JUROR: Cherokee County and Spartanburg County.

21 THE COURT: Okay. And they are deputies,
22 investigators, what?

23 THE JUROR: Yes, ma'am, deputies.

24 THE COURT: What are their names?

25 THE JUROR: Officer Ray and Officer McCracken.

1 THE COURT: Okay. And is there anything about that
2 relationship that would cause you not to be fair and
3 impartial?

4 THE JUROR: Yes, ma'am.

5 THE COURT: All right. This is Juror Number 72.

6 THE JUROR: Yes, ma'am.

7 THE COURT: Sir, I am going to excuse you and I will
8 ask that you leave now. Call back tonight after 6:00.

9 THE JUROR: Okay.

10 THE COURT: Okay?

11 THE JUROR: Thank you.

12 THE COURT: Thank you.

13 That's Juror 7-2.

14 Yes.

15 THE JUROR: Twenty-four. My nephew works for
16 Cherokee County Sheriff's Department.

17 THE COURT: What's his name?

18 THE JUROR: Cody Duffey.

19 THE COURT: Duffey?

20 THE JUROR: Yeah.

21 THE COURT: Okay. And, sir, is there anything about
22 that relationship that would cause you not to be fair and
23 impartial?

24 THE JUROR: No, ma'am.

25 THE COURT: All right. Thank you.

1 Juror Number -- you said 24, correct?

2 THE JUROR: Yes, ma'am.

3 THE COURT: All right. He's staying with us.

4 Yes, Juror Number 11.

5 THE JUROR: Yes, ma'am, my sister-in-law for Cherokee
6 County Sheriff's and Caitlin Bowers.

7 THE COURT: Okay. You said your sister-in-law?

8 THE JUROR: Yeah.

9 THE COURT: Sir, is there anything about that
10 relationship that would cause you not to be fair and
11 impartial?

12 THE JUROR: No.

13 THE COURT: Okay. Thank you.

14 That's Juror Number 11.

15 Yes, ma'am.

16 THE JUROR: Number 75.

17 THE COURT: Seven-five, yes, ma'am.

18 THE JUROR: My son is a corporal at the Union County
19 Detention Center.

20 THE COURT: Currently?

21 THE JUROR: Currently.

22 THE COURT: And is there anything about his
23 occupation and your relationship with him that would cause
24 you not to be fair and impartial in this case?

25 THE JUROR: No, ma'am.

1 THE COURT: All right. Thank you.
2 That's Juror Number 75.
3 Yes, sir.
4 THE JUROR: Juror 8.
5 THE COURT: Eight.
6 Yes.
7 THE JUROR: My grandpa used to be -- he's retired
8 now. But he used to be a county sheriff's deputy.
9 THE COURT: In Cherokee?
10 THE JUROR: Yes, ma'am.
11 THE COURT: How long ago?
12 THE JUROR: He retired about maybe almost eight years
13 I think.
14 THE COURT: Okay. Is there anything about that
15 relationship that would cause you not to be fair and
16 impartial?
17 THE JUROR: No, ma'am.
18 THE COURT: Okay. Thank you.
19 That's Juror Number 8 is going to stay.
20 Yes, sir.
21 THE JUROR: Sixty-seven. Personal friends with Judge
22 Suppiger's son here in Cherokee County.
23 THE COURT: One more time.
24 with who?
25 THE JUROR: Ted Suppiger.

1 THE COURT: Is there anything about that relationship
2 that would cause you not to be fair and impartial, sir?

3 THE JUROR: No, ma'am.

4 THE COURT: All right. Thank you.

5 That's Juror 67.

6 Have you ever been employed as a victim's advocate or
7 are you related by blood or marriage to anyone employed as
8 a victim's advocate, if so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: No response.

11 Have you or a relative or close friend ever worked as
12 a social, social worker, psychologist, psychiatrist,
13 counselor, or similar occupation, if so, please stand.

14 (WHEREUPON, one juror responds at this time.)

15 THE COURT: Yes, ma'am, your juror number?

16 THE JUROR: Forty-four.

17 THE COURT: And, ma'am, is there anything about that
18 occupation that would cause you not to be fair and
19 impartial in this case?

20 THE JUROR: No.

21 THE COURT: Okay. Thank you. That's Juror 44.

22 Is any member of the jury panel or anyone related to
23 you ever sought assistance from, been employed by, or
24 performed volunteer work for any center or program whose
25 primary purpose is treating victims of sexual assault, if

1 so, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Have you or a member of your family given
4 money to or give -- currently give money or have in the
5 past given money to a group whose primary purpose of
6 promote -- is promoting law enforcement or victim's
7 rights?

8 And that would be a sheriff's association
9 contribution, Mothers Against Drunk Driving, something of
10 that nature.

11 If that applies to you, please stand.

12 (WHEREUPON, one juror responds at this time.)

13 THE COURT: Thank you.

14 Okay. Your juror number?

15 THE JUROR: One ten.

16 THE COURT: And, ma'am, which group is it?

17 THE JUROR: The Sheriff's Association --

18 THE COURT: Okay.

19 THE JUROR: -- state and national.

20 THE COURT: And, ma'am, is there anything about that
21 that would cause you not to be able to be fair and
22 impartial in this case?

23 THE JUROR: No, ma'am.

24 THE COURT: Okay. Thank you. That's Juror 110.

25 Is there anyone here who would be inclined to believe

1 a police officer's testimony over that of a private
2 citizen merely because he is a police officer or they are
3 police officers, please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: No response.

6 Is there anyone present who assumes that someone
7 accused of a crime is probably guilty of the crime because
8 they have been charged with one, if so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: No response.

11 Is there any member of the jury panel who believes
12 that they could not be fair and impartial for any reason
13 in this case, if so, please stand, and then I'm gonna let
14 you come down and talk to me privately.

15 For any reason?

16 (WHEREUPON, there was no response.)

17 THE COURT: Okay. Those of you who wanted to tell me
18 something earlier, I'm going to let you all come down now.

19 (WHEREUPON, the following takes place outside the
20 hearing of the jury venire.)

21 THE COURT: Yes.

22 THE BAILIFF: Juror 26.

23 THE JUROR: I was trying to say I live in a close
24 proximity to Detective Cutchin.

25 THE COURT: Okay.

1 THE JUROR: we don't have a social relationship or
2 anything.

3 THE COURT: Okay. Would that affect your ability to
4 be fair and impartial?

5 THE JUROR: No, ma'am.

6 THE COURT: Okay. Thank you.

7 THE JUROR: Yes, ma'am.

8 THE COURT: That's Juror 26.

9 THE BAILIFF: Nine -- Juror 19.

10 THE COURT: Yes.

11 THE JUROR: That -- my husband was tried by the
12 solicitor three years ago.

13 THE COURT: What was the charge?

14 THE JUROR: He pled to a voluntary -- is, is
15 voluntary manslaughter --?

16 THE COURT: Okay. Ma'am, would that affect your
17 ability to be fair and impartial?

18 THE JUROR: No, cause we moved past that.

19 THE COURT: Okay. All right. Thank you.

20 That's Juror Number 19.

21 Thank you, ma'am.

22 THE JUROR: Thank you.

23 THE BAILIFF: Juror 11.

24 THE COURT: Yes.

25 THE JUROR: I don't know if that applies or not.

1 THE COURT: Yes, sir.

2 THE JUROR: I don't know if it applies or not. But
3 my nephew got in some trouble about three or four weeks
4 ago.

5 THE COURT: Okay. And is he being prosecuted by the
6 Sheriff's Department?

7 THE JUROR: I think so. I don't know a whole lot
8 about it. But I'm pretty sure he was---

9 THE COURT: He lives here in Cherokee County?

10 THE JUROR: Yes.

11 THE COURT: What are the charges?

12 THE JUROR: Vandalism. I think that's it.

13 THE COURT: How old is he?

14 THE JUROR: He's 24, 25.

15 THE COURT: Okay. Does he live with you?

16 THE JUROR: He stays with me.

17 THE COURT: Okay. And you don't know if it's the
18 city or the county?

19 THE JUROR: I believe it's the city.

20 THE COURT: Would that affect your ability to be fair
21 and impartial?

22 THE JUROR: No, ma'am.

23 THE COURT: All right. Thank you.

24 That's Juror Number 11.

25 THE BAILIFF: Juror 129.

1 THE COURT: Hi, yes, sir.
2 THE JUROR: Yeah, I was---
3 THE COURT: You know the family?
4 THE JUROR: Yes.
5 THE COURT: Okay. And do you think that you could be
6 fair and impartial?
7 THE JUROR: I could. But I don't want to. I don't
8 --.
9 THE COURT: I hate to push. I just need a yes or no.
10 THE JUROR: No, ma'am, probably not.
11 THE COURT: Okay. Okay. I'm going to excuse you,
12 sir. You can go now but you need to call back tonight.
13 THE JUROR: Okay.
14 THE COURT: Okay. Thank you.
15 THE JUROR: Thank you.
16 THE COURT: One two nine is excused.
17 THE BAILIFF: Juror 27.
18 THE JUROR: Hi.
19 THE COURT: Yes, ma'am, take your time and --.
20 THE JUROR: I was molested and raped as a child by a
21 family member.
22 THE COURT: Okay. Would that affect your ability to
23 be fair and impartial?
24 THE JUROR: I want to say no but it does.
25 THE COURT: Okay. Okay. Ma'am, I'm going to excuse

1 you. Thank you for coming today and you can call back
2 tonight after 6:00.

3 Okay. Yes, ma'am, thank you.

4 THE COURT: Juror Number 27 is going to be excused.
5 Well, let me just -- do y'all have other questions?

6 SOLICITOR LESKANIC: No, that's all.

7 THE COURT: Okay.

8 MR. MacDONALD: We don't have strikes for cause, Your
9 Honor.

10 THE COURT: Okay. Yes.

11 SOLICITOR LESKANIC: Number 19 who approached, she
12 was actually a witness and I cross-examined her pretty
13 aggressively. I mean I am willing to use a strike for
14 cause. But if she -- there was a case that we tried. It
15 was charged as murder.

16 We did a stand your ground hearing and Bill Rhoden
17 represented the defendant, Dominick Bears, and that was
18 his girlfriend at the time and she did testify and the---

19 THE COURT: Do you object?

20 MR. MacDONALD: Yes.

21 THE COURT: Okay. What else?

22 SOLICITOR LESKANIC: I just wanted to make sure --.

23 THE COURT: Okay. Any, any other strikes for cause?

24 SOLICITOR LESKANIC: Not for cause.

25 THE COURT: Okay. I questioned her pretty hard and

1 she said she could be fair and impartial.

2 okay. I'm gonna deny that.

3 SOLICITOR LESKANIC: Okay.

4 THE COURT: Okay. Any, any other questions?

5 MR. MacDONALD: No.

6 THE COURT: All right. Madam Court Reporter, you got
7 your list?

8 THE COURT REPORTER: Yes, ma'am.

9 THE COURT: I have excused 29, is that correct, 72,
10 129, and 27?

11 Is that all correct?

12 THE LAW CLERK: And Number 10 from earlier.

13 THE COURT: Ten?

14 THE LAW CLERK: Yes.

15 THE COURT: Ten, 70, 29, 72, 129, and 27.

16 THE LAW CLERK: That's what I have.

17 THE COURT: Okay. All right. So, while they're in
18 the restroom, we'll be putting the list together.

19 okay. All right. Thank you.

20 SOLICITOR LESKANIC: Thank you, Your Honor.

21 (WHEREUPON, a bench conference was held out of the
22 hearing of the jury venire at this time.)

23 THE COURT: All right. Thank you.

24 SOLICITOR LESKANIC: Thank you.

25 THE COURT: Okay. Ladies and gentlemen, we are now

1 drafting a list and then you all will be called. If, if
2 you are called, you will be called up one at a time.
3 You'll need to bring your personal belongings with you and
4 you will stand right here where our bailiff is and the
5 State and defense counsel will decide if they want to keep
6 you or strike you.

7 okay?

8 And we will be drawing 14, 12 and two alternates and
9 they can not say that the air conditioner is not working
10 in this room, right?

11 I feel like I need to be doing calisthenics.

12 (Pause.)

13 THE CLERK: When I call your number, please come
14 forward. You'll stand in front of me and face out to the
15 gallery. If I tell you that you are to be seated, you'll
16 take a seat in the jury box. If I tell you that you've
17 been excused, you'll take a seat back out in the gallery.
18 Please bring your personal belongings when you come
19 forward.

20 Juror 24. Please come forward. If you'd turn around
21 for me.

22 What says the State?

23 SOLICITOR LESKANIC: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. MacDONALD: Please excuse this juror.

1 THE CLERK: You've been excused.
2 Juror 47.
3 what says the State?
4 SOLICITOR LESKANIC: Please present the juror.
5 THE CLERK: What says the defense?
6 MR. MacDONALD: Please seat -- accept the juror.
7 THE CLERK: Please take a seat in the jury box.
8 Juror 49.
9 What says the State?
10 SOLICITOR LESKANIC: Please present the juror.
11 THE CLERK: What says the defense?
12 MR. MacDONALD: Please seat the juror.
13 THE CLERK: Please take a seat in the jury box.
14 Juror 13.
15 What says the State?
16 SOLICITOR LESKANIC: Please present the juror.
17 THE CLERK: What says the defense?
18 MR. MacDONALD: Please excuse this juror.
19 THE CLERK: You've been excused.
20 Juror 30.
21 What says the State?
22 SOLICITOR LESKANIC: Please present the juror.
23 THE CLERK: What says the defense?
24 MR. MacDONALD: Please seat the juror.
25 THE CLERK: Please take a seat in the jury box.

1 Juror 80.
2 What says the State?
3 SOLICITOR LESKANIC: Please present the juror.
4 THE CLERK: What says the defense?
5 MR. MacDONALD: Please seat the juror.
6 THE CLERK: Please take a seat in the jury box.
7 Juror 105.
8 What says the State?
9 SOLICITOR LESKANIC: Please present the juror.
10 THE CLERK: What says the defense?
11 MR. MacDONALD: Please seat the juror.
12 THE CLERK: Please take a seat in the jury box.
13 Juror 26.
14 What says the State?
15 SOLICITOR LESKANIC: Please present the juror.
16 THE CLERK: What says the defense?
17 MR. MacDONALD: Please excuse this juror.
18 THE CLERK: You've been excused.
19 Juror 111.
20 What says the State?
21 SOLICITOR LESKANIC: Please present the juror.
22 THE CLERK: What says the defense?
23 MR. MacDONALD: Please seat the juror.
24 THE CLERK: Please take a seat in the jury box.
25 Juror 89.

1 what says the State?

2 SOLICITOR LESKANIC: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. MacDONALD: Please seat the juror.

5 THE CLERK: Please take a seat in the jury box.

6 Juror 81.

7 what says the State?

8 SOLICITOR LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MacDONALD: Please excuse this juror.

11 THE CLERK: You've been excused.

12 Juror 122.

13 what says the State?

14 SOLICITOR LESKANIC: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. MacDONALD: Please excuse this juror.

17 THE CLERK: You've been excused.

18 Juror 44.

19 what says the State?

20 SOLICITOR LESKANIC: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. MacDONALD: Please excuse the juror.

23 THE CLERK: You've been excused.

24 Juror 74.

25 what says the State?

1 SOLICITOR LESKANIC: Please present the juror.

2 THE CLERK: What says the defense?

3 MR. MacDONALD: Please excuse this juror.

4 THE CLERK: You've been excused.

5 Juror 57.

6 What says the State?

7 SOLICITOR LESKANIC: Please excuse the juror from
8 service in this case.

9 THE CLERK: You've been excused.

10 Juror 66.

11 What says the State?

12 SOLICITOR LESKANIC: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MacDONALD: Please seat the juror.

15 THE CLERK: Please take a seat in the jury box.

16 Juror 75.

17 What says the State?

18 SOLICITOR LESKANIC: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. MacDONALD: Please excuse this juror.

21 THE CLERK: You've been excused.

22 Juror 76.

23 What says the State?

24 SOLICITOR LESKANIC: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. MacDONALD: Please seat the juror.

2 THE CLERK: Please take a seat in the jury box.

3 Juror 97.

4 What says the State?

5 SOLICITOR LESKANIC: Please excuse the juror from

6 service in this case.

7 THE CLERK: You've been excused.

8 Juror 45.

9 What says the State?

10 SOLICITOR LESKANIC: Please present the juror.

11 THE CLERK: What says the defense?

12 MR. MacDONALD: Please seat the juror.

13 THE CLERK: Please take a seat in the jury box.

14 Juror 67.

15 What says the State?

16 SOLICITOR LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MacDONALD: Please excuse this juror.

19 THE CLERK: You've been excused.

20 Juror 92.

21 What says the State?

22 SOLICITOR LESKANIC: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. MacDONALD: Please excuse this juror.

25 THE CLERK: You've been excused.

1 Juror 35.

2 What says the State?

3 SOLICITOR LESKANIC: Please present the juror.

4 MR. MacDONALD: Please seat the juror.

5 THE CLERK: Please take a seat in the jury box.

6 Juror 71.

7 What says the State?

8 SOLICITOR LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MacDONALD: Please seat the juror.

11 THE CLERK: Please take a seat in the jury box.

12 The next juror seated will be for alternate one.

13 Juror 110.

14 What says the State?

15 SOLICITOR LESKANIC: Please present the juror.

16 THE CLERK: What says the defense.

17 MR. MacDONALD: Please excuse this juror.

18 THE CLERK: You've been excused. You've been
19 excused, ma'am.

20 THE BAILIFF: You've been excused, yes, ma'am.

21 THE JUROR: Oh, excuse me.

22 THE COURT: Juror 8.

23 What says the State?

24 SOLICITOR LESKANIC: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. MacDONALD: Please seat the juror.

2 THE COURT: Please take a seat in the jury box.

3 The next juror seated will be for alternate two.

4 Juror 3.

5 What says the State?

6 SOLICITOR LESKANIC: Please present the juror.

7 THE CLERK: What says the defense?

8 MR. MacDONALD: Please seat the juror.

9 THE COURT: Please take a seat in the jury box.

10 Counsel, can y'all come forward please?

11 (WHEREUPON, a bench conference was held out of the
12 hearing of the jury at this time.)

13 THE COURT: Okay. Thank you all for your attention
14 and your patience today. I know it's been a long morning
15 for you. You got up. You had some angst. You didn't
16 know how long you would be here today, when you'd be able
17 to have a break, where you park, where you come into the
18 building, and all of that. But now it's all downhill from
19 here.

20 Okay. Y'all are old folks -- old pros at this.

21 Before I let you all go for lunch, I'm gonna let
22 y'all come back at three o'clock. I am not leaving and
23 I've got some matters I've got to work on through lunch
24 and, believe me, the lawyers will be very, very busy as
25 well.

1 But we want y'all to get out, get some lunch, and get
2 back by 3:00.

3 Okay. That's the first thing.

4 The second thing is I haven't sworn y'all in yet. I
5 don't want to forget to do that. So, I'm telling all 14.
6 We've got to be sworn in.

7 All right. And, and we'll you -- do that after lunch
8 when you come back.

9 And, lastly, I want to explain to you some of the
10 ground rules. A lot of people don't understand this. But
11 you all are not allowed to talk about the evidence in this
12 case with anyone, not even among yourselves, until I tell
13 you all to begin your deliberations in the case at the
14 close of all of the evidence.

15 All right. And so I know y'all are gonna need to
16 make some phonecalls at lunch and tell everybody how
17 excited y'all are to be on Judge Knie's jury this week.
18 Tell your boss. Tell your friends, spouse, children. But
19 don't talk to them about the case.

20 Okay. Every bit of evidence and every bit of opinion
21 coming into this case needs to come from y'all. Y'all are
22 the only people, other than really me, okay, that is going
23 to have an opportunity to see every bit of the evidence in
24 this case. And so, to take someone else's opinion and
25 apply it to this case, is unfair to everyone.

1 Okay. No one else is going to observe every bit of
2 evidence except the people that are gonna be in this
3 courtroom nonstop during the trial.

4 All right. The attorneys may go in and out. You
5 know, staff may switch off. But me and you, we're in here
6 for the whole time.

7 Okay. Nothing is coming in unless it's in front of
8 us.

9 All right. So, please understand that. This is a
10 very important matter for everybody involved. And so I
11 just want y'all to be fair to everyone.

12 All right. So, no discussions. No prior research.
13 Every bit of information and opinion you get on this case
14 is gonna come to you from this courtroom and among
15 yourselves.

16 All right. Okay. And so, Madam Clerk, any further
17 instructions before I have them come back?

18 THE CLERK: No, Your Honor.

19 THE COURT: All right. Three o'clock. We can't get
20 started without you.

21 I'm not trying to alarm you. But if you don't come
22 back, we're gonna first try to call and then, if we can't
23 get you, a deputy may come to look for you, okay, to make
24 sure you're okay because we don't know, if something's
25 wrong, do we sub in an alternate or do we start without

1 you.

2 You understand?

3 Do we wait for you or do we start.

4 So, with that, y'all go have a great lunch. I'll see
5 y'all at three o'clock. Thank you very much for your
6 service.

7 Everyone please rise.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury panel.)

10 THE COURT: Okay. Thank you all. Please be seated
11 and a couple things on the record.

12 I was informed there were no strikes for cause -- I
13 mean there was one strike for cause, Juror Number 19, and
14 I denied that.

15 Anything else on that?

16 SOLICITOR LESKANIC: No, Your Honor. Just to
17 relay -- I believe it's already on the record.

18 THE COURT: It is.

19 SOLICITOR LESKANIC: Okay. Then nothing further,
20 Your Honor.

21 THE COURT: Okay. There were no strikes for cause by
22 the defendant and there were no motions as to the jury,
23 correct?

24 No *Batson* motion?

25 Nothing that I need to take up?

1 MR. MacDONALD: That's correct, Your Honor.

2 SOLICITOR LESKANIC: That is correct, Your Honor.

3 THE COURT: Okay. We've had all the pretrial
4 motions.

5 SOLICITOR LESKANIC: Yes, Your Honor, from the State.

6 MR. MacDONALD: Yes, Your Honor.

7 THE COURT: And the jury has not yet been sworn.

8 Okay. Okay. All right. And so I've got something
9 that I need to take up at 2:30 with some other lawyers.
10 But we will begin -- I do a brief introduction to the
11 jury. Not as brief as I'd like it to be. But I don't
12 have any choice.

13 Okay. And so I'm gonna do an intro and then you all
14 will start with your openings. So, feel free to organize
15 whatever you need to over here so you don't have to do it
16 in front of them and y'all need to make sure that
17 equipment is working, whatnot.

18 Have y'all premarked your exhibits?

19 SOLICITOR LESKANIC: I have, Your Honor, and I've
20 shown all of those to Mr. MacDonald.

21 MR. MacDONALD: Yes, Your Honor.

22 THE COURT: Okay. All right. Thank you all very
23 much. Thank you. Y'all did a great job this morning in
24 getting this moving. I'll see y'all at 3:00.

25 SOLICITOR LESKANIC: Thank you.

1 THE COURT: Okay.

2 (WHEREUPON, Court was in recess for the lunch hour.)

3 THE COURT: Okay. Counsel, are we ready?

4 MR. MacDONALD: Yes, Your Honor.

5 SOLICITOR LESKANIC: Yes, Your Honor.

6 THE COURT: Okay. All right. Let me get this
7 plugged in before we start.

8 (Pause.)

9 THE COURT: Okay. Then we will have the jury.

10 Everyone remember to rise when the jury enters and
11 exits the room.

12 Okay. Thank you.

13 Y'all can be seated -- we're waiting on -- I guess
14 everybody can be seated.

15 (WHEREUPON, the following takes place within the
16 presence of the jury panel.)

17 THE COURT: Okay. Thank you all. Please be seated.

18 Okay. Okay. We are back on the record with regard
19 to the matter of State versus Daniel M. Buckson and this
20 is August the 4th. It is now 3:27PM.

21 And I will ask if our clerk of court can give the
22 jury the oath.

23 If y'all will please rise.

24 (WHEREUPON, the jury was placed under oath at this
25 time.)

1 THE COURT: Okay. Ladies and gentlemen, thank you
2 all very much for being prompt and thank you already for
3 your time and attention in this matter.

4 We are now going to begin this trial and I'm going to
5 give you a very brief introduction to the trial and then
6 you will hear from the lawyers, okay, and they are going
7 to make their opening statements.

8 Before we begin the trial, I want to tell you that
9 this trial is probably different from what you might
10 expect. Many people do not have the chance to attend
11 actual court sessions as you all are doing now and may
12 think, from watching television or movies or reading
13 books, that trials are always full of high drama, intense
14 action, and rivetting circumstances.

15 While all of these things may be true at times, this
16 trial is not for entertainment. It is a fundamental part
17 of our democracy, the opposite of what you may have seen
18 on television or in movies or read in books.

19 The courtroom is a place of honor dedicated to the
20 protection and preservation of citizen's rights through
21 what many have called the greatest justice system ever
22 created. The attorneys appearing before you are advocates
23 for the parties they represent. But first and foremost,
24 they are officers of the court sworn to uphold the
25 integrity and fairness of our judicial system.

1 You should expect them to be professional, competent,
2 and ethical in the representation of their client's
3 interest. Remember that you 12 have taken an oath and you
4 are also expected to be professional, reasonable, and
5 ethical.

6 Thank you for accepting the important responsibility
7 of jury service and for your contribution today to our
8 justice system.

9 What I will say now is meant as an introduction to
10 the trial of this case. These remarks are not a charge on
11 the law in the case. I will instruct you on the law of
12 the case at the conclusion of the evidence before you
13 retire into the jury room to begin your deliberations.

14 Before the trial begins, I want to explain the
15 procedure that we will follow so that you can better
16 understand what is happening. You have been selected as
17 fair and impartial jurors whose purpose is to find and
18 determine the facts. You are the sole judges of the
19 facts.

20 If, at anytime, I make any comment regarding the
21 facts, you must disregard it. You are to determine the
22 facts from the testimony you hear and any other evidence
23 that is presented. You should not be influenced by any
24 opinions or statements you may have heard outside the
25 courtroom.

1 It is especially important that you perform your duty
2 of determining the facts diligently and conscientiously
3 because, ordinarily, there is no way to correct an
4 erroneous determination of the facts by a jury. When you
5 comply with your oath to impartially determine the facts
6 of the case, you will have fulfilled your duty as jurors
7 and no one will have the right to criticize your verdict.

8 On the other hand, and with equal emphasis, the same
9 law that makes you the judges of the facts makes me the
10 judge of the law. The law, as given by the Court, is the
11 only law that you may consider. You must accept and
12 follow it even though you may disagree with it. I can not
13 tell you what the facts are and you can not disagree with
14 me about what the law is or what it should be.

15 Your job is to take the law as I give it to you and
16 apply it to the facts as you find them from the testimony
17 of the witnesses and any other evidence that is presented.
18 After doing that, you will render your verdict.

19 Until I advise you to begin your deliberations, you
20 must not discuss this case with anyone including your
21 fellow jurors, friends, family members, or anyone involved
22 in this case. This would include any type of discussion
23 or communication.

24 Please understand that you are not to do any
25 independent research in the case. Please do not do

1 research regarding a party, a witness, an attorney, or a
2 court officer.

3 During the time -- during the trial, do not read or
4 listen to or watch any news reports regarding the case.
5 This includes anything from any media source. You must
6 not consider anything that you have read or heard about
7 the case outside the courtroom whether before or during
8 the trial.

9 After the case is submitted to you, you must discuss
10 it only in the jury room with your fellow jurors. The
11 attorneys and parties in this action have been advised
12 that they are not to talk to you at all. If you see
13 someone from in this courtroom, as you enter or exit the
14 building, do not speak to them, and if they try to speak
15 to you, turn the other way.

16 Okay. It is important for you to keep an open mind
17 and not decide any issue in the case until all of the
18 evidence has been presented and the parties have made
19 their closing arguments and I have instructed you on the
20 law in this case.

21 Now, in just a moment, the lawyers will make what is
22 called an opening statement. What the attorneys tell you
23 in their opening statements is not evidence in the case.
24 It is only their contention as to what the issues are.
25 The evidence in this case will be presented to you by the

1 testimony of sworn witnesses from the witness stand and/or
2 by exhibits that may be introduced into evidence.

3 Now, during the trial, you may hear one of the
4 lawyers ask if they can come up and talk to me privately
5 or I may ask them to come up and speak with me privately.
6 And this -- the reason for this is because you all are the
7 judges of the facts in this case and sometimes, when I'm
8 discussing matters of law with the attorneys, it may be
9 necessary for me to make a comment as to the facts in
10 connection with ruling whether or not a particular law
11 applies.

12 I am not suppose to tell you what I think the facts
13 are. So I will excuse you from the courtroom while these
14 discussions take place so that you will not be influenced
15 by anything that I might say or do in connection with the
16 facts.

17 Now, in determining the facts in the case, you must
18 decide whether or not the testimony of a witness is
19 believable or witnesses is believable. It will be my
20 responsibility to rule, as a matter of law, as to whether
21 certain testimony is admissible. But once the testimony
22 is admitted, whether or not you believe it is solely for
23 you to determine.

24 In deciding whether to believe a witness, you have
25 the right to consider whether the witness has an interest

1 in the result of the trial, whether the witness is
2 prejudiced towards either the plaintiff or the defendant,
3 the opportunity for the witness to have seen the matters
4 and things about which the witness may testify, and the
5 way the witness acts on the witness stand.

6 You have a right to consider anything that is in the
7 record that will help you evaluate the testimony of the
8 witnesses. That means that if -- that it is your duty to
9 pay close attention to the witnesses, to listen and
10 observe them, and the attorneys and the court. Don't let
11 your thoughts wonder, but pay attention to the testimony
12 so that, at the end of the trial, you will be able to
13 determine what the facts are and apply them to the law and
14 render a verdict.

15 Now, in order to preserve everyone's rights, I will
16 give the parties an opportunity to object to anything that
17 I have said.

18 Any exceptions or objections from the State, Deputy
19 Solicitor?

20 SOLICITOR LESKANIC: No, Your Honor. Not from the
21 State.

22 THE COURT: Any from the defense?

23 MR. MacDONALD: No, Your Honor.

24 THE COURT: Thank you, Mr. MacDonald.

25 Okay. We will now begin the trial.

1 Counsel.

2 SOLICITOR LESKANIC: Thank you, Your Honor.

3 May it please the Court.

4 THE COURT: Yes, ma'am.

5 SOLICITOR LESKANIC: Good afternoon, ladies and
6 gentlemen.

7 I introduced myself briefly at the beginning. I'm
8 Kim Leskanic. I work here in the Solicitor's Office.
9 Evan Haney is my cocounsel. But we're not important.

10 I am here for that young lady, **Complainant** with
11 the white turtleneck on. She's the reason that I'm here
12 and the reason that you all are here because the defendant
13 is her father. He's been charged with sexually molesting
14 her for two years from approximately August of 2020
15 through August of 2022.

16 He was not in her life very much. Saw her
17 periodically until she was about 13 years old and, when
18 she was 13, he moved to Gaffney and began a relationship
19 with his daughter. And what started out very briefly as a
20 daddy/daughter, father/daughter relationship, quickly
21 turned to the unbelievable, to the unspeakable, to
22 touching her breasts, to touching her vagina, to putting
23 his fingers inside her vagina, to putting his mouth on her
24 vagina, having her put her mouth on his penis, and
25 engaging in sexual intercourse, penile, vaginal

1 penetration with his then 14, 15 year old, old daughter.

2 On multiple occasions, in multiple places here in
3 Cherokee County, a place where she should of been safe
4 where she lived with her grandmother, it happened there.
5 At his house where he lived with his mother, it happened
6 there. At a business near Granard Middle School, it
7 happened in the parking lot there. In his vehicle, it
8 happened there. The Red Roof Inn here in Cherokee County,
9 it happened there and I'll ask her how many times it
10 happened. But I don't know if she can tell you cause
11 sometimes things happen so much you can't remember.

12 But the evidence, the opening is a roadmap.

13 What are you gonna hear?

14 You're gonna hear from **Complainant** Today's her
15 birthday. She's 19 years old today. This happened when
16 she was 14 to 15 years old.

17 Her mother died when she was seven. So, she was
18 raised by her grandmother and then, at 13, her dad moves
19 to town.

20 What a great thing, right?

21 I finally have a parent.

22 It wasn't so great. She's gonna have to get on this
23 stand, and she will, and she's gonna recount not only him
24 doing things to her, she's gonna have to tell you about
25 things she did to him because it's -- that's what

1 happened. And she's also gonna tell you that, when she
2 was first asked about it, she said it wasn't true.

3 Dad's not touching me cause how embarrassing is it
4 for **Complainant** to say yeah, my dad, I put my mouth on his
5 penis and he ejaculates in my mouth and he puts his penis
6 in my vagina and he ejaculates inside of me. So, I have
7 to go take Plan B so I don't get pregnant.

8 she'll tell you that was really hard to tell
9 somebody. But not only will you hear from her, but you're
10 gonna see text messages, a glimpse, it's not gonna seem
11 like a glimpse because it's 500 plus pages of text
12 messages, but it's a glimpse because it's July through
13 August of 2022 messages between the two of them. And, in
14 those messages, you will hear and see that he wrote about
15 wearing her panties, how it felt when he wore her
16 underwear, tasting her, how he just wanted to get another
17 taste, getting rooms with her and she'll tell you about
18 the Red Roof Inn, the sexual intercourse that occurred
19 there. Making love to her.

20 Taking her virginity. Her father took her virginity.
21 That's what the evidence will show you.

22 Ejaculating inside of her, these are his messages.
23 Having a baby with her. We'd have the most perfect baby.
24 And then telling her to erase the messages cause we
25 wouldn't want those to get out.

1 But toward the end of this, before it did come out,
2 she still had those messages. So, you get a glimpse but
3 it's gonna be two binders worth of a glimpse.

4 As the judge stated, she is the judge of the law. We
5 will present the facts of this case. We appreciate you
6 being here and we look forward to presenting this case to
7 you and we appreciate that you are here today.

8 He is charged with incest, for having sex with his
9 daughter. That's what incest is. A man is not allowed to
10 have sexual intercourse with his daughter.

11 He is charged with multiple counts of criminal sexual
12 conduct with a minor in the second degree and that is when
13 you engage in a sexual battery, you're older, in his
14 forties, and he's having sexual relations with his
15 daughter who is 14 and 15 and that will include what's
16 called cunnilingus, which is oral sex on a woman,
17 fellatio, oral sex on a man, and sexual intercourse.
18 Those are sexual batteries and that's illegal.

19 He's also charged with criminal sexual conduct with a
20 minor in the third degree, touching her breasts, touching
21 her vagina for sexual gratification. And he's charged
22 with exposing his penis in a lewd and lascivious manner.
23 He'd masturbate in front of her.

24 We appreciate your time. Thank you.

25 MR. MACDONALD: May it please the Court?

1 THE COURT: Yes, sir.

2 MR. MacDONALD: We're here to judge the prosecution's
3 accusation.

4 Now all of you just raised your hand and you took an
5 oath, okay, and your oath includes following the law as
6 Judge Knie instructs it. And the first rule that she gave
7 you is that you have to presume Daniel innocence (sic).

8 Okay. There's been no evidence presented yet at this
9 time. So, if you have an open mind about whether Daniel
10 is innocence (sic) or guilty of this charge, then you've
11 already violated your oath because you have to assume
12 right now, in your heart, your soul, and your minds, and
13 be astounded by the fact that this innocent man is being
14 drug before this Court today. If you can't do that, then
15 you're violating your oath right now.

16 It's not even just a false -- or I'm sorry. This is
17 an innocent man whose life has been ruined by these false
18 accusations. He's lost his job. He's lost family over
19 this and it's not---

20 SOLICITOR LESKANIC: Your Honor, objection.

21 THE COURT: Counsel, approach.

22 Your client can be seated.

23 MR. MacDONALD: Okay.

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

1 SOLICITOR LESKANIC: Thank you, Your Honor.

2 MR. MacDONALD: But this isn't even just a false
3 allegation. **Complainant's** the accuser in this case admits, at
4 one point, that she's made the allegation up.

5 So, if you have an open mind at this stage that
6 Daniel is guilty or innocent, you need to flush that out
7 of your system.

8 Do you believe everything that you hear?

9 No, you don't.

10 Do you believe every person accused of a crime is
11 guilty?

12 Of course not.

13 People can lie and it's up to you to look at the
14 evidence and see through the lies.

15 The only thing protecting us from being falsely
16 accused is you. You can stop a false accusation and we're
17 trusting you to do so here today.

18 Now, Judge Knie said you must presume Daniel
19 innocence (sic) and that's the only presumption you're
20 allowed to have in this courtroom at this time. In order
21 to presume that Daniel's innocent, you must doubt the
22 accuser. Thus, by law at this stage, you're not allowed
23 to believe in this accusation.

24 The best way to do your job, as you sit on that jury,
25 is pay attention to the evidence in this case. Pay

1 attention to the inconsistent statements, the inconsistent
2 stories that get presented, the lack of evidence, the lack
3 of DNA, the lack of any corroborating witnesses.

4 The National Registry of, of Exoneration just had its
5 3,000th exoneration.

6 Now, what is an exoneration?

7 That's when a person was falsely accused of a crime
8 and convicted by a jury and later found out to be
9 innocent. That's 3,000 lives broken, 3,000 families
10 wrecked, 3,000 perpetrators on the loose, and 3,000
11 victims whose real perpetrator is still out there.

12 We can not allow this to happen here today, ladies
13 and gentlemen, and that starts with you.

14 THE COURT: Okay. Thank you, counsel.

15 All right. Let me ask y'all to come up one more time
16 regarding scheduling please.

17 (WHEREUPON, a bench conference was held out of the
18 hearing of the jury at this time.)

19 THE COURT: Thank you.

20 SOLICITOR LESKANIC: Thank you, judge.

21 THE COURT: All right. Ladies and gentlemen, after
22 conferring with counsel, I know that y'all can understand
23 that we didn't know how long it was gonna take to impanel
24 a jury today. Sometimes it takes much, much longer.

25 And so I'm getting ready to let you all go for the

1 afternoon and I would like for you to be back in the
2 morning at 9:30.

3 Okay. The bailiffs will tell you where you all can
4 park and how you all will be getting back up to this area.

5 I, I, again, caution you and instruct you not to do
6 any independent research. We're only in the very early
7 stages of this. You all have heard the opening
8 statements. No testimony yet.

9 And so please do not conduct any independent
10 research. Don't discuss this with anyone else and I will
11 see you all promptly at 9:30 in the morning.

12 Thank you.

13 If everyone will please rise.

14 (WHEREUPON, the following takes place outside the
15 presence of the jury panel.)

16 THE COURT: Okay. Thank you all. Please be seated.

17 Counsel, one more time, can y'all come up?

18 Sorry.

19 (WHEREUPON, a bench conference was held at this
20 time.)

21 THE COURT: Okay. And so I direct these comments to
22 the defendant, sir. You will remain in custody pending
23 the trial and I'm -- Mr. MacDonald has told me he has
24 discussed with you.

25 Is that correct, sir?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: I -- I've placed you under oath earlier.

3 So --.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. All right. Thank you.

6 Anything else, counsel, before we recess for the
7 evening for y'all?

8 I know some of -- I'll be staying and some other
9 folks are staying for another matter. But --.

10 SOLICITOR LESKANIC: whether we needed to place
11 anything on the record about my objection during the
12 opening?

13 THE COURT: Sure.

14 SOLICITOR LESKANIC: It was stated that---

15 THE COURT: We can go ahead and do that and let me go
16 ahead and explain to y'all. It's just a lot easier for me
17 to have y'all come up rather than sending the jury out
18 every time that there's an objection. But I would prefer
19 no speaking objections unless it's, you know, hearsay.

20 All right. And so, we'll -- y'all will come up and
21 then we can make a record afterward.

22 There was an objection during the opening by counsel
23 for the State regarding -- well, I'll let counsel
24 summarize it.

25 SOLICITOR LESKANIC: Thank you, Your Honor.

1 May it please the Court.

2 I objected as the defense was going into things that
3 the defendant may have suffered as, as a result of these
4 charges, going into his loss of job. I objected because I
5 don't know if there's actually going to be testimony
6 regarding that and that was my question.

7 My understanding, during opening, is it should be a
8 roadmap to the evidence that the jury will hear. So, I
9 was not certain that they would be hearing that and did
10 not think it was proper for it to be given to them in
11 opening if there was not going to be testimony supporting
12 that at a later time.

13 THE COURT: Okay.

14 MR. MacDONALD: Well, Your Honor, my client hasn't
15 made a decision if he's gonna testify or not. So it --.

16 THE COURT: I understand. It's tricky.

17 MR. MacDONALD: If he was to testify, then he could
18 testify to that. But he's not made that decision yet.

19 THE COURT: And you'll get to make a very elaborate
20 closing. I know you understand that.

21 Okay. All right. I did sustain that because we're,
22 we're not sure.

23 Okay. All right. Anything else before I let y'all
24 go?

25 MR. MacDONALD: No, Your Honor.

1 THE COURT: Okay.

2 SOLICITOR LESKANIC: No, ma'am.

3 THE COURT: All right. Thank you, counsel.

4

5 (WHEREUPON, Court was in recess for the evening.)

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1 Tuesday, August 5th, 2025

2

3 THE COURT: Okay. Good morning.

4 We are back on the record with regard to the matter
5 of the State versus Daniel M. Buckson.

6 Counsel, are you all ready?

7 SOLICITOR LESKANIC: State's ready.

8 MR. MacDONALD: Yes, Your Honor.

9 THE COURT: Okay. All right. And I have been
10 informed that the jury is all here and ready, correct?

11 THE BAILIFF: Yes, ma'am.

12 THE COURT: And so is there anything that we need to
13 put on the record before we have the jury come in?

14 SOLICITOR LESKANIC: Your Honor, I would just like
15 to, for scheduling purposes, let the Court know that
16 Shauna Galloway-Williams is on my witness list, and, due
17 to her availability, she will be here tomorrow morning at
18 9:30. I'm not sure that that would cause us to end early
19 today. But I did want to make the Court aware of that
20 scheduling issue.

21 I have also shared with the Court three photographs
22 that the State will be introducing through **Complainant** during
23 her testimony. Those are graphic in nature. They've been
24 shared with the defense. They were shared actually before
25 we started the trial yesterday and one of those

1 photographs -- well, we'll deal with that at the
2 appropriate time. But that -- but the State has shared
3 three somewhat graphic photographs that we will be sharing
4 with the jury during testimony.

5 THE COURT: Okay. Anything?

6 MR. MacDONALD: No, Your Honor. Not from defense.

7 THE COURT: Okay. And if we do have time at the
8 close today, and I know that you all do need to talk to
9 your clients and whatnot, but I have drafted a verdict
10 form and, of course, it can be revised. I also have
11 drafted the charge that we -- I mean over the weekend.
12 But I, I will continue to fine tune that.

13 But we will need to have a charge conference and a
14 verdict form conference and usually I like to do it after
15 all of the evidence is in because that's what you base
16 your charge on. But I'm happy for us to do, do part of
17 that today if we have time. If not, we'll, we'll find a
18 time.

19 All right. Okay. Tomorrow.

20 Okay. And so, if -- unless there's anything else, we
21 will now have the jury.

22 (WHEREUPON, the following takes place within the
23 presence of the jury.)

24 THE COURT: Okay. Thank you. Everyone please be
25 seated.

1 All right. We are back on the record with regard to
2 the matter of the State versus Daniel M. Buckson. We have
3 had our opening arguments or statements by counsel and now
4 we will begin with the witnesses and evidence in the case.

5 Thank you all for being prompt. I have been getting
6 updates about you this morning from the clerk and the
7 bailiffs. So, I do appreciate it.

8 Okay.

9 SOLICITOR LESKANIC: May it please the Court?

10 THE COURT: Yes, ma'am.

11 SOLICITOR LESKANIC: Thank you, Your Honor.

12 The State calls Complainant

13 THE COURT: Ma'am, please come forward.

14 THE CLERK: Please raise your right-hand. Place your
15 left-hand on the Bible.

16 Complainant being first duly
17 sworn, testified as follows:

18 SOLICITOR LESKANIC: May it please the Court?

19 THE COURT: Yes, ma'am.

20 SOLICITOR LESKANIC: Thank you.

21 DIRECT EXAMINATION

22 BY SOLICITOR LESKANIC:

23 Q. Complainant will you please begin by just giving your
24 name to the ladies and gentlemen of the jury?

25 A. My name is Complainant

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

- 1 Q. And how old are you?
- 2 A. I'm 19 years old.
- 3 Q. When was your birthday?
- 4 A. [REDACTED].
- 5 Q. So --
- 6 A. Yesterday.
- 7 Q. -- yesterday was your birthday?
- 8 A. Yes, ma'am.
- 9 Q. All right. Complainant who do you currently live with?
- 10 A. Jacqueline Bridges.
- 11 Q. All right. And who is Jacqueline Bridges to you?
- 12 A. It's my cousin. But I call her my aunt, Aunt Jackie.
- 13 Q. Okay. And how long have you lived with Aunt Jackie?
- 14 A. Three years.
- 15 Q. Okay. Did you begin living with her after this
- 16 incident was disclosed?
- 17 A. Yes, ma'am.
- 18 Q. Okay. Who were you living with prior to that?
- 19 A. Grandma Claudia Johnson.
- 20 Q. All right. Grandma Claudia Johnson?
- 21 A. Yes, ma'am.
- 22 Q. Okay. Where, where did she live and where did you
- 23 live with her?
- 24 A. [REDACTED] Colonial Heights, Apartment [REDACTED].
- 25 Q. All right. And why did you live with Grandma

Complainant - Direct examination
By Solicitor Leskanic

1 Claudia?

2 A. My mom had passed away. I was seven. And so my
3 grandma came to live with us when she was sick. And so,
4 when she passed, I just stayed with her and they gave
5 custody over to my grandma.

6 Q. Say that one more time.

7 A. They gave the custody over to my grandma after my mom
8 passed.

9 Q. Okay. Do you know the defendant?

10 A. Yes, ma'am.

11 Q. And who is he to you?

12 A. My father.

13 Q. Okay. Is he your biological dad?

14 A. Yes, ma'am.

15 SOLICITOR LESKANIC: Okay. Your Honor, may I
16 approach the witness?

17 THE COURT: Yes.

18 Q. I'm gonna show you, Complainant what's been marked
19 State's Exhibit 1.

20 Can you tell me if you recognize that?

21 A. Yes, ma'am, my birth certificate.

22 Q. Okay. And is this a document that you provided me
23 and it's accurate and true?

24 A. Yes, ma'am.

25 Q. Okay. And who does it list as your mother?

1 A. Shauna Johnson.

2 Q. And who does it list as your father?

3 A. Daniel Buckson.

4 SOLICITOR LESKANIC: Okay. Your Honor, at this time
5 we would offer State's Exhibit 1 for admission.

6 MR. MacDONALD: No objection.

7 THE COURT: Thank you.

8 State's Exhibit No. 1 is in without objection.

9 (WHEREUPON, State's Exhibit No. 1 was received into
10 evidence at this time.)

11 Q. Now, was your mother married to the defendant when
12 she passed away?

13 A. No, ma'am.

14 Q. Okay. And was he in your life periodically?
15 up until the age of 13, you would see him
16 sporadically?

17 A. Yes, ma'am.

18 Q. All right. And then, at the age of 13, did he move
19 to Gaffney?

20 A. Yes, ma'am.

21 Q. And who did he live with?

22 A. His mom.

23 Q. Do you know where she lived?

24 A. [REDACTED] McCluney Drive.

25 Q. All right. I am gonna show you what's been marked

Complainant [REDACTED] - Direct examination
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1 State's Exhibit 2 and State's Exhibit 3. Take a look at
2 both of those and tell me if you recognize them.

3 A. Yes, ma'am.

4 Q. All right. And what is State's Exhibit 2?

5 A. [REDACTED] Colonial Heights.

6 Q. And---

7 A. Apartment [REDACTED].

8 Q. All right. And who lived there?

9 A. My Grandma Claudia.

10 Q. And you lived there with her?

11 A. Yes, ma'am.

12 Q. Did anyone else live in that apartment with you?

13 A. No, ma'am.

14 Q. Okay. And State's Exhibit 3.

15 A. [REDACTED] McCluney Drive.

16 Q. And who resided there?

17 A. Doris Buckson and Daniel Buckson.

18 Q. Did anyone else live at the home with them?

19 A. No, ma'am.

20 SOLICITOR LESKANIC: Okay. Your Honor, at this time
21 we would offer State's Exhibit 2 and 3 for admission.

22 MR. MacDONALD: No objection.

23 THE COURT: Thank you.

24 State's Exhibit Nos. 2 and 3 are in without
25 objection.

Complainant [REDACTED] - Direct examination
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1 SOLICITOR LESKANIC: Thank you.

2 (WHEREUPON, State's Exhibit Nos. 2 and 3 were
3 received into evidence at this time.)

4 Q. Do you know if the defendant, your dad, has a sister?

5 A. Yes, ma'am.

6 Q. And do you -- what's her name?

7 A. Cassandra Buckson.

8 Q. All right. Do you know where she lived or lives?

9 A. [REDACTED] Brookwood Drive.

10 Q. All right. Have you been there before?

11 A. Yes, ma'am.

12 Q. Would you recognize it?

13 A. Yes, ma'am.

14 Q. All right. I'm gonna show you State's Exhibit 4.

15 If you would take a look at that, two photographs.

16 Do you recognize those?

17 A. Yes, ma'am.

18 Q. And what are those photographs of?

19 A. [REDACTED] Brookwood Drive.

20 Q. Okay. Thank you.

21 Your Honor, at this time we offer State's Exhibit 4
22 for admission.

23 MR. MACDONALD: No objection.

24 THE COURT: State's Exhibit No. 4 is in without
25 objection.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 (WHEREUPON, State's Exhibit No. 4 was received into
2 evidence at this time.)

3 Q. Now, when your dad moved to Gaffney when you were 13,
4 how'd that make you feel?

5 A. Great cause I hadn't had a mom in six, seven years
6 and I was finally gonna have a parent to be there
7 physically all the time. So I was excited to finally have
8 my dad in my life.

9 Q. And how did that go in the beginning?

10 A. It was good. We had a daddy/daughter relationship
11 like you would think you're suppose to have.

12 Q. And how long did that relationship last?

13 A. Maybe a few months.

14 Q. And then what happened?

15 A. And it, it just turned. It started with touching me
16 and talking sexually and then putting his fingers inside
17 of me, touching me naked, and then eventually having sex
18 with me.

19 Q. All right. And when you say having sex with you,
20 what, what does that mean to you?

21 A. Penis in vagina.

22 Q. Okay. Did this happen one time or more than one
23 time?

24 A. More than once.

25 Q. Do you have any idea how many times it happened?

1 A. I can't keep count.

2 Q. Okay. All right. We're gonna go through -- well,
3 let me ask you this.

4 Did this ever happen at Grandma Claudia's house where
5 you lived?

6 A. Yes, ma'am.

7 Q. Was this a place that you had felt safe?

8 A. Yes, ma'am.

9 Q. Did it continue to be a place that you felt safe?

10 A. No, ma'am.

11 Q. All right. I'm gonna show you and publish for the
12 jury State's Exhibit 2 and can you please remind the jury
13 of what this is or where this is?

14 A. [REDACTED] Colonial Avenue, Apartment [REDACTED].

15 Q. Okay. And that's where you lived with your
16 Grandmother Claudia?

17 A. Yes, ma'am.

18 Q. Were there incidents of sexual abuse at the hands of
19 the defendant that occurred inside this home?

20 A. Yes, ma'am.

21 Q. All right. Is this home located in Cherokee County?

22 A. Yes, ma'am.

23 Q. Can you recall or if you can recall the first
24 incidents of abuse that occurred here?

25 A. When he first started coming around, he would -- he

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1 was able to come in my room because you wouldn't never
2 think that someone's dad would be inappropriate the way he
3 does. And so my grandma would let him come in my room and
4 one day he -- we were watching a movie and he left to get
5 food and he came back and I had on these red shorts. And
6 he commented on how -- the way I looked in my shorts and
7 he just touched me and left.

8 Q. All right. When you say he touched you, where did he
9 touch you?

10 Can you describe that touching for the jury please?

11 A. My vagina, on my chest, and my breasts.

12 Q. Okay. Did he touch you on top of your clothes or---

13 A. Yes, ma'am.

14 Q. ---underneath your clothes or both?

15 A. On top of clothing.

16 Q. Okay. So that's how it first started?

17 A. Yes, ma'am.

18 Q. So he touched you on your vaginal area on top of your
19 clothes and your breasts on top of your clothes?

20 A. Yes, ma'am.

21 Q. Did anything else happen that day?

22 A. No, ma'am.

23 Q. Did he reach out to you in any way after that
24 happened?

25 A. Yes, ma'am. He would -- he called me and he asked me

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 how it felt or did I feel awkward about it or do it feel
2 normal to me.

3 Q. Okay. Was this the only incident that occurred at
4 this house?

5 A. No, ma'am.

6 Q. Can you tell the jury what else occurred here?

7 A. There was oral sex on him, oral sex on me, touching
8 my vagina on -- over clothing, under clothing, sex, penis
9 and vagina, and, and excessive touching.

10 Q. Okay. Did these incidents occur between August or
11 September of 2020 until August of 2022?

12 A. Yes, ma'am.

13 Q. And were you between the ages of 14 and 15 when these
14 acts occurred?

15 A. Yes, ma'am.

16 Q. Now, when you talk about oral sex occurring on you,
17 what does that mean to you?

18 A. His tongue in my vagina.

19 Q. Okay. Did this happen one time or more than one time
20 at this residence?

21 A. More than one time.

22 Q. Oral sex on him, what does that mean to you?

23 A. My mouth on his penis.

24 Q. Did that happen one time or more than one time?

25 A. More than one time.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. Did anything ever come out of his penis and into your
2 mouth at this location?

3 A. Yes, ma'am.

4 Q. Okay. And what would happen with what came out of
5 his penis?

6 A. It'd go in my mouth and I'd swallow it.

7 Q. The vaginal/penile intercourse, was there a
8 particular place in the house where these incidents
9 occurred?

10 A. Mostly the living room and my bedroom.

11 Q. Okay. Where was your grandmother when these
12 incidents would occur?

13 A. She was out working. She sells insurance.

14 Q. So you were at home alone with your dad?

15 A. Yes, ma'am.

16 Q. He would -- would he come over to visit knowing that
17 she wasn't home?

18 A. Yes, ma'am.

19 Q. Did he ever expose -- while at this residence, did he
20 ever expose his penis to you?

21 A. Yes, ma'am.

22 Q. And can you tell the jury about that?

23 A. Before we had sex or before giving him oral sex, he'd
24 pull it out or he'd go into the bathroom and he'd pull it
25 out and I give him oral sex or he'd pull it out before sex

- 1 and insert it into my vagina.
- 2 Q. Did he ever masturbate in front of you?
- 3 A. Yes, ma'am.
- 4 Q. All right. And what does -- what does that mean to
- 5 you?
- 6 when I say did he masturbate in front of you, what,
- 7 what does that look like?
- 8 A. Playing with himself and jerking off.
- 9 Q. Okay. I'm now gonna show you State's Exhibit 3 and
- 10 can you please remind the jury about this location?
- 11 who lived there?
- 12 A. Grandma Doris at [REDACTED] McCluney Drive and Daniel
- 13 Buckson.
- 14 Q. All right. So that's where the defendant lived with
- 15 his mother when he moved back to town?
- 16 A. Yes, ma'am.
- 17 Q. Were there any incidents of sexual abuse at this
- 18 location?
- 19 A. Yes, ma'am, oral sex on him, oral sex on me, fingers
- 20 in the vaginal, on -- over clothing, under clothing, and
- 21 having sex.
- 22 Q. Was there a particular day of the week when this
- 23 normally occurred?
- 24 A. Sunday evenings after church.
- 25 Q. All right. Why was that?

Complainant - Direct examination
By Solicitor Leskanic

1 A. My Grandma Daisy would cook every Sunday. So, his,
2 his sister and his mom would go over to Aunt Daisy's, and,
3 while they were gone, we would be at his mom's house and
4 that's when he would do the things that he did.

5 Q. So they were the only two that lived there and then
6 she would be gone on Sundays after church---

7 A. Yes, ma'am.

8 Q. ---and it'd be the two of you home alone?

9 A. Yes, ma'am.

10 Q. How many bedrooms were in that house?

11 A. Two.

12 Q. Do you remember any particular incidents of abuse
13 that occurred at this house?

14 A. Yes, ma'am.

15 Q. Can you tell the jury about one of them?

16 A. There was a time in his room and, and --.

17 THE COURT: Ma'am, just take your time.

18 A. A time in his room where he -- we was suppose to go
19 see my Uncle Forty (phonetic) and we did and he had
20 alcohol in a cup. And I had got so drunk that I didn't
21 even know what I was doing. And he had sex with me and my
22 grandma asked where I was and I couldn't even respond
23 because he had got me so drunk. So, I couldn't respond.

24 He never took me home. I spent the night because he
25 told my grandma that I was upset about my uncle being in

Complainant [REDACTED] - Direct examination
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1 the hospital, which I was. But I was so drunk that I
2 couldn't even respond.

3 Q. Okay. Did the incidents of oral sex on you occur one
4 time or more than one time at this address?

5 A. More than one time.

6 Q. The oral sex on him occur one time or more than one
7 time at this address?

8 A. More than one time.

9 Q. The digital penetration with fingering of your vagina
10 happen one time or more than one time?

11 A. More than one time.

12 Q. Sexual intercourse, him putting his penis inside your
13 vagina, happen one time or more than one time?

14 A. More than one time.

15 Q. This house is located in Cherokee County?

16 A. Yes, ma'am.

17 Q. And did this abuse occur between August or September
18 of 2020 through August of 2022?

19 A. Yes, ma'am.

20 Q. Did it really ever stop until this came out?

21 A. No, ma'am.

22 Q. Was there ever an incident at a -- at this house
23 regarding a vehicle?

24 A. Yes, ma'am, in the front yard --

25 Q. All right. Could you---

Complainant [REDACTED] - Direct examination
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1 A. -- and the backyard.

2 Q. Could you kind of tell the jury what the -- using,
3 using this picture, can you show where that vehicle was?

4 A. Right where the white bench is in that grass area.
5 He would back in the vehicle right there in the grass on
6 the yard.

7 Q. Okay. And do you remember an incident of sexual
8 abuse occurring during that timeframe, August of 2020
9 through August of 2022, with him in a vehicle?

10 A. Yes, ma'am. There was one -- I was talking to this
11 guy and, of course, he didn't like it. And so we were
12 together and we got in the back seat and we were kissing
13 and he was touching me and trying to make me feel bad
14 about loving somebody I'm suppose to love to my age
15 instead of it being him.

16 Q. And what happened?

17 A. His fingers went inside my vagina and a lot of
18 kissing and --.

19 Q. All right. Was there ever an incident of
20 vaginal/penile penetration in a vehicle?

21 A. Yes, ma'am.

22 Q. Did that occur at this address or at another address?

23 A. Yes, ma'am.

24 Q. Which one?

25 A. Another address.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. Okay. Where did that occur?

2 A. There was this -- there's this building and I
3 remember it being like near Granard Courts and Granard
4 Middle and it was like a red brick building with two --
5 four trailer docks. But there are two trailers that were
6 attached to the building and he would pick me up from swim
7 and he'd pull in-between those two trailers so we couldn't
8 really see the car from the road and he'd have sex with me
9 in the backseat of his car there.

10 Q. Okay. Did that incident -- do you know the name of
11 the business?

12 A. No, ma'am.

13 Q. Okay. What, what are landmarks that you remember
14 seeing while going to that business?

15 A. Granard Middle and Granard Courts.

16 Q. Okay. And was there any particular smell or anything
17 else that you noticed while you were at that location?

18 A. It's like a brown -- a Brown's Packing smell.

19 Q. Okay. So you could smell -- were you familiar with
20 that smell?

21 A. Yes, ma'am, cause I went to Gaffney -- I meant
22 Granard Middle.

23 Q. Okay. So you were familiar---

24 A. Sixth and seventh grade.

25 Q. ---with that smell and you were familiar with Granard

Complainant [REDACTED] - Direct examination
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1 Middle?

2 A. Yes, ma'am.

3 Q. And you remember it being close to that location?

4 A. Yes, ma'am.

5 Q. And what type of sexual abuse occurred at that
6 location?

7 A. Penis and vagina.

8 Q. Okay. Anything else?

9 A. Fingering, oral sex on me, oral sex on him.

10 Q. Do you remember a particular time?

11 You said after swim practice?

12 A. Yes, ma'am, it was after, after he had picked me up
13 and I had -- I remember I had on shorts and a swimsuit.
14 And I had to pull my swimsuit to the side for him to
15 insert his penis into my vagina. And, when he did, it
16 hurt really bad and it all -- but I didn't, I didn't say
17 anything cause it made him happy.

18 Q. Did he have a name for your vagina?

19 A. Yes, ma'am. Strawberries.

20 Q. Do you know where that name came from?

21 A. When he give me oral sex, he said that's what I taste
22 like. So he named it Strawberry.

23 Q. I show you State's Exhibit 4.

24 Can you tell the jury about this location?

25 A. It's [REDACTED] Brookwood Drive where his sister, Cassandra

- 1 Buckson---
- 2 Q. So that's the---
- 3 A. ---lives.
- 4 Q. ---defendant's sister's house?
- 5 A. Yes, ma'am.
- 6 Q. All right. And during -- is that in Cherokee County?
- 7 A. Yes, ma'am.
- 8 Q. Between the period of September, 2020 through August
- 9 of 2022, were there incidents of sexual abuse that
- 10 occurred by your dad on you at this address?
- 11 A. Yes, ma'am, oral sex --
- 12 Q. Can you tell the jury---
- 13 A. -- on me and oral sex on him, penis and vagina,
- 14 fingering, and touching.
- 15 Q. Do you -- who lived at that house?
- 16 A. His sister.
- 17 Q. Did she live there by herself?
- 18 A. Yes, ma'am.
- 19 Q. And how did y'all have an opportunity to go there?
- 20 A. He has a house key.
- 21 Q. Okay. And was she at home or where was she?
- 22 A. She was traveling. She -- I think she was in
- 23 Charlotte. She's a nurse. So she does travel nursing.
- 24 So she wasn't really home a lot.
- 25 Q. So, where would the abuse take place inside that

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 house?

2 A. The living room and there's a junk room. It used to
3 be a bedroom and now there's, there's junk in there
4 until -- before my dad would have sex with me in that
5 room, he would take a picture of the bed to make sure we
6 put it back exactly how it was so she could tell that
7 nobody had been there in that bed. And he took all the
8 things off after he took the picture. He had sex with me
9 and he was finished and he'd look at the picture and we
10 had to put it back exactly how it was.

11 Q. Did oral sex on you occur one time or more than one
12 time at this residence?

13 A. More than one time.

14 Q. Did oral sex on him occur one time or more than one
15 time at this residence?

16 A. More than one time.

17 Q. Did penile to vaginal intercourse occur one time or
18 more than one time at this residence?

19 A. More than one time.

20 Q. Did he put his fingers inside your vagina one time or
21 more than one time at his residence?

22 A. More than one time.

23 Q. Did he kiss you?

24 Like how were the kisses?

25 what was it like?

1 How would he make you kiss him?

2 A. Tongue in each other's mouth and sometimes it'd be
3 aggressive. Sometimes it was -- it wasn't aggressive.

4 Q. You talked about one time in a car and you were
5 talking to a boy your age.

6 was he, the defendant, your dad, was he jealous of
7 you?

8 A. Yes, ma'am.

9 Q. would he say things or do things that make you --
10 made you know that?

11 A. He took me and the boy I was talking to at the time
12 on a date to the movies to see Batman. But before that, I
13 had alcohol and he went to buy more alcohol and the bottle
14 was maybe this big. And I got drunk again to where I
15 couldn't even -- I couldn't sit up without having to throw
16 up.

17 And we went to the movies with him and it was my dad,
18 me, and the guy I was talking to, and, in the middle of
19 the movie, I would -- I was throwing up. So we had to
20 leave out of the backdoor and I don't -- I felt -- I guess
21 I fell asleep, and, while I was sleeping, he texts my aunt
22 and my grandma and my other aunt and was saying all, all
23 those sexual things that we were talking about. But the
24 things that we talked about never happened and he took
25 advantage of me being that drunk to where I couldn't even

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1 defend myself that --.

2 Q. But he's the one that provided you with the alcohol?

3 A. Yes, ma'am.

4 Q. During these times -- well, let me ask you this.

5 Were there other locations in Cherokee County where
6 sexual abuse occurred other than your house, which is
7 Grandma Claudia's, his house on McCluney Drive, his
8 sister's house on Brookwood Drive, the business near
9 Granard Middle, the vehicle?

10 Were there other locations where the sexual abuse
11 also occurred?

12 A. Yes, ma'am, at Red Roof Inn.

13 Q. Okay. Located here in Gaffney?

14 A. Yes, ma'am.

15 Q. Okay. And do you have any idea how many times y'all
16 went to the Red Roof Inn in Gaffney?

17 A. I couldn't count that either.

18 Q. Okay. At the Red Roof Inn in Gaffney, what types of
19 sexual abuse occurred there?

20 A. Oral sex on him, oral sex on me, penis and vagina,
21 fingering, and kissing, touching.

22 Q. Did those things happen one time or more than one
23 time?

24 A. More than one time.

25 Q. When he would engage in sexual intercourse, penis --

1 his penis in your vagina, I know you've already testified
2 that he ejaculated in your mouth during oral sex --

3 A. Uh-huh. (Affirmative).

4 Q. -- did he ejaculate inside your vagina?

5 A. Yes, ma'am.

6 Q. How do you know?

7 A. After he do that, we'd go to the CVS over by S.D.
8 Academy (phonetic) now and he'd buy Plan B. And while he
9 went in to buy it, I'd sit in the car. I never went in
10 with him to buy it.

11 Q. Okay. He came out with Plan B and what is Plan B?

12 A. It's a little pill that you suppose to take within
13 three days to kill the eggs, the baby.

14 Q. So, after he would ejaculate inside of you, he would
15 buy you Plan B to take?

16 A. Yes, ma'am.

17 Q. Do you know how many times you took Plan B?

18 A. Three to four times.

19 Q. Would you take it every time after sexual
20 intercourse?

21 A. There was one time where it waited a while and he
22 would -- he was working in Greenville and I believe he got
23 it from his job. And I took a pill -- was taking medicine
24 from there. And I never told anybody but I, I don't -- I
25 never -- I still to this today I don't know what it was.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. Every time you had sexual intercourse, did he
2 ejaculate inside of you?

3 A. Not every time but most of the time.

4 Q. Okay. And did you take Plan B every time that he
5 ejaculated inside of you or just some of the times?

6 A. Every time.

7 Q. Okay. And so approximately how many times did he
8 have you take Plan B during the course of this from August
9 of 2020 through -- or September of 2020 through August of
10 2022?

11 A. Three to four.

12 Q. Okay. So, he ejaculated inside of you three or four
13 times?

14 A. Yes, ma'am.

15 Q. Okay. And then what did he do the other times?

16 A. It would go on my stomach or on the bed or in -- and
17 if it was on my stomach, he'd wipe it, wipe it up with a
18 warm rag.

19 Q. Okay. What did he call you while he was -- what did
20 he call you while he was having sexual intercourse with
21 you?

22 A. He'd call me by my -- he'd call me by my mom's name.

23 Q. By your mom's name?

24 A. Yes, ma'am.

25 Q. Which is what?

1 What's your mom's name?

2 A. Shauna Johnson.

3 Q. Okay. And he would call you Shauna during sexual
4 intercourse?

5 A. Yes, ma'am.

6 Q. During these incidents of sexual abuse, did the
7 defendant ever take photographs or videos?

8 A. Yes, ma'am.

9 Q. Would he take photographs or videos of himself or of
10 y'all or what, what would he do?

11 A. Of both of us.

12 Q. Okay. Were -- was it when you were engaged in sexual
13 intercourse or --?

14 A. Yes, ma'am.

15 Q. Would he ever send you pictures of himself?

16 A. Yes, ma'am.

17 Q. All right. I'm gonna show you State's Exhibit 5.

18 Can you just take a look at that and tell me if you
19 recognize that?

20 A. Yes, ma'am.

21 Q. All right. And what is that?

22 A. It's him in his boxers.

23 Q. Okay. Is that a picture that he sent to you?

24 A. Yes, ma'am.

25 Q. Okay. And you recognize it because you received this

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By Solicitor Leskanic

1 from him?

2 A. Yes, ma'am.

3 SOLICITOR LESKANIC: Your Honor, at this time we
4 offer State's Exhibit 5 for admission.

5 MR. MacDONALD: Renew my pretrial objections
6 regarding the text messages.

7 THE COURT: Okay. Thank you. That is duly noted,
8 sir.

9 Yes, ma'am, that is admitted.

10 (WHEREUPON, State's Exhibit No. 5 was received into
11 evidence at this time.)

12 Q. So, what are we looking at here, Complainant
13 I'm sorry.

14 A. His -- him in his boxers.

15 Q. Okay. And that's a photograph that, that he sent
16 you?

17 A. Yes, ma'am.

18 Q. All right. I am now going to show you State's
19 Exhibit 6.

20 Do you recognize that?

21 A. (WHEREUPON, the witness nods affirmatively.)

22 Q. All right. And what is that?

23 A. Him in the bathtub with a picture of his penis.

24 Q. All right. Have -- is this -- how, how do you
25 recognize this?

Complainant [REDACTED] - Direct examination
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- 1 A. I've seen it in person. He showed me in person.
2 I've seen it in pictures.
- 3 Q. All right. Did he send you a picture or video of
4 this?
- 5 A. Yes, ma'am.
- 6 SOLICITOR LESKANIC: All right. Your Honor, at this
7 time we'd offer State's Exhibit 6 for admission.
- 8 MR. MacDONALD: Same objection, Your Honor.
- 9 THE COURT: Yes, sir, thank you, and---
- 10 SOLICITOR LESKANIC: Permission to publish?
- 11 THE COURT: Yes.
- 12 (WHEREUPON, State's Exhibit No. 6 was received into
13 evidence at this time.)
- 14 SOLICITOR LESKANIC: State's Exhibit 6.
- 15 And you said that that's a, a picture of his penis
16 that he sent to you?
- 17 A. Yes, ma'am.
- 18 Q. He was in the bathtub?
- 19 A. Yes, ma'am.
- 20 Q. I'm gonna show you State's Exhibit 7.
21 Do you recognize that?
- 22 A. (WHEREUPON, the witness nods affirmatively.)
- 23 Q. And what is that?
- 24 A. His penis in my vagina.
- 25 Q. How is it that you recognize his penis in your

Complainant [REDACTED] - Direct examination
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- 1 vagina?
- 2 A. He sent me that same video.
- 3 Q. Okay. So, this was from a video?
- 4 A. Yes, ma'am.
- 5 Q. All right. And do you know where the video was made?
- 6 A. Red Roof Inn.
- 7 Q. In Cherokee County?
- 8 A. Yes, ma'am.
- 9 Q. It was a video of what?
- 10 A. Him having sex with me.
- 11 Q. Him having sex with you and he made a video of that
- 12 while y'all were having sex?
- 13 A. Yes, ma'am.
- 14 Q. Did he make you watch that video?
- 15 A. Yes, ma'am.
- 16 Q. Did he send that video to you on your phone also?
- 17 A. Yes, ma'am.
- 18 Q. Did you delete it?
- 19 A. Yes, ma'am.
- 20 Q. But you recognize this because that's you in the
- 21 picture?
- 22 A. Yes, ma'am.
- 23 Q. And that's the defendant in the picture?
- 24 A. Yes, ma'am.
- 25 SOLICITOR LESKANIC: Your Honor, at this time we

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1 offer State's Exhibit 7 for admission.

2 MR. MacDONALD: Same objection.

3 THE COURT: Yes, sir.

4 (WHEREUPON, State's Exhibit No. 7 was received into
5 evidence at this time.)

6 SOLICITOR LESKANIC: May I publish?

7 THE COURT: Yes, ma'am.

8 SOLICITOR LESKANIC: Not on the overhead.

9 THE COURT: Yes.

10 And so, counsel, counsel will show you this
11 photograph and I understand that anything that is placed
12 into evidence will go back with you to the jury room for
13 you to consider. And if it is something that you need to
14 watch on an electronic device, we will have you come back
15 out here to do that.

16 Okay. I'll give you all an opportunity to pass that
17 to each other and---

18 Q. Complainant I know they're---

19 THE COURT: Have the alternates---

20 Q. ---no faces in that---

21 THE COURT: Excuse me.

22 SOLICITOR LESKANIC: I'm sorry. Yes, ma'am.

23 THE COURT: Have the alternates also had an
24 opportunity---

25 SOLICITOR LESKANIC: I'm sorry. Yes, Your Honor.

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1 THE COURT: ---to review the evidence?

2 SOLICITOR LESKANIC: Thank you.

3 Complainant I know they're no faces in that picture.

4 Were you there when that video was made?

5 A. Yes, ma'am.

6 Q. All right. Why would you have watched that video?

7 What did he do with these videos that he made?

8 A. I have to watch them.

9 Q. Can you explain that a little bit more?

10 You had to watch them?

11 A. Like if I was -- if he was angry about something and
12 it -- like I guess that was like a, like a, a punishment I
13 guess to have me watch the videos.

14 Q. But that particular video was made in a Red Roof Inn
15 here in Cherokee County?

16 A. Yes, ma'am.

17 Q. Did he ever give you a reason why he was doing these
18 things to you?

19 A. Yes, ma'am. He said because he wanted to show me the
20 way a man was suppose to treat me and that was his reason
21 for doing what he was doing to me.

22 Q. Were you a virgin the first time his penis went
23 inside your vagina?

24 A. Yes, ma'am.

25 Q. And what made this stop?

1 It had been going on from August, September of 2020
2 through August of 2022.

3 why did it stop?

4 A. We had got into an, an argument and I was taking out
5 my hair and we were texting and he asked to leave a key.
6 I left the key but---

7 Q. Left the key where?

8 A. Under the mat at my Grandma Claudia's house at [REDACTED]
9 Colonial Heights, Apartment [REDACTED].

10 Q. Okay. He wanted a key to her apartment?

11 A. Yes, ma'am.

12 Q. And you left the key for him to go into the
13 apartment?

14 A. Yes, ma'am.

15 Q. Was anybody gonna be there?

16 A. No, ma'am.

17 Q. Okay. And I went back to my Aunt Jackie's house to
18 take my hair out and she was going -- they had -- she had
19 found out that he had the key cause our neighbor had seen
20 him go in the house and text my Grandma Claudia and asked
21 if I was with him. So, Grandma Claudia text Aunt Jackie
22 and Aunt Jackie said no, she was with me.

23 And so we were going to get the key from him and---

24 MR. MacDONALD: Your Honor, I object. This is
25 hearsay.

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1 THE COURT: Counsel, come up please.

2 (WHEREUPON, a bench conference was held out of the
3 hearing of the jury at this time.)

4 SOLICITOR LESKANIC: Thank you, judge.

5 THE COURT: Please continue.

6 SOLICITOR LESKANIC: Thank you, Your Honor.

7 So, you and Jackie were going back to the house to
8 get the key?

9 A. Yes, ma'am.

10 Q. Do you know why your dad had gone into the house?

11 A. Yes, ma'am, he said he missed me and he wanted to
12 smell my underwear and lay in my bed to smell me.

13 Q. All right. And then at -- after that incident, what,
14 what happened with your phone?

15 How did this -- again, I was asking you how this was
16 disclosed.

17 A. Yes, my Aunt Jackie asked for my phone and I gave it
18 to her and I didn't put the password in. So she asked me
19 my password and she asked me to open the thread between me
20 and my dad. And she read the messages that were very
21 inappropriate that a father shouldn't be sending to his
22 daughter.

23 And we were on Overbrook Drive and we pulled up into
24 the gas station and we both just cried. And she held me
25 and said this is not -- this is not my fault and this is

1 not what your father's suppose to be doing to you.

2 Q. So, before Aunt Jackie asked for your phone, did you
3 have any intention on, on telling that day?

4 A. No, ma'am.

5 Q. How did you feel when Aunt Jackie opened your phone
6 and saw those messages?

7 A. Relief. I was tired.

8 Q. Now, you, you have come here today and you have
9 answered my questions and, and I appreciate that.

10 when you talked to -- did you, did you and Aunt
11 Jackie go talk to a detective?

12 A. Yes, ma'am.

13 Q. All right. When you spoke to the detective, did you
14 tell him every incident of abuse that had occurred the
15 en -- the entire time?

16 A. No, ma'am.

17 Q. Okay. Did you disclose sexual abuse though?

18 A. Yes, ma'am.

19 Q. Okay. What -- was there ever a time during this
20 August, September, 2020 through August of 2022 that
21 someone asked you if your dad was inappropriately touching
22 you and you said no?

23 A. Yes, ma'am.

24 Q. why?

25 why'd you say no?

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1 A. I just wanted, I just wanted a parent and I was
2 getting closer to my brother and sister and I didn't want
3 to take him away from them. And it's just something I
4 felt like I was missing for a long time. And I finally
5 had it right there, and to just give it up, it wasn't
6 easy.

7 Q. How did you feel about having to talk about these
8 sexual incidents with your dad?

9 A. I don't even know. I don't know.

10 Q. Was it something that was easy for you to talk about?

11 A. No, ma'am.

12 Q. Was it something you were proud to talk about?

13 A. No, ma'am.

14 Q. Did you feel any guilt or shame about what had
15 happened?

16 A. Yes, ma'am.

17 Q. Were you -- what was your emotional state during
18 these two years?

19 How, how were you doing?

20 How were you doing in school?

21 How were you doing emotionally?

22 A. I was an honor roll student and actually was failing
23 almost every class. I was depressed. I started cutting
24 myself. I wanted to kill myself. I had to go to a mental
25 hospital. I just didn't want to be here no more and I was

1 so tired of it and I didn't want him to get in trouble. I
2 didn't want to take him from nobody.

3 So, the only other option was to remove the -- so, so
4 I felt like that's -- that was the only way that he
5 wouldn't get in trouble. So, I wanted to kill myself.

6 Q. I know you've testified that your dad would send --
7 make pictures, videos, send you pictures and videos.

8 A. Yes, ma'am.

9 Q. During the course of this two years, did he ever
10 instruct you what to do with those things?

11 A. To delete them. There's -- he called it starting
12 over because he wanted to finally start a daddy/daughter
13 relationship. And it was called starting over. Delete
14 the messages, the videos, the pictures, anything that had
15 to do with us I mean sexual with each other.

16 He would say delete it and start over and it would
17 last maybe two -- two to three days and it started right
18 back up because he just, he just can't resist.

19 Q. How did the two of you communicate during this two
20 year period?

21 A. Through messages, Facetime, calling randomly.

22 Q. Okay. When Aunt Jackie got ahold of your phone, had
23 you recently deleted things?

24 A. Yes, ma'am.

25 Q. But were there still some messages that were left

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1 between you and your dad?

2 A. Yes, ma'am.

3 Q. I'm gonna show you State's Exhibit 8 and 9. I'll
4 start with No 8.

5 would you just take a look at that and do you
6 recognize what's in that binder?

7 A. Yes, ma'am, the---

8 Q. All right.

9 A. ---messages between me and my dad.

10 Q. Okay. And have you seen that before?

11 A. Yes, ma'am.

12 Q. Have you had a chance to review those?

13 A. Yes, ma'am.

14 Q. Are -- have they been changed or altered in any way?

15 A. No, ma'am.

16 Q. Has anything been deleted from them?

17 A. Yes, ma'am.

18 Q. Okay. What types of things would be deleted?

19 A. I don't -- had deleted videos and pictures or some
20 things if I -- I, I didn't feel it -- it made me feel
21 uncomfortable and I deleted them.

22 Q. Okay. Did you add anything to these messages?

23 A. No, ma'am.

24 Q. All right. And these are all the -- these are
25 conversations from part of July and part of August of

1 2022?

2 A. Yes, ma'am.

3 Q. All right. And State's Exhibit 9, I just want to let
4 you look at that also, and have you had a chance to review
5 these previously?

6 A. Yes, ma'am.

7 Q. All right. And State's Exhibit 9, are those also
8 messages between you and your dad?

9 A. Yes, ma'am.

10 Q. The same thing, some things may have been deleted,
11 videos or pictures, nothing's been added?

12 A. Yes, ma'am.

13 SOLICITOR LESKANIC: All right. Your Honor, at this
14 time we would offer State's Exhibit 8 and 9 for admission.

15 MR. MacDONALD: Same objection for pretrial, Your
16 Honor.

17 THE COURT: Thank you. Duly noted.

18 They are admitted.

19 SOLICITOR LESKANIC: Thank you, Your Honor.

20 (WHEREUPON, State's Exhibit Nos. 8 and 9 were
21 received into evidence at this time.)

22 SOLICITOR LESKANIC: Permission to publish?

23 THE COURT: Can you come up for just a minute?

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

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1 THE COURT: Ladies and gentlemen, after conferring
2 with counsel, I think that this would be a good time to
3 have a mid-morning break. And so, again, we're not
4 discussing anything. We're not discussing any -- anything
5 about the case. I'm gon' let y'all go out for 15 minutes.
6 I need to take something up with the lawyers before I
7 bring y'all back in as well and they need a break.

8 Okay. Thank you all.

9 If everyone will please rise.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: Thank you all. Please be seated.

13 Ma'am, you are free to step down if you need a break,
14 if you need to go to the restroom. But you're not allowed
15 to discuss your testimony.

16 Okay?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Okay. Watch your step.

19 All right. Okay. We'll come back in 10 minutes,
20 counsel, and then you can renew that.

21 (WHEREUPON, a short recess was taken at this time.)

22 SOLICITOR HANEY: We'll need just a moment for Ms.
23 Leskanic, Your Honor. Counsel is not here right now.

24 (Pause.)

25 MR. MacDONALD: If it may please the Court?

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1 THE COURT: Yes, sir.

2 MR. MacDONALD: Your Honor, I just wanted to just put
3 it all out on the record again. I'm not gonna go to the
4 arguments again cause that -- those are all discussed
5 pretrial in regards to the authen, authen -- authenticity
6 of the text messages that I objected to. I know that I
7 had made the pretrial motion and I objected on the record
8 when the State tried to admit the evidence. But I just
9 want to renew my pretrial motion, Your Honor, in this
10 case.

11 That's all.

12 THE COURT: Yes, sir. Thank you.

13 SOLICITOR LESKANIC: For the same reasons, Your
14 Honor, the victim is a part of these messages. She has
15 been able to review them, identify them as conversations
16 between she and the defendant, and, therefore, any issue
17 of admissibility would go to the weight of the evidence
18 but not the admissibility of it because she's a party to
19 it and can authenticate it.

20 MR. MacDONALD: And, and I just want a ruling put on
21 the record is all I'm asking for.

22 THE COURT: Yes, sir, I understand, and, Mr.
23 MacDonald, you won't have to object each time. It will
24 be---

25 MR. MacDONALD: Okay.

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1 THE COURT: It -- it's duly noted that you object to
2 these text messages.

3 MR. MacDONALD: Thank you, Your Honor.

4 THE COURT: All right. And they are Exhibits --
5 State's Exhibits Nos. 8 and 9, two notebooks, and they---

6 SOLICITOR LESKANIC: Yes, Your Honor.

7 THE COURT: ---they have been marked by Madam Court
8 Reporter.

9 SOLICITOR LESKANIC: Yes, ma'am.

10 THE COURT: Okay. Anything else before I have the
11 witness return to the witness stand?

12 MR. MacDONALD: Your Honor, just for appellate
13 purposes, I think I just -- I'm, I'm requesting that the
14 ruling be placed on the record in regards to the text
15 messages. I'm, I'm not trying to be disrespectful.

16 THE COURT: Oh, okay.

17 MR. MacDONALD: I'm---

18 THE COURT: Yeah, I'm, I'm sorry. So, pretrial, I
19 said that the text messages would be admissible, okay,
20 and---

21 MR. MacDONALD: Thank you.

22 THE COURT: ---I am ruling on that again and we did
23 take this up on yesterday morning and I was aware, before
24 yesterday morning, that they were going to be offered. I,
25 I, I wasn't -- I don't know that I was aware of the volume

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1 of them. But I, I was aware that there were
2 communications via -- is it instant messaging?

3 Is that what y'all call it or text messaging?

4 SOLICITOR LESKANIC: Text messages.

5 MR. MacDONALD: Text messages.

6 THE COURT: Okay. All right. Thank you, sir.

7 MR. MacDONALD: Thank you, Your Honor.

8 THE COURT: And, don't worry, I was not offended.

9 Okay. All right. So anything else before we have
10 the witness return to the stand---

11 MR. MacDONALD: None---

12 THE COURT: ---by the defense?

13 MR. MacDONALD: None from defense.

14 THE COURT: By the State.

15 SOLICITOR LESKANIC: Just, Your Honor, there was a
16 hearsay objection. I know we approached---

17 THE COURT: Oh.

18 SOLICITOR LESKANIC: ---on that.

19 THE COURT: Okay.

20 SOLICITOR LESKANIC: I think we --.

21 THE COURT: And I sustained that. I -- at the time
22 and counsel agreed to move forward. And so I thought that
23 the question might have even been withdrawn.

24 But it was with regard to the key to the residence,
25 the apartment where the witness resided with -- is it with

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1 her grandmother or her aunt?

2 SOLICITOR LESKANIC: Her grandmother at the time.

3 THE COURT: Her grandmother and a neighbor saw her --
4 saw someone go in and wanted to know if the, if the
5 witness had been accompanying that person, right?

6 MR. MacDONALD: That's correct, Your Honor.

7 SOLICITOR LESKANIC: That's correct, Your Honor.

8 THE COURT: And that's how the home -- the, the, the
9 leasee of the apartment became aware that somebody was
10 entering the apartment without their permission. I --
11 again, I, I, I did say that it was hearsay. But I really
12 wasn't quite sure if the witness testifying was in the
13 presence of that person or not at the time. It's
14 difficult for me to understand that.

15 SOLICITOR LESKANIC: Certainly, Your Honor, and we
16 were just trying to explain a little bit of a convoluted
17 story to how the messages came out of. But we did move
18 on. But I just wanted that to be in the record as well.

19 THE COURT: Okay. So, for the benefit of the
20 defendant, I did sustain that objection.

21 MR. MacDONALD: Thank you, Your Honor.

22 THE COURT: All right. Thank you.

23 All right. So, ma'am, if you'll please return to the
24 stand and there is water up here for you, okay, if you
25 need it.

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1 (WHEREUPON, the witness returns to the stand.)

2 THE COURT: Okay. We will now have the jury.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: Okay. Thank you all. Please be seated.

6 We're back on the record with the matter of the State
7 versus Daniel Buckson and we are on direct examination of
8 the witness, Complainant [REDACTED]

9 Deputy Solicitor, please continue with your direct.

10 SOLICITOR LESKANIC: Thank you, Your Honor.

11 Please the Court.

12 CONTINUED DIRECT EXAMINATION

13 BY SOLICITOR LESKANIC:

14 Q. Complainant [REDACTED] before we get into State's Exhibits 8 and 9
15 that have been admitted, do you know the defendant's date
16 of birth?

17 A. [REDACTED]

18 Q. [REDACTED]

19 A. Yes, ma'am.

20 Q. Okay. And you testified about you and Aunt Jackie
21 meeting with a detective in this case --

22 A. Yes, ma'am.

23 Q. -- where you told him things that had occurred?

24 A. Yes, ma'am.

25 Q. Did your dad, the defendant, ever reach out to you

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1 after you met with the detective?

2 A. Yes, ma'am.

3 Q. Could you tell the jury about that, what he said?

4 A. I was in Spanish class, Ms. Beverly's class, and I
5 got a call from a number that wasn't saved and I answered
6 it. And he was -- he wasn't saying his name. He never
7 said his name.

8 But there is like this -- I guess you would say code
9 switch and it would say Myliam (phonetic) FLP, which means
10 you're mine for life period, and there was a thing that we
11 had and I knew who it was. And he was trying -- he asked
12 me why would I say something and then he started telling
13 me what to say and said delete the messages and videos.

14 Q. Did he tell you what to say?

15 A. He was trying to. He was just telling me what not to
16 say.

17 Q. And what was that?

18 A. To -- and to say that it was this guy from school and
19 that it wasn't him. It was a -- it was another dude.

20 Q. Okay. So, was he asking you to lie about what
21 happened?

22 A. Yes, ma'am.

23 Q. Was it him on the other end of the phone even though
24 he didn't say his name?

25 A. Yes, ma'am.

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- 1 Q. Did you talk to your dad on the phone all the time?
- 2 A. Yes, ma'am.
- 3 Q. Do you recognize his voice?
- 4 A. Yes, ma'am.
- 5 Q. And then, after that conversation, did you then meet
- 6 with someone to talk about what had happened?
- 7 A. Yes, ma'am.
- 8 Q. And did what you disclosed change?
- 9 A. Yes, ma'am. I was a---
- 10 Q. Did -- okay.
- 11 A. I told her that I was just mad at my dad and that I
- 12 had made it up about the sexual intercourse. But I didn't
- 13 pull back on him still touching me. I just said that
- 14 there was no penis and vagina and I said that I was upset
- 15 with him and that was the reason I said it. And I told
- 16 her that I had had sex with a boy from my school which
- 17 wasn't true.
- 18 Q. Okay. So, you had not had sex with a boy from
- 19 school?
- 20 A. No, ma'am.
- 21 Q. And why did you change what you had disclosed to the
- 22 detective?
- 23 A. I had talked to my dad.
- 24 Q. Okay. Now, you and your dad -- we just admitted two
- 25 exhibits, two binders.

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1 Did you and your dad both have iPhones?

2 A. Yes, ma'am.

3 Q. All right. And you said that y'all communicated via
4 text message?

5 A. Yes, ma'am.

6 Q. All right. And these messages that have been
7 admitted, these are conversations that you had with your
8 dad July and August of 2022?

9 A. Yes, ma'am.

10 Q. Were there lots of messages before July and August of
11 2022?

12 A. Yes, ma'am.

13 Q. And what happened to the majority of those messages?

14 A. They got deleted because they're -- like I said,
15 before he'd call it the start over to start the daddy and
16 daughter relationship. So I deleted them.

17 Q. All right. Looking at State's Exhibit 8, I'm gonna
18 start at the top of the page and who is that photo of and
19 can you tell us about the way that the contact is listed?

20 If you need to step down, Complainant to see --

21 A. I can see.

22 Q. -- I can ask the judge's permission or if you can see
23 okay.

24 A. Yeah.

25 Q. All right. Just wanted to make sure.

1 A. Oh, that's a picture of me and my dad and my brother
2 and sister are actually in the background. But you can't
3 really see them and --.

4 Q. All right. And what -- how did you have him labeled
5 in your phone?

6 A. As twin and dad in parentheses.

7 Q. Okay. And why, why twin and dad?

8 A. It's like a -- it's like a young thing I guess a
9 slang. Twin is like your friend.

10 Q. Okay. All right. And this is -- that was the
11 profile picture that you had of your dad at the time these
12 messages were collected by Jackie.

13 Is that right?

14 A. Yes, ma'am.

15 Q. All right. And we see a hand in the picture.

16 Can you kind of explain to the jury what we're, what
17 we're looking at here?

18 A. That's Aunt Jackie taking a picture of my phone with
19 her phone to identify that that was my phone.

20 Q. Okay. So, she's got her phone and she is just taking
21 a picture of your phone---

22 A. Uh-huh. (Affirmative).

23 Q. ---with the messages?

24 A. Yes, ma'am.

25 Q. All right. So we're just gonna start, start with

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1 this message and are you the blue or are you the gray?

2 A. I'm the blue.

3 Q. All right. So, his message starts out I love the way
4 you smell when you're hot and sweaty?

5 A. Yes, ma'am.

6 Q. And you respond I don't. That's why I'm always in
7 the shower --

8 A. Yes, ma'am.

9 Q. -- especially after, you know, what you told me that
10 day. But when I'm clean I feel fresh and new. And if I'm
11 fresh out the shower, I will fuck you to sleep. But if in
12 I'm a little stinky, I'll want a shower. But, yes, I am
13 glad you that's you do. And he writes back you finished.

14 Is that correct?

15 A. Yes, ma'am.

16 Q. Can you explain what -- what's going on here about
17 taking showers and being stinky and --?

18 A. He complained about how I smelt and I got insecure
19 about it. So I started taking a lot, a lot of showers.
20 But then, after he told me that I smelled, he made that
21 comment and said he loved the way I smelled when I was hot
22 and sweaty.

23 And so I -- I didn't understand. But then that's
24 when I said I don't and that's why I take a lot of showers
25 and --.

1 Q. Okay. Okay. So, his message said I love the way you
2 smell when you're hot and sweaty but he had told -- he had
3 complained before about an odor?

4 A. Yes, ma'am.

5 Q. And that was your response to him?

6 A. Yes, ma'am.

7 Q. And you told him in this that, when you're clean,
8 essentially you will have sex with him?

9 A. Yes, ma'am.

10 Q. Okay. All right. And this message talks about when
11 you were in Columbia and you both had on that pink.

12 A. Yes, ma'am.

13 Q. Is that right?

14 A. Yes, ma'am.

15 Q. All right. Let me show you what's been marked
16 State's Exhibit 10.

17 Do you recognize that?

18 A. Yes, ma'am.

19 Q. And what is that?

20 A. It's me and my dad in Columbia. He was speaking at a
21 school for his job about vaping.

22 Q. Okay. And is that a photograph of the two of you
23 together at that event?

24 A. Yes, ma'am.

25 Q. Is that what you're referring to in this text

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1 message?

2 A. Yes, ma'am.

3 SOLICITOR LESKANIC: All right. Your Honor, at this
4 time I would offer State's Exhibit 10 for admission.

5 MR. MacDONALD: No objection.

6 THE COURT: Okay. State's Exhibit No. 10 is in
7 without objection.

8 Thank you.

9 SOLICITOR LESKANIC: Thank you.

10 (WHEREUPON, State's Exhibit No. 10 was received into
11 evidence at this time.)

12 Q. I'm just gonna publish that because you talk about
13 when we were -- both had on that pink.

14 Is that you and the defendant?

15 A. Yes, ma'am.

16 Q. And what are you both wearing?

17 A. Pink.

18 Q. Okay. So, you're having a conversation with him
19 about an outfit and there it is?

20 A. Yes, ma'am.

21 Q. All right. And then I'm gonna put up this text
22 message just to show again that that -- is that a picture
23 that you sent him, the one that we just looked at that's
24 State's Exhibit 10?

25 A. Yes, ma'am.

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1 Q. And it's in your text thread with him?

2 A. Yes, ma'am.

3 Q. The next message -- and we are in July 21st, the
4 bottom message from him in the white. Now, that day in
5 the chair you really took my life.

6 Do you know what he was talking about?

7 A. Yes, ma'am, we were at his sister's house coming from
8 a basketball tournament and, and, in her kitchen, we sat
9 on the chair and I got on top of him and we had sex on the
10 chair in her kitchen.

11 Q. And that was penis in vagina?

12 A. Yes, ma'am.

13 Q. Is that the [REDACTED] Brookwood?

14 A. Yes, ma'am.

15 Q. In Cherokee County?

16 A. (WHEREUPON, the witness nods affirmatively.)

17 Q. And it was during the timeframe of September of 2020
18 through August of 2022?

19 A. Yes, ma'am.

20 Q. And I guess it was some time around July 21st, the
21 date of these messages?

22 A. (WHEREUPON, the witness nods affirmatively.)

23 Q. All right. The next message, his message, I'm home.
24 About to wash my bod and put in your --.

25 And your response my. And he says yep. And you

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 write P-U-S? And his response how I'm a put that on.
2 when you come get me. Oh, my panties. And he says nah,
3 dip. And you send him an emoji and he sends you emojis.
4 And you tell him hurry, don't hurry, but hurry
5 respectfully.

6 My service don't work in this place. So just call me
7 when you're outside. I love you. Your grandma know or I
8 need to text her. That's not how it works.

9 All right. And then this -- we see the delate of --
10 the date of July 22nd at the bottom of this. But
11 continuing with that text thread, his message I hope this
12 don't sound gay. But your panties being on me and up my
13 butt make me feel sexy AF.

14 A. Yes, ma'am.

15 Q. And AF, does that stand for --?

16 A. AS --

17 Q. -- as F-U-C-K?

18 A. Yes, ma'am.

19 Q. Okay. So, so, he's -- was he wearing your panties?

20 A. Yes, ma'am.

21 Q. And you said no, it's not gay and he says he's on his
22 way and that's a video of you at the top?

23 A. Yes, ma'am.

24 Q. I'll just pick up from that. No, it's not gay. On
25 my way. Okay.

1 July 22nd. Nothing. Just forget it. I'll see you
2 later and he writes baby that felt so good. And you say
3 what felt good. And he says I owe you but I don't because
4 you think that's all I want. And you respond you don't
5 owe me anything. I did that because I wanted to. Not
6 because I owed you.

7 what did you do?

8 A. I think I gave him oral sex.

9 Q. Okay. And he writes back but I want to with a crying
10 face. I haven't had a taste in too long.

11 A taste of what?

12 A. My vagina.

13 Q. And you respond you can. But I need to shave first
14 and you can today. I'm a shave when we get back home.
15 Take me a nice shower and shave and you can eat and fuck
16 me as what -- as much as you want to.

17 A. Yes, ma'am.

18 Q. And his response to that, we can't cause we don't
19 have a place to take our time.

20 A. Yes, ma'am.

21 Q. And you ask him can I give you, at the bottom, can I
22 give you head today cause I love doing that. And his
23 response, I can tell. And then he says and yes, anytime
24 you want.

25 All right. And he -- okay. I can suck your poppy

Complainant - Direct examination
By Solicitor Leskanic

1 things today though and he says no. Why. Cause I feel
2 like you don't try to suck me off every time I see you you
3 would get to me -- know me and you say K.

4 And he asked are you gonna be like that with
5 everyone?

6 MR. MacDONALD: Your Honor, I'd, I'd like to object.
7 Can we approach?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held out of the
10 hearing of the jury at this time.)

11 THE COURT: Yes, ma'am. Continue.

12 SOLICITOR LESKANIC: Thank you.

13 Complainant -- may I -- Your Honor, may I have Complainant
14 step down here so that she can read these messages?

15 THE COURT: Yes.

16 Watch your step please and take your time.

17 Q. Complainant could you start here and read what you wrote
18 to your dad?

19 A. You ain't everybody and everybody ain't you and
20 everybody ain't my boyfriend. You are.

21 Q. All right. Is that how you saw your dad at certain
22 points during this, that he was your boyfriend?

23 A. Yes, ma'am.

24 Q. All right. And what does he say here?

25 A. You don't want to work on daddy/daughter this

1 morning.

2 Q. Okay. And could you continue reading that page?

3 A. Yes and no and then he says K. Only if you spitted
4 some of it in my mouth and do it nasty freaky way. And I
5 said but, but as soon as you -- but it go to the back of
6 my throat. And he said cause you don't slow down when my
7 toes curl and I said sorry.

8 Q. Okay. What, what are y'all talking about here?

9 A. Me giving him oral sex.

10 Q. And what are you talking about as soon as you do it
11 goes to the back of my throat?

12 A. Ejaculating in my mouth.

13 Q. All right. And you said at the bottom of that one
14 I'm sorry and this one picks up.

15 Could you please read these messages to the jury,
16 yours and his?

17 A. And I said but you got to share cause I don't share.
18 I keep half. You keep half. He says I want to nut on
19 your face. But I went and we stopped talking like this.
20 And then I said babe, the learn the you and then he says
21 erase the messages. I said nope.

22 Okay. So this what's gonna happen. I'm gonna suck
23 you off the bone. Then I'll give you some. Then I'll let
24 you calm down a little bit and then we fuck like it's no
25 tomorrow.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 And when we feel it coming, nut on my face, and then
2 put it back in and keep going. And then -- I mean he said
3 like this and there was a video under and I deleted it.
4 And then I said yes.

5 Q. What was the video of?

6 A. A video of him nutting me and that's me like --.

7 Q. And when you said he nutted, does that mean something
8 came out of his penis?

9 A. Yes, ma'am.

10 Q. And start with his message here.

11 A. Okay. Let's go get a room and I said okay. I'm a
12 take a shower first. He said on second thought that can
13 be money to spend for your birthday. I'm not gonna lie, I
14 was thinking with my tongue and dick but --.

15 Then I said let's get a room. That can be for my
16 birthday. And he said let's do it on your b'day then.
17 And I said can we please do it today.

18 Okay. He says it's up to you and I said today. I'm
19 ready, bae, and he said K.

20 And then he says you sure. I'd rather buy you some
21 Forces. I said yes, I'm sure. He says K. About to get
22 it. Leave your phone on the charger and I said okay.
23 Leave it here?

24 And he says or we can take it to the house and I said
25 okay.

1 He says told your grandma we were gonna chill. Said
2 she gonna, gonna be gone this weekend and I said okay.
3 And he said she didn't respond and I said call her. She
4 don't answer texts as fast as a call and then K.

5 Q. All right. There was a message about getting a room.
6 what's that about?

7 A. At Red Roof Inn. He would get rooms cause we had --
8 if there was -- if his sister was home, his mother was
9 home, or grandma was at home, that would be the last was
10 to get a room.

11 Q. All right. Well, what is this talk about leave your
12 phone on the charger---

13 A. Oh.

14 Q. ---or we can take it to the house?

15 A. I share my location with my Aunt Jackie and my
16 Grandmother Claudia and they can see where I was. So,
17 they could see I'm at a motel. It looked like I was at a
18 motel and they knew I was with my dad. So, he told me to
19 either leave it at his mom house or leave it at my
20 grandma's house, which one.

21 Q. All right. And then what if somebody needed to get
22 in touch with you?

23 A. They would -- if they couldn't get to me, they'd just
24 text or call him.

25 Q. And then he would answer and --?

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 A. Yes, ma'am.

2 Q. They wouldn't know you were at a motel, hotel?

3 A. No.

4 Q. All right. Could you start at the top please?

5 A. It says I love it. You was dropping it the other day
6 and I said dropping what. If I dropped some food, I'm a
7 pick it right back up and bless the germs. He said that
8 dot, dot, dot, my food. And I said that what.

9 He said nevermind. Can we talk about Friday. I said
10 yes. What about it.

11 He said the way you grabbed my head. I said oh. He
12 said don't want to talk about it and he said that the --
13 why you say you wanted to talk if you didn't and he said I
14 was asking. And I said it doesn't matter.

15 Q. All right.

16 A. I said I'll have to think. I said wow. Okay. I'm
17 for real. I'm just trying to process after today. I'm
18 letting it go. I won't try to hold on to what don't want
19 to be held. But, in fact, don't even worry about it.
20 You've made it clear. I'll move on too.

21 You ate? I said yes. He said is it okay if I bring
22 you all your panties and stuff and I said K. He said
23 okay. Do you want the clothes and bears too? I said no,
24 keep all of it. He said I can't. Too painful. Give it
25 to the one you find that love you back and I said keep it.

1 Q. So what's going on here?

2 A. This is the -- where he's -- no. Where I was talking
3 to this boy and he got upset about it and I wanted a
4 daddy/daughter relationship and that's not what he wanted.
5 But he said he was gonna let it go and didn't.

6 Q. All right. And what is his response after he said
7 keep it?

8 A. He said don't want it. I don't want nothing from
9 someone that tells me they want someone else. I'm good.
10 I said neither do I and you told me that I think that's
11 suppose to say plenty of times and did not keep your shit.
12 Yep.

13 He said well, it's the only way I'll get closer to
14 you. Do what you want with it. I'll leave it on the
15 porch. Bringing your heels too, all your bracelets. You
16 can lock the WMFLP shit in with the next one. The black
17 biker shorts are wet. I hand washed them just now cause I
18 wore them yesterday and they stink. E-D. They in a
19 separate bag. Got your heels too and I said OMG. I'm not
20 taking that stuff. You're doing too much.

21 Q. And why is WMFLP?

22 A. You are mines for life period.

23 Q. Was that something -- a code that the two of you had?

24 A. Yes, ma'am.

25 Q. All right. Continuing with that text thread.

Complainant - Direct examination
By Solicitor Leskanic

1 A. I don't care what you do with it. I just don't want
2 anyone. You're done. I'm done. Go find that love. Be
3 intimate, be intimate with the nigga. We good. But I
4 don't need this shit. It's too many memories and I can't
5 move on looking at everything. I know it's a lot more and
6 I'm dropping off the stuff that hurts me most. On my way.
7 It will be on the porch.

8 I said, oh my gosh. Keep the stuff, bro. No, cause
9 then grandma gon' get it and ask who brought it. That's
10 just dumb. Don't do that. He said I'll tell her it's
11 just the stuff that you left behind over time. I don't
12 care. Your clothes from church is on top. I said OMG.
13 Just leave it there. You're doing too much.

14 And he says nah. I said we'll throw it away then and
15 he said you tell me you want to be with someone else. So
16 IDGAF, which means I don't give a F what you do with it.
17 It's on the porch. Love you and I mean it. Just
18 something I had to do to move on like you have.

19 And I said I haven't moved on. He said I feel empty
20 already. I said but I moved out of that hole that I was
21 in. He said that's good. It's time I do the same. I can
22 say I'm grateful for what we shared and I know who will --
23 whoever you choose will be blessed to have you.

24 You can ignore me, block me at this point. It don't
25 matter. I can't get no worse and I said mm.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 You want me to read on or --?

2 Q. Yes, you can just see what time we have and just read
3 up here.

4 A. Hold on. I think he was talking to my grandmother
5 about letting me drive and she was talking to him about me
6 backing into the park.

7 And he said yes, she can do it all. Trust me. And
8 then she said so you've let her drive quite a bit. Shauna
9 was a good driver. Sent me an emoji. And then he sent me
10 the screenshot of that. That's the screen of him and my
11 grandmother Claudia.

12 And he said Complainant I love you to death. I said I
13 love you too. He said I don't give AF with me as F-U-C-K
14 what you do.

15 And he says but if I'm gon' give it my all to give
16 you your space. I said K. He says and I hope you find
17 the love you need that will make you smile. Sorry for
18 fucking your life up.

19 I said about to get in the shower. He said if I had
20 a time machine I'd change it. I said I bet you would. He
21 said you have.

22 But, anyway, have a nice life. Try not to get
23 played, D, by the people you think love you so much. I
24 think a block -- I think I'll block you for a few days
25 just to kill temptation to bug you and I'm not gonna be

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 sneaky like you. I'm gon' go ahead and be real. I'm not
2 gonna sit around and feel sad. I'm a find me a good
3 friend too. I also want to feel love.

4 Q. So your dad is telling you to have a nice life and
5 that he's gonna block you --

6 A. Yes, ma'am.

7 Q. -- cause you don't want to do this anymore?

8 A. Yes, ma'am.

9 Q. Just pick up from the last message.

10 A. I also want to feel loved. You was right what you
11 said the other day. I work too hard to put up with
12 everybody drama. I'll find someone nice my age and build
13 from there. Thanks for being my friend or whatever you
14 said you would be. No more stressing or being tired. As
15 you say, be free my love. Love ya, bog buck, right --
16 night -- night. No matter what.

17 And why you just now getting in the shower. Someone
18 must of said they wanted to see them tig ole biddies.
19 Your grandma already complaining about adding you to her
20 insurance and I believe this is the text thread between
21 him and my Grandma Claudia and it said remember the night
22 she had driven your car home and I was already -- I had
23 already come home and was getting out of the car and I
24 asked you how long that had been going on and you said
25 just the day.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 well, she's sleeping now. It's the insurance I don't
2 want to deal with. Got a conference call to get on. Talk
3 to you later.

4 Then he says that was that day but that was months
5 ago and I offered to take her and put her --.

6 Q. Okay. We're gon' move into July 26th. I guess you
7 can start up here with his message.

8 A. Yes.

9 Didn't mean to call. Sorry. I said K. He says but
10 you can call back if you feel like talking.

11 Complainant can we not do this? I need to be in a good
12 space with you. Why are you ignoring me? Are you busy or
13 something?

14 And I said -- I responded to the Complainant can we not
15 do this, I need to be in a good space with you, and I said
16 we're cool but the relationship part is dead. It's just
17 not there. And he says and it's because -- all because I
18 get upset when you go out with other dudes. But okay. We
19 cool. And I said I never said it was.

20 Q. All right. July 27th. You can pick up with his
21 message here.

22 A. He says we made love. Then you go away and all of a
23 sudden you tired of me cause you met other people you
24 interested in. And I said or I didn't hug you tight
25 enough. He said you had your phone silenced and I said

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 no, I didn't.

2 Q. So, when he says we made love, what, what is that?

3 A. Penis in vagina.

4 Q. All right. He says no, I didn't at the bottom.

5 If you'll pick up his message please?

6 A. He said no, that's not it and then I responded to the
7 message above and said that's a lie.

8 He says I know you said you don't feel that with me
9 again and I hug you tight cause I really missed you. And
10 I said ain't nobody silence -- ain't nobody silence they
11 phone. And then I said mmmm to the comment he made above.
12 And he said I didn't expect you to feel the same way.

13 Q. All right. And how does he continue to respond to
14 that?

15 A. Then he says you told me how you felt and I said OMG.
16 And then he says and I been trying to give you that space.
17 I'm not mad. I'm just trying to get used to it, and, yes,
18 it's hard for me because eventually I'll get used to it.

19 And then I said y'all tell me to tell y'all how I
20 feel. Then getting y'all's feeling or get offended or run
21 and tell one another like you about to go do right now. I
22 don't get it. It ain't nothing to get used to.

23 And he said I'm not in my feelings and I said
24 responding to and yes, it's hard for me, but mentally I'll
25 get used to it, I said and no, it ain't hard for you. I

1 can tell. Before today I could tell.

2 Q. All right. We'll move to July 28th and are you,
3 are you attempting to get out of this sexual relationship
4 with your dad?

5 A. Yes, ma'am.

6 Q. And is he in agreement with that?

7 A. No, ma'am.

8 Q. All right. You can just pick up at the bottom.

9 A. He says like for real. If I get carried away again
10 please tell me. I'm gonna do my best to respect your
11 boundaries and your choices.

12 Q. And what were your boundaries and choices?

13 A. That I wanted a relationship with a father like a
14 father and daughter is supposed to have.

15 Q. All right. And, and what do you ask him when you're
16 trying to establish that relationship?

17 A. Can I call you dad, daddy, or daddy. He says I don't
18 care. I think it's daddy. I think I like daddy better.
19 I said okay. He says or you can call me by my name,
20 whatever floats your boat, and I said no, that's
21 disrespectful for real. All jokes aside.

22 Q. So, are you trying to make an effort to establish the
23 type of relationship you want with him?

24 A. Yes, ma'am.

25 Q. And how does he respond to that?

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 A. He says what day I'm gonna call, I'm gonna call and
2 see and I said okay. August 3rd. I take my pictures at
3 3:00PM.

4 He said are you for real. I'm never gonna get to
5 make love to you ever again. Can I get one last time to
6 give you my all for one night and I said no.

7 For real, we both need to move on and move in for
8 real on real shit. He says okay, say less. Move on.
9 That's nevermind.

10 Okay. I'll move on. I'm gonna call her. I said
11 okay. He says my heart ain't like yours but I respect it.
12 I said thanks and he says no problem. And he asked me if
13 I was okay.

14 Q. All right. Does he leave you alone?

15 A. No.

16 Then he says why you be leaving me on read. Sorry
17 for asking what I asked. You've told me how to feel about
18 me. You told me how you feel about me. I just have to
19 accept it. K. K. I'll stop bothering you and I said
20 yes. Okay.

21 And he says okay what? You want me to leave you
22 alone? And I said I'm talking about the second message.
23 He says you -- I voted the dude you was with Saturday to
24 your party invited. And I said I wasn't with no dude.

25 Q. All right. Is he concerned about your liking someone

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 other than him?

2 A. Yes, ma'am.

3 Q. All right.

4 A. Then he says but if you like someone, just tell me so
5 I can move on easily and I said move on.

6 Q. So you tell him move on?

7 A. Yes, ma'am.

8 Q. Does he?

9 A. No.

10 And he says why, cause you have?

11 I don't understand how you fell out of love so easily
12 and I said I'm just telling you to move on cause we ain't
13 it and it's not gonna happen. And he says it must be --
14 it must have never been real to you but it's already
15 happened or all of it was fake.

16 Hello.

17 So you can only talk to me when you want something or
18 to get out of the house. Just be real with me. What is
19 it for real? How you feel and we ain't it all of a
20 sudden? You move on quick and it's always the same way.

21 But okay. I get it. You don't have to respond.
22 That's the difference between me and you. When you call
23 on me, I show up. But when I need you, you too busy and
24 go ghost.

25 Q. All right. We move to July 30th and what does he

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 ask you?

2 A. Can I get a room. I said yes and he says for and I
3 said when.

4 Q. All right. What's -- what is can I get a room?
5 what's he want a room for?

6 A. To have sex, penis in vagina.

7 Q. All right. Now, you have said in these previous
8 messages move on and here you say yes with an explanation
9 point.

10 why?

11 A. To make him happy. It was never gonna stop. So now
12 that I felt that was the only way to get him to stop and
13 he mentioned above about doing it one last time and that
14 was all. And that's the reason I said yes.

15 Q. All right. And you were asked when?

16 A. He says your party. I said bruh. Me and you?
17 And he says night. Baby, who else. I said yes. He
18 says unless you want to use it to mook. I said brah. He
19 said dumb question deserve dumb answers. But my answer
20 really not that dumb cause you be choosing. K. K. You
21 gonna be 16 and I said I know. And he says and you're
22 already bad AF.

23 Q. All right. So, all these messages were sent before
24 your 16th birthday?

25 A. Yes, ma'am.

1 Q. All right. And continuing with that text thread?

2 A. And he says and you already bad AF. I said no, I'm
3 not. He says baby? I said yes. He said I want to have a
4 baby. I said okay. He says but I don't want to mess your
5 life up. I know you got dreams. He said I'm gonna -- I
6 said my life ain't gon' be messed up and he said it is if
7 you keep playing me. Laughing emoji.

8 I said okay. First of all, stop slamming at me and
9 he sent a picture emoji.

10 Q. So he's saying that he wants to make a baby with you?

11 A. Yes, ma'am.

12 Q. And you just pick up with this.

13 A. He said bout to go to bed. No. I said all right.
14 He said cause you know I want to be with you. But okay.
15 I'm gon' stop. I got to let go. I'm a choose me a white
16 girl so I can have a mixed baby.

17 I said I bet you will. You and Melissa gon' have
18 one. He says so you cool with me making love to her? I
19 said y'all already have, bruh, and he said sucking on her
20 neck.

21 Q. So he's asking you if he can be in a sexual
22 relationship with someone else?

23 A. Yes, ma'am.

24 Q. Okay. And what are you asking for in that message?

25 A. I said OMG. Treat me how you would treat Dre and

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Niyah. All I want is a freaking dad. Good night, bro.

2 Stop.

3 Q. All right. Who is Dre and Niyah?

4 A. My brother and sister who have the same dad,
5 different mom.

6 Q. Okay. And what are you asking him there?

7 A. To have a relationship with my dad the way it's
8 supposed to be.

9 Q. Okay. And, July 31st, this message.

10 A. He says sorry for crying and always complaining and
11 judging like a little bitch. But it's just when I'm near
12 you, holding you, getting lost every time you kiss me.

13 All I can do is think of someone else getting that and it
14 hurts.

15 I have to stop ruining those special moments and
16 embrace them because we don't have forever. So, I got to
17 cherish what I have. You're a gift and I mean that. Your
18 love for me has changed me and I said I understand.

19 But yes, we have to cherish them and enjoy them while
20 you have it. And he said those days when you wasn't
21 talking to me had me losing it and on the inside and it
22 picked up my phone every two minutes. But I'm gon' be
23 strong and just trust if it's meant to be will be.

24 Q. All right. And we'll pick up.

25 A. If it's meant to be, it will be and I said it is. He

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 says I don't want to suck and F-U-C-K just to be doing it.
2 I want to fall in love all over again. Those were some of
3 the greater days of, of my life when we first fell for one
4 another and I say yes, it was.

5 He says I thought I had lost you for good, for good
6 yesterday and that is a feeling I can't even begin to
7 describe. I said you're not gonna lose me. You're not
8 ever gonna lose me. And then he sends the forever emoji
9 with question marks and I say yes.

10 He says so what made you change cause I, I felt like
11 it was over for real and it says because ain't nobody in
12 this world a better --.

13 Q. Pick up with that.

14 A. A better man or will ever be a better man than you
15 and yes, I thought about all the things that we've shared.
16 He said I'll never leave your side. I don't care how bad
17 it hurts.

18 And I said I'm so damn glad. He said and sorry for
19 my attitude at church this morning. But you kept hanging
20 up on me and I said me too. I could of been a bigger
21 person. It's not all your fault he says. And then you
22 was looking so good. All I could think of was losing you
23 and then I said I'm here.

24 SOLICITOR LESKANIC: All right. Mr. Haney, could you
25 grab the next binder?

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 We move to State's Exhibit 9 which ends on looks like
2 July 31st and picks up on August 1st.

3 All right.

4 A. I said it's okay. I got some noodles. I'm fixin to
5 eat. He says bruh, you just ate five sandwiches and 10
6 donuts and you eat like you pregnant. I said I might be
7 from today. Did you?

8 He said I know you felt me throbbing inside of you.
9 Honestly I thought I would never do it again and I know
10 when you asked was mama and them gone today. I thought
11 about it but --.

12 And then he says good morning, Ileeah. Sorry I fell
13 asleep last night. Day one of queen week.

14 Q. All right. So, if this is July 31st of 2022,
15 you're saying you might be pregnant from today meaning
16 y'all had sexual intercourse that day?

17 A. Yes, ma'am.

18 Q. And when you said did you, what were you asking him?

19 A. Did he ejaculate inside of me.

20 Q. And his response?

21 A. I know you felt me throbbing inside of you.

22 Q. Okay. And this is still August the 1st but I
23 skipped a few pages ahead and what are you talking about
24 takes time and patience?

25 A. I was getting my nails done for my birthday and I

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 texted him about it.

2 Q. All right. And what's his response?

3 A. Says K. Will you claw my back up while I deep stroke
4 please and then he said JP, which means just playing, and
5 I said hell yeah. I am best believe. He says I can't
6 lie. Them stretch marks on that fat ass is addictive.

7 No cap. I'm trying to remember that ass for your,
8 for your day. Room Saturday morning and he asked if I was
9 okay. I said yes, waiting for grandma. He says K.

10 Q. All right. So he's wanting to get a room for
11 upcoming Saturday?

12 A. Yes, ma'am.

13 Q. Start with your messages at the bottom here.

14 A. From here?

15 Q. Yeah, down here is fine.

16 A. I said yeah, I -- fucking have fun with your riding
17 buddy because having a small human come, come out of my
18 body and knowing that I'm a love it with all I got is the
19 best feeling any woman could have and having someone you
20 know you love is also a great feeling. He said yeah, it
21 is.

22 But who you have a baby with is important too and I
23 said come on now. Our baby might have a little
24 complications. But that's no -- that's not gonna stop me
25 from loving him and/or she. He said but I don't think

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 that. I think we could have the most perfect baby. He
2 said can you -- I said can you Cash App me \$10.00 for
3 grandma. I think he say gas. But there's a possibility
4 that it could be a healthy baby.

5 He says you fit me perfectly and, and I sent a blush
6 emoji. He says well, I don't know but I think me making a
7 baby with someone that's basically me will be the best.

8 Q. Just continuing with that thread.

9 A. I said definitely. He said I, I help make you. So
10 just think what we could make. I said word. He said it
11 felt so amazing coming inside of you yesterday. Just
12 having you that close to me, my soul erupted inside of
13 you.

14 I said right. Just being next to you. He says and
15 yes, I can send y'all some money. But if y'all can just
16 make it, I'll bring it to you. I said okay. He said I
17 didn't say that. I said I'm gon' give you some money.

18 Q. And then August the 2nd.

19 Can you can start with hey?

20 A. I said hey. He said just want to feel like we were
21 Sunday night. I see why you like these kind of shorts.
22 They feel good. I said I could tell cause you came out of
23 them. He says I did that just to bring your stuff and I
24 knew your body would feel good up against mine. Sorry.

25 Q. What shorts is he talking about?

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 A. Like they were the red basketball shorts.

2 Q. Okay.

3 A. And then I said K. He says you stopped caring again.
4 I said no. He says you need to get to the school to get
5 your stuff so y'all won't be rushing and I can smell you
6 coming through my pants. OMG. I don't know why you
7 driving me so crazy in a good way, in a stressful way too
8 and said I am.

9 How it's stressful? He says it's just my mind and my
10 jealousy. But, for real, I keep smelling you and I love
11 it. But I'm not -- I love you too much. I know you don't
12 think I show it. But, God, if you only knew and I said I
13 love you too.

14 Q. All right. Starting with can I be honest?

15 A. He said can I be honest. I say yes and I say you
16 don't like me? He said I watched those dancing videos and
17 oh, my God, you so f'ing sexy and I said sorry.

18 Q. All right.

19 A. He says come on. I actually love you. If I didn't,
20 I wouldn't have been done chasing after you, chump, and I
21 said sorry. He says why and then he -- I responded to the
22 you don't like me and then I said I love you also.

23 How I eat your cum, how I want to love on you when I
24 see you, how I feel when you're mad at me, how I be when
25 you talk freaky to me.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. And what's his response?

2 A. He says how I look when drinking your cream. And I
3 said how I act when anybody looking at you. And I said
4 definitely to the comment above. He said baby, you got
5 some challenging classes. You gonna have to focus this
6 entire year. I'm gonna do my part to help you and not
7 stress you with my jealousy.

8 But let's get right, baby, for real. I want to f'ing
9 marry you and I said then let's get married and he says
10 I'm for real.

11 Q. Is that you?

12 A. Yes, ma'am.

13 Q. Okay. And what are his messages?

14 A. You're playing. I'm dead serious. I want to look
15 into your eyes for life and I said baby, I am too. He
16 says I want to feel your soul for life and I send him the
17 blush emoji.

18 Q. And moving forward, new messages, and I, and I want
19 to bring this up.

20 At the top, the contact picture has changed.

21 A. Yes, ma'am.

22 Q. Why?

23 A. That picture is a picture of sperm because that's --
24 if -- I feel like what it was all the time, 24/7, until he
25 got charged with this crime.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. Okay. So, when, when Aunt Jackie took pictures --

2 A. Yes, ma'am.

3 Q. -- at one time, the contact photo was sperm with
4 twin/dad?

5 A. Yes, ma'am.

6 Q. Did you get your phone back from law enforcement at
7 some point?

8 A. Yes, ma'am.

9 Q. All right. Did you change the contact photo?

10 A. Yes, ma'am.

11 Q. And, after that, did Aunt Jackie go back and take
12 more screenshots?

13 A. Yes, ma'am.

14 Q. Okay. So that's the reason that some of these
15 messages have a different contact photo?

16 A. Yes, ma'am.

17 Q. All right. Well, let's pick up -- we were on August
18 the 2nd.

19 A. He says your grandma know. I said no. Why would you
20 need to know. He says oh, yeah, what about your baby and
21 I said yes. He says cum in my mouth. I don't know what
22 that stands for.

23 Q. Okay.

24 A. And I said huh and he said -- all it says can you
25 melt me down with your dick? He says close. But that --

Complainant - Direct examination
By Solicitor Leskanic

1 but not dick. what's your favorite thing to do and I said
2 head and he said is it?

3 Q. Okay.

4 A. I said yes. He says give me or giving me. I said
5 give me. He says why. I said I love cleaning you. He
6 said K.

7 what's your second favorite thing to do? I said
8 baby, what is it, tell me. Dinner. And he says no, it's
9 a code. It's a code? Figure, figure it out and he
10 suppose he seen.

11 I said okay. Hold on. Can you lick me. No, I'm
12 diving. He says just think about what you like doing more
13 than anything and it's not head. I said I got it.

14 Q. And his response?

15 A. Hell, yeah. I said yes. He said cause I love
16 pleasing you too. When you cum, that shit turn me on so
17 bad. But I'm good. I just want to know -- I just want to
18 and then I sent a blushing emoji.

19 He says smelling you all day did something to me. I
20 said it always does and I'm so glad it does. He says OMG.
21 when you didn't call me back last night, I just laid on
22 your panties and just --.

23 I said I went ahead and went to sleep. Sorry but I'm
24 glad that you love me and by physically and mentally, and
25 emotionally, and spiritually attached to me. No, we get

1 some things -- we got some things to work on. But we're
2 gonna be just fine.

3 Q. All right. Moving into August the 3rd.

4 A. At the top?

5 Q. Yes, please.

6 A. I -- he says do you mean it what's in there.

7 Nevermind. I know you don't want to talk about it or with
8 me. Love you.

9 Something is seriously wrong with me and I think I
10 know what I need to do to fix it. Sorry for spreading,
11 spreading you out and texting you around like a desperate
12 dog.

13 I said OMG. I'm so tired of your bull. Can not take
14 grandma to the gym without having to be with a boy. Just
15 leave me alone and I'm not gonna -- I'm not going to even
16 try to explain myself or clear if I may on the crap
17 because you never listen.

18 He says okay. I said and you always say sorry but
19 then what do you do. You do the same thing over and over
20 again.

21 He says I was just asking because I saw where
22 y'all -- I saw where y'all said you would have. I wanted
23 to find my peace and in all respect. And all respect is
24 not with you.

25 And he says sorry for asking about your plans and I

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 said it's crazy and I'm tired of being unhappy. He says
2 okay. I am too. And all I'm trying to do is get you to
3 be faithful to us. But it's, it's -- if that's too hard,
4 then no matter -- then no neither of us would be happy
5 with each other. Sorry for asking too much.

6 I said I'm done. You're always telling me what I'm
7 doing and what I'm not doing. I have absolutely no idea
8 and yes, you be completely wrong and that's frustrating
9 because you never listen when I'm trying to tell you.
10 Always telling me to talk. When I do interrupt, you said
11 baby, I saw it. I said OMG okay. And he says so you
12 telling me that getting off the form.

13 Q. Was he always accusing you of being with somebody
14 else or wanting to be with somebody else?

15 A. Yes, ma'am.

16 Q. How did that make you feel?

17 A. Frustrating. It wasn't my time to -- time to talk or
18 he wanted to talk about it. I would always get in the
19 middle and make that and finish.

20 Q. I'm gonna go to August 5th.

21 A. At the top?

22 Q. Yes. Please.

23 A. I said I do. He says email with all this chicken
24 done in time. It's a lot. I love you.

25 I said I love you more. He says would you ever cheat

1 on me. I said no. He said you the one chilly from it.

2 Be honest. I said no.

3 He says but I can not wait to feel my arms next
4 Sunday. I so love to be close to you. What are you
5 doing. I said nothing right now. Laying -- and he says
6 laying down and then I say listening to Beyonce.

7 Q. All right. And move forward to August the 8th and
8 what does he send you?

9 A. He says I didn't pull your move and keep her as an
10 option as you say a good friend. And since you be
11 listening so hard you could hear that everyone that comes
12 in my office be talking about work or asking for advice.
13 Soonie (phonetic) soon has to give a speech and was asking
14 me for help and today she was telling me how it went.

15 It wasn't so busy. Have a hissy fit. If you wasn't
16 so busy having a hissy fit, you would have heard or said
17 it's good and she talked to your daughter like that. She
18 wished her and her dad could talk.

19 Then he said you're so busy concerned about any
20 female that get anywhere near me. But you remain in to
21 turn your back on me anytime you feel like just doing your
22 thing with other men and you do it over and over. So
23 please stop trying to check me and check yourself. If you
24 could be real and faithful you would never have to worry
25 about me and another female because I'm happy with you.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 You're the one f'ing choosing. Not me. You got the
2 nerve to get upset at me about looking at chicks on TikTok
3 but don't see nothing wrong with you being my chick but
4 shaking your ass for every damn body else. Shit is
5 ridiculous.

6 Q. We'll skip a few pages and what does he ask you to
7 do?

8 A. He says sneak down here and get in my bed and I said
9 okay. Are you for real. He says and one, I finished
10 cooking. I'm a come to mommies. I said your mommy.
11 Okay. About to put my shoes on. Are you for real, for
12 real. And then I said hello. He says baby, you can speak
13 out. She gonna call the police and I said when you
14 coming.

15 Q. All right. So, where he lived -- where, where did he
16 live?

17 A. With his mother---

18 Q. And how---

19 A. ---down---

20 Q. How far away was [REDACTED] McCluney Drive from Colonial
21 Heights where you live?

22 A. Like a minute. Maybe one or two.

23 Q. Okay. And he's asking you to come down to McCluney
24 Drive and get in his bed?

25 A. Yes, ma'am.

1 Q. All right. August the 9th. I'll get you to pick up
2 here.

3 A. He said who is she. I said I don't know. It didn't
4 show the face. He says I don't jack or cheat. I said I
5 know. It was just a dream. He says nor do I have the
6 desire to be intimate with anyone else and I said baby.
7 okay. It was just a dream. He said and yes, it crushed
8 me when you said that you wanted to. So my nightmare is
9 reality and I said no, it's really not.

10 Q. Okay. So what's going on there?

11 A. I guess I had a dream about him and another woman and
12 I told him about it and he brought up me and another boy.

13 Q. All right.

14 A. Just---

15 Q. And he said that he doesn't have the desire to be
16 intimate with anyone else?

17 A. Yes, ma'am.

18 Q. Picking up on that text message.

19 A. He says K. For my girl to tell me that she wants to
20 be intimate with another dude, yes, it really is but it's
21 okay. Like for real. If that's how you feel, then it's
22 okay because if I ever wanted to be with another woman, I
23 guess I would need to respect you too.

24 I said I really don't understand how you make every
25 little thing about you. I wish I knew how to do that.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 OMG. How long ago was that. Come on now. You literally
2 just want to be sad or mad or whatever it is. If you want
3 to live, one, then do it. This is crazy. Two times and
4 it's not even one o'clock.

5 He said okay. Sorry. You right. This has nothing
6 to do with me. I'm just going to let you have your way,
7 love. I said I'm going back to sleep.

8 Q. August the 10th, what does he say?

9 A. Monkey in the box. I said don't say that. He says I
10 woke up wanting you so bad last night. It was crazy.

11 I said for real. He said like for real, for real,
12 for real and I said how come. And he say cause I'm f'ing
13 obsessed with you and I sent the smiley pretend.

14 I have a serious question. He said K. If a girl
15 just gave you -- if a girl just gave you a message and
16 started touching you down there, would you stop them. He
17 said first of all, I'm not letting a girl give me a
18 message or get that close to me and I said K. He said I
19 take pride in only being --.

20 Q. Can you finish this message?

21 Sorry.

22 A. Oh.

23 Q. Not playing. The girl with the -- will give me a
24 message or get that close to me and what else does he say?

25 A. He says and no girl has seen my stuff since we became

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 close.

2 Q. Okay.

3 A. And then I said K. He says I take pride in only
4 being that way with you and I said thanks mate.

5 He says it's all I ever wanted to share with someone.
6 That's why I wanted a virgin and I sent a blushing emoji.
7 He says because I thought that if I was a girl's first,
8 then they would love me and only me and I said and that's
9 true but you don't think so. But it is. It is but not
10 gonna get into that and he say K.

11 Q. August the 11th, and just start at the top,

12 Complainant

13 A. I said yes. But we gonna -- we got to be healthy.
14 I'm so tired of this negativity. He said you say you --
15 you say that but then dish it out all day, every day and
16 then act sad and mad when I give you -- when I give it
17 back. But that's when I'm liking heart -- liking that. I
18 don't have to respond the way people respond to me and I
19 said yeah.

20 And he said so I'm going to just start ignoring it.
21 At least try my best to. I said me too.

22 He says if you think I can't be what you need, then I
23 really want you to walk away once and for all. I'm sick
24 of the games and the lies and the cheating every time you
25 feel like you can't do this no more. Please just go be

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 happy. I will always be here to support you and be the
2 best father I can be and I said K.

3 Q. Picking up from that.

4 A. He says but I'm so done with playing these kid games
5 with you. I'm like you. I want to be happy too and I'm
6 not going to continue to sacrifice all of me just so you
7 can trample on me any way you feel like. Yes, I am deeply
8 sorry for some of the things I've said to you, for hitting
9 you in the past, and I swear I won't do it again. Will be
10 what you need.

11 I said we need to make a promise, a real one. He
12 said but you're not going to continue to treat me like I'm
13 your child or some kind of you.

14 And I said that if we get -- disrespect one another
15 again, then that's it. He said I don't want to hear no
16 promise cause they haven't meant nothing. They just been
17 words and I said all right.

18 Q. August the 12th.

19 A. All he said you bothered about school? I said no.
20 He said you know what?

21 I have noticed that every time we make love we fall
22 out. Well, we always fall out but every time we make love
23 it's worse. I don't know if it's because love make it --
24 make me more jealous that I'm going to lose someone else
25 again or if it's just a part of us. It's too much for you

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 to -- for you right now, whatever it is.

2 You have to help me figure it out cause I hate
3 feeling like this. You're my dream come true and I don't
4 doubt that for one second. But something has went wrong
5 between us.

6 I said yeah, it has. Very wrong. The way we were in
7 the beginning was great. Well, to me, besides Nakia and
8 Nea part. But, yes, ever since we had sex it ain't been
9 right.

10 He said you think it was the sex? I said I don't
11 know. But if it is, it's done now. Can't take it back.

12 Q. What does he say?

13 A. He says we can change it. I said can't have my
14 virginity back. So you can't change it. He said if you
15 feel -- if you feel that's what the problem is, then we
16 change the problem.

17 So you think losing your virginity to me make thing
18 worse. I said no. Nothing. I don't know what it did.

19 He said no, I'm asking. You said once we had sex it
20 got -- we got worse. So you feel that the sexual part of
21 the relationship created tension.

22 I said you said the same things. But you said we
23 only have sex three times a year and he said I'm asking
24 how you felt. Okay. How I feel. And I said every time
25 we have sex we fall out.

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. August the 13th.

2 Is that a picture of you?

3 A. Yes, ma'am.

4 Q. All right. And pick up with -- at the bottom.

5 A. I been trying to give you experience but still, my
6 daughter, you will always be my baby.

7 Q. Okay. And are you continuously trying to, trying to
8 end this unsuccessfully?

9 A. Yes, ma'am.

10 Q. Let's see. You can just start here.

11 Are you serious this year?

12 A. Are you gonna be serious this year. Like all jokes
13 aside. It's time to focus on -- focus and grind. I said
14 yes. He said me too.

15 So this little divorce may be good for me. Once I
16 get over thinking about you every second, I can focus on
17 the grind and secure the bag. I did a lot today. I got
18 up, cut grass, worked out, trimmed my hair, painted
19 this -- painted this room, helped cook dinner, and washed
20 the car. Been laying here reading a book on how to make
21 everybody grow. It's time to go to the next level.

22 Let's make the Buckson's name -- let's make the
23 Buckson -- Bucksons great. No cap. No matter how we are,
24 I want you by my side, daddy/daughter, sir and ma'am, or
25 like sis. I don't care. I just want to be tight, like

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 super cool tight. No hating on each other and I said
2 that.

3 Q. All right. And then August the 14th. You can
4 start, start right there, this message.

5 A. He says but I have like a pain I want. But yeah, I'm
6 a get it for me, companions, your age too I guess. I mean
7 I feel like love and we can talk.

8 So you really okay with me being someone -- with me
9 being with someone else cause I'm not. I love what we
10 have. You, you pains getting old too to you and want
11 companionship, your age. But you have been the best I
12 have ever had no matter the age.

13 I'm in love with you. I can't just stop it the way
14 you have and you can talk to me about anything. I said
15 no. I said I'm gonna get better at letting my feelings go
16 and I said no, I can't. And he said I'm just hurt right
17 now, dawg.

18 Q. You can pick up with that.

19 A. Because there's time you say you need space, you put
20 to a place. Me, I can't do that. I don't even want to
21 talk to nobody else. I know what and who I want and it's
22 you. Only you.

23 Yes, I have been hurt. Yes, I have been heartbroken
24 before. So I know I'll get over it. But I don't want to.
25 Baby, please don't do this. Don't let anybody come

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 between us. I don't care who it is. Yes, I may need
2 adult friends. But you have my heart. I wish we didn't
3 do this.

4 I said I'm not coming back. Not in that way. He
5 says cause this is too hard for me.

6 Q. And when you say you're not coming back in that way,
7 what do you mean?

8 A. In the relationship way. I wanted to come back as a
9 father and daughter.

10 Q. All right. And if you could just start with guess
11 what?

12 A. He said guess what. I said what. He said I just saw
13 a daddy and daughter holding hands. So, we can still hold
14 hands sometimes. I said she was little. He said yeah.

15 Q. So you're still continuing even though you said
16 you're not gonna have that relationship?

17 A. (WHEREUPON, there was no audible response.)

18 Q. All right. August the 15th.

19 A. He says and yes, I know you will always be mine. But
20 I just have to learn to get used to not having someone
21 that's going to always be there no matter what. That
22 person who know how to make me melt that just excites,
23 that person who was beginning to know when I hurt and
24 would just sit quietly by my side when I bitched, that
25 person to sit or lay beside me and look into my eyes and

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 know exactly what I need without me having to say a
2 thing -- a word.

3 Yes, I'm missing a lot of that. Yes, I took all of
4 that for granted because, deep down, I thought it would
5 always be there. But I know it's not right in the eyes of
6 no one and I know you feel some type way about how I
7 rushed you into it.

8 I'm sorry and I pray what I have done don't affect
9 the way you love. If I could ever change any of that, it
10 would only be the way I was possessive of me to the point
11 of pushing you away. I don't threaten the way we love
12 each other though. In fact, I still see it as a gift from
13 God to me to have someone that is almost exactly like me
14 to love. If I'm wrong, I know God will show me the way
15 and I want to respect what you want be together and I said
16 thank you, and, yes, I forgive you too.

17 Q. All right. Thank you. You can go back and have a
18 seat.

19 A. (WHEREUPON, the witness returns to the stand.)

20 Q. Thank you, Complainant I'm almost finished.

21 All of the incidents of abuse that we discussed,
22 your, your house, your grandmother's house --

23 A. (WHEREUPON, the witness nods affirmatively.)

24 Q. -- McCluney Drive --

25 A. Uh-huh. (Affirmative).

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 Q. -- his sister's house at Brookwood --

2 A. Uh-huh. (Affirmative).

3 Q. -- the building in Cherokee County --

4 A. (WHEREUPON, the witness nods affirmatively.)

5 Q. -- the vehicle at his house --

6 A. (WHEREUPON, the witness nods affirmatively.)

7 Q. -- the Red Roof Inn in Cherokee County, all of those
8 incidents occurred in Cherokee County?

9 A. Yes, ma'am.

10 Q. All right. And they all occurred between August and
11 September of 2020 through August of 2022?

12 A. Yes, ma'am.

13 Q. Do you see the man in the courtroom---

14 A. Yes, ma'am.

15 Q. ---who sexually abused you and who you have these
16 text messages with?

17 A. Yes, ma'am.

18 Q. Could you please identify him, what he's wearing?

19 A. Burgundy suit.

20 SOLICITOR LESKANIC: Okay. I'd like the record to
21 reflect that she's identified the defendant.

22 Thank you and please answer -- well, let me, let me
23 ask you -- hold up.

24 After you and Jackie reported to police, did the
25 defendant reach out to you over any other social media?

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 A. Yes, ma'am.

2 Q. Do you---

3 A. Snapchat.

4 Q. Okay. Anything from TikTok or Instagram?

5 A. Yes, ma'am.

6 Q. Were you able to see those messages?

7 A. Yes, ma'am.

8 Q. All right. I'm gonna show you State's Exhibits 11
9 and 12.

10 Could you take a look at the message written and tell
11 me if you recognize that?

12 A. Yes, ma'am.

13 Q. Okay. And are those messages -- well, what is that?
14 What does that show?

15 A. You want me to read it?

16 Q. Well, first just tell without telling me what's in
17 it, who---

18 A. He sent me a message through TikTok and Instagram.

19 Q. Okay. And is that the way that you remember seeing
20 the message?

21 A. Yes, ma'am.

22 SOLICITOR LESKANIC: Okay. Your Honor, at this time
23 I would offer State's Exhibit 11 and 12 for admission.

24 MR. MACDONALD: Same objection for lack of
25 authentication.

Complainant - Direct examination
By Solicitor Leskanic

1 THE COURT: Thank you. That would be overruled.

2 SOLICITOR LESKANIC: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit Nos. 11 and 12 were
4 received into evidence at this time.)

5 SOLICITOR LESKANIC: Permission to publish?

6 THE COURT: Yes, ma'am.

7 You said 11 and 12?

8 SOLICITOR LESKANIC: Yes, ma'am.

9 Let me see if I can get this.

10 All right. So, this is off of TikTok and you
11 received this message from him.

12 Can you read that?

13 Do you need to step down?

14 A. I can't see it.

15 Q. Okay. Thank you. Sorry to have you step down again.

16 A. He says I know you gonna block me from here too. I
17 just wanted to make sure you're okay, Complainant I love you
18 and here for you through it all and please erase all of
19 the past texts and things. I want to start fresh and be a
20 great father. Love you.

21 Q. All right. And State's Exhibit 12.

22 This is off of what kind of account?

23 A. On his Instagram account.

24 Q. All right. And what does the message say?

25 A. I know you gonna block me from here too. I just want

Complainant [REDACTED] - Direct examination
By Solicitor Leskanic

1 to make sure you're okay, Complainant I love you and have
2 been here for you through it all. And please erase -- and
3 please erase -- love you and here for you. Please erase
4 all the past things, texts and things. I want to start
5 fresh. Be a great father. Love you.

6 Q. And what is the date that that message is sent to
7 you?

8 Can you read that or you can step back here if you
9 need to?

10 A. Yeah, I can't see it.

11 Q. Can you see the date?

12 A. August 22nd.

13 Q. Of what year?

14 A. 2022.

15 Q. Okay. Thank you.

16 Just one moment, Your Honor.

17 (Pause.)

18 Q. Thank you, Complainant If you would, please answer any
19 questions that the defense may have.

20 MR. MacDONALD: Your Honor, may we approach?

21 THE COURT: Yes.

22 (WHEREUPON, a bench conference was held out of the
23 hearing of the jury at this time.)

24 THE COURT: All right.

25 SOLICITOR LESKANIC: Thank you.

1 THE COURT: Thank you.

2 Okay. Ladies and gentlemen of the jury, it's my
3 understanding that now would be a good time to break for
4 lunch. I'm going to let y'all come back at 1:30.

5 It is 12:22 right now. And so I've inquired of
6 everyone if that would mean that everybody would have time
7 to get lunch including the court personnel and they have
8 assured me that they would.

9 Okay. All right. And so no discussion of the case
10 with anyone or among yourselves. No independent research
11 and I'll see y'all back at 1:30.

12 If everyone will please rise?

13 (WHEREUPON, the following takes place outside the
14 presence of the jury.)

15 THE COURT: Okay. And y'all may be seated. Thank
16 you.

17 Before we break, I will instruct the witness, I know
18 you've been on the stand for a very long time this
19 morning, ma'am. However, during your lunch break, you
20 won't be allowed to discuss your testimony. You have yet
21 to be cross-examined and then there may be redirect.

22 And so -- but you can certainly have a break and go
23 eat lunch.

24 Is there any objection to her eating lunch with her
25 family members?

1 MR. MacDONALD: No, Your Honor.

2 THE COURT: Okay.

3 MR. MacDONALD: Not from the defense.

4 THE COURT: Okay. All right. Thank you all. I'll
5 see y'all back at --.

6 MR. MacDONALD: Just briefly, Your Honor.

7 There was an objection that I had approached -- we
8 approached, Your Honor, and I -- we just wanted to put the
9 ruling on the record.

10 THE COURT: Sure.

11 MR. MacDONALD: I had objected to the solicitor
12 reading the text message out loud and to her testifying
13 and I believe you sustained the objection.

14 THE COURT: I did. That was at 11:18 and I then
15 instructed counsel for the state to have the witness read
16 the text messages.

17 Okay. Anything else on that?

18 SOLICITOR LESKANIC: No, Your Honor.

19 THE COURT: All right. Okay. All right. Thank you
20 all. Sorry.

21 (WHEREUPON, Court was in recess for the lunch break.)

22 THE COURT: Okay. We're back on the record with
23 regard to --.

24 SOLICITOR HANEY: We may need a moment for---

25 THE COURT: Oh.

1 SOLICITOR HANEY: ---just -- just a second, Your
2 Honor.

3 THE COURT: We'll wait a moment.

4 (Pause.)

5 THE COURT: Okay. Counsel, we are back on the record
6 with regard to the State versus Daniel M. Buckson.

7 I have been informed that all of the jurors are now
8 back.

9 Is there anything that we need to take up before we
10 have the jury returned?

11 SOLICITOR LESKANIC: Nothing from the State.

12 MR. MacDONALD: Nothing from defense.

13 THE COURT: Okay. As to our witness, I will call her
14 back to the stand after the jury is out here.

15 Okay. Okay. Let's have the jury please.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE COURT: Okay. Thank you all. Please be seated
19 and we are continuing in the matter of the State versus
20 Daniel M. Buckson.

21 I would ask if the witness, **Complainant** can
22 return to the witness stand please?

23 Watch your step.

24 (WHEREUPON, the witness complies.)

25 THE COURT: Okay. This is now cross-examination.

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 Mr. MacDonald, will that be you?

2 MR. MacDonald: May it please the Court?

3 THE COURT: Okay. Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. MacDonald:

6 Q. Miss Buckson, you stated that your father moved back
7 to Gaffney, Daniel, when you were about 13 years old you
8 said?

9 A. Yes, sir.

10 Q. Okay. And when he moved back, was he trying to be
11 more involved in your life?

12 A. Yes, sir.

13 Q. He wasn't so much before then.

14 Is that correct?

15 A. Yes, sir.

16 Q. Okay. Some of the things that you would do together
17 would be to go to the movies with siblings?

18 A. Yes, sir.

19 Q. And your -- and who are your siblings?

20 A. Sister [REDACTED] and Brother [REDACTED].

21 Q. Okay. He would take you to Grandma Doris's house?

22 A. Yes, sir.

23 Q. You'd go to church together?

24 A. Yes, sir.

25 Q. You'd go out to eat together?

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 A. Yes, sir.

2 Q. And this would often be with other family members as
3 well?

4 A. Yes, sir.

5 Q. Did he go to your basketball games?

6 A. Yes, sir.

7 Q. Okay. Did he support you?

8 A. Yes, sir.

9 Q. After your basketball games, he took you -- he would
10 take you to get food?

11 A. Yes, sir.

12 Q. He would take you to get food when you were at home?

13 A. Yes, sir.

14 Q. You had a good relationship with your dad when he
15 came back?

16 A. Yes, sir.

17 Q. Issues started coming up between you and your
18 father's relationship over boys.

19 Is that correct?

20 A. Yes, sir.

21 Q. You stated -- you were interviewed by several
22 different investigators in this case.

23 Is that correct?

24 A. Yes, sir.

25 Q. Over a period of about a year?

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

- 1 A. Yes, sir.
- 2 Q. And, in those interviews, you stated that you'd argue
3 over boys that you were talking to in your life?
- 4 A. Yes, sir.
- 5 Q. Such as boys at school and things like that?
- 6 A. Yes, sir.
- 7 Q. You also argued with each other about not keeping up
8 with your schoolwork?
- 9 A. Yes, sir.
- 10 Q. And you argued about not being focused in school?
- 11 A. Yes, sir.
- 12 Q. Okay. So you, you did have arguments about that?
- 13 A. Yes, sir.
- 14 Q. Okay. You've stated that he was right about most of
15 that stuff referring to the boys and not keeping up with
16 your schoolwork?
- 17 A. Yes, sir.
- 18 Q. You stated that your father wanted you to be
19 successful?
- 20 A. Yes, sir.
- 21 Q. You specifically referenced one boy that you got in a
22 big argument with over -- with your dad with because your
23 father, Daniel, knew that he was sexually active.
- 24 Is that correct?
- 25 A. Yes, sir.

Complainant - Cross-examination
By Mr. MacDonald

1 Q. And you stated that he was trying to protect you from
2 him?

3 A. Yes, sir.

4 Q. Was this an older, older kid?

5 A. No, he was two years older than me.

6 Q. Okay. Was he in high school?

7 A. Yes, sir.

8 Q. And you were in high school at the time or you were
9 in middle school?

10 A. High school.

11 Q. Okay. So he's two grades above you?

12 A. Yes, sir.

13 Q. And that's part of what the argument was about?

14 A. Not really. It was more about the talking about the
15 sexual things.

16 Q. Okay. But you said that there was constant arguments
17 over different boys---

18 A. Yes, sir.

19 Q. ---between you and your father?

20 Now, you stated that, in these arguments, you would
21 get a temper and that you needed, you needed counseling on
22 your temper?

23 A. Yes, sir.

24 Q. Over this investigation, you gave four different
25 interviews where you showed up in person to talk to

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 different people.

2 Is that correct?

3 A. Yes, sir.

4 Q. You went to the Children's Advocacy Center three
5 times in, in 2022.

6 Is that correct?

7 A. Yes, sir.

8 Q. You were interviewed by a forensic interviewer for
9 children by the name of Lynn McMillian?

10 A. Yes, sir.

11 Q. You also interviewed with the Sheriff's Office.

12 Is that correct?

13 A. Yes, sir.

14 Q. Who did you interview with at the Sheriff's Office?

15 A. Me and Aunt Jackie.

16 Q. And who, who was the one that performed the
17 interview?

18 A. The detective.

19 Q. Could you point him out?

20 A. (WHEREUPON, the witness points.)

21 Right by---

22 Q. Right there?

23 A. Right beside Ms. Leskanic.

24 Q. Okay. You also were referred to two different
25 doctors throughout the course of this investigation.

Complainant - Cross-examination
By Mr. MacDonald

1 A. Uh-huh. (Affirmative).

2 Q. Is that correct?

3 A. Yes, sir.

4 Q. You spoke with Doctor Fox at Regenesiis?

5 A. Yes, sir.

6 Q. And you also spoke with Doctor Crosswell---

7 A. Yes, sir.

8 Q. ---at a, a -- I forget where this place was. But it
9 was another doctor that you'd spoken to.

10 Is that correct?

11 A. Yes, sir.

12 Q. Okay. I'm gonna try to go chronological order for
13 you to kind of keep things in, in, in check. But your
14 first interview that you gave was in April of 2022.

15 Is that correct?

16 A. Yes, sir.

17 Q. And that was at the Children's Advocacy Center in
18 Spartanburg?

19 A. Yes, sir.

20 Q. And that was with forensic interviewer Lynn
21 McMillian.

22 Is that correct?

23 A. Yes, sir.

24 Q. Okay. And, in that interview, you stated that
25 someone had reported my dad was molesting me and it wasn't

1 true?

2 A. Yes, sir.

3 Q. You don't know -- you didn't know who reported it?

4 A. No, sir.

5 Q. But you told them it was not true?

6 A. Yes, sir.

7 Q. You also said that you and your dad are really close
8 and that---

9 A. Yeah.

10 Q. ---there's some people that don't like that?

11 A. Yes, sir.

12 Q. You stated that you've never felt uncomfortable
13 around your dad?

14 A. Yes, sir.

15 Q. When asked if there's anyone that's tried to touch
16 you in a way that made you uncomfortable you said no?

17 A. Yes, sir.

18 Q. And when you were asked if anyone tried to do
19 anything sexual for you or to you or made you
20 uncomfortable, you would go to your dad first.

21 Is that correct?

22 A. Yes, sir.

23 Q. Your second interview was with Investigator Cutchin
24 with the Sheriff's Office.

25 Is that correct?

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 A. Yes, sir.

2 Q. Now that interview was four months later in August.

3 Is that correct?

4 A. Yes, sir.

5 Q. And, in that interview, you were accompanied by your
6 Aunt Jackie?

7 A. Yes, sir.

8 Q. Okay. And, in that interview, you said that there
9 were three sexual incidents that happened in 2022?

10 A. Yes, sir.

11 Q. And there were three sexual incidents that happened
12 in 2021?

13 A. Yes, sir.

14 Q. That's not what you testified to today---

15 A. Right.

16 Q. ---was it?

17 A. No, sir.

18 Q. You said that it was so many times you lost count
19 today?

20 A. Yes, sir.

21 Q. But back in August of 2022, you stated that there's
22 only three in the year 2022 and three in the year 2021?

23 A. Yes, sir, because I thought the least it was the less
24 he would get in trouble.

25 Q. Okay. You also said to Investigator Cutchin that you

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

- 1 never had sex in his car?
- 2 A. Yes, sir.
- 3 Q. That's not what you testified to today?
- 4 A. No, sir.
- 5 Q. You also told Investigator Cutchin that your father
- 6 never put his finger inside your private parts?
- 7 A. Yes, sir.
- 8 Q. That's not what you testified to today?
- 9 A. No, sir.
- 10 Q. After speaking with Investigator Cutchin, you had
- 11 another interview at the Child Advocacy Center --
- 12 A. Uh-huh. (Affirmative).
- 13 Q. -- with Lynn McMillian.
- 14 Is that correct?
- 15 A. Yes, sir.
- 16 Q. And that was about a week later?
- 17 A. Yes, sir.
- 18 Q. And you told Lynn McMillian, the investigator, or the
- 19 interviewer, sorry, that you lied to the investigator
- 20 about your dad having sex with you?
- 21 A. Yes, sir.
- 22 Q. You told Lynn McMillian that you're really upset with
- 23 your father when you were talking to Investigator Cutchin
- 24 and that's---
- 25 A. Yes, sir.

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 Q. ---and that was why you made those claims?

2 A. But, between that, we had had a conversation, me and
3 my dad --

4 Q. Uh-huh. (Affirmative).

5 A. -- and everything. So he told me what to say and
6 that was a part of the things he told me to say.

7 Q. Okay. You, you told the forensic interviewer that
8 all I could think of was just him not being in my life, to
9 just leave me alone.

10 Is that correct?

11 A. Yes, sir.

12 Q. And so I told the officer we had sex?

13 A. Yes, sir.

14 Q. It wasn't true. I was just very angry with him and
15 that's why I said it.

16 A. Yes, sir.

17 Q. That's what you told the interviewer.

18 Is that correct?

19 A. Yes, sir.

20 Q. You also told the interviewer why you were mad at
21 him?

22 You were mad at him because your mother had passed
23 away when you were eight years old --

24 A. Yes, sir.

25 Q. -- and he said horrible things about your mother to

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 you?

2 A. Yes, sir.

3 Q. And that upset you?

4 A. Yes, sir.

5 Q. That made you want to get him out of your life?

6 A. Yes, sir.

7 Q. You knew -- you said that you knew if you told the
8 detective that your father molested you that he would get
9 very -- in big trouble?

10 A. I don't remember saying that.

11 Q. If I played that back for you to refresh your
12 recollection, would that help?

13 A. Yes, sir.

14 Q. Okay.

15 MR. MACDONALD: Your Honor, may we approach?

16 THE COURT: Yes.

17 (WHEREUPON, a bench conference was held out of the
18 hearing of the jury at this time.)

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, I am going to send you all out very briefly and we
21 will have you come right, right back in as quickly as we
22 can.

23 okay?

24 If everyone will please rise?

25 (WHEREUPON, the following takes place outside the

Complainant - Cross-examination
By Mr. MacDonald

1 presence of the jury.)

2 THE COURT: Okay, counsel. You can be seated.

3 Everyone be seated.

4 MR. MacDONALD: Okay. All right. Miss Buckson, I'm
5 just gonna play that for you to refresh your recollection.

6 A. Okay.

7 MR. MacDONALD: Judge, I think we're having technical
8 difficulties. We can't get the --

9 MR. BAINBRIDGE: It's---

10 MR. MacDONALD: -- computer to play.

11 MR. BAINBRIDGE: I will say if we just need to show
12 the witness, could we just bring the laptop over to the
13 witness?

14 THE COURT: That's fine with me.

15 Deputy Solicitor.

16 SOLICITOR LESKANIC: No objection.

17 THE COURT: Okay. And I, I don't object if the
18 Deputy Solicitor needs to stand next to the witness to be
19 able to see it as well.

20 SOLICITOR LESKANIC: Thank you, Your Honor.

21 THE COURT: My court reporter will need to be able to
22 hear it.

23 Y'all just take your time.

24 Okay?

25 (Pause.)

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 MR. BAINBRIDGE: Permission to approach, Your Honor?

2 We're gonna try to get it playing on here.

3 THE COURT: All right.

4 MR. BAINBRIDGE: So bring it over here.

5 No, no, open it on here.

6 Permission to approach, Your Honor?

7 THE COURT: Me or the witness?

8 MR. BAINBRIDGE: The right -- the witness, Your
9 Honor.

10 THE COURT: Yes.

11 And --

12 MR. BAINBRIDGE: Thank you.

13 THE COURT: -- Deputy Solicitor, would you like to
14 stand?

15 I, I -- I'm not going to object if you do --

16 SOLICITOR LESKANIC: Yes, ma'am. Thank you, Your
17 Honor.

18 THE COURT: -- if you'd like to.

19 The volume's gonna need to be turned up for---

20 MR. BAINBRIDGE: Yeah.

21 THE COURT: ---Madam Court Reporter.

22 MR. MacDONALD: Okay. Nick, you can put it on the
23 projector now.

24 MR. BAINBRIDGE: The projector's working now?

25 THE CLERK: It's on.

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 THE COURT: Any objection to the witness stepping
2 down if she needs to be able to see what y'all are
3 playing?

4 MR. MacDONALD: No, Your Honor.

5 THE COURT: Ma'am, you can step down if you need to.
6 Okay?

7 THE WITNESS: Okay.

8 THE COURT: Can somebody identify the date, the time,
9 and who the interviewer is?

10 MR. MacDONALD: Your Honor, this is the
11 August 31st CAC interview with Lynn McMillian -- Mc --
12 McMillian. The timestamp for this -- for our video is
13 42:08 to 43:12 although it is a -- we have it divided into
14 two parts because of its length.

15 So, I don't know the exact timestamp of the
16 interview. But for -- in terms of our video record, it
17 was at 40 -- 42 minute mark of the second part of this
18 interview.

19 THE COURT: What year please?

20 MR. BAINBRIDGE: It should be at approximately 52 it
21 states in the full long document.

22 THE COURT: What year?

23 MR. MacDONALD: 2022.

24 THE COURT: Thank you.

25 (WHEREUPON, a portion of the CAC video was played at

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 this time.)

2 Q. Miss Buckson, is your recollection refreshed now?

3 A. Yes, sir.

4 MR. MacDONALD: Okay. We can proceed, Your Honor.

5 THE COURT: Okay. And the location of the interview
6 was at the Children's Advo -- Advocacy Center in
7 Spartanburg.

8 MR. MacDONALD: That---

9 THE COURT: Is that on Skylyn Drive?

10 MR. MacDONALD: I'm, I'm, I'm not sure what the
11 address is---

12 THE COURT: Okay.

13 MR. MacDONALD: ---of it is.

14 THE COURT: I think there may be just one office in
15 Spartanburg.

16 All right. Any objection to having the jury come
17 back in?

18 MR. MacDONALD: No, Your Honor.

19 SOLICITOR LESKANIC: No, Your Honor.

20 THE COURT: Okay. Ma'am, you just stay where you
21 are---

22 THE WITNESS: Okay.

23 THE COURT: ---and we'll have the jury come back in.
24 Okay.

25 THE WITNESS: Do I stand up when they come back in?

Complainant - Cross-examination
By Mr. MacDonald

1 THE COURT: Yes.

2 (WHEREUPON, the following takes place within the
3 presence of the jury.)

4 THE COURT: Thank you, everyone. Please be seated.

5 We're continuing with the cross-examination of

6 Complainant by defense counsel, MacDonald.

7 MR. MACDONALD: May, may I proceed, Your Honor?

8 THE COURT: Yes, sir.

9 MR. MACDONALD: Thank you.

10 CONTINUED CROSS-EXAMINATION

11 BY MR. MACDONALD:

12 Q. All right. Miss Buckson, I had -- before the jury
13 stepped out, I had previously asked you if you told the
14 interviewer that the reason why you told Detective May --
15 Mabry -- or I'm sorry.

16 The reason why you told the detective that Daniel had
17 sex with you was because you knew he'd get in really big
18 trouble and that's why you told the lie?

19 A. Yes, sir.

20 Q. And that's what you said in that interview?

21 A. Yes, sir.

22 Q. So, the reason why you told the interviewer -- the
23 officer doing the interview was that you knew Daniel would
24 get in really big trouble?

25 A. Yes, sir.

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

- 1 Q. But it was -- but you stated in that interview that
2 it wasn't true?
- 3 A. Yes, sir.
- 4 Q. You were just very angry at him because of what he
5 had said about your mother who has passed -- who had
6 passed away?
- 7 A. Yes, sir, that's what I said.
- 8 Q. And you wanted him out of your life after he had said
9 that about your mother?
- 10 A. Yes, sir.
- 11 Q. Okay. And the thing that he -- that -- you told the
12 investigator that Daniel Buckson said about your mother
13 that caused this all to go in motion --
- 14 A. Uh-huh. (Affirmative).
- 15 Q. -- was that he, he said, during an argument with
16 boys, about boys, that you're just like your mama, both of
17 y'all are sluts?
- 18 A. Yes, ma'am. I mean---
- 19 Q. And that's---
- 20 A. Yes, sir.
- 21 Q. And that's what you told---
- 22 A. Sorry.
- 23 Q. That's what you told the interviewer?
- 24 A. Yes, sir.
- 25 Q. In this interview on August 31st, you say I have

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 never had sex with my dad?

2 A. Yes, sir.

3 Q. You said, on August 31st in this interview, that you
4 had had actually had sex with a boy from school twice?

5 A. Yes, sir.

6 Q. You said in this interview that the two of you did
7 not use protection and had a pregnancy scare?

8 A. Yes, sir.

9 Q. And you said in this interview that the boy had to
10 get -- from school had to get you Plan B?

11 A. Yes, sir.

12 Q. And that was on August 31st that you made those
13 statements.

14 Is that correct?

15 A. Yes, sir.

16 Q. of 2022?

17 A. Yes, sir.

18 Q. You gave one final interview a month later on
19 September 29th.

20 Is that correct?

21 A. Yes, sir.

22 Q. Was this also -- and this was also at the Children's
23 Advocacy Center?

24 A. Yes, sir.

25 Q. Was -- this was also in front of Lynn McMillian?

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

- 1 A. Yes, sir.
- 2 Q. Okay. At this point in time you're no longer living
3 with your grandmother.
- 4 Is that correct?
- 5 A. Yes, sir.
- 6 Q. Who are you living with now?
- 7 A. Jacqueline Bridges.
- 8 Q. Is that -- and you still live with her to this day?
- 9 A. Yes, sir.
- 10 Q. Okay. In this interview for the first time you
11 claimed that you had sex with Mr. Buckson in, in his car
12 after swim practice.
- 13 Is that correct?
- 14 A. Yes, sir.
- 15 Q. You had never mentioned that before in the previous
16 three interviews?
- 17 A. Yes, sir.
- 18 Q. In fact, you even just stated earlier that, in one of
19 your first interviews, you stated that you never had sex
20 in his car?
- 21 A. Yes, sir.
- 22 Q. But, on September 29th, you now say that you did
23 have sex in his car.
- 24 Is that correct?
- 25 A. Yes, sir.

Complainant - Cross-examination
By Mr. MacDonald

1 Q. Okay. You also stated, for the first time, that you
2 had sex with Mr. Buckson at a truck place parking lot near
3 Granard Middle School?

4 A. Yes, sir.

5 Q. You had not mentioned that until this interview.
6 Is that correct?

7 A. Yes, sir.

8 Q. Okay. In, in this interview you said you had sex at
9 that place once?

10 A. Yes, sir.

11 Q. Your testimony today was that it was all the time?

12 A. Yes, sir.

13 Q. So, from that last interview till today, your
14 testimony has changed?

15 A. Yes, sir.

16 Q. You were asked why you were coming forward with this
17 new information for the first time and you stated that the
18 police had told your Aunt Jackie that there was another
19 victim?

20 A. Yes, sir.

21 Q. And that's why you were coming forward?

22 A. Yes, sir.

23 Q. Were you lying about that or did Aunt Jackie lie to
24 you about that?

25 A. No, sir.

- 1 Q. Okay. You also spoke with DSS, which stands for the
2 Department of Social Services.
3 Is that correct?
4 A. Yes, sir.
5 Q. And this was a separate interview then the ones that
6 you had done?
7 A. Yes, sir.
8 Q. And you told them that your father did not molest
9 you?
10 A. Yes, sir.
11 Q. You said you don't know why anyone would think that.
12 Is that correct?
13 A. Yes, sir.
14 Q. You stated to DSS that all allegations were untrue?
15 A. Yes, sir.
16 Q. You were referred to two doctors, Doctor Fox.
17 Is that correct?
18 A. Yes, sir.
19 Q. And Doctor Mary Crosswell?
20 A. Yes, sir.
21 Q. You had four appointments during the span of this
22 investigation with Doctor Fox before you stopped seeing
23 her?
24 A. Uh-huh. (Affirmative).
25 Q. Correct?

Complainant - Cross-examination
By Mr. MacDonald

1 A. Yes, sir.

2 Q. In those meetings with Doctor Fox, you denied any --
3 having any sexual activity?

4 A. Yes, sir.

5 Q. You denied feeling uncomfortable around your dad?

6 A. Yes, sir.

7 Q. You told Doctor Fox that you had a good relationship?

8 A. Yes, sir.

9 Q. You were asked if you ever had any vaginal or oral
10 sex in the last 12 months and, and a -- in your first
11 meeting with Doctor Fox in April of 2022, you said no?

12 A. Yes, sir.

13 Q. And your second interview in July 20th, 2022, you
14 also said you had not had any vagina or oral sex in the
15 last 12 months?

16 A. Yes, sir.

17 Q. In your July 25th meeting with Doctor Fox, you also
18 said that you had not had any vaginal or oral sex in the
19 last 12 months?

20 A. Yes, sir.

21 Q. And in your final meeting with Doctor Fox on
22 August 25th, 2022, you, again, stated that you had not
23 had any vaginal or oral sex in the last 12 months?

24 A. Yes, sir.

25 Q. When you talked to Investigator Cutchins (sic), you

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 had said that your father had not made any direct threats
2 towards you?

3 A. Yes, sir.

4 Q. Is that correct?

5 You also spoke with Doctor Mary Crosswell.

6 Is that correct?

7 A. Yes, sir.

8 Q. When you talked to Mary Crosswell you said that you
9 had sex before?

10 A. Yes, sir.

11 Q. But you also said that you've never had sex without a
12 condom?

13 A. Yes, sir.

14 Q. That's different than what you testified to today.

15 Is that correct?

16 A. Yes, sir.

17 Q. And you said that you have had sex multiple times
18 without condoms?

19 A. Yes, sir.

20 Q. Is that correct?

21 In fact, you said it was pretty much every time that
22 you've had sex was without a condom?

23 A. Yes, sir.

24 Q. Okay. You told Doctor Fox as well, in your four
25 meetings with her, that you do not drink.

Complainant [REDACTED] - Cross-examination
By Mr. MacDonald

1 Is that correct?

2 A. Yes, sir.

3 Q. But that's different than what you testified to today
4 that you've drunk alcohol several times?

5 A. Yes, sir.

6 MR. MacDonald: Okay. Beg the Court's indulgence.

7 (Pause.)

8 MR. MacDonald: Your Honor, I have no further
9 questions.

10 THE COURT: Any redirect?

11 SOLICITOR LESKANIC: Yes, Your Honor.

12 Please the Court?

13 THE COURT: Yes, ma'am.

14 SOLICITOR LESKANIC: Thank you, Your Honor.

15 REDIRECT EXAMINATION

16 BY SOLICITOR LESKANIC:

17 Q. That was a lot fast and I'm gon' try to break it down
18 for you.

19 okay?

20 A. Okay.

21 Q. Mr. MacDonald asked if your dad tried to support you

22 --

23 A. Yes, ma'am.

24 Q. -- and your answer was yes.

25 A. Yes, ma'am.

Complainant [REDACTED] - Redirect examination
By Solicitor Leskanic

1 Q. Did your father also molest you?

2 A. Yes, ma'am.

3 Q. Mr. MacDonald mentioned the Department of Social
4 Services. That was the first place that this was
5 reported.

6 Is that correct?

7 A. Yes, ma'am.

8 Q. All right. Do you know how that report came about?

9 A. I was at a volleyball game and I had my teammates
10 around me and one of them seen the messages between us
11 two. We were arguing and I don't know who reported it.
12 But I know it got to the office and someone from the
13 office reported it.

14 Q. Okay. So -- but your understanding is someone saw
15 something concerning and they reached out to DSS?

16 A. Yes, sir. I meant --.

17 Q. You're fine.

18 A. Yes, ma'am.

19 Q. About, about your dad touching you or doing something
20 inappropriate?

21 A. Yes, ma'am.

22 Q. All right. And so did someone from DSS come out and
23 talk to you about that?

24 A. Yes, ma'am. It's a lady police officer.

25 Q. Okay. And that was in early 2022, correct?

Complainant [REDACTED] - Redirect examination
By Solicitor Leskanic

1 A. Yes, ma'am.

2 Q. All right. And what did you tell her?

3 A. I told her it didn't happen.

4 Q. All right. Why?

5 A. I didn't want to take my dad away from my siblings.

6 I didn't want to get in trouble cause he said he would
7 change. So I thought this time was gonna be different but
8 it, it, it wasn't.

9 Q. Okay. So, you -- and let's, let's go then to Doctor
10 Fox, okay, cause Mr. MacDonald mentioned Doctor Fox.

11 You were -- do you remember why you were seeing
12 Doctor Fox?

13 A. Oh, I think it's just a checkup.

14 Q. Okay. And what was -- what was she trying to help
15 you with cause there were several appointments with Doctor
16 Fox.

17 Is that correct?

18 A. Yes, ma'am.

19 Q. All right. You remember what she was working with
20 you on?

21 A. No, ma'am.

22 Q. Anything emotional that you were going through?

23 A. I think it was -- I told her that I had anger and
24 that I needed help maintaining it.

25 Q. Okay. And when you saw her -- he talked about August

Complainant [REDACTED] - Redirect examination
By Solicitor Leskanic

1 the 25th of 2022.

2 Is that actually the date that abuse was disclosed to
3 her?

4 A. Yes, ma'am.

5 Q. Okay. And you, you also stated that you were -- Mr.
6 MacDonald asked you were you getting help for your temper.

7 A. Yes, ma'am.

8 Q. Was it true, the rest of that, that you were also
9 getting help with depression?

10 A. Yes, ma'am.

11 Q. With cutting your wrists?

12 A. Yes, ma'am.

13 Q. And wanting to kill yourself?

14 A. Yes, ma'am.

15 Q. What caused you to feel that way?

16 A. My father.

17 Q. You went -- well, let me jump back. So we had DSS
18 and then Aunt Jackie finds the messages and you go see
19 Detective Cutchin.

20 A. Yes, ma'am.

21 Q. Did you report a sexual abuse to Detective Cutchin?

22 A. Yes, ma'am.

23 Q. Did that sexual assault include the defendant putting
24 his penis inside your vagina?

25 A. Yes, ma'am.

Complainant [REDACTED] - Redirect examination
By Solicitor Leskanic

1 Q. Did it include oral sex?

2 A. Yes, ma'am.

3 Q. And did it include several locations here in Cherokee
4 County?

5 A. Yes, ma'am.

6 Q. All right. Then you're gonna go see Lynn McMillian
7 for a second time --

8 A. Yes, ma'am.

9 Q. -- right, which is the August 31st interview with
10 Lynn?

11 A. (WHEREUPON, the witness nods affirmatively.)

12 Q. What happened between the time you and Aunt Jackie
13 went and disclosed to Detective Cutchin and you had to go
14 back to Lynn McMillian and, at that time, you said he
15 didn't put his penis in my vagina?

16 What happened in-between there?

17 A. I had a conversation with my dad and we talked about
18 what we would say so it would add up and he told me what
19 to say.

20 Q. And what was that?

21 A. To say that it was somebody else and to blame the boy
22 from high school that I was talking to at the time.

23 Q. All right. So, when you talk with Lynn, you backed
24 off of the penis and vagina intercourse, right?

25 A. Yes, ma'am.

Complainant [REDACTED] - Redirect examination
By Solicitor Leskanic

1 Q. Did you still disclose to Ms. McMillian that he had
2 put his mouth on your vagina?

3 A. Yes, ma'am.

4 Q. And did you disclose to her that you saw his penis
5 and he would touch you with it?

6 A. Yes, ma'am.

7 Q. Did you disclose to her that he had put his finger
8 inside you while at Aunt Sandra's house?

9 A. Yes, ma'am.

10 Q. And did you disclose to her that the defendant told
11 you that he understands and said he's gonna get help and
12 he's gonna change?

13 A. Yes, ma'am.

14 Q. So, those are additional things that were said in
15 that August interview that weren't discussed on
16 cross-examination?

17 A. Yes, ma'am.

18 Q. And that he had kissed you on your lips. You also
19 were telling her about that.

20 A. Yes, ma'am.

21 Q. Okay. Now, drinking alcohol, is that alcohol
22 provided by your dad?

23 A. Yes, ma'am.

24 Q. And when you drank that alcohol, would he take
25 advantage of you sexually?

Complainant [REDACTED] - Redirect examination
By Solicitor Leskanic

- 1 A. Yes, ma'am.
- 2 Q. And he had a problem with you liking other boys,
- 3 right, boys your age?
- 4 A. Yes, ma'am.
- 5 Q. Boys that you went to school with?
- 6 A. Yes, ma'am.
- 7 Q. And why did he have a problem with that?
- 8 A. Jealousy and he wanted to have control over me.
- 9 Q. Y'all argued over school, right?
- 10 A. Yes, ma'am.
- 11 Q. Were you a good student before he came back to town?
- 12 A. Yes, ma'am, I was an honor roll student.
- 13 Q. And what happened to your grades after he came into
- 14 town and started molesting you?
- 15 A. I started failing all my serious classes.
- 16 Q. And you testified on cross that you, you backed off
- 17 during that interview with Lynn McMillian and said it was
- 18 only oral and digital --
- 19 A. Yes, ma'am.
- 20 Q. -- because you thought that that would get him into
- 21 less trouble?
- 22 A. Yes, ma'am.
- 23 Q. Okay. Did your father molest you?
- 24 A. Yes, ma'am.
- 25 Q. When you said that he did not put his penis in your

- 1 vagina, was that true or not?
- 2 A. It wasn't true.
- 3 Q. Okay. Did he put his penis in your vagina?
- 4 A. Yes, ma'am.
- 5 Q. Did he put his mouth on your vagina?
- 6 A. Yes, ma'am.
- 7 Q. Did he have you put your mouth on his penis?
- 8 A. Yes, ma'am.
- 9 Q. Did he put his fingers inside your vagina?
- 10 A. Yes, ma'am.
- 11 Q. Did he kiss you with his tongue?
- 12 A. Yes, ma'am.
- 13 Q. Did he touch your vagina?
- 14 A. Yes, ma'am.
- 15 Q. Did he touch your breasts?
- 16 A. Yes, ma'am.
- 17 Q. Were you 14 and 15 years old while he did these
- 18 things?
- 19 A. Yes, ma'am.
- 20 Q. During the course of this and your interviews with
- 21 Ms. McMillian and others, have you continued to disclose
- 22 abuse?
- 23 A. Yes, ma'am.
- 24 Q. Did you remember everything the very first time you
- 25 were asked?

Complainant - Redirect examination
By Solicitor Leskanic

1 A. No, ma'am.

2 Q. Do you ever ride around town and see a place and it
3 reminds you of something you had forgotten?

4 A. Yes, ma'am.

5 Q. Thank you, Complainant

6 A. Yes, ma'am.

7 MR. MacDONALD: Briefly, Your Honor.

8 THE COURT: Yes.

9 MR. MacDONALD: Just, just in relation to what was
10 just asked.

11 THE COURT: Yes, sir, and I will have to give counsel
12 an opportunity to address anything new.

13 MR. MacDONALD: Absolutely.

14 THE COURT: This is a little unusual but I will allow
15 it.

16 RE CROSS EXAMINATION

17 BY MR. MacDONALD:

18 Q. Complainant you just testified that the reason why you
19 lied was you didn't want to have your dad taken away?

20 A. Yes, sir.

21 Q. But you specifically told Investigator McMillian that
22 you wanted him out of your life --

23 A. Yes, sir.

24 Q. -- because of what he said about your mother?

25 A. Yes, sir.

Complainant [REDACTED] - Recross examination
By Mr. MacDonald

1 Q. Okay. The solicitor asked you about cutting, cutting
2 yourself.

3 A. Yes, sir.

4 Q. You were cutting yourself before your father moved
5 back to Gaffney?

6 A. No, sir.

7 Q. You're saying -- so you're saying you weren't?

8 A. No, sir.

9 MR. MacDONALD: Okay. That's all, Your Honor.

10 SOLICITOR LESKANIC: Nothing further, Your Honor.

11 THE COURT: Okay. Thank you.

12 Any objection to this witness stepping down?

13 SOLICITOR LESKANIC: None from the State.

14 MR. MacDONALD: No, Your Honor.

15 THE COURT: Okay. Ma'am, you may step down. Watch
16 your step.

17 okay?

18 SOLICITOR LESKANIC: May it please the Court?

19 THE COURT: Yes, ma'am.

20 SOLICITOR LESKANIC: Your Honor, the State calls
21 Doctor Crosswell.

22 THE COURT: Please come forward.

23 THE CLERK: You can place that down. Please raise
24 your right-hand. Place your left-hand on the Bible.

25 DOCTOR MARY CROSSWELL, being first

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 duly sworn, testified as follows:

2 THE CLERK: Okay. Watch your step.

3 SOLICITOR LESKANIC: May it please the Court?

4 THE COURT: Yes.

5 DIRECT EXAMINATION

6 BY SOLICITOR LESKANIC:

7 Q. Good afternoon, doctor.

8 Would you please introduce yourself to the ladies and
9 gentlemen of the jury?

10 A. My name is Mary Fran Ratchford-Crosswell.

11 Q. All right. And where are you currently employed?

12 A. I am employed by the Prisma Health Upstate,
13 Department of Pediatrics in the division of Child abuse
14 and neglect.

15 Q. All right. And, and, with that, what is your current
16 occupation?

17 What do you do on a daily basis?

18 A. I am a child abuse pediatrician, which means I
19 perform the medical evaluation on any child where there
20 are concerns of some form of child maltreatment.

21 Q. Okay. And how long have you been doing that, Doctor
22 Crosswell?

23 A. Eighteen years.

24 Q. All right. Could you please describe for the jury
25 your work experience in this field?

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 A. Yes.

2 So, I completed my medical degree at the University
3 of Louisville School of Medicine. Did a pediatric
4 residency program for three years. Worked as a general
5 pediatrician for two years before moving to the position
6 in Greenville.

7 In that role, I evaluate children who are admitted to
8 the hospital on the inpatient side or who are referred to
9 the different children's Advocacy Centers across the
10 Upstate and we perform the medical evaluation for those
11 children.

12 Q. Okay. Do you have any licenses or board, board
13 certifications?

14 A. Yes, I do.

15 Q. And what are those?

16 A. I'm licensed to practice medicine in South Carolina.
17 I have two board certifications, one in general pediatrics
18 and one in the subspecialty of child abuse pediatrics.

19 Q. Okay. Do you have particular training in the field
20 of sexual assault and abuse?

21 A. Yes.

22 Q. Okay.

23 A. I've, I've done num -- hundreds of continuing
24 medical, medical education hours in the field of sexual
25 abuse and assault.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Q. Okay. Have you had times to perform examinations on
2 children where there is a concern of sexual abuse?

3 A. Yes.

4 Q. Approximately how many times?

5 A. I would estimate probably 1,500 in my career.

6 Q. Okay. Have you ever testified in the State of South
7 Carolina in the area of pediatrics and child sexual abuse?

8 A. Yes, I have.

9 Q. Approximately how many times?

10 A. I would estimate between 50 and 60 times.

11 Q. Have you ever been qualified as an expert in the
12 courts of this state?

13 A. Yes, I have.

14 SOLICITOR LESKANIC: Okay. Your Honor, at this time
15 the State offers Doctor Mary Fran Crosswell as an expert
16 in the area of pediatrics and child sexual abuse.

17 MR. MacDONALD: No objection.

18 THE COURT: Okay. And so there is no request for
19 voir dire on that issue?

20 MR. MacDONALD: That's correct, Your Honor.

21 THE COURT: Pediatrics and child sexual abuse?

22 SOLICITOR LESKANIC: Yes, Your Honor.

23 THE COURT: Okay. Ladies and gentlemen of the jury,
24 I do need to instruct you briefly before this witness
25 testifies.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Okay. Normally a person can not give opinion
2 testimony. Normally, when a person testifies, they must
3 testify as to what they either saw, heard, or sensed by
4 smell or something of that nature. However, there is an
5 exception when someone is qualified because of education
6 or experience. They are permitted to give their opinion
7 in certain areas if the Court qualifies them that way.

8 This witness will be qualified in the area of
9 pediatric and child or children's sex abuse to give
10 opinion testimony in that area. That does not mean that
11 you must accept the opinion. But it is evidence for you
12 to use in any way that you see fit.

13 Thank you.

14 Direct examination continues of Doctor Crosswell.

15 SOLICITOR LESKANIC: Thank you, Your Honor.

16 CONTINUED DIRECT EXAMINATION

17 BY SOLICITOR LESKANIC:

18 Q. Doctor, did you perform an exam on Complainant on
19 September 20th of 2022?

20 A. Yes, I did.

21 Q. And do you know how, how old Complainant was the day that
22 you performed that exam?

23 A. She was 16 years old.

24 Q. Okay. And what was her date of birth?

25 A. Her date of birth is .

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Q. Okay. So she had just been 16 for about a month---

2 A. Correct.

3 Q. ---when you saw her, a little over a month?

4 Okay. Are there different kinds of exams in sexual
5 assault cases?

6 A. Yes.

7 If the sexual assault or sexual abuse is disclosed by
8 the child within 72 hours after the last incident occurs,
9 we often refer that -- refer to that as an acute exam.
10 And then if they're seen after that 72 hours since the
11 last incident occurred, we consider that a chronic exam.

12 Q. Okay. And what is the relevance of seventy -- the 72
13 hour mark?

14 Why does that make it chronic or acute versus
15 chronic?

16 A. So, within the 72 hours, there often can be evidence
17 still left of the abuse on the victim. And so they're
18 referred to the emergency room where an evidence
19 collection kit can be done. After 72 hours, it's very
20 unlikely to have any material evidence on a child. So
21 it's more appropriate them -- for them to be evaluated in
22 that outpatient setting.

23 Q. Okay. So, in this case, were you able to get
24 information from **Complainant** as to when the last incident of
25 sexual abuse occurred?

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 A. Yes.

2 Q. All right. And did that make -- was that within the
3 last 72 hours?

4 A. No, it wasn't.

5 Q. So, were -- did you treat her case as acute or
6 chronic?

7 A. Chronic.

8 Q. Okay. And, and I just want to make sure that this is
9 clear. So, if it is acute, you would refer her for a
10 sexual assault kit.

11 would that be for the collection of potential DNA
12 evidence?

13 A. That's correct.

14 Q. All right. And, in this case, because you deemed it
15 chronic based on the information that was provided by
16 **Complainant** would you have referred her for that sexual
17 assault kit to collect DNA evidence?

18 A. No, I would not.

19 Q. Okay. Did **Complainant** report a sexual assault to you?

20 A. Yes, she did.

21 Q. All right. Did she say when or over a span of time
22 that that had occurred?

23 A. She recalled an incident in September of 2020 and
24 that it occurred multiple times between then and
25 August 6th of 2022.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Q. Okay. Now, could you please detail what an exam, I
2 guess with just **Complainant's** exam, what did you have to do
3 with **Complainant** when she comes in?

4 what does that look like when a 16 year old child
5 presents for an allegation of child sexual abuse?

6 A. So, in our practice, we utilize a child life
7 specialist who greets the child and brings them back to
8 the exam room and really walks through what the exact --
9 entire evaluation will be like to try to decrease any
10 anxiety associated with the exam.

11 Once that is done, I take -- I, I get a history
12 meaning just past medical information from the caregiver
13 who brings the child, away from the child, which I did in
14 this case, and then I try to talk to the child alone to
15 get, get their history, their medical history directly
16 from them.

17 Once that is done, we proceed to the physical exam.
18 The physical exam is a head to toe pediatric exam with the
19 inclusion of a piece of medical equipment called a
20 colposcope. A colposcope is -- really serves three
21 purposes in this exam.

22 One, it's a bright light source. It's a
23 magnification system and it's -- has the ability to photo
24 document any findings.

25 In order to use the colposcope, we have the, for

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 females, have them in a, a -- on a gynecologic table. So
2 it's the type of table that has the feet stirrups and the
3 child, you know, must spread their legs in order for me to
4 visualize their ano-genital area.

5 Q. Okay. And, and I want to go back to the chronic and
6 acute one more time also.

7 In, in your experience and handling I think you said
8 maybe 1,500 exams, are the majority of those that you see
9 acute, people that have reported within 72 hours, or
10 chronic?

11 A. No, it's actually very -- less usual for it to be a
12 disclosure to happen within the 72 hours.

13 Q. Okay.

14 A. Usually it's much later than that.

15 Q. Okay. So, a delayed disclosure is more common, in
16 your experience, than someone who reports immediately?

17 A. That's correct.

18 Q. Okay. So, do you determine what type of exam you are
19 going to do based upon the disclosure that you were given
20 as far as what happened to this child?

21 A. Yes, it guides -- it, it guides -- it, it, it guides
22 the laboratory testing after the exam, what their
23 disclosure is, and the types of abuse they've experienced.

24 Q. Okay. So, with **Complainant's** exam, I guess just continue
25 if you would.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 she's in the stirrups and you have to do a vaginal
2 exam.

3 Can you describe for the jury and explain the parts
4 of the female genitalia and what you are examining and
5 what you may be looking for?

6 A. Sure.

7 So, the, the female genital area is actually a com --
8 a complex, anatomically structure in that, that, when you
9 first visualize the external anatomy, there are two fatty
10 folds of tissue that you pull aside. Those are called the
11 labia majora. Underneath the labia majora are two thinner
12 folds of tissue called the labia minora.

13 Deep to that is the vaginal opening. The vaginal
14 opening is partially covered by a piece of tissue called
15 the hymen.

16 So, when I'm doing a sexual abuse exam, I'm looking
17 at all of that area to look for any signs of injury,
18 either acute or chronic, like scarring or bruising, tears
19 in any of the tissues.

20 Q. Okay. And what did you find during your examination
21 of **Complainant**

22 A. So, **Complainant** had a couple -- had an acute finding of,
23 of an infection on her labia and she had a, a vaginal
24 discharge that I was concerned was also infection. But
25 her -- the rest of her anatomy was normal.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Q. Okay. And I guess would that surprise you that the
2 rest of her anatomy was normal if she had reported a
3 sexual assault?

4 A. No.

5 You know it's commonly believed in the, in the lay
6 public that you would see a physical finding when there is
7 sexual abuse or sexual assault. But studies -- medical
8 studies have shown that it's actually very unusual for
9 there be -- to be a, a specific finding or a finding
10 specific for sexual abuse. And the reason that is is
11 because either the nature of the abuse didn't cause an
12 injury or the injury can heal without leaving any visual
13 signs to the eye.

14 Q. Okay. Is it possible for a female to engage in
15 sexual intercourse and there not be an injury?

16 A. Yes.

17 There, there is a study of pregnant teenagers in
18 looking at their anatomy and they -- you know, with, with
19 pregnancy you have a known penetration of the vagina and
20 they have normal anatomy on their external exam. So, it's
21 supported by multiple studies in the medical literature.

22 Q. Okay. And based upon her age and your exam, were you
23 able to determine, I guess, if she had been through
24 puberty?

25 Did you notice anything about her hymen and can you

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 explain what that hymen is?

2 I know sometimes people talk about a hymen being
3 broken or that that's an indicator.

4 Could you please tell us the, the medical research on
5 that?

6 A. So, as I mentioned earlier, the hymen is a, a piece
7 of mucus tissue that partially covers the vaginal opening.
8 When a child -- a female goes through puberty, this tissue
9 undergoes some changes with the effects of estrogen, which
10 are first seen at the time of puberty. The tissue becomes
11 thicker. It becomes more elastic. And so it can kind of
12 stretch and retract.

13 I think that's all I would say about it.

14 Q. Okay. And, and was hers in that condition where it
15 was---

16 A. Yes.

17 Q. ---estrogenized and would, would that have been more,
18 more difficult for there to be a visible injury?

19 A. So, the, the -- again, there's, there's an, an --
20 what we call elasticity.

21 So, sometimes if you think about like a scrunchie for
22 a hairband and how it has the folds of tissue and it can
23 stretch and retract, that's what an, an estrogenized hymen
24 looks like. It's a redundant tissue meaning there's kind
25 of folds in it.

1 And so there can be penetration past the hymen
2 without leaving any injury or, even if there was an
3 injury, that injury can heal without leaving evidence
4 behind.

5 Q. Okay. Can you explain that, how the vaginal area of
6 a female -- can you give an example of how that heals
7 quickly?

8 A. So, as I mentioned, the, the area of the -- the type
9 of tissue is called -- it's a mucus tissue and it's very
10 highly vascular meaning there's a, a large blood supply to
11 that area.

12 And so sometimes, if you think about like when you
13 bite the inside of your cheek and you have an injury and
14 as long as you don't reinjure it, it -- it will heal
15 within a day or two. It's the same type of tissue.

16 Because of the high vascularity, the high blood flow
17 to that area, those injuries can heal very rapidly.

18 Q. Okay. And just to be blunt I guess, is a vagina made
19 to accept a penis?

20 I don't know a better way to say that.

21 But I mean would you always expect some sort of
22 injury for a penis to go into a vagina?

23 A. No, you would not.

24 Q. Okay. The infections that you saw with **Complainant** can
25 you describe those a little bit more and what your

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 concerns were with those infections?

2 A. She had just a, a, a -- an infection of her skin that
3 is most likely due to a bacteria called staphorsius that
4 lives on all, all of our -- on our skin and it was
5 draining some, some purulent or kind of pussy material.
6 So was able to treat that with antibiotics. She also had
7 a, a vaginal discharge which ultimately we identified as a
8 yeast infection.

9 Q. Okay. Any UTI or anything else---

10 A. So, I do---

11 Q. ---you found?

12 A. We screened her urine. She wasn't having symptoms of
13 a UTI. But she -- her urine results suggested that she
14 had a urinary tract infection. So, I sent it for culture
15 and it did grow out bacteria. So she had a urinary tract
16 infection as well.

17 Q. And is there anything significant that you look for,
18 with the urinary tract infection, when you do a sexual
19 assault exam?

20 A. Well, you know, the, the way a urinary tract
21 infection occurs is by introduction of bacteria to the
22 urethra which is where the opening where urine comes out.
23 It is not specific for sexual abuse. But we do see it
24 sometimes associated because that bacteria can be
25 introduced with sexual activity.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Q. So, other than the infections and the, the urinary
2 tract infection as well, would you say that the rest of
3 her exam was normal?

4 A. Yes.

5 Q. All right. And how normal is it for you to have a
6 normal exam when you examine a child for alleged sexual
7 abuse?

8 A. Less than three percent of the time do I have a
9 finding that is specific for abuse that -- meaning that,
10 regardless of anything else I would say this happened
11 because of the type of injury or the type of finding that
12 I had. So, that is very rare. Again, less than three
13 percent of the cases that I see.

14 Q. So less than three percent of the cases you can find
15 medical evidence to say definitively that a sexual abuse
16 has occurred?

17 A. That's correct.

18 Q. All right. So, in over 97 percent of the cases you,
19 you can't -- you usually don't have a finding that you can
20 specifically say that this is definitively sexual abuse?

21 A. That's correct.

22 Q. Is that right?

23 Okay. Did you only see **Complainant** one time for this
24 exam?

25 A. That's right.

Doctor Mary Crosswell - Direct examination
By Solicitor Leskanic

1 Q. All right. And that was September the 20th of
2 2022?

3 A. Yes.

4 Q. And, on that date, she, she, not family members, you
5 met with her with your child life specialist?

6 A. Correct.

7 Q. And she reported a sexual assault?

8 A. Yes.

9 Q. And she told you a timeframe of when that happened?

10 A. Yes.

11 Q. And what had occurred to her?

12 A. Yes.

13 Q. Thank you very much. Please answer any questions
14 that defense has.

15 MR. MacDONALD: May it please the Court?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. MacDONALD:

19 Q. The reason why you do the chronic exam is still to
20 look for any sort of evidence of assault because that's
21 why she was there.

22 Is that correct?

23 A. That can be one of the reasons.

24 Q. Right.

25 So, if someone reports that they've been assaulted

Doctor Mary Crosswell - Cross-examination
By Mr. MacDonald

1 and it's not, like you said, in the 72 hours and to
2 perform a chronic examination, you are still looking for
3 any possible signs of sexual abuse.

4 Is that correct?

5 A. That's correct.

6 Q. Okay. And because this was a chronic exam, you
7 weren't able to collect any sort of DNA, semen, or
8 anything like that in this case?

9 A. That's correct.

10 Q. Okay. And you said that the exam was normal?

11 A. It -- with the exception of the infections that I --.

12 Q. Correct.

13 And, again, normal just means that you can't -- you,
14 you can't rule out that it occurred.

15 But you also can't say with certainty, because it was
16 a normal exam, that assault did occur based off the exam
17 itself?

18 A. Based off the exam itself, yes.

19 Q. Okay. Now, these infections, could any of those
20 infections be a result of poor hygiene like the yeast
21 infection?

22 A. I, I wouldn't say the yeast infection's due to poor
23 hygiene. Usually it's from antibiotic usage or other
24 types of things that change the microbe of, of that --

25 Q. Okay.

Doctor Mary Crosswell - Cross-examination
By Mr. MacDonald

1 A. -- complex system.

2 Q. So you're saying poor hygiene could not cause that?

3 A. Not a yeast infection.

4 Q. Okay. What about a UTI?

5 A. A UTI can -- again, it can -- it's introduction of
6 the bacteria into the urethra. So it could be from a
7 multitude of ways in---

8 Q. Including poor hygiene?

9 A. I, I wouldn't say poor hygiene. But it may be wiping
10 the wrong directions.

11 Q. Sure.

12 A. So that could be considered poor hygiene.

13 Q. And the same could be said about a bacterial
14 infection as well?

15 A. Yes, it's -- it, it happens with people with great
16 hygiene.

17 So, it's not because of poor hygiene. It's just
18 because we have a bacteria that lives on our skin, and if
19 there's an opportunity for it to be introduced to cause an
20 infection, it will do that. So, if someone shaves, you
21 know, that's -- could cause trauma to the skin and cause
22 the, the bacteria to enter. So, it's not necessarily
23 secondary to poor hygiene.

24 Q. Now, in the three percent that you stated that there
25 is evidence in the chronic exam of, of sexual abuse, what

Doctor Mary Crosswell - Cross-examination
By Mr. MacDonald

1 sort of things do you find in that three percent that --
2 class that would make you suspect that sexual abuse
3 occurred?

4 A. So, in this age group, one finding would be a
5 transection of the hymen which just means there was a tear
6 in the hymen that healed and left a, a -- what we call a
7 transection. In prepubertal children, the presence of the
8 sexually transmitted infection would be when -- there's,
9 there's a list.

10 Q. Right.

11 But you didn't find any in this case?

12 A. No, I did not.

13 MR. MacDONALD: Okay. No further questions.

14 THE COURT: Any redirect?

15 SOLICITOR LESKANIC: No, Your Honor. Thank you.

16 THE COURT: Any objection to Doctor Crosswell being
17 excused?

18 SOLICITOR LESKANIC: Not from the State, Your Honor.

19 MR. MacDONALD: No, Your Honor.

20 THE COURT: Okay. Thank you. You may step down.
21 Watch your step.

22 SOLICITOR LESKANIC: May it please the Court?

23 THE COURT: Yes, ma'am.

24 SOLICITOR LESKANIC: State calls Jordan Cutchin.

25 THE COURT: Please come forward.

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 JORDAN CUTCHIN, being first duly
2 sworn, testified as follows:

3 SOLICITOR LESKANIC: May it please the Court?

4 THE COURT: Yes.

5 DIRECT EXAMINATION

6 BY SOLICITOR LESKANIC:

7 Q. Detective, will you please introduce yourself to the
8 ladies and gentlemen of the jury?

9 A. I'm Lieutenant Jordan Cutchin with the Cherokee
10 County Sheriff's Office.

11 Q. All right. And how long have you been with the
12 Sheriff's Office?

13 A. Just about seven years now.

14 Q. Okay. Could you tell the jury a little bit about
15 your training and time in law enforcement?

16 A. Yeah.

17 I started in -- started here at the Sheriff's Office
18 in law enforcement in general in August of 2018. In
19 September of 2020 I graduated the South Carolina Criminal
20 Justice Academy. Since then I've transitioned to
21 investigations.

22 Received training since then on numerous or different
23 investigation, tactics, investigations in general whether
24 it be property crimes, violent crimes, child abuse. Also
25 have my degree in criminal justice as well and part of

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 that was able to take some classes on child abuse and
2 maltreatment through that degree program.

3 Q. And where is that degree from?

4 A. University of South Carolina Upstate.

5 Q. Okay. Were you assigned to this case involving

6 **Complainant**

7 A. I was.

8 Q. All right. And how did you become involved in the
9 case?

10 A. They came to the Sheriff's Office wanting to talk to
11 a detective. I was the one that sat down with them.

12 **Complainant** ended up disclosing the sexual abuse between her
13 and her father. I was the one who actually went ahead and
14 did an incident report and then the case was assigned to
15 me for further follow-up.

16 Q. Okay. Was that on August 22nd of 2022?

17 A. Yeah, it was.

18 Q. All right. And where did that meeting take place
19 with you and **Complainant** and Ms. Bridges?

20 A. In my office at the Sheriff's Office here in Cherokee
21 County.

22 Q. Okay. And, during that interview, were you able to
23 speak with **Complainant**

24 A. I was.

25 Q. All right. And did she report a sexual assault to

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 you?

2 A. She did.

3 Q. Did she say when that abuse had occurred?

4 A. It had occurred between a -- I guess August of 2020
5 to just recently before that, that day that she came to my
6 office.

7 Q. Okay. So some time August of 2022?

8 A. Yes, ma'am.

9 Q. And did she report where that had occurred in
10 Cherokee County?

11 A. Yeah, she disclosed it happened at her grandma's
12 house -- her -- both of her grandmother's house I guess,
13 grandma at Colonial Heights that she was living with her
14 father and her mother on Colonial Drive. And then also I
15 believe her aunt's house.

16 Q. Okay. And were you provided any text messages that
17 day of communications that had occurred between **Complainant**
18 and the defendant?

19 A. I was.

20 Q. All right. Can you tell me about how you received
21 those?

22 A. Whenever they came in, Jackie Bridges had a bunch of
23 them printed out that she had printed prior to coming to
24 the office and provided me paper copies of those.

25 Q. Okay. Did you also seize **Complainant's** phone?

- 1 Did they bring **Complainant's** phone with her---
- 2 A. They did.
- 3 Q. ---that day?
- 4 All right. And did you take possession of that?
- 5 A. I did.
- 6 Q. What was the purpose of you taking possession of her
- 7 phone?
- 8 A. Perform a or to obtain a search warrant for the
- 9 device and then perform a Cellebrite extraction of the
- 10 device to, to obtain any data that's on the device.
- 11 Q. Okay. And, and what is a Cellebrite extraction?
- 12 A. Basically they hook it up to a computer and run a
- 13 specific program that downloads all the data inside the
- 14 phone.
- 15 Q. Okay. Does it always pull all of the data?
- 16 A. Not all the time, no, ma'am.
- 17 Q. Okay. All right. So, in this case, you take
- 18 physical custody of her phone.
- 19 You do a search warrant and what do you do with that
- 20 phone?
- 21 A. Ultimately I end up turning it back over to Jackie
- 22 Bridges.
- 23 Q. Okay. Well, what do you do with it first?
- 24 A. I---
- 25 Q. Did you give it to anyone else?

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 A. Yeah, I provide it to Sergeant Mabry. After I
2 obtained the search warrant, provided him the, the device
3 and the search warrant for him to perform that, that
4 cell -- Cellebrite extraction.

5 Q. Okay. So, it was Sergeant Mabry who actually did the
6 Cellebrite testing on the phone?

7 A. Yes, ma'am.

8 Q. Okay. And then were you able to get the phone back
9 from him?

10 A. I was.

11 Q. All right. At some point when you had possession
12 of -- well, let me back up. You get it back from Sergeant
13 Mabry. You end up turning it back over to Ms. Bridges and
14 **Complainant**

15 Is that correct?

16 A. Yes, ma'am.

17 Q. Before turning the phone back over to them, did you
18 actually look at the phone and the messages on the phone?

19 A. I did.

20 Q. Okay. Were you provided with **Complainant's** passcodes
21 that you could go through the phone physically?

22 A. I was.

23 Q. All right. And when you physically went through the
24 phone, did you look for the messages that coincided with
25 the messages that Ms. Bridges and **Complainant** had brought to

1 your office?

2 A. I did.

3 Q. Were you able to find a text thread between Complainant
4 and the defendant?

5 A. I was.

6 Q. And did that match up with the messages that she had
7 taken photographs of and brought to your office?

8 A. Yes, ma'am, I did.

9 Q. All right. So, just walk me through.

10 what did you do with the phone and what did you see?

11 A. So, I looked through the device again, like you say,
12 confirming those messages were there. I was able to see
13 some more of the -- some more messages in addition to the
14 ones that she actually provided. But I was, at the time,
15 under the impression that those messages and the content
16 of those messages would be included in the Celebrite
17 extraction.

18 Q. Okay. So, just to be clear, Ms. Bridges had brought
19 you a stack of messages?

20 A. Uh-huh. (Affirmative).

21 Q. And did you review those?

22 A. I did.

23 Q. And then you looked at the phone, physically looked
24 at it?

25 A. Yes, ma'am.

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 Q. And did you see additional messages that she had not
2 yet printed out?

3 A. Yes, ma'am.

4 Q. And what did you think would happen with those
5 messages when you gave them to Detective Mabry?

6 A. I thought the content of those messages would be part
7 of that extraction.

8 Q. Okay. Were those messages extracted?

9 A. The content was not, no, ma'am.

10 Q. Okay. So, did you give the phone back to Ms. Bridges
11 before knowing that there wasn't going to be anything on
12 the Cellebrite report?

13 A. I did.

14 Q. Okay. And then what did you do after finding out
15 that those messages did not transfer from the Cellebrite
16 report?

17 A. I reached back out to Ms. Bridges and asked for her
18 to go through and, and screenshot the additional messages
19 to send back to me.

20 Q. Okay. And those were messages that you had already
21 seen yourself when you went through the phone manually?

22 A. Yes, ma'am.

23 Q. Is that correct?

24 And that's what's contained in State's Exhibit 8 and
25 9. I believe you were in here when we presented those

1 messages to the jury.

2 A. Yes, ma'am.

3 Q. Okay. Were you able to determine the phone number on
4 the text messages?

5 A. I was. I was able to look at the contact itself.

6 Q. Okay. And did you use that telephone number and the
7 contact on the text messages to call the defendant?

8 A. I did.

9 Q. And did he call you back on that same number?

10 A. He did.

11 Q. So, the number he called you on is the number that
12 correlates with the number on those text messages?

13 A. Yes, ma'am.

14 Q. All right. At some point did you also take
15 possession of the defendant's phone?

16 A. I did.

17 Q. Okay. Do you recall if you did a physical, manual
18 search of his phone or what did you do with it?

19 A. I, I know I turned it over to Sergeant Mabry. I also
20 obtained a search warrant for it to be extracted. I can't
21 remember, off the top of my head, if I actually physically
22 scrolled through the device or not.

23 Q. Okay. To your knowledge, were any of these messages
24 on the Cellebrite report for his phone?

25 A. I'm sorry?

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 Q. To your knowledge, were any of these messages that
2 we've talked about in Court, State's Exhibit 8 and 9, were
3 they pulled during the Cellebrite extraction?

4 A. No, ma'am, they weren't.

5 Q. Okay. So, none were pulled from **Complainant's** phone?

6 None of the text messages were pulled in the
7 Cellebrite report from **Complainant's** phone?

8 A. I could see in the Cellebrite report there was a
9 conversation there. I just could not see content of that
10 conversation.

11 Q. Okay. And how about with the defendant's phone?

12 A. I did not locate a conversation between the two of
13 them.

14 Q. Okay. And what could cause that?

15 MR. MacDONALD: Objection. Speculation. He's not an
16 expert in forensics.

17 SOLICITOR LESKANIC: Okay. Did -- I'll withdraw that
18 question.

19 THE COURT: Thank you.

20 Q. Did you see conversations with anyone else in his
21 phone?

22 Maybe not the contents but the existence of a
23 conversation.

24 A. I did.

25 Q. Okay. With more than one person?

Jordan Cutchin - Direct examination
By Solicitor Leskanic

1 A. Yes, ma'am.

2 Q. But nothing with, with this daughter?

3 A. No, ma'am.

4 SOLICITOR LESKANIC: Just, just one moment please.

5 (Pause.)

6 Q. All right. Thank you. Please answer any questions

7 Mr. MacDonald has.

8 A. Yes, ma'am.

9 MR. MACDONALD: May it please the Court?

10 THE COURT: Yes, cross-examination.

11 CROSS-EXAMINATION

12 BY MR. MACDONALD:

13 Q. Investigator Cutchin, you've been here the whole
14 trial.

15 Is that correct?

16 A. I have.

17 Q. I think I've seen you sitting here for basically this
18 whole time and you've listened to the testimony that has
19 been given so far.

20 Is that correct?

21 A. Yes, sir.

22 Q. You also were the one that conducted the interview
23 with **Complainant**

24 Is that correct?

25 A. I was.

Jordan Cutchin - Cross-examination
By Mr. MacDonald

1 Q. And Jackie Bridges was present during that interview
2 as well?

3 A. She was.

4 Q. Okay. Now I want to talk about this Cellebrite
5 extraction that you did.

6 A. Okay. I didn't actually perform---

7 Q. Oh, we're -- sorry. That you -- you ordered the
8 Cellebrite extraction.

9 Is that correct?

10 A. Yes, sir.

11 Q. And you just testified today that the phone
12 extractions did not reveal the alleged text messages
13 between the two of them?

14 A. Did not reveal the content of them, yes, sir.

15 Q. That's correct.

16 Now, you stated that you had, you had the password to
17 get into Daniel Buckson's phone.

18 Is that correct?

19 A. Yes, sir.

20 Q. He gave it to you?

21 A. Yes, sir.

22 Q. So, you could of gone in and looked and see if the
23 messages were there and you can't remember if you looked
24 or not?

25 A. I can't. It was three years ago. At this point I, I

Jordan Cutchin - Cross-examination
By Mr. MacDonald

1 just can't remember if I actually opened it up and, and
2 looked through the phone itself.

3 Q. But you remember looking through **Complainant's** phone?

4 A. Yes, sir, cause there was -- in my report, I noted
5 that I'd -- several, several things in our report pointed
6 to that and I noted that.

7 Q. well, in your report, you said that you reviewed text
8 messages provided to you by Jackie Bridges. That's what
9 you put in your report.

10 A. Yes, sir.

11 Q. All right. You, you didn't put in your reports that
12 you reviewed the messages that were located in **Complainant's**
13 phone. You wrote in your report that you reviewed the
14 messages provided to you by Jackie Bridges.

15 A. Yes, sir. But I, I know I didn't specifically say in
16 the report yes, I hand scrolled this phone. But from the
17 contents of my report, my reviewing and everything, I was
18 able to remember going through the phone and --.

19 Q. Okay. But the person who's the subject of the
20 investigation who you had the password to, you don't
21 recall if you went through his phone or not?

22 A. No, sir, I don't recall actually physically scrolling
23 through it.

24 Q. Okay. As I stated before, you've heard the testimony
25 that's been given so far. You heard **Complainant** testify today

Jordan Cutchin - Cross-examination
By Mr. MacDonald

1 that they went to a hotel in Gaffney multiple times and
2 had sex.

3 Did you -- do you recall hearing that?

4 A. I do.

5 Q. Did you ever reach out to that hotel to see if they
6 had any surveillance or receipts?

7 A. I was not told about that specific hotel at the time.

8 Q. Oh, okay. So, you never looked into whether or not
9 there was any sort of you -- proof that they stayed at
10 this hotel?

11 A. No, sir.

12 Q. Okay. **Complainant's** testified that, whenever they had
13 sex, he would get Plan B. That happened three times and
14 it happened that -- and that he'd get the Plan B at the
15 CVS in Gaffney.

16 A. Yes, sir.

17 Q. Did you ever check surveillance of the CVS in
18 Gaffney?

19 A. I don't believe I had specific dates that she
20 actually took the Plan B to go and --

21 Q. Uh-huh. (Affirmative).

22 A. Looked at the surveillance video, no, sir.

23 Q. Did you ever try to check for bank records or any
24 credit card records of any purchase of Plan B from Mr.
25 Buckson's credit card?

1 A. I didn't, no, sir.

2 Q. Okay. You still have Daniel Buckson's phone in
3 evidence?

4 A. We do.

5 Q. At the time the Cellebrite that you had, the, the
6 application that you had, it was the base package.

7 Is that correct?

8 A. I believe so. I -- yeah, I'm not a Cellebrite
9 examiner. So I --.

10 Q. Okay. But you don't -- you have a -- you don't have
11 the base package anymore, do you?

12 A. No, sir, we don't.

13 Q. You have the premium subscription?

14 A. Yes, sir, I believe we do.

15 Q. Okay. Once you got the premium subscription for
16 Cellebrite and you still have Daniel Buckson's phone, did
17 you ever go back and perform another Cellebrite exam on
18 his phone to see if you could locate any messages on his
19 phone?

20 A. I didn't, no, sir.

21 Q. You did not.

22 Okay. Did you ever -- so these -- the two phones
23 that you reviewed were both iPhones.

24 Is that correct?

25 A. Yes, sir.

Jordan Cutchin - Cross-examination
By Mr. MacDonald

1 Q. Did you ever send a search warrant to Apple for the
2 messages?

3 A. I did not. I conducted some research, and, from what
4 I could determine, I didn't actually reach out to Apple
5 and ask, but from what I had seen in, in the research I
6 did that iMessages, so iPhone to iPhone, is not over --
7 it's through the Internet essentially and they're end to
8 end encrypted. And so Apple doesn't have the content of
9 those messages.

10 Q. So you didn't even bother trying?

11 A. No, sir.

12 Q. Okay. What about cellphone provider AT&T, Verizon,
13 did you ever try to get a search warrant from them for
14 phone records?

15 A. I didn't try to get phone records, no, sir, cause,
16 again, those are through the Internet and not through the
17 provider themselves. So, from other investigations I've
18 done, they usually don't have that content.

19 Q. You were in conver -- you were in direct contact with
20 Jackie Bridges throughout this investigation.

21 Is that correct?

22 A. I was.

23 Q. You would have phonecalls with each other about this
24 case?

25 A. Yeah.

Jordan Cutchin - Cross-examination
By Mr. MacDonald

1 Q. You would provide -- you'd send emails back and forth
2 to each other?

3 A. I believe so, yeah.

4 Q. Did she ever accuse Daniel Buckson of molesting his
5 other daughter?

6 A. She -- I believed she mentioned it was possible.

7 Q. Was there any finding to that?

8 A. Not that I'm aware of, no.

9 MR. MACDONALD: Okay. No further questions, Your
10 Honor.

11 THE COURT: Any redirect?

12 SOLICITOR LESKANIC: Yes, Your Honor. Briefly.

13 REDIRECT EXAMINATION

14 BY SOLICITOR LESKANIC:

15 Q. Detective -- if I may approach, I'll refresh. I just
16 have one copy. That's all that I have.

17 May I approach the witness?

18 THE COURT: Yes.

19 Q. Just to refresh your recollection, if you can take a
20 look, that's part of your investigative report and---

21 A. Yes, ma'am.

22 Q. Will that provide information that will refresh your
23 recollection as to when you physically searched **Complainant's**
24 device?

25 A. Yes, ma'am, on August 25th, 2022.

Jordan Cutchin - Redirect examination
By Solicitor Leskanic

1 Q. Okay. So, you do have in your report that you went
2 back and physically examined her phone?

3 A. Yes, ma'am, I do have that.

4 Q. All right. Do you recall why Ms. Bridges asked if it
5 was possible the defendant had molested his other
6 daughter?

7 If you don't, that's fine. Just asking you if you
8 remember.

9 A. Yeah, I, I don't remember why, no.

10 Q. Okay. What experience do you have in getting
11 information from Apple during your time as an investigator
12 with the Sheriff's Department?

13 Have there been other cases where you've attempted to
14 collect cellphone information?

15 A. Not directly from Apple. Especially not at that time
16 I don't believe.

17 Q. Okay. And about how since then?

18 A. Oh, I don't know if I've sent anything directly to
19 Apple as far as cellphone records, no, ma'am.

20 Q. Okay. Are you aware of whether cellphone companies
21 typically keep the content of text messages for a long
22 period of time?

23 A. Some carriers do as far as SMS messages go and it's
24 carrier specific it's -- for the length of time they keep
25 them. I don't believe that it's super long. Like not a

Jordan Cutchin - Redirect examination
By Solicitor Leskanic

1 two year period I don't believe. But, but each carrier
2 has their own like retention periods. But, again, that's
3 only for SMS text messages that go through the actual
4 carrier and not iMessages that go over the Internet.

5 Q. Okay. But the messages that Ms. Bridges brought you,
6 you physically, personally saw those messages on **Complainant's**
7 phone when you did the physical exam.

8 Is that correct?

9 A. Yes, ma'am.

10 Q. Okay. Thank you.

11 THE COURT: Okay. Thank you.

12 Any objection to this witness, Detective Cutchin,
13 stepping down?

14 SOLICITOR LESKANIC: No objection. Subject to being
15 recalled, Your Honor.

16 MR. MacDONALD: Same, Your Honor. We have him under
17 subpoena as well. So subject to recall.

18 THE COURT: Okay. Thank you. You may step down.

19 THE WITNESS: Thank you.

20 SOLICITOR LESKANIC: The State calls Nick Mabry.

21 THE CLERK: Please raise your right-hand. Place your
22 left-hand on the Bible.

23 NICK MABRY, being first duly
24 sworn, testified as follows:

25 THE CLERK: Watch your step.

Nick Mabry - Direct examination
By Solicitor Leskanic

1 DIRECT EXAMINATION

2 BY SOLICITOR LESKANIC:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Will you please introduce yourself to the ladies and
6 gentlemen of the jury?

7 A. I'm Sergeant Mabry with the Cherokee County Sheriff's
8 Office. I work as a detective over there. I do all their
9 IT work and, during this period, I was the Cellebrite
10 operator/extractor. I ran all the cellphones in the
11 Sheriff's Office during that time.

12 Q. All right. And how long have you been with the
13 Sheriff's Department?

14 A. Since 2019.

15 Q. Okay. And did you get any special training to run
16 the Cellebrite program at the Sheriff's Department?

17 A. I did, yes, ma'am.

18 Q. Okay. Could you tell the jury a little bit about the
19 training that you went through?

20 A. It was an online training. There's two different
21 certifications that you have to get. You have to, have to
22 get the certification to basically take the data from the
23 phone and then you have to get the certification to then
24 create the reports and analyze the actual data that's on
25 the phone.

Nick Mabry - Direct examination
By Solicitor Leskanic

1 Q. Okay. And did you receive a certificate as a
2 certified -- a Cellebrite certified operator?

3 A. I did.

4 Q. Okay. And did you also receive a certificate for
5 being a Cellebrite certified physical analyst?

6 A. I did.

7 Q. Okay. And both of those certifications were in place
8 and had not expired when you extracted the two phones in
9 this case?

10 A. Correct.

11 Q. All right. So, did you, in fact, receive two
12 cellphones from Investigator Cutchin regarding this case?

13 A. I did.

14 Q. Okay. And I just want to go through both of those.

15 I believe you received **Complainant's** cellphone or
16 extracted it on August 24th of 2022?

17 A. Sounds right, yes, ma'am.

18 Q. And what did you find during that extraction?

19 A. Without looking at my report, I remember it was 80 to
20 90 gigabits worth of data that was extracted from the
21 phone.

22 Q. Okay. Is that a lot?

23 A. That is---

24 Q. I'm not an IT person.

25 A. ---a good bit.

Nick Mabry - Direct examination
By Solicitor Leskanic

1 That is, yes, ma'am.

2 Q. Okay. And what types of things did you find during
3 that cellphone extraction?

4 A. We found messages from Instagram. I think there was
5 TikTok in there. They're a lot of photos, a lot of videos
6 inside of the, the phone.

7 Q. Okay. And what type of phone was this?

8 A. I believe it was an iPhone 13 if I remember
9 correctly.

10 Q. Okay. And do you remember what type of phone the
11 defendant had that you examined also?

12 A. I believe it was an iPhone 6.

13 Q. Okay.

14 A. 6S.

15 Q. So, when iPhones talk to one another, we send text
16 messages over an iPhone, what is that called?

17 A. It's called an iMessage. It's different than the,
18 the SMS messages that we're all used to, the way that it
19 used to be. It's stored. It's sent differently.

20 Q. Okay. In this case, when you put -- walk us through.
21 what do you do?

22 when you get **Complainant's** phone, how do you run a
23 Cellebrite extraction?

24 A. All right. So, with consent to search, we don't
25 obviously worry about the, the search warrant part of

Nick Mabry - Direct examination
By Solicitor Leskanic

1 that. We would hook the phone up to our computer, which
2 has the Cellebrite application on it. We would tell it
3 what to download and then it would download all the
4 records that it would -- it can read, that it can be
5 possibly get.

6 And then, once that information is downloaded, the
7 physical analyzer part is actually what creates that
8 report that we're then able to look at and it shows us
9 what information that it actually pulled.

10 Q. Okay. And, in this case, did **Complainant's** phone pull
11 any iMessages communication between her iPhone and another
12 iPhone?

13 A. No, ma'am.

14 Q. Okay. Not just the defendants, but were there any
15 iMessages that were downloaded on the Cellebrite report?

16 A. No, ma'am.

17 Q. Okay. Why?

18 A. The way iMessages were stored, with the basic plan
19 that we had at the time, it was only able to download
20 the -- certain data. The way, the way it was saved, the
21 basic plan couldn't reach the iMessage data. It may show
22 where there might of been a conversation. But it wouldn't
23 actually pull the data from it.

24 Q. Okay. And when you say the basic plan, what are you
25 referring to?

Nick Mabry - Direct examination
By Solicitor Leskanic

1 A. So, Cellebrite used to have a -- just one plan. It
2 was a basic plan. You kind of got most -- the majority of
3 the things on the cellphone. But as cellphones upgraded
4 and the way that everything's stored on the cellphones has
5 been upgraded, that basic plan doesn't pull that stuff
6 anymore. It has -- it actually has to go in an encrypt
7 other areas of the data to then pull that phone or pull
8 the data from the phone.

9 Q. Okay. And is that -- was that something that you
10 didn't type in the right information that you were looking
11 for or was that based on it being basic Cellebrite instead
12 of an advanced Cellebrite?

13 A. That was the basic Cellebrite.

14 Q. Okay. So did you ask it to download all messages?

15 A. Yes, ma'am.

16 Q. Okay. But it just didn't have the capability of
17 doing that?

18 A. Correct.

19 Q. Okay. Was it able -- you said though it was able to
20 pull some things off of TikTok and Instagram, some
21 different---

22 A. Correct.

23 Q. ---social media sites?

24 A. Correct. It's not gon' pull everything from those
25 sites. But it will pull some.

Nick Mabry - Direct examination
By Solicitor Leskanic

- 1 Q. Okay. When you looked at the defendant's phone --
- 2 A. Uh-huh. (Affirmative).
- 3 Q. -- did you also get that phone from Detective Cutchin
- 4 and perform the Cellebrite extraction on that?
- 5 A. I did.
- 6 Q. Was that still run with the basic Cellebrite?
- 7 A. Yes, ma'am.
- 8 Q. And did his phone pull any iMessages, not just with
- 9 **Complainant** but any messages that he had communicated with
- 10 another iPhone?
- 11 A. No, ma'am.
- 12 Q. Okay. None of that data was pulled?
- 13 A. No, ma'am.
- 14 Q. Okay. Were you able to find messages that were sent
- 15 to **Complainant** through TikTok and Instagram on his phone?
- 16 A. Yes, I believe there were a couple.
- 17 Q. Okay. I'm gonna show you what's been marked and --.
- 18 Show you what's been marked and previously admitted
- 19 State's Exhibit 11 and 12.
- 20 Could you take a look at those and tell, tell me if
- 21 you recognize those?
- 22 A. I do.
- 23 Q. Okay. And was that information that you were able to
- 24 locate during your cellphone extraction of the defendant's
- 25 phone?

Nick Mabry - Direct examination
By Solicitor Leskanic

- 1 A. Yes, ma'am.
- 2 Q. Okay. And what are those?
- 3 A. The first one here is a TikTok message that it
- 4 appears the iPhone 6 sent.
- 5 Q. Okay. And what does the message say?
- 6 So that was his phone sent the message?
- 7 A. Correct.
- 8 Q. Okay. And what is the message that was sent?
- 9 A. It says IK, which I know you gonna block me from here
- 10 too. I just want to make sure you're okay, **Complainant** I
- 11 love you and here for you through it all and please erase
- 12 all my past texts and things. I want to start fresh and
- 13 be a great father. Love you.
- 14 Q. Okay. And that was off of which social media site?
- 15 A. That was off the TikTok.
- 16 Q. Okay. And the next exhibit is state's 12.
- 17 A. Okay.
- 18 Q. And what is that off of?
- 19 A. This appears to be off Instagram.
- 20 Q. Okay. So you were able to pull something from his
- 21 phone on Instagram?
- 22 A. Yes, ma'am.
- 23 Q. Is that a message that you received or a message that
- 24 he sent?
- 25 A. There's both on here. There's both sent and

1 received---

2 Q. Okay.

3 A. ---messages.

4 Q. Can you go through the last message and tell me was
5 that a sent message or a received message?

6 A. That's gonna be a sent message.

7 Q. Okay. And what is that message?

8 A. It's says I know you gonna block me from here too. I
9 just want to make sure you're okay, **Complainant** I love you
10 and here for you through it all. And please erase, please
11 erase all of my past texts and things. I want to start
12 fresh and be a great father. Love you.

13 Q. And is there a date on that as to when that message
14 was sent?

15 A. Looks like August 22nd of the 2022.

16 Q. Okay. During the extraction of **Complainant's** phone, were
17 you able to locate any photos that maybe didn't seem
18 appropriate --

19 A. Yes.

20 Q. -- on her phone?

21 Okay. I'm gonna show you State's Exhibit 5 that is
22 previously been admitted.

23 Do you recognize that?

24 A. Yes.

25 Q. Okay. And did you find that on **Complainant's** phone

Nick Mabry - Direct examination
By Solicitor Leskanic

1 during your cellphone extraction in her photos?

2 A. I did.

3 Q. Okay. And were you able to find photos and a
4 thumbnail from videos during the extraction of the
5 defendant's phone?

6 A. I did.

7 Q. Okay. I'm gonna show you what has been marked and
8 previously admitted State's Exhibit 6 and State's Exhibit
9 7.

10 would you please take a look at both of those?

11 A. Uh-huh. (Affirmative).

12 Q. Do you recognize those?

13 A. I do.

14 Q. Okay. And where, where did you first see those?

15 A. I found them on the iPhone 6S, which is the
16 defendant's phone, through his -- I guess State's Exhibit
17 6 was through his videos and the -- State's Exhibit 7 was
18 through a thumbnail on a -- as a photo.

19 Q. Okay. And State's Exhibit 6 is a -- I'll -- I will
20 put that up and then could you look and see if you can
21 tell when State's Exhibit 7 was created, when that was
22 created if there is a date for that.

23 A. It appears to be November 27th, 2021, at 1:11PM.

24 Q. All right. All right. And both of these images,
25 State's Exhibit 6 of the male penis and State's Exhibit 7

Nick Mabry - Direct examination
By Solicitor Leskanic

1 of what the victim identified as she and the defendant
2 engaged in sexual intercourse, you found both of these
3 images on the defendant's phone during your cellphone
4 extraction?

5 A. Correct.

6 Q. Is that correct?

7 In addition to his messages identifying **Complainant** and
8 telling her to erase all her messages and things?

9 A. Correct.

10 Q. And that was sent over Instagram and TikTok?

11 A. Correct.

12 Q. All right. Thank you. Please answer any questions
13 the defense has.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. MacDONALD:

17 Q. You stated at the time that you had the base package
18 of Cellebrite?

19 A. Correct.

20 Q. So, the base package is limited?

21 A. Correct.

22 Q. You don't still just have the base package anymore
23 though?

24 A. No, sir.

25 Q. What package do you have?

Nick Mabry - Cross-examination
By Mr. MacDonald

1 A. It's the premium package, and, along with that, you
2 have to buy individual what they call tokens. So there's
3 a premium and a basic and then there's stuff on top of the
4 premium.

5 Q. And the premium can do a lot more than the basic?

6 A. Correct.

7 Q. The premium can recover iMessages?

8 A. Potentially.

9 Q. They can recover deleted messages as well?

10 A. Potentially.

11 Q. Okay. The phone that you -- you heard investigator
12 just say they still have custody of the phone.

13 You could perform another extraction on that phone to
14 try to see if there's anything on there with the premium
15 Cellebrite if, if you were instructed to.

16 Is that correct?

17 A. That's correct.

18 Q. Were you ever instructed to?

19 A. No, sir.

20 Q. One moment.

21 (Pause.)

22 MR. MacDONALD: No questions -- further questions,
23 Your Honor.

24 SOLICITOR LESKANIC: Very briefly.

25 THE COURT: Anything?

Nick Mabry - Redirect examination
By Solicitor Leskanic

1 SOLICITOR LESKANIC: I'm sorry. Very briefly.

2 REDIRECT EXAMINATION

3 BY SOLICITOR LESKANIC:

4 Q. Were you able to find telephone calls made between
5 the victim and the defendant in her phone?

6 A. Yes, ma'am.

7 MR. MacDONALD: Objection. Outside the scope of my
8 cross.

9 THE COURT: That would be sustained.

10 SOLICITOR LESKANIC: Okay. Thank you, Your Honor.

11 THE COURT: All right. Any objection to this witness
12 being released?

13 SOLICITOR LESKANIC: No, Your Honor. Not from the
14 State.

15 MR. MacDONALD: No, Your Honor.

16 THE COURT: Okay. Thank you.

17 THE WITNESS: Thank you.

18 SOLICITOR LESKANIC: May we approach, Your Honor?

19 THE COURT: Yes.

20 (WHEREUPON, a bench conference was held out of the
21 hearing of the jury at this time.)

22 THE COURT: Okay. But, counsel, 9:30 in the morning
23 then?

24 SOLICITOR LESKANIC: Yes, ma'am.

25 THE COURT: Okay.

1 MR. MacDONALD: That's correct.

2 THE COURT: All right. Ladies and gentlemen, I have
3 been informed by counsel that this is a good place for us
4 to break and I have to meet with the lawyers anyway about
5 some other matters and we always have to carve out an
6 hour, an hour and a half to do that. And so that will
7 work well with me and not keep them here late tonight.
8 So, I am going to ask you-all to come back in the morning
9 at 9:30.

10 Again, please do not discuss this with anyone, even
11 among yourselves. Don't do any independent research.
12 Please confine your attention to this matter to this
13 courtroom. To do otherwise would be unfair to everyone
14 involved.

15 All right. Thank you. You all have a nice evening.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: Okay. Everyone please be seated.

19 I'll give y'all a few minutes to talk with your
20 clients, witnesses, and whatnot and then why don't we
21 meet -- this won't be on the record. I mean the
22 conference will not be on the record.

23 I can just report back to madam court reporter what
24 we do. Wherever y'all would feel the most comfortable and
25 be the most warm.

1 Okay. And so Madam Clerk may have a suggestion. I'm
2 happy for the charge conference and the verdict form
3 conference.

4 THE CLERK: We can -- you can do it in the back.
5 whatever's easiest for you---

6 THE COURT: Okay.

7 THE CLERK: ---judge.

8 THE COURT: Okay.

9 THE CLERK: So --.

10 THE COURT: I don't, I don't mind doing it in my, in
11 my office as long as that will work for everybody.

12 Okay. Okay. So why don't I give y'all about 15
13 minutes and then English will find y'all.

14 Okay?

15 SOLICITOR LESKANIC: Thank you.

16 THE COURT: All right. Thank you.

17 Have a nice evening everybody.

18

19 (WHEREUPON, Court was in recess for the evening.)

20

21

22

23

24

25

wednesday, August 6th, 2025

THE COURT: Okay. First let me say that we're back on the record with regard to the matter of State versus Daniel M. Buckson and I did have an opportunity to meet with the lawyers in the case at length yesterday afternoon into early evening and then this morning as well regarding some of the things that we had discussed.

And so now we have a version of the verdict form and I need to know if there are -- and I know that I -- Madam Clerk printed it and then we were looking over it again this morning, the revisions that I made last night.

At this time, do y'all have any changes to it?

SOLICITOR LESKANIC: Not from the State, Your Honor.

MR. MacDONALD: No, Your Honor.

THE COURT: Okay. And then, with regard to the proposed charge, I have given y'all my index for the charge. We have gone over the charge with everybody reading it.

Are there any objections to the charge by the State?

SOLICITOR LESKANIC: No, Your Honor.

THE COURT: By the defendant?

MR. MacDONALD: No, Your Honor.

THE COURT: Okay. Thank you.

And I understand that it could change a little bit

1 with regard to whether or not the defendant is gonna
2 testify.

3 Okay. And so I understand that.

4 All right. And so is our first witness present or
5 first witness of today?

6 It would be what, the fifth witness of the trial?

7 Sixth witness. The fifth witness.

8 SOLICITOR LESKANIC: She is present and the State's
9 ready to proceed, Your Honor.

10 THE COURT: Okay.

11 MR. MacDONALD: Your Honor, I do have just something
12 to address.

13 Right now the state intends to call a blind expert by
14 the name of Shauna Galloway-Williams. She doesn't have
15 any actual knowledge of the case. I just have concerns
16 about bolstering coming from this witness.

17 I understand that there's case law that allows her to
18 testify as a blind witness. However, I -- the moment that
19 I feel like she's crossing a line where the solicitor's
20 trying to get into specific facts about this case instead
21 of speaking in generalities, which is what the blind
22 expert's required to do under the case law, I will be
23 promptly objecting to prevent that from being discussed as
24 improper bolstering of the witness.

25 And then also they intend -- I -- I'm assuming that

1 they intend to make her an expert in child abuse dynamics.
2 I've not received any sort of resume, CV, or any sort of
3 writings from this expert that would allow me to
4 adequately prepare to cross-examine her on her knowledge
5 as an expert in this case.

6 And, and so I -- I would, I would ask that she not be
7 allowed to testify because the State's not provided me
8 those materials.

9 THE COURT: Deputy Solicitor.

10 SOLICITOR LESKANIC: Thank you, Your Honor.

11 We had a doctor testify yesterday and I didn't
12 provide the CV prior to her testimony. I've discussed
13 this with Mr. MacDonald.

14 We've had several motions regarding this. She's been
15 on our witness list since Monday and I think I have
16 provided everything that the defense has asked for
17 throughout. Would be happy to get that.

18 But if he needs to question her at the time that I
19 offer her as an expert after she provides that background
20 for her expertise, he would certainly have the right to
21 question her about that at that time so the Court can make
22 a decision on whether or not to deem her an expert.

23 THE COURT: Okay. Mr. MacDonald, I, I will, of
24 course, allow you a lot of latitude regarding her
25 credentials and we -- I think we technically call it voir

1 dire of this expert -- before I determine whether or not
2 she would be qualified as an expert and generally that
3 would be done in the presence of the jury.

4 okay?

5 MR. MacDONALD: Thank you, Your Honor.

6 THE COURT: All right. So -- and I think actually
7 she's been on the witness list for longer than that,
8 right, because I -- y'all notified me -- I request always,
9 in advance, a list of witnesses because I had a private
10 practice for years and just want to make sure I don't have
11 any conflicts that y'all need to be made aware of before
12 everybody shows up on Monday morning to pick a jury.

13 So, I thought we got this last week. Maybe I'm
14 wrong.

15 SOLICITOR LESKANIC: It, it was on the list that we
16 provided last week. I was saying Monday just since that
17 was the day we started trial.

18 THE COURT: Uh-huh. (Affirmative).

19 SOLICITOR LESKANIC: But yes, Your Honor, it was
20 actually provided last week at Your Honor's request and
21 provided to the defense at that time.

22 THE COURT: Okay. All right. Anything else before
23 we have the jury?

24 I'm informed they're here.

25 MR. MacDONALD: Nothing from defense, Your Honor.

1 SOLICITOR LESKANIC: Nothing from the, the State.

2 THE COURT: Okay. Thank you.

3 We will now have the jury.

4 (WHEREUPON, the following takes place within the
5 presence of the jury.)

6 THE COURT: Okay. Thank you all. Please be seated.

7 Good morning. Welcome back. Thank you all for being
8 prompt. We've been working. We worked very hard last
9 evening with the lawyers and the clerk and then again this
10 morning trying to make the most of this -- efficient use
11 of your time.

12 We are officially back on the record with regard to
13 the matter of the State versus Daniel Buckson.

14 One preliminary matter before we continue on, ma'am,
15 are you Juror Number 80?

16 THE JUROR: I am.

17 THE COURT: Will you serve as our foreperson?

18 THE JUROR: Yeah, that's fine.

19 THE COURT: Okay. I will tell you more about your
20 responsibilities before you all retire and begin your
21 deliberations. Thank you.

22 THE JUROR: Okay.

23 THE COURT: And I will also write that out and make
24 that a Court's Exhibit at some point in the morning that
25 you have accepted it.

1 Thank you, ma'am.

2 All right. Is the State ready?

3 SOLICITOR LESKANIC: Yes, Your Honor.

4 May it please the Court?

5 State calls Shauna Galloway-Williams.

6 THE CLERK: Ms. Williams, please raise your
7 right-hand. Place your left-hand on the Bible.

8 SHAUNA GALLOWAY-WILLIAMS, being first
9 duly sworn, testified as follows:

10 THE CLERK: Okay. Watch your step.

11 THE COURT: Good morning.

12 THE WITNESS: Good morning.

13 SOLICITOR LESKANIC: May it please the Court?

14 THE COURT: Yes, ma'am.

15 SOLICITOR LESKANIC: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY SOLICITOR LESKANIC:

18 Q. Good morning.

19 A. Good morning.

20 Q. Will you please introduce yourself to the ladies and
21 gentlemen of the jury?

22 A. Sure.

23 I'm Shauna Galloway-Williams.

24 Q. All right. And where are you currently employed?

25 A. I am the CEO of the Julie Valentine Center.

Shauna Galloway-Williams - Direct examination
By Solicitor Leskanic

1 Q. Okay. And could you please tell them a little bit
2 about the Julie Valentine Center?

3 A. Sure.

4 The Julie Valentine Center is the child abuse and
5 sexual assault recovery center that serves Greenville and
6 Pickens County. That means that we provide children's
7 advocacy services, rape crisis services, as well as
8 prevention education to anyone who needs those services in
9 the Greenville and Pickens County area.

10 Q. Okay. And what position do you hold there?

11 A. I'm the CEO.

12 Q. Okay. And what does that entail being the CEO of the
13 Julie Valentine Center?

14 A. A little bit of everything.

15 I am the chief executive officer. So I am
16 responsible for the overall administration of the
17 organization, including financial responsibilities,
18 administrative responsibilities.

19 I also still provide clinical services, which means
20 that I do provide some forensic interviews. I provide
21 some clinical supervision meaning that I do work with all
22 our counselors and other advocacy staff. I'm actively
23 involved in all of our community engagement and
24 fundraising activities as well.

25 Q. Okay. And specifically -- well, let me ask.

Shauna Galloway-Williams - Direct examination
By Solicitor Leskanic

1 How long have you been there?

2 A. So I've been in the role of CEO for 16 years. Prior
3 to that I served as the clinical director and, prior to
4 that, I worked as a contract forensic interviewer.

5 So, prior to coming to the Julie Valentine Center --
6 I was hired there in 2007. But prior to being an employee
7 of Julie Valentine Center, I was employed by the South
8 Carolina Department of Mental Health at the Greenville
9 Mental Health Center and was a child and adolescent
10 therapist there but also provided forensic interviews for
11 what was then called the Greenville Rape Crisis and Child
12 Abuse Center but now is the Julie Valentine Center.

13 Q. So this is essentially been your career?

14 A. Yes, I had a, a short stint, prior to, to working at
15 Greenville Mental Health, I had worked -- I worked for the
16 Department of Mental Health for almost 10 years. My early
17 career was working with adults who were experiencing
18 chronic mental health conditions.

19 So, I worked in a number of different positions
20 providing advocacy counseling and independent living
21 skills for adults who suffer from schizophrenia, bipolar
22 disorder, mental health, chronic mental health conditions.
23 So, I've been in the field of mental health now for 28
24 years.

25 Q. Okay. With the -- specifically the Julie Valentine

Shauna Galloway-Williams - Direct examination
By Solicitor Leskanic

1 Center, what types of services were provided?

2 A. So, we provided crisis intervention services. We
3 have a 24 hour crisis hotline where any time, day or
4 night, someone can call that hotline and receive support
5 over the phone.

6 We also provide emergency advocacy in the emergency
7 room. So if someone were to present in one of the
8 emergency rooms in Greenville County, we'd provide
9 advocacy while they're having their sexual assault exams
10 completed.

11 We provide counseling to children and adults. We are
12 a nationally recognized children's advocacy center. So we
13 provide forensic interviews, forensic medical exams as
14 part of the assessment of allegations of abuse. Following
15 that, we provide family advocacy and counseling services
16 to those children and families should they need those
17 services and we also provide community education.

18 So we provide education in the Greenville County
19 School District as well as some of the other private
20 schools in the area, faith communities, and really any
21 community or organization that would have us come in and
22 educate about child abuse and sexual assault prevention.

23 Q. And you may have already answered this, but what, I
24 guess, positions have you personally held at the Julie
25 Valentine Center during your time there?

Shauna Galloway-Williams - Direct examination
By Solicitor Leskanic

1 A. So, counselor and forensic interviewer, then clinical
2 director, and then I've been the CEO for 16 years.

3 Q. Okay. And could you tell the jury a little bit about
4 your education and training to be able to do the jobs that
5 you've done at mental health and Julie Valentine Center?

6 A. Sure.

7 I graduated from Winthrop University in 1996 with a
8 Bachelor's Degree in Psychology. I have a Master's Degree
9 in Counseling from Clemson University where I graduated in
10 2000. I'm also licensed as a professional counselor in
11 the State of South Carolina and completed that licensure
12 in 2004.

13 Q. Okay. Have you taken any training courses on
14 children specifically with regard to sexual abuse?

15 A. Yes.

16 So most of my postgraduate continuing education has
17 been in the area specifically of child abuse and/or sexual
18 assault. I have over 150 skills based hours in assessing
19 allegations of child maltreatment and those skills based
20 hours are, are a little bit different from attending a
21 workshop. Those would be hours where you're actually
22 engaged in hands-on learning and experiential learning in
23 that particular area.

24 As a licensed professional counselor, I'm required to
25 receive I believe it's 29 hours per year, 22 or 29, I'm

Shauna Galloway-Williams - Direct examination
By Solicitor Leskanic

1 not exactly sure each year, and we renew our license every
2 two years.

3 So, that's the number of training hours I'm required
4 to have each year and have maintained that since 2004.

5 Q. Okay. And with all of that training, are you
6 familiar with the current research in the field of child
7 abuse -- child sex abuse and dynamics?

8 A. Yes.

9 Q. Okay. And how do you remain current with that?
10 Is that through the trainings?

11 A. Mostly training but I'm almost an educator and
12 trainer.

13 So I'm an adjunct faculty member at USC Upstate in
14 the child advocacy studies program. I teach at least one
15 undergraduate course each semester in the child advocacy
16 studies program. Currently I'm teaching the systems in
17 child maltreatment course, and as part of my being an
18 educator, it's my responsibility to keep up with current
19 trends and updated research.

20 I also am on the faculty of South Carolina Child
21 First, which is the South Carolina forensic interview
22 training program. Again, we are required to be up-to-date
23 with research and training as part of our work as faculty
24 members in that program and then, again, as part of my
25 regular training and education and, and as the leader of

1 the Julie Valentine Center.

2 Q. Okay. Have you personally counseled children who
3 have experienced trauma or abuse?

4 A. I have.

5 Q. Okay. Do you know how many children you've
6 counseled?

7 A. I don't know exactly how many but definitely over
8 1,500.

9 Q. Okay. The methods that you rely on in teaching and
10 counseling, are those methods uniformly accepted and
11 recognized within your field?

12 A. Yes.

13 Q. Okay. Are the methods that are used peer reviewed?

14 A. Yes.

15 Q. What does it mean if something is peer reviewed?

16 A. That means that, just speaking specifically about a
17 research article, it's going to be in a journal. That --
18 before that an -- article can be published, it needs to be
19 reviewed by other peers or other researchers, other
20 experts in that particular field. So, that's what the
21 peer reviewing process just, you know, in a brief
22 explanation means.

23 Q. Okay. And are the methods that you use and the
24 principles, are they found in articles, journals, or text
25 books?

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1 A. Yes.

2 Q. Okay. Do you stay current on issues that affect
3 children that have been sexually abused as your duties of,
4 of the CEO of the Julie Valentine Center?

5 A. Yes.

6 Q. Okay. Have you ever been qualified in court as a
7 child abuse dynamics expert?

8 A. Yes.

9 Q. In General Sessions Court?

10 A. Yes.

11 Q. Do you know approximately how many times?

12 A. Over 65 times.

13 SOLICITOR LESKANIC: Your Honor, at this time we
14 offer Ms. Galloway-Williams as an expert in the field of
15 child sexual abuse dynamics.

16 MR. MacDONALD: And---

17 THE COURT: One minute.

18 (Pause.)

19 THE COURT: Yes, sir.

20 MR. MacDONALD: Your Honor, I would just -- I'll
21 object to that.

22 THE COURT: Okay. Would you like to question the
23 witness regarding her qualifications?

24 MR. MacDONALD: No, Your Honor.

25 THE COURT: What is the basis then for your

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1 objection, sir?

2 MR. MacDONALD: Improper bolstering. I, I think her
3 testimony would be improper bolstering in this, in this
4 case.

5 THE COURT: Okay. I am going to overrule that at
6 this time and I will allow you to renew it if that comes
7 up during her testimony.

8 Okay. And so, ladies and gentlemen of the jury, let
9 me again tell you, you've already heard from one expert
10 in, in the case and that normally a person can not give
11 opinion testimony. When a person testifies, they must
12 testify as to what they saw, heard, or sensed by smell or
13 something of that nature.

14 However, there is an exception. When someone is
15 qualified because of education or experience, they are
16 permitted to give their opinion in certain areas if the
17 Court qualifies them that way.

18 In this case, this witness, Shauna Galloway-Williams,
19 will be qualified in the area of child sexual abuse
20 dynamics to give opinion testimony in that area. That
21 does not mean that you must accept the opinion as I
22 explained to you yesterday. But it is evidence for you to
23 use as you see fit.

24 Okay. Yes, ma'am.

25 SOLICITOR LESKANIC: Thank you, Your Honor.

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1 CONTINUED DIRECT EXAMINATION

2 BY SOLICITOR LESKANIC:

3 Q. So, before we begin, have you ever met the victim in
4 this case?

5 A. I have not.

6 Q. Okay. Do you know her name?

7 A. I do not.

8 Q. All right. Have you personally counseled her?

9 A. No, I have not.

10 Q. All right. Have you seen any incident reports in
11 this case?

12 A. No.

13 Q. Have you looked at any interviews in this case?

14 A. No.

15 Q. Have you seen any evidence in this case at all?

16 A. No.

17 Q. Aside from you and I having a conversation about
18 asking you to be here, do you know anything else about the
19 facts of this specific case?

20 A. I do not.

21 Q. All right. Could you explain to the ladies and
22 gentlemen of the jury why you believe that you are here
23 and what you can offer?

24 A. I'm, I'm here as a blind expert. That means I've not
25 reviewed any assessments, evidence, information about this

1 particular case. I'm here to offer information about the
2 dynamics of child sexual abuse.

3 So, in other words, to provide education about those
4 specific dynamics.

5 Q. Okay. And are those dynamics unique?

6 Is, is that why you have, I guess, something you
7 could offer to the jury?

8 Are child sex abuse dynamics unique to other types of
9 circumstances?

10 A. Yeah.

11 So those dynamics are unique, and unless someone has
12 directly experienced this or sought out specific
13 information about this particular issue, there are a lot
14 of things that are confusing or may seem sort of
15 incongruent to someone who's not ever sought out
16 additional information about child sexual abuse.

17 Q. Okay. Well, going with that, I'd liked to talk about
18 disclosures in child sex abuse cases.

19 Could you just tell the jury what a disclosure is?

20 A. Sure.

21 So, a disclosure would be when a child makes an
22 outcry or a statement or there's a discovery of some type
23 of suspicion of abuse or an allegation of abuse. So that
24 disclosure could be a purposeful disclosure where a child
25 makes an intentional effort to tell someone that

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1 something's happened to them.

2 You can have an accidental disclosure where someone
3 discovers a concerning behavior or hears a child say
4 something that might be concerning and they ask questions
5 of the child and the child shares information. Disclosure
6 is a process, not a one time event.

7 Q. Okay. And if, if there is a disclosure, would you
8 expect a child, in your experience and training, to just
9 sit down and the first time tell everything or what are
10 the different types of disclosure?

11 Other than accidental and purposeful, is there also
12 that process of disclosure?

13 A. Yes.

14 So, we generally refer to disclosure as a process
15 rather than a one time event meaning that we would not
16 expect that, when a child does disclose, that they're
17 gonna tell every single detail of a single incident of
18 abuse or every single detail of multiple incidents of
19 abuse if they have been -- if, if they've experienced
20 multiple incidents.

21 The other type of disclosure or one thing that we see
22 in the process of disclosure is delayed disclosure which
23 is something that is very common in child sexual abuse.

24 Q. Just -- I want them to be able to hear you. If we
25 could have just a moment, I'm gon' let the train pass by.

1 (Pause.)

2 Q. Thank you and I'm sorry.

3 You were talking about delayed disclosure. I'm
4 sorry---

5 A. Sure.

6 Q. ---to interrupt.

7 A. So delayed disclosure is when a child does not
8 immediately tell about something that's happened to them.
9 That delay can be days, weeks, years, and we know that
10 many adults who've experienced child sexual abuse live
11 into their adult lives never having told anyone and maybe
12 not telling anyone. The delay can be for days, weeks, and
13 years, months.

14 Basically a delay is the time -- timeframe or the
15 time period between the time the incident occurs or the
16 time the incident occurs and the time that the child has
17 an opportunity to tell a safe adult. So, that's one of
18 those incongruent things about child abuse dynamics.

19 We would expect that if a child is, is being abused
20 that they might tell someone right away. But there are
21 many reasons why a child may not do that.

22 Q. Could you go into some of the reasons that a child
23 may not tell right away?

24 A. Sure.

25 One of the main reasons that a child may delay

1 disclosure is fear. They may be afraid of what's going to
2 happen to themselves if they tell. They may be afraid of
3 what's gonna happen to the person that may of done this to
4 them if they tell. They may fear what's gonna happen to
5 their family. They may fear what's gonna happen to their
6 living situation or their, their school situation.

7 Most times when children are abused, they're abused
8 by someone that they know, they love, and they trust. And
9 that's another significant reason that children delay
10 disclosing.

11 That relationship with that person is complex. There
12 may be lots of things about that relationship that they
13 enjoy and appreciate and yet this person may also be doing
14 something to them that they don't like or that's harmful.
15 And those dynamics can be very confusing for children and
16 can make it very difficult for them to tell.

17 They may also, to go back to that fear, they may fear
18 what's gonna happen to that relationship that they have
19 with this person. You know, many of us have family
20 members or friends that we have relationships with and,
21 and these individuals may have harmed us in some way. Not
22 to the extent of sexual abuse but they may have. And yet
23 we may continue to have those relationships with them. We
24 may not terminate those relationships with them.

25 And so that's, that's what children are having to, to

1 deal with when they are making that determination of
2 whether or not they want to tell about what's happening to
3 them.

4 Children may also delay disclosure because, for very
5 young children, they may just not have the words to
6 describe what's happened to them. For some children, for
7 many survivors, victims of abuse, there's a lot of fear
8 and shame about what's happened and that fear and shame
9 may make it very difficult to talk about what's happened.

10 Children may have been threatened when they were
11 abused. They may have been told that this will happen to
12 you if you tell. That doesn't necessarily mean that it's
13 a direct threat of harm to themselves. It may be one of
14 those threats that ties into those fears they have.

15 They may be threatened that, if you tell, you won't
16 see this particular person. You may have to move. We'll
17 have to end our relationship.

18 Those threats can be very meaningful to, to children
19 and can really have an impact on whether or not they feel
20 comfortable or safe to tell someone.

21 Q. With this delayed disclosure and disclosure in
22 general, I guess is it more common or uncommon to have a
23 delayed disclosure?

24 A. It's more common. We more commonly see delayed
25 disclosures. The vast majority of children that come to

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1 the Julie Valentine Center, we're seeing them when their
2 disclosures have been, you know, days, weeks, months,
3 years since the event has occurred.

4 And, as I said previously, we work with adults at the
5 Julie Valentine Center and the vast majority of those
6 adults that are welcomed through our doors who may have
7 been abused as children are delaying their disclosures as
8 well. They, for the very first time, might be sharing
9 that information with one of our therapists or one of our
10 advocates.

11 Q. Okay. And, and you stated that typically that
12 disclosure is more of a process and they may not sit down
13 and just tell it all at one time.

14 Is there a reason for that?

15 A. Yes.

16 So, it's a process because, again, depending on the
17 type -- the way the disclosure arises. So if a child
18 makes a purposeful disclosure, they intentionally make the
19 effort and decision that they're gonna tell someone
20 what's, what's happened to them, even if they decide to
21 purposefully do that, they may only share bits and pieces
22 of the information.

23 They may not share every single detail about one
24 incident or the multiple incidents that may have occurred
25 to them because they may not realize that that's important

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1 to, to, to, to anyone. It may just be important to them
2 when they tell someone.

3 In terms of the accidental disclosure, you know, an
4 accidental disclosure is one in which a child's not making
5 a purposeful effort to tell someone. So, instead, someone
6 may be asking them questions to see if something has
7 happened. And, in that case, the child may only share
8 what's being asked of them or what they feel safe to
9 share.

10 Sometimes what children share depends on who's asking
11 them the questions. The type of questions that a
12 caregiver or a parent may ask a child may be very
13 different than the type of questions that a detective may
14 ask them or different from the types of questions that a
15 counselor or an advocate may be asking them.

16 So, sometimes the information that children are
17 sharing is based on who's asking the questions and what
18 type of information's being asked of them. The type of
19 details that, that sometimes people are wanting to --
20 children to share, children just don't know that those
21 details are important unless someone asks them.

22 Q. Okay. And you mentioned, during your testimony, that
23 children are typically hurt by people that they know,
24 love, or trust.

25 Can you go into that?

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1 Like who, who are those people that normally they
2 know, love, and trust that would be---

3 A. Okay.

4 Q. ---abusers?

5 A. Yeah.

6 So children are generally abused by someone they
7 know, they love, and they trust and that can be a family
8 member. That can be an immediate family member, a parent,
9 whether that's a biological or adopted or stepparent. It
10 could be an extended family member. It could be an, an
11 uncle, a cousin, a grandfather.

12 It can be someone that's known, loved, and trusted in
13 the community. It can be a community leader. It can be a
14 youth leader, a coach, a pastor, someone who has not only
15 developed a loving and trusting relationship with the
16 child but generally they're also loving and trusting
17 relationships that this person has with other people in
18 that child's life.

19 Q. And, and what does that allow that person with regard
20 to the child if it's someone that they know, love, and
21 trust and it's also someone that other people around them
22 may know, love, and trust?

23 A. well, yeah, and that dynamic becomes even more
24 difficult because there's a lot of risks that the child
25 has to consider if they tell. They risk being how their

1 disclosure or what they say may impact their relationship
2 not only with this person. But it may also impact the
3 relationship that this person has with others.

4 This person may also be someone who's in a position
5 of power, and if a child's being abused by someone who's an
6 adult, the adult always has the power in that
7 relationship. But this could also be someone who has a
8 position of power or authority in the family or in the
9 community and that can add some additional layers of fear
10 that the child may have about being believed, about the
11 consequences of them telling, and, again, about what the
12 outcome of, of their, their sharing this information.

13 They're a lot, a lot of risks involved when a child
14 does come forward and, and disclose abuse.

15 Q. Can that have an effect on maybe the amount of access
16 that that person would have to the child?

17 A. Can you --?

18 Q. If, if they know, love, and trust them, would that
19 give them greater access potentially to the child?

20 A. Well, that, that is certainly part of that dynamic.

21 So, one thing we talk about sometimes is the concept
22 of grooming. Grooming is when someone makes an
23 intentional effort to develop a trusting relationship with
24 a child and more with their caregivers or the community
25 for that matter.

1 Grooming involves developing a trusting relationship
2 through, again, cultivating that relationship, having
3 interaction with the child. It may also involve giving
4 the child special attention, favors, or gifts. It may
5 also involve normalizing inappropriate behaviors or sexual
6 behaviors.

7 Sometimes that involves introducing a child to --
8 maybe starting off introducing a child to sexual jokes,
9 maybe magazines, pictures, videos prior to engaging in any
10 sort of physical, physical contact. And when the person
11 that is sharing this information with the child is someone
12 that's known and trusted to the child, it's almost as if
13 that child is seeing this more as this might be okay.
14 This is someone I trust who cares about me and they're
15 sharing this information with me. It sort of normalizes
16 those behaviors.

17 The access to the child is part of the grooming,
18 right. So being able to develop and have that time and
19 relationship with the child. When the child does receive
20 that additional affection, attention, or maybe they
21 received gifts, that also may make the child feel somewhat
22 responsible for what happens.

23 So, if, if, for example, the child is given a
24 cellphone or a tangible item and they take that item and
25 they keep it, and they are abused and they don't tell,

1 they may feel that they were, in some way, responsible for
2 that. They received something in exchange for what may
3 have occurred.

4 And so that, that may also tie into that shame and
5 responsibility that a child may feel in addition to all
6 the other things that, that we've just talked about in
7 terms of disclosure and delaying that disclosure.

8 Q. Could you explain at all why a child may, I guess
9 we've talked about the delayed disclosure, but almost
10 appear to be willing to participate in something that is
11 a, a sexual abuse act?

12 A. So, yeah.

13 It -- to, to say willing to participate, you know,
14 that's a subjective way of describing that. That's sort
15 of an adult way of looking at what may be happening.

16 what may look like a child being willing to
17 participate instead may be a child not stopping it from
18 happening. Again, that may be a power issue. The child
19 may be overpowered and not be able to do that.

20 During traumatic incidents, which sexual abuse is one
21 of those, often individuals may freeze meaning that they
22 don't fight back. They don't try to stop what's
23 happening. They appear to be almost compliant or engaged
24 in the behavior.

25 Children, again, may not be willingly participating

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1 in what's happening. But the fact that they're not
2 stopping it from the -- happening may lead someone to, to
3 perceive it that way.

4 Q. And is that a proper perception?

5 A. No.

6 They're -- I mean, again, that ties into those
7 dynamics. There's a lot more at play there than a child
8 just seeking out that behavior most of the time.

9 Q. Okay. And, and you said that this can be traumatic.
10 Can you define what trauma is and how that relates to
11 child sexual abuse?

12 A. Yeah.

13 So traumatic events are events that lead us to
14 believe that, you know, our lives may be in danger.
15 They're lots of different types of traumatic events.

16 Natural disasters are traumatic events. Car
17 accidents are traumatic events where something happens and
18 we literally may fear for our life.

19 Child abuse and sex assault are traumatic events as
20 well where something is happening that you have no control
21 over. And the way that we respond to those traumatic
22 events and the way that we remember those events is
23 impacted by the actual experience of trauma.

24 Q. Okay. And if a child has been sexually abused, do
25 they always exhibit symptoms of trauma?

1 A. No.

2 well, the way that a child experiences sexual abuse
3 and the way that they present afterwards is, is very
4 individual.

5 You might have a child, excuse me, who, on the
6 outside, appears nothing's wrong.

7 Excuse me. Let me get the water.

8 You might have a child who appears to be perfect.
9 They're making great grades. They're participating in all
10 the extracurricular activities. They're, you know, star
11 student and gets along with everyone. Don't appear to be
12 depressed or anxious. That could be one presentation.

13 On this other extreme of that, you might have a child
14 who is self-harming, who is actively suicidal, who can't
15 get themselves out of bed or, when they do get themselves
16 out of the bed, they may be engaging in risky behavior
17 like drug and alcohol abuse. So, there's an extreme --
18 there's a, a continuum of behaviors that you may see.

19 What we say about that is these behaviors are not
20 diagnostic of sexual abuse meaning that there's not a
21 checklist of behaviors that you can check and say this
22 child's experienced trauma, this child's experienced
23 sexual abuse.

24 The way that they internalize and process that can be
25 an individual as, as each of us and sometimes that depends

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1 on the experience itself. It could depend on how long the
2 experience has gone on. It can depend on the age of the
3 child at the time it happened.

4 One of the things that is most predictive is the type
5 of support system they have during, before, and after the
6 abuse has occurred and particularly after the disclosure.
7 That can make a significant impact in how the child
8 processes and responds to the abuse.

9 Q. And did you offer -- and, and you may have already --
10 but if a child -- if someone does come out and ask a child
11 about abuse and are there reasons that a child would deny
12 that abuse is going on?

13 MR. MacDONALD: Objection.

14 THE COURT: Can, can you come up please?

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 THE COURT: Thank you both.

18 SOLICITOR LESKANIC: Thank you.

19 THE COURT: Thank you.

20 SOLICITOR LESKANIC: May it please the Court?

21 THE COURT: Yes, ma'am.

22 SOLICITOR LESKANIC: Thank you.

23 Again, do you have any general information on a child
24 who may either, when asked, fail to disclose or even,
25 after disclosure, recant all or part of that?

1 A. Yes.

2 So that is also part of the process of disclosure
3 where the same reasons that a child might delay disclosure
4 are the same reasons that a child might deny disclosure if
5 directly asked about it.

6 Again, they may not be ready to tell. They may fear
7 what's gonna happen to them if they tell. All those same
8 things that -- the dynamics of that relationship they have
9 with this person, the threats that may have been part of
10 the, the abuse. The taking back part or recanting part of
11 their disclosure is also part of that process.

12 Where a child may have shared information and may
13 take some of that back or, or back pedal, you know, kind
14 of take some of the information they've shared, again, for
15 some of the same reasons that they delayed their
16 disclosure.

17 As I said previously, the impact of -- for the
18 support or lack of support, the, the impact of them
19 disclosing and what happens after that may impact a
20 child's recantation or taking some of that information
21 back.

22 So, for example, if a child was threatened and told
23 that, if you tell, then this particular thing will happen,
24 if they, for example, told that, if you tell, then you're
25 gonna have to move out of the house and never see your

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1 siblings again. If they tell and that then does happen,
2 that threat has become real.

3 In a situation like that, that's a, that's a child
4 who may be at high risk for recantation if those things
5 actually are threatened to them and then they do happen.

6 So, that's sort of the process of disclosure. It
7 doesn't always happen that way. But it happens enough
8 that we do look for those risk factors that may lead a
9 child to either deny or take back part of their
10 disclosure.

11 Q. Okay. Is it common or uncommon for a child to be
12 able to maybe recall all events of one sexual incident and
13 maybe not all of the events of another?

14 A. Yeah.

15 So, as I said before, sometimes what children share
16 with us depends on who's asking the questions and what we
17 ask them about that. You know, sometimes that may trigger
18 a memory, remind them of a detail that they may have
19 forgotten.

20 But one way I like to explain this is, if, if any of
21 us were asked to give every single detail of every single
22 sexual, consensual sexual experience that we have had
23 let's just say for the past five years, and we were asked
24 to describe who that was with, where we were, what we were
25 wearing, what the person we were with was wearing, who

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1 touched who where on your bodies, what that felt like,
2 what we saw, what room we were in, how many times this
3 happened, what kind of touching, all those type of
4 questions that we tend to ask children, we would probably
5 have a difficult time remembering all of those details.

6 So, if you add to that the experience of trauma and
7 memory, which impacts sequencing, impacts the order of
8 things, it also impacts what we remember and what we don't
9 remember, then we would expect that children are likely
10 not going to be able to give us every single detail of
11 every single abuse scenario the first time or maybe even
12 the second or third time that we ask them. And sometimes,
13 again, that may depend on who's asking the question and
14 the context in which those questions are being asked.

15 Q. Okay. Thank you.

16 Give me just one moment.

17 (Pause.)

18 Q. That's all the questions that I have for you. Thank
19 you. If you will, please answer any questions from Mr.
20 MacDonald.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION

23 BY MR. MacDONALD:

24 Q. Does your agency keep track of how many allegations
25 end up being false allegations or true allegations?

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1 A. We don't track true or false allegations. We do
2 track -- we do record whether a disclosure was made or
3 disclosure was not made. But we don't track for a true or
4 false.

5 Q. Okay. And you said that you still pro -- provide
6 forensic interviews yourself.

7 Is that correct?

8 A. I still do.

9 Q. Did you provide a forensic interview of **Complainant** in
10 this case?

11 A. I did not.

12 Q. Okay. Have you ever spoken with **Complainant** in this
13 case?

14 A. I have not.

15 Q. Have you spoken to any of **Complainant's** family members in
16 this case?

17 A. Not that I know of.

18 Q. Have you reviewed any of the statements that **Complainant**
19 made in her Children's Advocacy Center interviews?

20 A. No, I have not.

21 Q. Because of your lack of information in this case,
22 you, you can't actually vouch for credibility of **Complainant**

23 Is that correct?

24 A. That's correct. And even if I had reviewed those
25 records, I wouldn't vouch for the credibility.

1 MR. MacDONALD: No further questions.

2 THE COURT: Any redirect?

3 SOLICITOR LESKANIC: No, Your Honor, and we'd ask
4 that the witness be able to be excused.

5 THE COURT: Any objection, counsel?

6 MR. MacDONALD: No, Your Honor.

7 THE COURT: Okay. Ma'am, please step down. Thank
8 you for being here.

9 Next.

10 SOLICITOR LESKANIC: Your Honor, at this time the
11 State rests.

12 THE COURT: Okay. Ladies and gentlemen of the jury,
13 there's some matters I need to take up outside your
14 presence. If you all will follow the bailiffs into your
15 jury room. Do not discuss the case.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: Y'all please be seated.

19 Okay. And so now the State indicates that they have
20 rested. And so I, I want to be clear on the record.

21 I have 12 exhibits that are in by the State?

22 SOLICITOR LESKANIC: Yes, Your Honor.

23 THE COURT: And there were five witnesses?

24 SOLICITOR LESKANIC: Yes, Your Honor.

25 THE COURT: All right. Mr. MacDonald, any motions?

1 MR. MacDONALD: Yes, Your Honor.

2 First off, I'm going to renew all of my pretrial
3 motions that were made at the start of this trial. I just
4 want to make sure that we're protected on the record on
5 those.

6 And then, secondly, I'd like to move for a directed
7 verdict in this case. The State is basing their
8 conviction or their, their allegations off of inconsistent
9 testimony and unauthenticated text messages in this case.

10 I don't think that even looking at this case in the
11 light most favorable to the State that you have enough to
12 send these charges to the jury in this case. So, I would
13 move for a directed verdict on all counts.

14 THE COURT: Thank you, sir, and your objections are
15 preserved for the record.

16 Okay. Yes.

17 SOLICITOR LESKANIC: Thank you, Your Honor.

18 May it please the Court.

19 On a directed verdict motion, the State -- the, the
20 Court is to look at that in a light most favorable to the
21 State giving due course to the existence of evidence and
22 not the weight of the evidence.

23 But, in this case, as far as the indictments of
24 criminal sexual conduct with a minor in the second degree,
25 we have established the victim's age, the defendant's age.

1 She testified in front of this jury about multiple
2 incidents of sexual battery including oral and vaginal
3 penetration and other abuse at the hands of this
4 defendant.

5 She also testified to that occurring at the locations
6 set out specifically in those indictments. She also
7 testified, as far as the criminal sexual conduct with a
8 minor in the third degree, to touching on her vagina and
9 breasts by this defendant.

10 As far as the exposure of private parts in a lewd and
11 lascivious way, she testified regarding him pulling out
12 his penis. Also masturbating in front of her.

13 There's the incest charge. She has testified to
14 sexual intercourse and there's actually a photograph that
15 she identified in evidence of the two of them engaged in
16 sexual intercourse. She identified that photograph being
17 from a video that was made at the Red Roof Inn here in
18 Cherokee County.

19 In addition to her testimony detailing that and
20 identifying him, the text message are not unauthenticated.
21 Those text messages were authenticated by **Complainant** on the
22 stand. She is a party to those messages. She identified
23 those as conversations that she had with this defendant
24 during part of the months of July and August of 2022 when
25 this matter came out.

1 So, I believe there's more than sufficient evidence
2 for this case to be given to the jury.

3 Thank you.

4 THE COURT: Anything else on that, sir?

5 MR. MacDONALD: No, Your Honor.

6 THE COURT: Okay. And pursuant to -- in the rules of
7 criminal procedure, the language, the language regarding
8 directed verdict and the standard is actually in the rule
9 and Rule 19 entitled directed verdict states that, on
10 motion of the defendant or its own motion, the Court shall
11 direct a verdict in the defendant's favor on any offense
12 charged in the indictment after the evidence on either
13 side is closed if there is a failure of competent evidence
14 tending to prove the charge in the indictment.

15 In ruling on the motion, the trial judge shall
16 consider only the existence or the nonexistence of the
17 evidence and not its weight.

18 And so, with that, I am respectfully denying the
19 defendant's motion. But his rights have been preserved by
20 Mr. MacDonald making it.

21 Are y'all now ready to move into your case?

22 MR. MacDONALD: Your Honor, there was an objection---

23 THE COURT: Oh, yes.

24 MR. MacDONALD: ---that, that I just want to put the
25 ruling on the record for.

1 THE COURT: Yes, sir.

2 During the testimony of Shauna Galloway-Williams on
3 the direct examination by the deputy solicitor, at, I
4 don't know if it was 10 -- at 10:20. I know there was an
5 objection -- an objection before she even took the stand.
6 But then this objection was as to her testimony, testimony
7 being fact specific.

8 MR. MacDONALD: That's correct, Your Honor.

9 The objection was for -- I thought it was improper
10 bolstering because of the way she had tailored her
11 question making it very fact specific to this case instead
12 of allowing the blind expert to just answer general
13 questions about child abuse dynamics and that was the
14 basis for my, my objection.

15 THE COURT: Okay. And the objection was sustained
16 but sustained as a cautionary objection because I, I think
17 we were at the very beginning of a question regarding
18 recanting.

19 Ms. Deputy Solicitor, is that your understanding of
20 my ruling?

21 SOLICITOR LESKANIC: Yes, Your Honor.

22 The question that I was asking dealt with recanting
23 and denial and went back to delayed disclosure and I did
24 try to phrase that with generally and she went into things
25 that clearly did not pertain to this case and testified

1 even on cross-examination that she knew nothing about this
2 case.

3 THE COURT: Okay. All right. Thank you.

4 All right. So, do you need a minute?

5 MR. MacDONALD: Your Honor, I think we're ready to
6 call our first witness.

7 THE COURT: Okay. But it -- just to be clear,
8 that -- it's not gonna be Mr. Buckson?

9 MR. MacDONALD: It's not gonna be Mr. Buckson---

10 THE COURT: Okay.

11 MR. MacDONALD: ---right now.

12 THE COURT: Because prior, if, if that's -- before he
13 makes that decision, I know we've talked about it, I need
14 to ask him some questions.

15 MR. MacDONALD: Yes---

16 THE COURT: Okay.

17 MR. MacDONALD: ---Your Honor. He would very likely
18 be our, our final witness.

19 THE COURT: Okay. All right. Does anybody need a
20 break before we start with the defendant's first witness?

21 SOLICITOR LESKANIC: I'm, I'm sorry. I was -- what
22 was the question, Your Honor?

23 THE COURT: Do you need a break --

24 SOLICITOR LESKANIC: No, ma'am.

25 THE COURT: -- before we begin?

1 SOLICITOR LESKANIC: No, ma'am. State's ready.

2 THE COURT: Okay. Is there anything else before we
3 have the jury?

4 MR. MacDONALD: None from defense, Your Honor.

5 SOLICITOR LESKANIC: Nothing from the State.

6 THE COURT: Okay. Thank you.

7 Y'all be remind -- be reminded that, when they enter
8 the room, everyone please rise.

9 Thank you.

10 All right. We will now have the jurors.

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE COURT: Okay. Thank you all. Please be seated.

14 Ladies and gentlemen of the jury, we are back on the
15 record with regard to the matter of the State versus
16 Daniel M. Buckson and we will now begin the defendant's
17 case.

18 MR. BAINBRIDGE: Defense calls Cassandra Buckson to
19 the stand.

20 THE COURT: Yes, ma'am, please come forward.

21 THE CLERK: Ms. Buckson, please raise your
22 right-hand. Place your left-hand on the Bible.

23 CASSANDRA BUCKSON, being first duly
24 sworn, testified as follows:

25 THE CLERK: Okay. Watch your step.

Cassandra Buckson - Direct examination
By Mr. Bainbridge

1 THE WITNESS: Yes.

2 THE COURT: Ma'am, just make yourself comfortable.
3 Okay?

4 THE WITNESS: Okay. Thank you.

5 THE COURT: Okay. Yes, sir.

6 MR. BAINBRIDGE: Yes.

7 THE COURT: Direct examination.

8 DIRECT EXAMINATION

9 BY MR. BAINBRIDGE:

10 Q. Could you please introduce yourself to the Court?

11 A. My name is Cassandra Buckson.

12 Q. And where do you live?

13 A. I live at [REDACTED] Brookwood Drive.

14 Q. How do you know Daniel?

15 A. Daniel is my brother.

16 Q. And are you familiar with Complainant

17 A. Yes, she's my niece.

18 Q. Okay. What can you tell me about Daniel?

19 A. First, I would like to say he is a smart individual.

20 Daniel has obtained two degrees in human health services.

21 He's a loving person. He cares for others.

22 I lost my brother in 2018 and, and he was able to
23 help me. I know signs and symptoms of depression. I'm a
24 registered nurse myself and I see things that --.

25 Q. Well, what can you tell me about him as a father?

Cassandra Buckson - Direct examination
By Mr. Bainbridge

1 A. As a father, he loves his children. In fact, I got a
2 message from Sister [REDACTED] last night.

3 SOLICITOR LESKANIC: Objection. Hearsay if she's
4 gonna testify to what someone else said, Your Honor. That
5 person can come to court.

6 THE COURT: Okay.

7 THE WITNESS: I can prove it.

8 Q. But it---

9 THE COURT: Okay. well, ma'am, just be responsive to
10 your lawyer's question and understand that the rules are a
11 little different when we're in the courtroom---

12 THE WITNESS: Yes, ma'am.

13 THE COURT: ---and normally you, you can't say what
14 someone else said. Just be guided by your lawyer.

15 THE WITNESS: Yes, sir. Yes, ma'am.

16 MR. BAINBRIDGE: Yeah.

17 THE COURT: Yes, ma'am.

18 Q. So, without going into what anyone else might of
19 said---

20 A. Yes.

21 Q. ---just talk about what you've seen in his
22 interactions with his children?

23 How is he with his children?

24 A. He would take them shopping. He would play
25 basketball with them. He would help Complainant with her

Cassandra Buckson - Direct examination
By Mr. Bainbridge

1 homework because her grades were failing prior to him---

2 Q. Okay. And so is Complainant's mother still around?

3 A. She's not.

4 Q. What happened?

5 A. I believe she succumbed to the battle of sickle cell
6 anemia.

7 Q. I imagine that hit her pretty hard.

8 A. Yes, she was sick.

9 Q. Oh, but I mean Complainant

10 A. Oh---

11 Q. Complainant

12 A. ---absolutely. I believe Complainant was around seven
13 years old when she lost her mama.

14 Q. Did you see if she had any signs struggling with
15 depression or anything like that?

16 A. Yes, sir, I did.

17 MR. BAINBRIDGE: I'm gonna object unless there's a
18 basis for how she would know this. He can establish---

19 THE COURT: Okay.

20 SOLICITOR LESKANIC: ---a foundation.

21 THE COURT: Can y'all come up please?

22 MR. BAINBRIDGE: I can --.

23 (WHEREUPON, a bench conferenced was held out of the
24 hearing of the jury at this time.)

25 THE COURT: Thank you.

- 1 SOLICITOR LESKANIC: Thank you, Your Honor.
- 2 Q. So, we were talking about Complainant today.
- 3 How involved have you been in Complainant's life?
- 4 A. As much as possible. I used to like to take them to
- 5 a place called Mr. Gatti's and I would get them together
- 6 for dinners. We'll go out and do things. We'll go
- 7 swimming.
- 8 Q. So, you'd be very involved in helping Complainant
- 9 especially after her mother passed?
- 10 A. Yes, sir.
- 11 Q. Okay. So you've seen a lot of how she's been growing
- 12 up?
- 13 A. Yes, sir.
- 14 Q. Okay. And so, as she was growing up, specifically
- 15 after her mother passed, did you see anything that made
- 16 you think she might be struggling with depression or
- 17 anything like that?
- 18 A. Yes, sir, I did.
- 19 Q. What did you see?
- 20 A. I noticed that Complainant was cutting.
- 21 Q. Did you see cuts on her body?
- 22 A. Yes, sir.
- 23 Q. How old was she when you saw those?
- 24 A. She may have been nine or 10 years old and I did
- 25 speak with her about it.

Cassandra Buckson - Direct examination
By Mr. Bainbridge

1 Q. And this was before Daniel moved to Gaffney?

2 A. Yes, sir.

3 Q. Okay. But when Daniel did come back to Gaffney, you
4 said that he was very involved in raising his kids?

5 A. Yes, sir.

6 Q. Okay. And would he ever bring them -- would he ever
7 bring **Complainant** over to your home?

8 A. Yes, sir. One time they came over because my brother
9 cut grass.

10 Q. Okay. So---

11 A. And some---

12 Q. And Daniel -- and that's **Redwood Avenue**, one of
13 the places---

14 A. Brookwood Drive.

15 Q. Brookwood Avenue, one of the places the State's
16 alleging these incidents happened at.

17 So, when they were spending time at your house, where
18 would they be?

19 A. Mostly outside or in my den.

20 Q. Okay. Would you be hanging out with them as well
21 when they were over?

22 A. Yes, sir.

23 Q. Okay.

24 A. We like to cook and cookout.

25 Q. All right.

- 1 A. So we like to eat.
- 2 Q. Uh-huh. (Affirmative).
- 3 So what did these interactions between Daniel and
- 4 Complainant look like to you?
- 5 A. It looks like a normal father interaction. Daniel
- 6 loves his kids.
- 7 Q. Was there anything you saw that made you worry that
- 8 Daniel might be touching Complainant inappropriately?
- 9 A. Absolutely not.
- 10 Q. There wasn't anything you saw in your years or in all
- 11 your time with Daniel and Complainant in which any alarm bells
- 12 went off?
- 13 A. Absolutely not. In fact, after church services,
- 14 Complainant would want to come home with us.
- 15 Q. Okay. And so -- and was there anyone else who was
- 16 staying at your house?
- 17 A. Yes, I had a friend staying there at the house. He
- 18 had knee and hip surgery and -- from July until about -- I
- 19 would say about November.
- 20 Q. Okay. But -- so during this September/August period
- 21 that this case is about, he would of been -- he would of
- 22 been living there at your house?
- 23 A. Yes, sir.
- 24 Q. How often did he leave the house?
- 25 A. He couldn't hardly bare weight on that extremity, on

Cassandra Buckson - Direct examination
By Mr. Bainbridge

1 the right extremity. And so I allowed him to stay there
2 as a friend because my house was easier to maneuver.

3 Q. So, he wouldn't be able to leave very often?

4 A. No, sir.

5 Q. Particularly---

6 A. In fact, his car wasn't even there.

7 Q. So, he'd usually be there like on Sundays or would he
8 usually be there on the weekends most of the time?

9 A. All the time.

10 Q. All the time.

11 A. Yes, sir.

12 Q. All right. And when you would be out of the house,
13 would you be involved in anything on the weekends on --
14 particularly on Sundays with the family?

15 A. Yes, sir.

16 Q. What would you be doing with your family?

17 A. Eating. My Aunt Daisy would prepare a table full of
18 food. That's how I got fat. And sometimes we would go
19 out to eat as a family. And sometimes my mom would cook.
20 She's a good cook too. So, we all ate together.

21 Q. So these family outings, would this be on Sunday or
22 Saturday would you say?

23 A. Sundays mostly.

24 Q. Okay. And how long would this be?

25 How long would everyone be out on Sundays?

- 1 A. Oh, a few hours after church.
- 2 Q. Okay. And would Daniel be there?
- 3 A. Yes, sir.
- 4 Q. Would **Complainant** be there?
- 5 A. Yes, sir. And, and so were his other children
- 6 sometimes too.
- 7 Q. And would Ms. Doris, his -- Daniel's mother be there
- 8 as well?
- 9 A. Yes, sir.
- 10 Q. Okay. Would Daniel ever leave these early?
- 11 A. No, sir.
- 12 Q. Okay. Would he leave before you ever left?
- 13 A. No, sir, we all left at, at -- as a family. Like
- 14 okay, it's time to go home.
- 15 Q. And on these Sunday, Sunday evenings, would you --
- 16 where would you go after that?
- 17 would you return straight home or would you stop by
- 18 somewhere else on the way?
- 19 A. Well, sometimes I will go straight home or sometimes
- 20 I would just go to mom's house and sit and chat with her.
- 21 Q. Okay. And when you got home, was there any time on
- 22 Sundays where you would return home and something would
- 23 look out of place?
- 24 A. No, sir.
- 25 Q. Okay. And so you've been involved a lot with **Complainant**

Cassandra Buckson - Direct examination
By Mr. Bainbridge

1 you said for a long time, several years, helping -- watch
2 her grow up?

3 A. Yes, sir, I would say I have. As much as I was
4 allowed.

5 Q. Okay. And when these allegations came about, did the
6 government ever interview you about it?

7 A. No, sir.

8 Q. No police officers came and asked you about what you
9 might of seen?

10 A. No, sir.

11 Q. They didn't see if you had any thoughts or opinions
12 you wanted to share with them?

13 A. No, sir.

14 MR. BAINBRIDGE: Okay. Just a moment, Your Honor. I
15 need to consult with co-counsel.

16 THE COURT: Yes, sir, take your time.

17 MR. BAINBRIDGE: Thank you, Your Honor.

18 (Pause.)

19 MR. BAINBRIDGE: No further questions.

20 We just ask that you listen to any question that Ms.
21 Leskanic, the solicitor, has for you.

22 A. Sure.

23 THE COURT: Cross-examination please.

24 SOLICITOR LESKANIC: Thank you, Your Honor.

25 May it please the Court.

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 CROSS-EXAMINATION

2 BY SOLICITOR LESKANIC:

3 Q. Good morning.

4 A. Good morning.

5 Q. So what -- you're a nurse.

6 Is that correct?

7 A. Yes, sir. Yes, ma'am.

8 Q. That's all right.

9 How long have you been a nurse?

10 A. I've been in healthcare for over 20 years.

11 Q. Okay. And have -- have you been a nurse for 20 years
12 or---

13 A. I been a nurse for 17.

14 Q. Okay. And what different positions have you held
15 during those 17 years?

16 A. Okay. I started out as a PICU most. That's
17 post-intensive unit. From there I went to the women's
18 center. So, I was a labor and delivery nurse and after --
19 the way our hospitals was set up, I would take care of
20 patients in labor or if I had the nursery or postpartum.

21 Q. Okay. And have you ever worked as a travel nurse or
22 traveled from -- what hospitals have you worked in?

23 A. I, I spent most of my time here in Gaffney, South
24 Carolina.

25 Q. Have you spent any time outside of Gaffney?

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 A. Absolutely. After my brother, Joshua, passed away,
2 that was my way of honoring him. So, I started traveling
3 and working on heart floors like CV tele or the ICU unit,
4 fresh heart surgeries.

5 Q. And where, where was that?
6 where would you travel?

7 A. In the surrounding states who I could come home cause
8 I have a sickly mother and dad. And so I, I would travel
9 like in Hendersonville or mostly in North Carolina Novant
10 Health facilities. I would travel. Right now I'm at
11 Piedmont Medical Center on -- which is in Rock Hill. So,
12 I travel back and forth.

13 Q. Okay. And what were your hours?

14 A. I worked 12 hours three days a week.

15 Q. Okay. Did you ever, while working as a travel nurse,
16 did you ever stay out of the town overnight?

17 A. Yes, ma'am, sometimes.

18 Q. Okay. So you weren't always home?

19 A. That's correct.

20 Q. All right. And the defendant is your brother?

21 A. He is.

22 Q. All right. And you described him as a father who
23 loves his children and a loving person?

24 A. Absolutely.

25 Q. Is it -- would you believe that it's loving if you

- 1 hit your children?
- 2 A. I don't know if I'm allowed to say that. But the
- 3 Bible say you spare the rod, you ruin the child. So, yes,
- 4 we believe in discipline.
- 5 Q. Okay. But you believe in hitting?
- 6 A. Not just---
- 7 Q. You believe that that would be a loving father if he
- 8 hit his child?
- 9 A. If he corrected hurt -- like spank?
- 10 Q. No, ma'am. No, ma'am.
- 11 A. No, I don't think if you hit a child forcefully or
- 12 physically, that's not love.
- 13 Q. Okay. And you said that he would buy her things.
- 14 A. Yes.
- 15 Q. Is that right?
- 16 A. All of his children, yes.
- 17 Q. Okay. Now, when **Complainant's** mother passed away, she
- 18 was about seven years old?
- 19 A. Yes, ma'am, that's my estimated guess.
- 20 Q. Okay.
- 21 A. Uh-huh. (Affirmative).
- 22 Q. And how much time did you spend with **Complainant** after
- 23 that happened?
- 24 A. A lot. When I was off on the weekends, like if I had
- 25 three consecutive days off, I would call and say hey,

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 y'all want to do something. Ask your grandmother can I
2 come and get you and the same with Complainant and Deandra.

3 Q. Okay. So, how many times a week did you see Complainant
4 or was it a month or -- I -- I'm trying to understand. We
5 may---

6 A. I would see them --

7 Q. -- different---

8 A. -- about twice a month for about six days of -- out
9 of the month.

10 Q. Okay.

11 A. But I would always call and check on them. I know
12 that she can vouch that I would come to her house at
13 Colonial Heights. I'll call her before I would come and
14 say hey, come outside, let's talk.

15 Q. Okay. And were you traveling during the time period
16 of August/September, 2020 through August of 2022?

17 Were you ever working as a travel nurse during that
18 time?

19 A. I was. But I would take like three months at a time
20 off because I was able to.

21 Q. Okay. And I just want to show you what's been marked
22 State's Exhibit 4.

23 A. Uh-huh. (Affirmative).

24 Q. Would you take a look at that and just tell me if you
25 recognize that?

- 1 A. Yes, that's my home.
- 2 Q. Okay. So this is your home at [REDACTED] Brookwood?
- 3 That's correct?
- 4 A. Yes, ma'am.
- 5 Q. Okay. Thank you.
- 6 So, during that time period, you were traveling some?
- 7 You weren't home every night?
- 8 A. Not every night.
- 9 Q. Okay. Now you mentioned someone who was at your
- 10 house you said from July through November. But y'all
- 11 didn't say a year.
- 12 When -- who is this individual that was at your home
- 13 and when was this?
- 14 A. I personally would not rather call his name because
- 15 people in a court know, know him.
- 16 Q. Well, you're on the stand---
- 17 A. Yes.
- 18 Q. ---and you've said he stayed with you. So, I'm gonna
- 19 have to ask you for his name.
- 20 A. Well sure. His name was Anthony.
- 21 Q. Anthony who?
- 22 A. Wilson.
- 23 Q. Okay. And when did Anthony Wilson stay at your
- 24 house?
- 25 A. From around about July to November.

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 Q. of what year?

2 A. Around 2022.

3 Q. Okay. So, July through November of 2022.

4 Okay. Now, you have 17 years of experience as a
5 nurse and I think you said 20 years experience in
6 healthcare---

7 A. Yes, ma'am.

8 Q. ---right?

9 And there is a nine year old little girl who is your
10 niece whose---

11 A. Yes.

12 Q. ---mother has died and she's cutting.

13 A. Yes.

14 Q. What did you do?

15 A. Well, first, I talked to **Complainant** about it. I said
16 what's -- I would ask **Complainant** well, what's, what's -- can
17 you tell me what's going on --

18 Q. Uh-huh. (Affirmative).

19 A. -- in your life and she, and she would vouch that I
20 would ask her questions about herself. And I would spend
21 a lot of time outside of her home and I noticed---

22 Q. I guess let me be more specific.

23 A. I---

24 Q. Who did you refer her to cause you got a nine year
25 old cutting. I'm sure that, as a nurse for---

- 1 A. So---
- 2 Q. ---20 years you would refer her to someone.
- 3 So who did you take her to?
- 4 A. I told her grandmother who was her primary caretaker.
- 5 Her grandmother didn't believe it and I said well, all you
- 6 have to do is look at her arms and you can see the scars.
- 7 Q. Okay. So you didn't report it to---
- 8 A. I---
- 9 Q. ---a doctor or take her anywhere?
- 10 A. I did not.
- 11 Q. Okay. Now, on every Sunday from August/September,
- 12 2020 until August of 2022, you can testify that every
- 13 single Sunday you went to church. Y'all went to Aunt
- 14 Daisy's. The defendant was with you and **Complainant** was with
- 15 you every single Sunday.
- 16 A. That is -- I mean I'm a -- I was a travel nurse then.
- 17 But when I was home, we have dinners. So, that's the norm
- 18 every Sunday.
- 19 Q. Okay. But there were Sundays you weren't home?
- 20 A. Absolutely.
- 21 Q. Okay. I just -- that wasn't clear in your direct. I
- 22 want to make sure that I understand your testimony and
- 23 that these folks understand---
- 24 A. Yeah.
- 25 Q. ---your testimony.

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

- 1 A. It was Sundays that I was not there -- not at home.
- 2 Q. Okay. So, if you weren't at home on Sunday, you
- 3 don't know who went where, right?
- 4 A. Yes. But I think, if you know your home, you know if
- 5 somebody has been in there.
- 6 Q. Well, I haven't even gotten to that part yet. I'm
- 7 just talking about, on Sundays, your testimony on direct
- 8 was that, on Sunday, everybody would go to Aunt Daisy's
- 9 and Daniel, your brother, would be there and **Complainant** would
- 10 be there.
- 11 A. Uh-huh. (Affirmative).
- 12 Q. But now we're just getting a little more detail. But
- 13 there were a lot of Sundays you weren't even there cause
- 14 you were working.
- 15 A. Some Sundays, yes.
- 16 Q. Out of state?
- 17 A. Right.
- 18 Q. Okay.
- 19 A. And **Complainant** even testified to that.
- 20 Q. Well, I'll -- I've got **Complainant's** testimony.
- 21 was Daniel ever alone with **Complainant**
- 22 A. Not to my knowledge.
- 23 Q. So, you wouldn't want him to be alone with her?
- 24 A. Why not?
- 25 He's her father.

1 Q. Well, I just asked if he was ever alone with her and
2 you said not to your knowledge. So I'm just wondering why
3 a biological father couldn't be alone with his biological
4 daughter.

5 A. That wouldn't be a reason why he shouldn't be able to
6 be alone with his biological daughter.

7 Q. Okay. Then why, when I asked you if they were ever
8 alone together, you said no, that he shouldn't have been?

9 A. You didn't ask me that.

10 Q. Okay. Was -- I'll ask the question again.

11 Was Daniel, the defendant, ever alone with **Complainant**

12 A. He could have been.

13 Q. Okay. So, he -- I mean you don't know if they ever
14 spent time alone?

15 A. I don't because, like I say, my mom's always at home.

16 Q. Your mom never leaves home?

17 A. No, not hardly. If so, on Sundays, we --.

18 Q. Okay. But -- I'm -- I don't want to cut you off.
19 Go ahead.

20 A. On Sundays, like I said, we would have dinner.

21 Q. Okay. But other than, except on Sunday, your mom
22 never leaves home?

23 A. She may go to a doctor's visit.

24 Q. Okay. So she does leave home?

25 A. Sure.

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 Q. Okay. Well, I -- that's what I thought too but your
2 answer was that she didn't. So I wanted to inquire
3 further.

4 A. And I also need to make you aware that my brother had
5 a job as well.

6 Q. You wanted to make me aware that your brother had a
7 job?

8 A. Absolutely.

9 Q. Okay. What would you like to tell me?

10 A. He worked at the Forrester Center. I think his hours
11 were from 7:30 to around 5:30.

12 Q. Okay. Were you aware of any other jobs he had, the
13 job he had before the Forrester Center at the Phoenix
14 Center?

15 Were you familiar with that job?

16 A. He did work at the Phoenix Center.

17 Q. He did.

18 Do you know why he's no longer at the Phoenix Center?

19 MR. BAINBRIDGE: Objection. Relevance.

20 SOLICITOR LESKANIC: We need to approach.

21 THE COURT: Okay.

22 (WHEREUPON, a bench conference was held out of the
23 hearing of the jury at this time.)

24 THE COURT: Please continue, counsel.

25 Q. I think you were saying you were aware that he also

- 1 had a job at the Phoenix Center?
- 2 A. Yes, ma'am.
- 3 Q. Okay. Now, you saw the defendant and **Complainant**
- 4 interact together, right?
- 5 A. Yes, ma'am.
- 6 Q. Okay. And what would you have done if you saw him
- 7 kissing her with his tongue?
- 8 A. If I saw that, the way I was raised, he knows what I
- 9 would do. It, it would not be pretty --
- 10 Q. Okay.
- 11 A. -- because it's not right.
- 12 Q. I agree.
- 13 what would you have done if he told you he had kissed
- 14 **Complainant** using his tongue?
- 15 A. What -- if, if?
- 16 Q. Yes, ma'am, if.
- 17 A. Well, he hasn't told me that.
- 18 Q. I understand.
- 19 A. But I think that's reportable.
- 20 Q. Okay.
- 21 A. I would talk to my brother and I would talk to
- 22 **Complainant's** grandmother as well.
- 23 Q. Would you re -- you said it was reportable.
- 24 what does that mean?
- 25 A. If a grown man is kissing a child --

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 Q. Yes, ma'am.

2 A. -- that is reportable.

3 Q. And to whom?

4 Who -- to whom is that reportable to especially to
5 you as a nurse?

6 A. Yeah.

7 So you will want to report that to any -- inside of a
8 hospital setting, to the doctors or the charge nurse and
9 we will call in the police officers and we will get a rape
10 kit. They do that. And that's how that happens from
11 what -- from the -- where I worked in the ER.

12 Q. Sure.

13 So are you a mandatory reporter?

14 A. Absolutely. As a nurse, you are.

15 Q. Okay. So, if he disclosed any of this to you, you
16 would of had to tell on him?

17 A. Absolutely.

18 Q. Okay. And family had to help **Complainant** with schoolwork
19 because her grades were failing?

20 A. That's the way I understood it.

21 Q. Okay. So you didn't help her with her schoolwork?

22 A. No, ma'am.

23 Q. Did you ever meet with her teachers?

24 A. I have not.

25 Q. Okay. Do you know who her teachers were?

1 A. I knew -- no, ma'am, I did not.

2 Q. Okay.

3 A. I know of---

4 Q. Ever attend a---

5 A. I went to some of her talent shows. I think it was
6 Lime -- it's a new school. I think it was Limestone. I
7 watched the talent show and I watch her clog cause she
8 could clog and tap. I think she clogged to Let's Get It
9 Started and yeah.

10 Q. Do you know where she is going to school now?

11 A. Bob Jones University.

12 Q. Okay. All right. And, and just to be clear, the
13 defendant is your brother?

14 A. Yes, ma'am.

15 Q. You love your brother?

16 A. I absolutely do.

17 Q. Okay. And you've been here all week?

18 A. I have.

19 Q. ---for him?

20 And when you say that **Complainant** was cutting when she
21 was nine years old, you did not report that to any
22 hospital or law enforcement authority?

23 A. I didn't. But I did tell her grandmother because I
24 wanted to know what -- we're a private family. I wanted
25 to know what we should do to help **Complainant** I suggested to

Cassandra Buckson - Cross-examination
By Solicitor Leskanic

1 Claudia maybe a couple -- maybe a year after Shauna passed
2 that maybe **Complainant** needed some therapy and her reply to me
3 was oh, she's at Camp Hope and I said Claudia, that's not
4 the kind of therapy I'm talking about.

5 Q. Okay. And you mentioned Shauna.

6 Do you know when her birthday was?

7 A. January the 1st. New Years Day.

8 Q. Do you know what year?

9 A. I don't know what year she was born in.

10 Q. Okay. Do you know how old she was when she and your
11 brother started dating?

12 A. I don't.

13 Q. All right. And you said that police never came to
14 talk to you.

15 Is that right?

16 A. That's right.

17 Q. All right. And do you live here in Cherokee County?

18 A. I do.

19 Q. And other than traveling for your job, have you lived
20 here your whole life?

21 A. Yes, ma'am.

22 Q. All right. And did you go to the police with any
23 information that you thought that they should know?

24 A. No.

25 Q. Okay. All right. Thank you very much.

Cassandra Buckson - Redirect examination
By Mr. Bainbridge

1 THE COURT: And---

2 MR. BAINBRIDGE: If I may briefly redirect?

3 THE COURT: Redirect, yes, sir.

4 MR. BAINBRIDGE: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. BAINBRIDGE:

7 Q. So you said that you weren't always there at the
8 house during August and September because of your work?

9 A. That's right.

10 Q. But there was someone who was living at your house?

11 A. Yes, sir.

12 Q. That was Anthony, right?

13 A. Yes, sir.

14 Q. Anthony, the person who you said he was really hurt?

15 A. Yes, sir.

16 Q. He could barely leave the house?

17 A. Could barely walk.

18 Q. So, he would of been in the -- around the house 24/7?

19 A. Yes, sir, and unless he had a doctor's appointment.

20 Q. Okay.

21 A. But yes, sir.

22 Q. And **Complainant's** your niece?

23 A. She is.

24 Q. And you love your niece?

25 A. Absolutely. She knows it.

Cassandra Buckson - Redirect examination
By Mr. Bainbridge

1 Q. And you only want what's best for her?

2 A. I do.

3 Q. And when you found out that **Complainant** was hurting
4 herself, you were worried?

5 A. Absolutely.

6 Q. And so you went to **Complainant's** primary caregiver at the
7 time, her grandmother?

8 A. I did.

9 Q. And you told her your concerns?

10 A. I did.

11 MR. BAINBRIDGE: Okay. No further questions.

12 THE COURT: Okay. Thank you. Ms. Buckson, ma'am,
13 you may step down. Watch your step.

14 Okay?

15 THE WITNESS: Thank you.

16 THE COURT: All right. Counsel, we probably need to
17 take a break. I know the jury has been in and out. But
18 the court reporter and the court staff, we all have not.

19 And so we're going to take 10 minutes at this time.

20 If everyone will please rise?

21 Okay?

22 (WHEREUPON, the following takes place outside the
23 presence of the jury.)

24 THE COURT: Okay. All right. Thank you all. Y'all
25 be seated and, counsel, if you'll need to step out, do so.

1 okay. All right.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE COURT: Okay. We are back on the record with
4 regard to the matter of the State versus Daniel Buckson.
5 The jury has not joined us again yet. We have heard from
6 one witness for the defendant.

7 Mr. MacDonald, are you prepared to go forward?

8 MR. MACDONALD: Yes, Your Honor. That's going to be
9 our, our final witness. But Mr. Buckson needs to be
10 explained about testifying.

11 THE COURT: Okay. So, sir, if you will please rise?

12 (WHEREUPON, the defendant complies.)

13 THE COURT: You are Daniel Ma -- Machito Buckson,
14 correct?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Is it Machito?

17 THE DEFENDANT: Machito.

18 THE COURT: Machito Buckson.

19 And, sir, let me just have you placed under oath
20 again to make this clean.

21 All right. You were placed under oath earlier,
22 weren't you at the beginning?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: I think with regard to moving forward
25 with the trial maybe. Yes.

1 Okay. Yes.

2 THE CLERK: Please raise your right-hand.

3 (WHEREUPON, the defendant was placed under oath at
4 this time.)

5 THE COURT: You can put your hand down.

6 Okay. Sir, now I'm going to ask you some questions
7 and all of these questions are focused on whether or not
8 you want to testify in, in this trial.

9 Okay. And then, after I go through the questions,
10 I'm gonna let you talk with Mr. MacDonald again about
11 this.

12 All right?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And then we're gonna come back on the
15 record and I'll ask you if you have made the decision and
16 what that decision is. And, right now, it -- you, you, in
17 my mind, it is still that you have not made a decision.

18 Okay?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. You still have options.

21 All right?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: All right. So, Mr. Buckson, when you are
24 charged with the crime -- with a crime, you have an
25 absolute right to remain silent.

1 All right. Nobody can require that you testify
2 during your trial. Nobody can require that you make any
3 statement. No one can require that you answer any
4 questions that relate to the charges that have been
5 brought against you because the Constitution provides that
6 you have an absolute right to remain silent and to require
7 the State to come into Court, with sufficient evidence, to
8 establish your guilt to the satisfaction of a jury beyond
9 a reasonable doubt.

10 You don't have to assist the State in their efforts
11 to prove you guilty by you taking the stand or you making
12 statements or answering questions that might tend to prove
13 your own guilt. At the same time, if you wish to provide
14 this jury with any additional testimony or evidence, now
15 is the only time and opportunity that you will have to do
16 that.

17 If you choose to take the witness stand, you will
18 have to answer your lawyer's questions. But you will also
19 have to answer questions posed to you by the prosecutor to
20 the extent that they are relevant in the case even if the
21 responses to those questions might tend to prove you
22 guilty of some crime the State claims you have committed.

23 But, sir, again, I, I just want to confirm, do you
24 understand your right to testify as well as your right not
25 to testify?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay. Now, further, and I have shown
3 your lawyer the charge, the instruction that I'm going to
4 give the jury if you choose not to testify, okay, and that
5 charge says that the jury can not hold that against you
6 and they can not bring that up in the jury room. They
7 can't even discuss it. Not only can they not hold it
8 against you, but they can't even talk about it.

9 Do you understand?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Okay. And so now I want you, for me, to
12 go talk to your lawyers again about this decision and we
13 will bring you back on the record in a few minutes. If
14 you need to talk with anyone else about it, now would be
15 the time for you to do that, sir.

16 Okay?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. Thank you. We will be at
19 ease for just a few minutes.

20 Okay?

21 MR. BAINBRIDGE: Your Honor, I just recalled that we
22 didn't get the resolution of the objection on the record.
23 So just when we get back on the record if we could have
24 the record of the---

25 THE COURT: Yes. Yes, sir.

1 MR. BAINBRIDGE: Thank you, Your Honor.

2 THE COURT: Thank you.

3 (WHEREUPON, a short recess was taken at this time.)

4 THE COURT: All right. Okay. With regard to
5 Mr. Buckman's (sic) decision, Mr. MacDonald, did you have
6 a chance to talk with your client outside the presence of
7 the Court?

8 MR. MACDONALD: Yes, Your Honor.

9 THE COURT: Okay. Mr. Buckson, is that correct?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And, sir, do you believe that you have
12 had enough time to make a decision?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Sir, do you need to talk with anyone else
15 regarding that decision?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: And, sir, have you and your counsel
18 discussed the advantages and the disadvantages of your
19 testifying as well as your not testifying?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Sir, do you appreciate what those
22 advantages and disadvantages are?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And have you had time to reflect upon
25 that decision?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Have you made a decision?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: What is it, sir?

5 THE DEFENDANT: I volunteer -- I voluntarily choose
6 to exercise my right to remain silent.

7 THE COURT: Okay. And, sir, have you made that
8 decision freely, knowingly, and voluntarily?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Has anyone like -- has anyone coerced you
11 or in any way tried to influence you to make that
12 decision?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Don't be offended. I'm -- I ask
15 everybody the next questions.

16 Sir, are you today under the influence of anything
17 that would cause you not to understand what you're doing?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Okay. And you have made that decision
20 freely, knowingly, and voluntarily with the advice of
21 competent counsel?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. And you want me to take that as
24 being your decision?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Okay. Mr. MacDonald, any further
2 questions regarding that decision?

3 MR. MacDONALD: No, Your Honor.

4 THE COURT: Okay. All right. Sir, you may be
5 seated.

6 So, in addition to Mr. Buckman (sic), there were some
7 other potential witnesses listed.

8 Are you going to call any of those folks, sir?

9 MR. MacDONALD: Your Honor, Mr. Buckson would of been
10 our final witness. And so, at this point in time we will
11 be resting.

12 THE COURT: Okay. All right. And so I know that we
13 need to do, on the record, some clean-up about an
14 objection during the cross-examination of Ms. Cassandra
15 Buckson regarding previous or prior employment by the
16 defendant, Mr. Daniel Buckson.

17 It was the Phoenix Center and the Forrester Center,
18 correct?

19 MR. BAINBRIDGE: Correct, Your Honor.

20 THE COURT: Okay.

21 SOLICITOR LESKANIC: Yes, Your Honor.

22 THE COURT: And, of course, I just want everybody to
23 understand, the lawyers understand, there's a lot of
24 information that I don't even know.

25 Okay. And so sometimes we're tiptoeing around things

1 that I don't even understand.

2 And -- but apparently there is some issue regarding
3 prior work history of the defendant and counsel for the
4 State, on cross-examination, believed that a door had been
5 opened to discuss termination from one place of
6 employment.

7 Is that correct?

8 SOLICITOR LESKANIC: That is correct, Your Honor.

9 THE COURT: Okay. And I'm happy for you to get into
10 that. The jury's not in here.

11 So, yes, ma'am, we can make a clean record.

12 SOLICITOR LESKANIC: Thank you, Your Honor.

13 May it please the Court.

14 On her own during cross-examination, Ms. Cassandra
15 Buckson, without questioning by me, offered up that the
16 defendant, her brother, was also employed during this time
17 and she referenced the Forrester Center.

18 I have information that has been shared with the
19 defense that he was also employed, during this time, at a
20 place called the Phoenix Center. Detective Cutchins (sic)
21 spoke with their human resources officer, Sean Tobin, who
22 related that the defendant was employed at the Phoenix
23 Center until June of 2021. She stated that Mr. Buckson
24 was fired after two females employees accused Mr. Buckson
25 of pulling his pants down in front of them in an office.

1 It was the State's position that the witness had
2 opened the door to his employment during this period of
3 time that the abuse occurred.

4 And so, this other employment that he also had during
5 the time of abuse was now relevant. If she wanted to tell
6 me about a job that perhaps he was lost because of this, I
7 wanted to go into the job that he lost for exposing
8 himself to two female employees.

9 THE COURT: Okay. And so I'm glad we came up and
10 talked to me about it though before we got into all that
11 because -- well, let me hear what counsel, counsel, Mr.
12 Bainbridge.

13 What is your position, sir?

14 MR. BAINBRIDGE: Yeah.

15 So our position is that this information is relevant
16 and it's proper character.

17 First, the reason that she brought up the employment,
18 it's my understanding that she was just trying to
19 articulate that he was preoccupied with work and that's
20 why he didn't have as much time to be with **Complainant** on
21 certain occasions.

22 Additionally, while that was only talking about that
23 particular employment, the State was trying to go into
24 prior employment and not just that, the fact that he had a
25 prior employment, but prior bad acts that had resulted or

1 allegedly resulted in his loss of that employment and that
2 just seems beyond the scope of what was being involved.

3 SOLICITOR LESKANIC: And, Your Honor, briefly in
4 response to that, this was during the time of the abuse.

5 If the employment was being offered as he's so busy
6 with his job he couldn't of done that, this becomes even
7 more relevant because he lost a job giving him ample time
8 to do these things with his daughter.

9 So, I believe that argument makes this testimony even
10 more relevant and appropriate to be brought before the
11 jury. I understand the Court's ruling and I'm not arguing
12 with that.

13 THE COURT: Okay. Well, my take on it was that the
14 witness, as, as I recall, the witness was testifying and
15 there was a question about time and when she was at work
16 and when she was at home and opportunity for Mr. Buckson
17 to be alone with the, the, at that time, the minor,
18 **Complainant** and that she was being asked a lot of questions
19 about her own job and traveling and then a man that was
20 also living in a residence.

21 And so implying that there wasn't an opportunity at
22 her residence because somebody was living there, someone
23 who was convalescing and could not get out, didn't even
24 have a car.

25 So I took it that, first of all, she didn't bring up

1 the Phoenix Center at, at all. The State brought up the
2 Phoenix Center. But that the Forrester Center, she -- I
3 think the witness said and he had a job and I think that
4 meant -- that was answering more about time or it occurred
5 to the witness that that would also, also mean that he
6 didn't have a lot of free time.

7 And then I think the State said he was working at the
8 Forrester Center, do you know about that, and she said
9 yes, the Forrester Center and then you said also the
10 Phoenix Center.

11 So, I don't know that she intentionally opened the
12 door to say he's a good guy. He's a working man. He was
13 earning a living and then he got charged with this and
14 lost his job at some point.

15 Okay. I didn't think that opened the door. And so
16 that was the, the -- my basis for the ruling and we did
17 move forward.

18 And so thank you all. That is now on the record and
19 that is my ruling.

20 MR. BAINBRIDGE: Thank you, Your Honor.

21 THE COURT: Okay. Is there anything else y'all want
22 me to put on the record?

23 (WHEREUPON, the note from the Court was marked as
24 Court's Exhibit No. 1 for identification purposes only at
25 this time.)

1 THE COURT: I do need to remember to tell the jury
2 that the foreperson is Court's Exhibit No. 1. We've had
3 that marked since I mentioned to them that would be done
4 and there were no -- you're resting.

5 But were there any exhibits that you put in?

6 MR. MacDONALD: No, Your Honor.

7 THE COURT: Okay. I just wanted to make sure.

8 Okay. So, and the way that it will work is the jury
9 comes back out. I ask you to move forward with your case.
10 You stand up and say you're resting and then I've got to
11 send them back out for any motions and then, before I, I
12 bring them back in, I'll give y'all time to focus on the
13 next step, which will be closings, right?

14 MR. MacDONALD: Thank you, Your Honor.

15 THE COURT: And just while y'all are just in here
16 without them, so, to be clear, the State will close. The
17 State will do their opening, closing. You will close in
18 full.

19 MR. MacDONALD: Yeah.

20 THE COURT: And then the State will have an
21 opportunity to reply to anything new because you have
22 presented evidence.

23 MR. MacDONALD: That's, that's correct, Your Honor.

24 THE COURT: Okay. I've been in trials where the
25 attorneys didn't understand that and it got real tricky,

1 okay, in front of the jury.

2 okay. All right. Thank you all very much.

3 And so we will now have the jury.

4 I -- counsel, I took out the charge on witness---

5 MR. MacDONALD: Re -- prior record, yeah.

6 THE COURT: Did you hear?

7 SOLICITOR LESKANIC: I'm sorry.

8 THE COURT: I took out the charge --.

9 SOLICITOR LESKANIC: Yes. Thank you, Your Honor.

10 (WHEREUPON, the following takes place within the
11 presence of the jury.)

12 THE COURT: Thank you all. Please be seated.

13 Okay. We are back on the record with regard to the
14 matter of the State versus Daniel M. Buckson and we are
15 continuing with the defendant's case.

16 Mr. MacDonald.

17 MR. MacDONALD: Your Honor, at this time defense
18 rests.

19 THE COURT: Okay. All right. Thank you.

20 Ladies and gentlemen of the jury, I have to send
21 y'all back out. I've got some matters I've got to take up
22 now with the attorneys again.

23 All right. Thank you.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

1 THE COURT: Thank you all. Please be seated.

2 Okay. Are there any motions by the defendant?

3 MR. MacDONALD: Your Honor, I just want to renew all
4 of my previous objections to this point in this case and
5 as well as renew my motion for directed verdict at this
6 time --

7 THE COURT: Yes, sir. Thank you.

8 MR. MacDONALD: -- for the same reasons.

9 THE COURT: And thank you. I, I recall your prior
10 arguments and those are duly noted.

11 Counsel.

12 SOLICITOR LESKANIC: Same arguments, Your Honor,
13 unless I need to place them on the record again.

14 THE COURT: I -- I've got them.

15 Okay.

16 SOLICITOR LESKANIC: Thank you.

17 THE COURT: And so it would be the same standard
18 under Rule 19 and so I respectfully deny your motions,
19 sir.

20 So, now that he has rested, is there anything that
21 the State is going to call on reply?

22 SOLICITOR LESKANIC: No, Your Honor. The State's
23 prepared to close.

24 THE COURT: Okay. Is that correct for defense?

25 MR. MacDONALD: Yes, Your Honor.

1 THE COURT: Okay. So why don't I give y'all a few
2 minutes to gather your thoughts, take a deep breath, and
3 we will come back in and I give just a two sentence
4 instruction to the jury regarding closing arguments and
5 then you all will begin your closings, first, second,
6 third.

7 If y'all need to get a podium lined up or get
8 exhibits that y'all need to get your hands on, why don't
9 y'all do that as well.

10 Normally we don't split this up, okay, but if -- and
11 I'm, I'm -- I think that I'm suppose to tell y'all that,
12 under the civil rules of procedure, closings are limited
13 to two hours. That usually -- some people take that the
14 wrong way and think I can talk for two hours. And so I'm
15 not telling you not to.

16 But if, if we do get too long into the closings, then
17 we may break. Lunch is being brought in. We may break to
18 let the jury eat their lunch not in the middle of your
19 closing but at the conclusion or some easily breakable
20 part to come back in.

21 Okay. All right. So, with that, why don't I give
22 y'all -- it is 12:02, 12:15 for y'all to make some notes.

23 All right. Thank you.

24 (WHEREUPON, a short recess was taken at this time.)

25 THE COURT: Okay. Counsel, are we ready to proceed?

1 SOLICITOR LESKANIC: State's ready, Your Honor.

2 MR. MacDONALD: Yes, Your Honor.

3 THE COURT: Okay. Mr. MacDonald, do you need to
4 place anything over this way before the jury comes in?

5 MR. MacDONALD: No, Your Honor.

6 THE COURT: Okay. And so to the folks that are in
7 the gallery, I, I just want y'all to understand that
8 normally we don't break in-between the closing arguments
9 of counsel and the charge by the Court. So, if you think
10 you're going to need to leave, you may want to do that
11 now.

12 Okay. I have no idea how long this will last. I'm
13 not in control of that with regard to the attorneys except
14 that I can tell you that it won't last more than four
15 hours, okay, according to the rules.

16 All right. So, anything then before we have the
17 jury?

18 SOLICITOR LESKANIC: No, Your Honor.

19 MR. MacDONALD: No, Your Honor.

20 THE COURT: Okay. We will now have the jury.

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 THE COURT: Okay. Thank you. Please be seated.

24 Okay. We are back on the record with regard to the
25 matter of the State versus Daniel Machito Buckson, and,

1 ladies and gentlemen, I am now going to tell you that the
2 parties have presented their evidence in this case. It is
3 now time for the attorneys to make closing arguments.

4 The arguments of the attorneys are not evidence in
5 this case. Their statements and arguments are meant to
6 help you understand the evidence and apply the law to the
7 evidence. You should disregard any remark, statement, or
8 argument which is not supported by the evidence presented
9 during the trial or the law that I will explain to you
10 after closing arguments.

11 So, let me further explain that the, the order of, of
12 closing arguments of counsel is the State goes first, and
13 then the defendant goes, and then the State will have a
14 chance to reply to anything new not addressed in the
15 State's initial argument.

16 Okay. After that, I give you all the charge on the
17 law and then you will retire to your jury room. If the
18 alternates have not yet been called into service, they
19 will go into a different room, okay, but will be here.

20 Okay. And all of the exhibits and the verdict form
21 will be given to the jury and the jury will be told to
22 commence deliberations.

23 All right. Okay. And, Madam Forelady, I will have a
24 few more instructions for you when -- after I give you the
25 charge on the law.

1 All right. And so, everyone, if you will now please
2 give counsel your full attention.

3 SOLICITOR LESKANIC: Thank you, Your Honor.

4 May it please the Court?

5 THE COURT: Yes, ma'am.

6 SOLICITOR LESKANIC: Thank you.

7 Good afternoon, ladies and gentlemen. First of all,
8 I want to say thank you because what I'm gonna start with
9 in this closing is the law as Judge Knie stated. It's
10 your job -- you're the, you're the fact finders. You
11 determine what happened, what didn't happen in this case.

12 Okay. All the evidence that I'm gonna talk about in
13 a few minutes, it's yours. It was put in for you. That's
14 the reason that we're here. But your job is to apply the
15 facts as you find them based on the evidence presented and
16 apply that to the law that we have in South Carolina.

17 So, before I get into the evidence, I want to just
18 briefly go over the law with you. Judge Knie is gonna go
19 over that with you again when she gives her instructions.
20 But, for me, I think it makes sense, so when we talk about
21 the facts and the evidence, you know what it was our
22 burden to prove.

23 It's the State's burden. We welcome that burden.
24 It's our burden to prove him guilty of molesting his
25 daughter. We welcome that burden and we've provided you

1 with the evidence to prove that.

2 We're gon' start with the first charge is criminal
3 sexual conduct with a minor. He is charged with criminal
4 sexual conduct with a minor in the second degree.

5 what the State is required to prove is if the actor,
6 and that is the defendant, engages in a sexual battery,
7 and if you look at the second paragraph, we have defined
8 that. Sexual intercourse, cunnilingus, which is oral sex
9 on a female, fellatio, is oral sex on a male, and I'm just
10 gonna go to any intrusion, however slight, because there's
11 testimony of digital penetration.

12 So, if the actor engages in a sexual battery, any of
13 those things, with a victim, being Complainant who
14 testified in front of you, she was at least 14 years of
15 age. She was less than 16. This happened when she was
16 ages 14 and 15 years old and he is in a position of
17 familial, custodial, or official authority, it's her dad,
18 to coerce the victim, or he's older. And when he came
19 back into her life when she was 13, he would of been about
20 40 years old.

21 So, he meets several elements of that. We have to
22 prove those elements and that that occurred at [REDACTED]
23 Colonial Avenue, which was Complainant's safe place. That's
24 where she lived with her grandmother. And she testified
25 about the child abuse that happened there.

1 We have to prove to you that it occurred at his
2 house, in his mother's house, ■■■ McCluney Drive here in
3 Cherokee County, and she testified about sexual
4 intercourse, oral sex, ejaculation, at that address. We
5 have to prove that it occurred at ■■■ Brookwood,
6 Cassandra's address. You heard from her. She admitted
7 that's where she lived and she wasn't there all the time
8 although she tried to say at first that she was.

9 Complainant testified to abuse occurring here, multiple
10 times. Complainant also testified to a place in Cherokee
11 County. We'll talk about that, a business. She
12 recognized Granard Middle School because she went to
13 school there. She could smell Brown Packing when he was
14 performing oral sex on her, having sexual intercourse with
15 her.

16 And there's also sexual intercourse at the Red Roof
17 Inn in Cherokee County.

18 How do we know that?

19 Cause he made a video and she identified this.
20 That's me and that's him and I know it because I was there
21 when he took the video and he made me watch it and this
22 was on his phone.

23 That's what we have to prove with criminal sexual
24 conduct with a minor in the second degree.

25 He's also charged with criminal sexual conduct with a

1 minor in the third degree at her home, Colonial Avenue,
2 and that is if the actor, being the defendant, is over 14
3 and he willfully and lewdly commits or attempts to commit
4 a lewd or lascivious act upon or with the body or its
5 parts of a child under 16, she was 14 and 15, with the
6 intent of arousing, appealing to, or gratifying the lust,
7 passions, or sexual desires of the actor or the child. He
8 touched her breasts. He touched her vagina.

9 This was part of the grooming and you heard
10 Ms. Galloway-Williams talk about grooming. You get the
11 child alone. You have time with them. You have an
12 opportunity. We'll start with kissing. We'll start with
13 talking about sex. Let's see how that goes. And then
14 we'll move on to putting our fingers inside your vagina
15 and then our penis.

16 Next please, Mr. Haney.

17 The next charge that he is charged with is incest.
18 Any person who shall have carnal intercourse with each
19 other within the following degrees of relationship:

20 A man with his daughter is incest.

21 That's simple. He's her dad and he had sexual
22 intercourse with her, and if you want proof, we actually
23 have a picture of it.

24 Next please.

25 And, finally, exposure of private parts in a lewd and

1 lascivious manner. Any person who willfully and knowingly
2 exposes the private parts of his person in a lewd and
3 lascivious manner in the presence of any other person.
4 She testified he played with himself. He masturbated in
5 front of her. This occurred at her home and, honestly, at
6 every place he pulled his penis out.

7 That's the law and you have to determine whether the
8 facts and the evidence that have been presented in this
9 case violate those laws.

10 You have to be proven -- I have to prove that to you
11 beyond a reasonable doubt. So the question for you, when
12 you go back to deliberate, is are you firmly convinced.

13 That's it. Not beyond all doubt. Nothing can be
14 known beyond all doubt. But are you firmly convinced that
15 Daniel Buckson sexually molested **Complainant** from
16 August/September of 2020 through August of 2022 when this
17 came out and it was an accidental disclosure.

18 You had Shauna Galloway-Williams talk about that
19 today. **Complainant** didn't plan on telling that day.

20 You know how it came out?

21 She told you. She said that he went to her house,
22 Colonial Avenue, where he didn't live. **Complainant** had left a
23 key for him.

24 He wanted to go in and why did he want to go in?

25 She said because he wanted to lie in her bed and

1 smell her panties and he wasn't suppose to be there.

2 So, Jackie Bridges says give me your phone, Complainant
3 I want to see the text thread between you and your dad,
4 what is going on, and she sees these messages, the
5 messages that you have seen. She pulled over on the side
6 of the road and they both broke down crying.

7 And I asked Complainant how did you feel when Jackie got
8 those messages?

9 And her response?

10 Relieved.

11 What is the evidence that proves these things
12 happened?

13 The first piece of evidence is Complainant herself. She
14 got on the stand in front of you. You get to judge the
15 credibility of the witnesses. You get to see her
16 demeanor. You get to hear her answer all of the
17 questions, not only my questions, but the questions of the
18 defense attorney.

19 She was on the stand for hours. She recounted the
20 sexual abuse, the touching, the talking about sex, the
21 touching under the clothing, the oral intercourse, the
22 sexual intercourse that occurred at multiple locations
23 over a two year period taking her virginity resulting in
24 depression, struggles in school, cutting herself, and
25 wanting to kill herself because, if she killed herself, it

1 would do three things.

2 He wouldn't get in trouble. She wouldn't have to
3 worry about him not being with the other kids and the
4 abuse would stop for her. She could stop this if she'd
5 just kill herself. That's where she was.

6 You get to witness her emotion, her answer, her
7 tears, her having to sit up here and point at her dad and
8 say that's the man that did all these things to me, that's
9 the man that said all these things to me.

10 Her dad came into her life essentially, again, she
11 was 13. He was probably 40. And she was so excited. Her
12 mom passed away when she was seven. Her dad is moving to
13 town and she is finally gonna have a parent. She's lived
14 with her grandmother and I'm sure she's grateful for, for
15 her grandmother. But there's nothing like a parent.

16 And, within a few months, that daddy/daughter
17 relationship, he changed it. He started touching her. He
18 started talking about sex and he started molesting her.

19 And she had to be on this stand in front of everyone
20 and talk about that and not just what he did to her. She
21 read these messages, what she said too.

22 I mean she had to get up here and tell you about her
23 father ejaculating in her mouth and her swallowing the
24 semen, about him ejaculating into her vagina and being
25 afraid she might be pregnant, taking Plan B, ejaculating

1 on her stomach, and he would wipe it off, oral sex on her.
2 She tasted like strawberries. Oral sex on him. I'll spit
3 some of it in your mouth.

4 After this came out on August the 21st of 2022,
5 when **Complainant** gave Jackie her phone and Jackie saw the
6 messages, the next day they went to see Detective Cutchin.
7 They went right to the police to report it. Sat down with
8 him and **Complainant** recounted to him the sexual abuse that had
9 occurred.

10 And that same day, on August 22nd of 2022, when
11 **Complainant** didn't have her phone because they've given it to
12 Detective Cutchin, didn't stop him. Let's reach out on
13 TikTok and Instagram cause we have that from his phone.

14 I know you're gonna block me from here too. I just
15 want to make sure you're, you're okay, **Complainant** No
16 question about who he's talking to. I love you and here
17 for you through it all. And please erase all of my past
18 text and things.

19 You mean like the videos of y'all having sex and the
20 photographs?

21 I want to start fresh and be a great father. Love
22 you.

23 That happened on August 22nd when they were
24 reporting this to police. She didn't have a phone.

25 Same message on Instagram. Know you're gonna block

1 me from here too. Just want to make sure you're okay,
2 **Complainant** I love you and here for you through it all and
3 please erase all of my past texts and things. I want to
4 start fresh and be a great father. Love you. That was on
5 his phone to her August 22nd.

6 She also had to identify for you a photograph of his
7 penis because she had seen it cause he had sent it to her.
8 That was on his phone. Same thing that she had received
9 on her phone and she recognized it was from a video that
10 then became a thumbnail.

11 Now, I think the defense is going to say yeah, but
12 you, you got her phone. You got his phone. We hooked it
13 up to Cellebrite and the iMessages didn't pull and that's
14 true. They tried to get it through technology. But you
15 have them. These are the messages.

16 Jordan Cutchin went through the messages. We have
17 pictures of the messages. There were no iMessages that
18 pulled from Cellebrite. When they had the search warrant
19 for both of their phones, that was the Cellebrite system
20 that they had at the time.

21 But the evidence is here. The messages are here.
22 **Complainant** testified to them. Jordan Cutchin testified to
23 them and you've been able to read them and you haven't,
24 you haven't read them all. But I, I invite you to read
25 them all.

1 These have been authenticated by **Complainant** She's a
2 party to these. She's on the other end of some pretty
3 humiliating messages.

4 I asked **Complainant** did he say why he was doing this.
5 Cause he wanted to show her how a man should treat her.
6 Your 14, 15 year old daughter, I want to show you how a
7 man should treat you. So, spread your legs.

8 And what did he call her when he was having sexual
9 intercourse with her?

10 By her mother's name. Her deceased mother's name,
11 Shauna.

12 Now, the defense, I think, will also bring up yeah,
13 but when DSS asked her in early 2002 if he was abusing her
14 she said no. And that's one of the reasons we brought in
15 Shauna Galloway-Williams because child sex abuse is a
16 unique area and I wanted -- she's a teacher. She teaches
17 you how children respond in these types of situations.

18 why would she deny it?

19 well, number one, she wasn't ready to tell. This
20 still wasn't a purposeful disclosure when it came out. It
21 was an accidental disclosure. She wasn't ready to tell
22 that her dad, who had been in her life for a moment in
23 time, was molesting her.

24 But somebody, and **Complainant** said people on her team,
25 saw something on her phone that, that concerned them.

1 Concerned them enough that they called DSS and asked DSS
2 to investigate an allegation of child sex abuse by that
3 man. They saw something. She wasn't ready to tell.

4 But then the messages come out when he was going to
5 smell her panties and lie in her bed and she does tell.
6 She tells Detective Cutchin what happens and then we get
7 messages, erase everything, I love you, let's hit the
8 start over button again, and she goes to see Lynn
9 McMillian and she says well, the sexual intercourse part,
10 I want to back off on that. She still admitted to oral
11 sex.

12 She said that she had seen his penis. He had touched
13 her with it. He put his finger inside of her at Aunt
14 Sandra's house. Kissed her on the lips. Performed oral
15 sex. But he says he understands and he's gonna get help
16 and change. So, she backed off the sexual intercourse.

17 why?

18 why did you do that?

19 I thought he wouldn't get in as much trouble. That's
20 my dad. And in-between meeting with Detective Cutchin and
21 meeting with Lynn McMillian, she got a phonecall from him.
22 She remembers. She was sitting in Ms. Bedford's Spanish
23 class in school. Blame it on somebody else. Say you had
24 sex with a boy at school.

25 So, what does she tell Lynn McMillian?

1 Sex with a boy at school.

2 But still with that, oral, digital, showing me his
3 penis, putting his finger inside of me.

4 The defense brought up Doctor Fox. You didn't hear
5 from Doctor Fox. But the defense said that **Complainant** went
6 to see Doctor Fox for her temper. True. There may have
7 been some anger.

8 But then, on my cross of that or my redirect, the
9 defense had left out that she also went to see Doctor Fox
10 for depression, for cutting, for wanting to kill herself.
11 Let's put out all the reasons she went to see Doctor Fox.

12 You heard from Doctor Crosswell. **Complainant** had
13 reported a sexual assault to her, and, because of what she
14 reported, she had to have a full sexual assault exam. Put
15 her feet in stirrups at 16 years old and go through an
16 exam with a doctor. The doctor explained that this would
17 be chronic sexual abuse because the last incident was in
18 early August and this exam was at the end of September.

19 But she had infections. She had a UTI that she said
20 could be caused by sexual intercourse. She can't say for
21 sure. She can't say with who. But there's a UTI and
22 there was another infection.

23 She said her exam was normal but that less than three
24 percent of cases do you have a clearly definitive exam
25 that shows sexual abuse. She told y'all about a study

1 where they tested pregnant teens where they knew they had
2 engaged in sexual intercourse and their exams were normal.

3 But **Complainant** reported the sexual assault to her. She
4 followed through. She went to that doctor. She put her
5 legs in those stirrups and she went through the exam and
6 she came in here and she got up on that stand and she told
7 y'all about her first sexual experiences, the loss of her
8 virginity, the loss of her purity, the loss of her
9 innocence to that man who was suppose to protect her and
10 keep her safe.

11 We went through specific messages in those binders
12 because, in this case, what evidence do you have?

13 You have **Complainant** Judge her credibility. But the
14 other thing you have are their conversations because she
15 hadn't deleted everything and these are authenticated
16 messages where he talks about wearing her panties. I
17 haven't had a taste in too long. You don't slow down when
18 my toes curl up. She told y'all that was in reference to
19 her performing oral sex on him.

20 Erase these messages.

21 where have we heard that before?

22 And that's what she told you. That's what he would
23 do. We're gonna have sex. I'm gonna taste your
24 strawberry. We're gonna leave your phone at grandma's
25 house and go to a hotel and have you lie to your family

1 and I'm gonna have my way with you and then I'm gonna say
2 wait, wait, wait. I need to be a dad. Let's start off,
3 daddy/daughter. Erase all your messages and I'll start
4 over and she said that would last for a couple days and
5 you saw it in the messages.

6 Are, are you serious?

7 I'm not gonna be able to have you again?

8 Give me one more night to give you my all. That's
9 what a father said to his daughter.

10 Let's get a room. I'm not gonna lie. I was thinking
11 with my tongue and dick. And then, at some point, I'll
12 find someone nice my age. We made love.

13 Are you for real?

14 I'm never gonna get to make love to you ever again?

15 Can I get one last time to give you my all for one
16 night?

17 Her response, no. But he didn't stop. Wants to get
18 a room for her 16th birthday. So he knows how old she
19 is. And he says and I don't want to suck and F-U-C-K just
20 to be doing it. I want to fall in love all over again.
21 Those were some of the best days of my life when we first
22 fell for one another.

23 She read messages about them having sexual
24 intercourse and she thought she might be pregnant. wanted
25 to know if he had ejaculated inside of her and he says I

1 know you felt me throbbing inside of you. Honestly, I
2 thought I would never get to again.

3 will you claw my back up while I deep stroke?
4 Want to get a room?

5 Talks about they're gonna have the most perfect baby.
6 Well, I don't know, but I think me making a baby with
7 someone that's basically me will be the best. That's what
8 he says. That's his daughter. It's basically him and I
9 helped make you. So just think what we could make.

10 Yeah, I had sex with your mother and gave -- she gave
11 birth to you and now I'm having sex with you.

12 It felt so amazing coming inside of you yesterday.
13 My soul erupted inside of you. I can smell you coming
14 through my pants. How I look when drinking your cream. I
15 want to f'ing marry you cause I love pleasing you too.
16 When you come, that shit turn me on so bad.

17 When you didn't call me back last night, I just laid
18 on your panties and wished. Kind of like the day he
19 wanted to go lie in her bed and smell her panties.

20 Sneak down here and get in my bed. She said they
21 lived a short distance from each other. I woke up wanting
22 you so bad last night. It was crazy. I'm f'ing obsessed
23 with you.

24 No girl has seen my stuff since we became close.
25 Well, isn't that nice that he's faithful to his

1 daughter?

2 That's why I wanted a virgin. Someone to love me
3 forever. Every time we make love we fall out.

4 I wonder why. I wonder why they would fall out every
5 time he would molest his daughter.

6 Talks about being jealous of all these boys. The
7 defense brought that up. wasn't your dad, he just -- he
8 wanted you to stay away from other boys. He did. He
9 wanted her all for himself. He wasn't overprotective. He
10 was jealous.

11 And he asks her so you think losing your virginity to
12 me made things worse?

13 So you feel the sexual part of our relationship
14 created tension?

15 You have been the best I've ever had no matter the
16 age.

17 I'm in love with you and there are many messages in
18 there where she's trying to end this and what is his
19 response?

20 Have a nice life. I'm gonna block you for a while.

21 And what did Ms. Galloway-Williams say?

22 what do they lose?

23 what's she gonna lose when she tells?

24 You know what?

25 Fourteen and 15 years old. She wanted a parent. She

1 needed a parent and instead she was sexually molested for
2 years knowing that, if she told, she would lose a parent.
3 No telling what else she would lose.

4 what would the other family members say?

5 So, I think I'll just kill myself. That's what her
6 life was like August, 2020 through August, 2022.

7 Please read the messages if you need to and I want to
8 say, on behalf of the State, I know you all paid attention
9 and you paid attention during my closing and I appreciate
10 it. And you paid attention during the case and we
11 appreciate it.

12 We're asking for verdicts of guilty on all charges.
13 Go through those. You will see -- you will see nonsexual
14 things. You will see conversations about daddy/daughter.
15 Just want to get back together. We'll have a good
16 daddy/daughter. They're pictures of them in there.

17 That's the end of July through half of August, the
18 amount of messages between the two of them. A glimpse, a
19 glimpse into what that young lady experienced and we're
20 asking for guilty on all charges.

21 Thank you.

22 MR. MacDONALD: May it please the Court?

23 THE COURT: Yes, sir.

24 MR. MacDONALD: I was mad at him for the horrible
25 things he said about my mom to me. She passed away when I

1 was eight. It made me want to get him out of my life and
2 I knew, if I told the detective that, then he would be.

3 That's what -- that's the statements that **Complainant**
4 gave to the forensic investigator, the forensic -- the one
5 that deals with children in this case. They were -- they
6 referred her to her seven days after she spoke to the
7 investigator and that's what she said.

8 She said I made this up. I was angry. We were
9 having arguments over boys. He said that my mom is a slut
10 just like me. And so I wanted him out of my life.

11 She blocked him. That's why he said the -- that's
12 why he said can you unblock me. Can you delete our prior
13 messages. Can you delete the prior arguments that we had
14 so we can get back to being good again.

15 You heard her testimony. They had a great
16 relationship and that relationship only soured once she
17 started to try to get with boys that Daniel felt were too
18 old for her, too mature for her. She was only a freshman
19 at the time.

20 He was trying to be a father. That is what he was
21 trying to do. He was not molesting her. He was not
22 raping her. He was only trying to be there for her
23 because he had not been for a while.

24 The State has the burden of proof in this case. They
25 have to prove everything. They need to prove it with

1 evidence. They get evidence from an investigation.

2 So let's talk about this investigation. **Complainant**

3 testified that they would go to the Red Rood Inn in
4 Gaffney and have intercourse all the time.

5 where is any surveillance video showing that?

6 You could go straight to Red Roof Inn, get a warrant,
7 and see who's been staying at this lodge on the date in
8 question.

9 Did law enforcement do that?

10 No.

11 She said it happened at Doris's house. That's,
12 that's her grandmother.

13 Did law enforcement ever ask Doris?

14 we, we don't know. We've never heard from Doris.

15 we heard from Cassandra. She said that they also had
16 sex in Cassandra's house.

17 well, Cassandra said that she, she was staying there
18 and she had someone else also staying there.

19 Did law enforcement ever speak to any of them?

20 No.

21 Then she said it happened at her grandma's house.

22 The grandmas -- the grandma who she was staying with at
23 the time.

24 Have we heard from grandma?

25 We haven't.

1 Did law enforcement even talk to grandma?

2 Not that I'm aware of. There wasn't any testimony.

3 Lastly, there's a reference to a business near
4 Granard Middle School. Again, it's a business. Business
5 has surveillance cameras.

6 Did we ever see any sort of surveillance video by
7 this business of anything going on?

8 We didn't.

9 There's a reference of purchasing Plan B at the CVS
10 here in Gaffney. She -- Complainant testified that Daniel
11 would go in and purchase Plan B at the CVS here in
12 Gaffney. CVS has surveillance. CVS keep records. You
13 pay with credit cards. Credit card companies keep
14 records.

15 Do we have any sort of proof at all that Daniel ever
16 purchased any sort of Plan B?

17 No, we don't.

18 In fact, Complainant even testified that she had to get
19 Plan B because she had sex with another boy at her school.

20 Now let's talk about the phones cause we've got a lot
21 of text messages.

22 How were those text messages acquired?

23 They weren't acquired by law enforcement. Law
24 enforcement collected the two phones and they did an
25 extraction on each.

1 Now, what are extractions?

2 That's where you take the physical phone and you look
3 at everything that's in that phone and you can produce all
4 the messages that come from that phone.

5 Now you heard law enforcement testify that they had
6 the base Cellebrite package is what they called it, the
7 base package. So, they can't get iMessages.

8 But you also heard them testify that they don't have
9 the base package anymore. They have the premium. With
10 premium, you can get iMessages. With premium you can get
11 deleted messages. He -- they still had Daniel's phone.
12 They still have it today.

13 why haven't they checked his phone?

14 I want confirmation that he sent these messages.
15 They don't want to get confirmation because they know it's
16 not gonna be in there.

17 Daniel gave up his phone voluntarily. He gave the
18 password to the phone to Investigator Cutchin. I asked
19 Investigator Cutchin did you ever look in his phone. He
20 said I don't think so. I don't remember.

21 If he's the main suspect and you have the phone and
22 you have the password to look into the phone for the
23 messages, why is he not looking at the messages?

24 why is Cellebrite not recovering the messages?

25 Maybe there's no messages in the phone. Blows my

1 mind. They still have the phone.

2 Complainant testified that pictures were sent to her on
3 her phone. There was no pictures found on her phone in
4 the Cellebrite.

5 So, she deletes the photos that's the base package of
6 Cellebrite could recover. But the iMessages she doesn't.
7 That just doesn't make sense to me.

8 The pictures that were on Daniel's phone, they
9 weren't located on Complainant's phone.

10 Now let's talk about Doctor Crosswell. You heard
11 from her. She said that there's no transection of the
12 hymen. They're no tears. There's no evidence of
13 re-healing, and because they didn't do an acute exam,
14 there's no DNA. And then what they look for is for any
15 signs of trauma on a chronic exam. They found no signs of
16 trauma.

17 So, you can scratch that one off. No evidence there.

18 Again, I told you the State has to prove their
19 accusations and they have to prove it with evidence. The
20 text messages can't be verified so far. They could go
21 back and extract the phone now to verify the text messages
22 but they haven't and I don't think they will.

23 They could of conducted an investigation. At least
24 look into the, the claims that Complainant's made. They
25 didn't look into anything to verify what she has said.

1 It's just her word and that's why I told you at the
2 beginning about false accusations. It can ruin families.
3 It's can ruin lives. You need to do your due diligence on
4 these accusations especially some as horrible as these
5 are.

6 These are horrible accusations. Law enforcement has
7 a duty to look into these accusations and verify whether
8 these things happened or not.

9 There's no witnesses that have testified that can
10 confirm any sort of suspicion or activity that caused them
11 to question what -- something suspicious was going on.
12 There's been no medical evidence to suggest something was
13 going on. There's been no DNA evidence to suggest
14 something was going on.

15 Now let's talk about the claims that **Complainant's** made.
16 She's talked to six different -- she -- she's had four
17 different interviews. She's talked to two doctors and
18 every single time she met with someone she told a
19 different story.

20 The thing about telling stories is, once you start
21 telling multiple stories, it's hard to keep up with what's
22 the truth. In the first interview she said nothing's
23 going on between me and my dad. She said I love my dad.
24 And if someone ever made me uncomfortable, that's who I
25 would go to.

1 That's the first interview she gave and then she had
2 a falling out with her dad. He insulted her mother. She
3 gets very sensitive about that, which is understandable.
4 Her mother passed away when she was younger. He -- she
5 blocks him on all social media and she goes straight to
6 Investigator Cutchin and she says my dad had sex with me.

7 So, Investigator Cutchin did what you're suppose to
8 do, which is you refer her to the Children's Advocacy
9 Center in Spartanburg, and that's what he did.

10 Seven days later, she's at that center and what does
11 she say?

12 She told, she told you what I said at the beginning.
13 I made up these accusations because he had talked about my
14 mother, called her a slut, and I wanted him out of my
15 life, and she tried to get him out of his life or out of,
16 out of her life by making this accusation.

17 Now, the State's saying that Daniel told **Complainant** to
18 say this to the investigator to get him scott free out of
19 trouble.

20 But why would he tell her to say those things but
21 also say that he still molested her?

22 That doesn't make any sense to me.

23 If, if she -- if he's telling her to say that he
24 didn't do anything, then why would she claim that he did
25 still?

1 when you go back and deliberate, I want you to ask
2 these questions.

3 why is every photo or video on **Complainant's** phone
4 deleted?

5 why was a second extraction not done on Daniel's
6 phone?

7 This case has been pending three years.

8 why don't we have one?

9 why aren't the photos that were on Buckson's found,
10 found on **Complainant's** phone?

11 **Complainant** said that he would send them to her.

12 Again, as I, as I stated earlier, the State has to
13 prove the allegations. They have to prove it with hard
14 evidence. They've got to prove that these things
15 happened.

16 At this point in time, there's no solid evidence to
17 prove that this happened and the standard of proof in this
18 Court is can they prove the allegations. Can they prove
19 them.

20 I'll telling you right now that they can't prove that
21 this happened and that's the standard of proof. It's
22 proving beyond a reasonable doubt. The proof isn't I
23 think it's more likely this happened than not. If that's
24 the burden that you're trying to rely on, that's not
25 proper. It's have they proven, beyond a reasonable doubt,

1 that this has happened.

2 The State likes to reference Shauna
3 Galloway-Williams's testimony. But she already told you
4 she doesn't know anything about this case. She's never
5 talked to **Complainant** She's never talked to law enforcement.
6 She's never watched any of the videos and she's not aware
7 of some of the things that she made -- some of the claims
8 that she made when she was interviewed.

9 If we believe everything that Shauna Galloway says,
10 then it's, it's literally impossible to make a false
11 accusation because if a children -- if a child lies about
12 sexual conduct, then it's caught in the lie, then it's
13 trauma.

14 Now, I keep going back to these text messages because
15 the text messages are -- it's -- they're important because
16 they show you the lack of investigating that went on.

17 Okay. I'm gonna make -- I'm gonna show you a
18 demonstrative right here. So, as an example, I just want
19 to make a -- made up example here.

20 Let's say a couple, a husband and wife, are going
21 through a divorce and the wife is claiming that the
22 husband is cheating on her and that's the basis for the
23 divorce and she puts forward some text messages. Not text
24 messages that were recovered by law enforcement or phone
25 extractions that were done. But instead, she just takes a

1 picture of her phone and she says in the text, in the text
2 which she shows---

3 SOLICITOR LESKANIC: Your---

4 MR. MacDONALD: You see a text from---

5 SOLICITOR LESKANIC: Your Honor?

6 MR. MacDONALD: ---the wife saying I love you---

7 THE COURT: What -- Mr., Mr.---

8 MR. MacDONALD: ---going through---

9 THE COURT: Mr. MacDonald, they're---

10 SOLICITOR LESKANIC: I, I apologize. I don't know
11 what he's putting up on the screen now and this is not in
12 evidence.

13 MR. MacDONALD: This is just demonstrative.

14 SOLICITOR LESKANIC: But I haven't seen it.

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 SOLICITOR LESKANIC: Thank you.

18 MR. MacDONALD: All right. So, the point that I'm
19 trying to make here is that you can go into your phone and
20 you can change information in your contacts list. You can
21 edit their phone number. You can edit their profile
22 picture. You can edit the contents in those messages.
23 That's what you can do.

24 That's why these Cellebrite extractions are so
25 important. That's why it's the -- because they have the

1 physical phone and they can't -- law enforcement can't
2 alter what's in the phone cause it's already in there.

3 We don't have that. Those text messages can't be
4 verified. Nothing in this case can be verified.

5 When you look at the credibility of the witness, you
6 got to look at how consistent the statements are and her
7 statements changed every single time she spoke even when
8 she testified in court. When **Complainant** testified in court
9 this week, she put out new information that she hadn't
10 disclosed yet. If you're gonna continue to lie, then it's
11 hard to keep up with your previous lies.

12 I'm gonna ask that you please consider everything
13 carefully, all the evidence in this case or lack thereof,
14 nothing that can be corroborated, and find Mr. Buckson not
15 guilty.

16 SOLICITOR LESKANIC: May it please the Court?

17 THE COURT: Yes, ma'am.

18 SOLICITOR LESKANIC: Thank you, Your Honor.

19 Child molesters don't molest people with witnesses.
20 He's not gonna do that at home with his mama. He's not
21 gon' do that in front of his sister. He's not gon' do
22 that in front of her grandma.

23 Cassandra, he talks about her. Her testimony was
24 first that she was home all the time and then I questioned
25 her about that and we got out that she's a traveling

1 nurse. She actually works 12 hour shifts. She actually
2 works out of state. She actually wasn't home. She
3 actually wasn't at all the Sunday dinners and this
4 individual, who she didn't want to give his name that was
5 staying in her house, he was there in July through
6 November of 2022.

7 This came out in August of 2022. **Complainant** reported
8 the abuse at her home during 2020 through 2022. But he's
9 not here and she didn't go to the police with that
10 information. She never went to the police and say hey,
11 there was a guy at my house staying there. She didn't
12 even want to give y'all that name when she testified in
13 front of you today.

14 The phone messages, the defense doesn't want you to
15 look at them. That's how powerful they are. Because when
16 you read those messages, you may be at beyond any doubt.
17 It's not our burden. But they can get you there. So they
18 don't want you to look at them.

19 well, you know, you change things on a message.

20 You know what?

21 **Complainant** was up here for hours. He did not ask her
22 not one question about these messages. Not one.

23 But he wants to stand up here and say oh, well,
24 maybe, maybe they're not real.

25 why not ask her?

1 She's the one who told you about them. She's the one
2 who came in and said those are messages and they're not
3 just messages about him doing stuff to me. I have to read
4 that I wrote things to my dad like I love pleasing you and
5 I loved giving you head cause that's what you would write
6 if you're fabricating something.

7 Not only did she get on the stand and tell you and
8 have to read those to you but Detective Cutchin got on the
9 stand. He read the messages too. He went through her
10 phone and saw the messages. No, it didn't work through
11 Cellebrite and we told you that. We put the witnesses up
12 to tell you it didn't pull from Cellebrite.

13 But he went through the phone. He saw the messages.
14 She read you the messages and they didn't ask her not one
15 question about them because they know how damaging those
16 messages are because they're true and there's no way to
17 explain it.

18 There is no explanation to how you can write those
19 things to your 14, 15 year old daughter and make it make
20 sense to you. It's impossible.

21 He said they're, they're no signs of trauma with the
22 doctor. There were two infections that she had and she
23 followed through with that and the UTI can be caused by
24 sexual intercourse. You get to decide what you do with
25 that. But, but saying there's no evidence is just not

1 true and anything -- again, this is yours. Everything
2 that is put in is for your benefit.

3 If you want to hear something read back, you get to
4 have it read back. If you want to look at something, you
5 look at something. This is for you for you to be able to
6 dispense justice.

7 Again, he talked about her stories being different.
8 Disclosure is a process. But he is leaving out when he
9 says **Complainant** recanted the abuse. No, she said the sexual
10 intercourse didn't happen and she told you why. I thought
11 he wouldn't get in as much trouble if all he was doing was
12 putting his mouth on my vagina and I was putting my mouth
13 on his penis.

14 She didn't say nothing happened. She pulled back
15 that one thing and she said he called me and he told me to
16 blame it on someone else. She told you.

17 But then she followed through. She went to the
18 doctor. She disclosed the abuse. She went back to CAC.
19 She disclosed the abuse. She came and sat right here in
20 front of all of you for hours and she disclosed the abuse
21 and that's direct evidence cause it happened to her.

22 She was the one with him every time his hands went
23 inside her vagina, every time his mouth went on her
24 vagina, every time she had to drink his semen. That
25 happened to her. That is direct evidence, and, if that's

1 not enough, then look at all of these.

2 Pictures of them together. These are their messages
3 and him recounting how much he loved making love to his
4 daughter.

5 Thank you for your time, for your attention. We are
6 asking for convictions on all charges. We are asking for
7 justice.

8 Thank you.

9 THE COURT: Okay. Ladies and gentlemen of the jury,
10 it is now my responsibility -- can you just move this
11 easel and maybe put those notebooks down on that table
12 right there?

13 Thank you.

14 He'll do it. He'll do it. You don't have to do it.
15 Thank you. Thank you, sir.

16 Okay. Ladies and gentlemen, you-all have heard the
17 closing arguments of counsel, okay, and now it is my duty
18 to instruct you all on the law of the case.

19 As I explained to you earlier, after I instruct you
20 on the law, you all will return to your jury deliberation
21 room. The alternates will be in a separate room if they
22 are not needed and then the bailiff is going to come in
23 and give you the verdict form and tell you all to begin
24 your deliberations.

25 Now, I anticipate that this is going to take about 20

1 minutes for me to instruct y'all on the law, okay, and you
2 all have been very patient so far. And, traditionally, I
3 do not break up the closings and the charge on the law.

4 All right. Now, members of the jury, the State of
5 South Carolina charges the defendant, Daniel M. Buckson,
6 with criminal sexual conduct with a minor in the second
7 degree, five counts, criminal sexual conduct with a minor
8 in the third degree, one count, incest, one count,
9 exposure of private parts in a lewd and lascivious manner,
10 one count. That's what I told you all at the very
11 beginning of this trial when we were selecting the jury.

12 Okay. You all, of course, bear in mind that the
13 defendant has pled not guilty and, by that plea, or those
14 pleas, the defendant denies the charges alleged in the
15 indictments.

16 The defendant comes into the court clothed with a
17 presumption of innocence and this presumption of innocence
18 continues throughout the case and entitles the defendant
19 to a verdict of not guilty unless and until it is
20 dispelled by evidence satisfying you, the jury, beyond a
21 reasonable doubt, that the defendant is guilty of the
22 offenses charged and the State has proved each and every
23 element of the alleged crimes beyond a reasonable doubt.

24 As I told you at the very beginning of the trial
25 right after you all were sworn in, the same Constitution

1 and law that makes you, the jury, the finders of the facts
2 and the evidence as I have discussed with you makes me the
3 judge and the sole and only instructor of the law. You
4 must accept as correct the law which I instruct and apply
5 it to the evidence as you find it and reach a verdict.

6 If I should make an error in the law as I instruct it
7 to you, there is another time and place where that error
8 can be considered and, if necessary, corrected. But for
9 the purpose of this case today, you must accept the law as
10 I instruct it. And, in that regard, I tell you that
11 neither you nor I should be concerned about what we
12 believe or think the law ought to be. But only concern
13 yourselves with what I instruct you the law is.

14 The defendant, in this case, is charged by
15 indictments filed with the Court of the crimes of criminal
16 sexual conduct with a minor in the second degree, five
17 counts, criminal sexual conduct with a minor third degree,
18 one count, and incest, one count, and exposure of private
19 parts in lewd -- in a lewd and lascivious manner, one
20 count.

21 Now I'm going to explain to you-all, in just a few
22 minutes, the elements that have to be proved for those
23 crimes. But I tell you, again, the indictments are simply
24 the method by which the case is brought into court. The
25 indictments are not, in any sense, evidence of the

1 allegations that they contain.

2 The defendant has pled not guilty to the indictments.
3 The State, therefore, has the burden of proving each of
4 the elements of the indictments beyond a reasonable doubt
5 and it will be your duty to decide whether the State has
6 met their burden.

7 In a criminal prosecution, the State has the burden
8 of proof. The defense has no burden as the defendant is
9 presumed to be innocent.

10 In this state, according to our Constitution, the
11 pro -- the prosecution must prove their case to the
12 standard of proof beyond a reasonable doubt before a
13 finding of guilt may occur. If the State fails to meet
14 this high burden, the defendant is entitled to a verdict
15 of not guilty.

16 Now, under the Constitution and laws of South
17 Carolina, you-all are the sole fact finders in this case.
18 I am not allowed to suggest, in any way, what I may think
19 about the guilt or innocence of the defendant. You are
20 also the judges of the credibility and believability of
21 the witnesses who have testified in this case.

22 In passing upon their credibility, you may take into
23 consideration many things such as what is the manner and
24 appearance of the witness who testified, was he or she
25 straightforward, or was he or she hesitant in answering,

1 how did the witness come to know the facts that the
2 witness testified to, what was the witnesses ability to
3 know the facts, is there some reason a witness would want
4 to give testimony which would help or hurt one side or the
5 other.

6 In other words, was the witness biased or prejudiced
7 and was the testimony of a witness strengthened or
8 weakened by other testimony or evidence.

9 You, the jury, may believe as much or as little of
10 each witnesses testimony as you think proper. You may
11 believe the testimony of a single witness against that of
12 many or just the opposite. You may believe part of a
13 witnesses testimony and disbelieve the rest.

14 The fact that the testimony is not controverted does
15 not mean that you must accept it as true and undisputed.
16 You still much gauge -- must gauge the credibility of the
17 witness to determine the believability or truth of the
18 facts offered through the testimony.

19 As to a reasonable doubt, a reasonable doubt is the
20 kind of doubt that would cause a reasonable person to
21 hesitate to act. The State has the burden of proving the
22 defendant guilty beyond a reasonable doubt.

23 Some of you may have served as jurors in civil cases
24 where you were told that it is only necessary to prove
25 that a fact is more likely true than not true such as by

1 the greater weight or preponderance of the evidence.

2 In criminal cases, the State's proof must be more
3 powerful than that. It must be beyond a reasonable doubt.
4 Proof beyond a reasonable doubt is proof that leaves you
5 firmly convinced of the defendant's guilt.

6 There are very few things in this world that we know
7 with absolute certainty and, in criminal cases, the law
8 does not require proof that overcomes every possible
9 doubt. If, based on your consideration of the evidence,
10 you are firmly convinced the defendant -- that the
11 defendant is guilty of the crime charged, you must find
12 the defendant guilty. If, on the other hand, you think
13 there is real possibility that the defendant is not
14 guilty, you must give the defendant the benefit of the
15 doubt and find him not guilty.

16 Now, there are two types of evidence which are
17 generally presented during a trial, direct evidence and
18 circumstantial evidence.

19 Direct evidence is the testimony of a person who
20 asserts or claims to have actual knowledge of a fact such
21 as an eye witness. Circumstantial evidence is proof of a
22 chain of facts and circumstances indicating the existence
23 of a fact.

24 The law makes absolutely no distinction between the
25 weight or value to be given to either direct or

1 circumstantial evidence nor is a greater degree of
2 certainty required of circumstantial evidence than of
3 direct evidence. You should weigh all of the evidence in
4 this case. However, to the extent the State relies upon
5 circumstantial evidence, all of the circumstances must be
6 consistent with each other, and when taken together, point
7 conclusively to the guilt of the accused beyond a
8 reasonable doubt.

9 If these circumstances merely portray the defendant's
10 behavior as suspicious, the proof has failed. After
11 weighing all the evidence, if you are not convinced of the
12 guilt of the defendant beyond a reasonable doubt, you must
13 find the defendant not guilty.

14 Now, it is up to you-all to discern -- to determine
15 the credibility of the witnesses who have testified in
16 the, the case. Credibility simply means be --
17 believability. It becomes your duty, as jurors, to
18 evaluate the evidence and determine which evidence
19 convinces you it is true.

20 In determining the believability of witnesses who
21 have testified in this case, you may believe one witness
22 over several or several witnesses over one. You may
23 believe a part of the testimony of a witness and reject
24 the remaining part of the testimony of that same witness.
25 You may believe the testimony of a witness in its entirety

1 or reject the testimony of a witness in its entirety.

2 You may consider whether the witness has an interest
3 in the result of the trial, whether the witness is
4 prejudiced towards either the plaintiff or the defendant,
5 the opportunity for the witness to have seen the matters
6 and things about which the witness may testify, and the
7 way the witness acted on the witness stand.

8 Now, there has been evidence presented that witnesses
9 or a witness may have made prior statements which were not
10 consistent with the witnesses present testimony. You may
11 use this evidence to decide whether to believe the
12 witness. You may also use the evidence, and the early
13 contradictory statements, to determine the truth of those
14 statements. It is up to you to decide whether to believe
15 the earlier statements or the testimony given at trial.

16 If a witness is shown to have knowingly testified
17 untruthfully concerning any material matter, you may
18 consider this in determining whether to trust the
19 witnesses testimony as to other matters. You may reject
20 all testimony of that witness or give all or part of the
21 testimony you think it deserves.

22 Now, in this case, you-all heard from witnesses who
23 were determined to be expert witnesses. As I informed you
24 before these witnesses testified, the rules of evidence
25 ordinarily do not permit witnesses to testify to opinions

1 or conclusions. An exception to this rule exists for
2 witnesses we call expert witnesses.

3 A witness, who by education, ex -- and experience has
4 become expert in some art, science, profession, or calling
5 may state an opinion as to relevant and material matter in
6 which the witness claims to be an expert and may also
7 state the reasons for the opinion. You should consider
8 any expert testimony or any expert opinion received in
9 evidence in this case, and like any other evidence, give
10 it the weight you think it deserves.

11 If you decide that the opinion of an expert witness
12 is not based on sufficient education and experience, or if
13 you conclude that the reasons given in support of the
14 opinions are not sound or that the opinion is outweighed
15 by other evidence, you may disregard the opinion entirely.

16 An expert witnesses testimony is to be given no
17 greater weight than that of other witnesses simply because
18 the witness is an expert. Further, you are not required
19 to accept an expert's opinion even though it is not
20 contradicted.

21 As the sole fact finders in the case, you should have
22 listened closely to the evidence presented. Weighing the
23 evidence is entirely a mental process. You must weigh the
24 evidence using your good judgment and common sense.

25 Now, in this case, the defendant did not testify

1 before you. I instruct you and emphasize that the fact
2 that the defendant did not testify is not a factor to be
3 considered by you in any way in your deliberations and in
4 your consideration on the question of the guilt or the
5 innocence, innocence of the defendant. It must not be
6 considered by you in any manner whatsoever.

7 A defendant has a constitutional right to remain
8 silent and the assertion of this right must not be
9 considered by you in your deliberations. Under your oath,
10 you are to draw no conclusion whatsoever from the fact
11 that the defendant in this case did not testify.

12 The fact that this defendant did not testify should
13 not even be discussed in the jury room. The burden of
14 proof, as I have stated to you, is on the State. The
15 defendant is not required to prove his innocence. The
16 burden of proof remains on the State to prove guilt beyond
17 a reasonable doubt.

18 In our state, criminal intent is a necessary element
19 of each crime that must be proved by the State beyond a
20 reasonable doubt. Criminal intent is always a matter that
21 must be determined by the jury from the circumstances
22 surrounding the situation.

23 There is no way to prove intent to a mathematical
24 certainty. Medical science can not dissect a person's
25 brain and determine what he had in mind.

1 So, the law says that criminal intent may be inferred
2 from the circumstances shown to have existed. This is how
3 a jury makes a determination of whether or not the element
4 requiring intent was present.

5 Criminal intent is a state of mind which operated
6 jointly with an act is the commission of a crime.
7 Criminal intent is a mental state, a conscious wrongdoing.

8 So, it is up to you, the jury, to determine what the
9 defendant intended to do based on the circumstances shown
10 to have existed. I tell you that the State must prove
11 criminal intent beyond a reasonable doubt just as the
12 State must prove every element beyond a reasonable doubt.

13 It is not necessary to establish intent by direct and
14 positive evidence. But intent may be established by
15 inference in the same way as any other fact by taking into
16 consideration the acts of the parties and all the facts
17 and circumstances of the case. While the State may prove
18 motive, it is unnecessary that the State do so. However,
19 the State must prove intent.

20 Now, as I've stated to you in this case, the
21 defendant is charged with a second degree criminal sexual
22 conduct with a minor. Our South Carolina statute defines
23 that as follows:

24 Second, second degree criminal sexual conduct with a
25 minor or in a case of that nature, the State must prove,

1 beyond a reasonable doubt, that the defendant engaged in a
2 sexual battery with the victim. A sexual battery is
3 sexual intercourse, cunnilingus, fellatio, anal
4 intercourse, or any intrusion, however slight, of any part
5 of a person's body, body or of any object into the genital
6 or anal openings of another person's body except when the
7 intrusion is accomplish -- accomplished for medically
8 recognized treatment or diagnostic purposes.

9 The State must then prove, beyond a reasonable doubt,
10 that the victim was less than 16 years of age but at least
11 14 years of age and that the defendant was either in a
12 position of familial, custodial, or official authority to
13 coerce the victim to submit or that the defendant was
14 older than the victim.

15 well, also, in this case, the defendant has been
16 charged with criminal sexual conduct with a minor in the
17 third degree, and, in criminal sexual conduct with a minor
18 in third degree cases, the State must prove, beyond a
19 reasonable doubt, that a person is guilty of that if the
20 actor is over 14 years of age and the actor willfully and
21 lewdly commits or attempts to commit a lewd or lascivious
22 act upon or with the body or its parts of a child under 16
23 years of age with the intent of arousing, appealing to, or
24 gratifying the lust, passions, or sexual desires of the
25 actor or the child.

1 In this case, the defendant is also charged with the
2 offense of incest. South Carolina statute defines incest
3 as follows:

4 Any persons who shall have carnal intercourse with
5 each other within the following degrees of relationship:

6 A man with his daughter.

7 And the defendant is charged with the offense of
8 exposing private parts in a lewd and lascivious manner.
9 Any person who willfully, knowingly -- and knowingly
10 exposes the private parts of his person in a lewd and
11 lascivious manner in the presence of any other person has
12 committed that offense.

13 Lewd is defined as obscene, lustful, indecent,
14 lecherous.

15 Lascivious is defined as tending to excite lust,
16 lewd, indecent, obscene, sexual impurity, tending to
17 deprave the morale in respect to sexual relations.

18 Now, as you-all have gathered, there are multiple
19 charges in this case and the indictments in this case
20 allege several different offenses against the defendant.
21 Again, the charges are criminal sexual mind -- criminal
22 sexual conduct with a minor in the second degree, criminal
23 sexual conduct with a minor in the third degree, incest,
24 and exposure of private parts in a lewd and lascivious
25 manner.

1 Each charge, there are five counts of CSC with a
2 minor in the second degree, one count of CSC with a minor
3 in the third degree, one count of incest, one count of
4 exposure of private parts in a lewd and lascivious manner.
5 Each indictment charges a separate and distinct offense.
6 You must decide each one separately and on the evidence
7 and the law applicable to it un -- uninfluenced by your
8 decision as to any other indictment.

9 The defendant may be convicted or acquitted on any or
10 all of the offenses charged. You will be asked to write a
11 separate verdict of guilty or not guilty for each
12 indictment.

13 Now, you-all have been selected to be fair and
14 impartial jurors. I don't know how many times I used that
15 term on Monday when we were selecting our jury except to
16 say over and over can you be fair and impartial.

17 Okay. Your verdict in this case can not be based on
18 sympathy, passion, prejudice, or emotion, or some other
19 consideration not found in the evidence. Your verdict
20 must be unanimous meaning that everyone has to agree on
21 the verdict.

22 Now, I'm going to go over the verdict form with you.
23 But let me tell Madam Foreperson.

24 Madam Foreperson, you are the spokesperson for your
25 fellow jurors. You are to carry out the deliberations and

1 you will complete the verdict form and sign it and date
2 it.

3 However, everybody's voice is equal. No one has more
4 weight than anyone else. But, logically, we don't need 12
5 different verdict forms for everybody to complete.

6 Okay. Everybody's voice is equal. If there is a
7 question, then Madam Foreperson will write it, sign it.
8 The bailiff will bring it to me and then I take it up on
9 the record with the lawyers and then you all come back in
10 and I tell you all how I am responding to it.

11 Okay. All right. And so it won't just be the
12 foreperson coming in. Everybody will come in.

13 All right. So, with regard to the verdict form, I am
14 going to read it to you and I want to state that I drafted
15 this, okay, and I've tried to do it as fairly as possible.
16 And there's no significance as to which word comes first
17 as to your choices of guilty or not guilty. It's just
18 that something had to come first and something had to come
19 second.

20 All right. In the State of South Carolina, County of
21 Cherokee, in the Court of General Sessions, in the State
22 versus Daniel Machito Buckson, please circle the
23 appropriate verdict below and follow the accompanying
24 instructions carefully. They're eight questions.

25 Question number one. As to Indictment 25-958

1 alleging criminal sexual conduct with a minor in the
2 second degree, meaning sexual battery while at [REDACTED]
3 Colonial Avenue, Apartment Number [REDACTED], we, the jury,
4 unanimously find the defendant guilty, not guilty. Circle
5 one.

6 Number 2. As to the Indictment 25-959 alleging
7 criminal sexual conduct with a minor second degree,
8 meaning sexual battery while at [REDACTED] McCluney Drive, we, the
9 jury, unanimously find the defendant guilty, not guilty.

10 Number 3. As to Indictment 25-960 alleging criminal
11 sexual conduct with a minor second degree, meaning sexual
12 battery while at [REDACTED] Brookwood Drive, we, the jury,
13 unanimously find the defendant guilty, not guilty.

14 As to Indictment 2591 alleging criminal sexual
15 conduct with a minor second degree, meaning sexual battery
16 while in a vehicle at [REDACTED] McCluney Drive, we, the jury,
17 unanimously find the defendant guilty, not guilty.

18 Number 5. As to Indictment 25-962 alleging criminal
19 sexual conduct with a minor second degree, meaning sexual
20 battery while at a business located near Granard Middle
21 School, we, the jury, unanimously find the defendant
22 guilty, not guilty.

23 Number 6. As to the Indictment 25-621 alleging
24 criminal sexual conduct with a minor in the third degree
25 meaning touching the minor's breast and vagina while at

1 ■ Colonial Avenue, Apartment Number ■, we, the jury,
2 unanimously find the defendant guilty, not guilty.

3 Number 7. As to Indictment 2562 alleging exposure of
4 private parts in lewd and lascivious manner while at ■
5 Colonial Avenue, Apartment Number ■, we, the jury,
6 unanimously find the defendant guilty, not guilty.

7 And, lastly, Number 8. As to Indictment 2023-1014
8 alleging incest meaning having sexual intercourse with
9 biological daughter, we, the jury, unanimously find the
10 defendant guilty, not guilty.

11 There's a place to sign and a place to date.

12 All right. Now, again, the verdict must be
13 unanimous. When you-all agree on the verdict, Madam
14 Forelady will write, complete the verdict form, sign it,
15 date it, knock on the door. The bailiff will then come.
16 You tell the, the bailiff you have reached a verdict. You
17 keep the verdict form though.

18 Okay. And then we all come back in and we receive
19 the verdict.

20 Okay. It will be handed to the bailiff, handed to
21 me, handed to the clerk to be published.

22 All right. Now, at this time I am going to ask that
23 you all return to your jury room. Do not begin
24 deliberations until, until you're told to do so by the
25 bailiff or the Clerk of Court. I do need to ask the

1 lawyers some questions about what I just said to you.

2 Okay. And, at this time, the alternates go in with
3 them. The alternates will come out if you-all are to
4 begin your deliberations.

5 okay. If everyone will please rise.

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: Thank you.

9 All right. Everyone please be seated.

10 Are there any objections or exceptions to the charge
11 by counsels?

12 SOLICITOR LESKANIC: Not by the State, Your Honor.

13 MR. MacDONALD: No, Your Honor.

14 THE COURT: Okay. Thank you.

15 Y'all want to look at the verdict form and also
16 look -- gather up your exhibits from Madam Court Reporter
17 and we will have the bailiff take them in with the verdict
18 form and we will ensure that there is a pen and also a
19 notepad for notes.

20 Okay. Thank you all.

21 (Pause.)

22 THE COURT: Dan, here's the verdict form.

23 MR. MacDONALD: All right.

24 THE COURT: Be sure it's the final verdict.

25 SOLICITOR LESKANIC: It's good.

1 MR. MacDONALD: Yes, Your Honor.

2 THE COURT: Okay. So you can hand it to our bailiff.

3 So, is there any objection to the bailiffs giving the
4 evidence to our jury, telling the foreperson -- well --
5 just bear with me one minute.

6 (Pause.)

7 THE COURT: All right. Okay. So I will instruct the
8 bailiffs to give them the evidence. The alternates come
9 out. They'll be held in a separate room and they can make
10 a decision if they want to eat or begin or do both.

11 Okay. All right. Thank you all.

12 And our -- my law clerk is going to get y'all's
13 cellphone numbers so y'all don't feel like you're just
14 chained to the tables.

15 All right. Everyone, I, I want to tell you now that
16 I know y'all have had a very busy couple of weeks and I
17 know that you-all are exhausted right now. Thank you for
18 very efficient and professional representation for your
19 clients and being professional advocates.

20 I do wish everyone the best?

21 SOLICITOR LESKANIC: May I, Your Honor?

22 We did -- I did have one objection during closing. I
23 don't know if we need to put anything regarding that on
24 the record.

25 THE COURT: Yes, we do.

1 SOLICITOR LESKANIC: Okay.

2 THE COURT: Okay. And that was with regard to the
3 cellphone?

4 SOLICITOR LESKANIC: Yes, Your Honor.

5 THE COURT: Okay.

6 SOLICITOR LESKANIC: May it please the Court.

7 Mr. MacDonald, during his closing, pulled out his
8 cellphone. There were something written on the cellphone
9 that I could not see on the screen and I had not seen that
10 before. I don't want to speak out of turn. I think he
11 was gonna use that for demonstrative purposes and do
12 something with the phone.

13 However, there had been no evidence in this case
14 regarding manipulating cellphones or cellphone data. I
15 don't know what cellphone he was using, what apps might be
16 on the phone. I just didn't think there was any basis for
17 that to be presented to the jury as if that was something
18 that could have been done in this case without him having
19 someone testify to fabrication of records and there was no
20 testimony in this case regarding fabrication of any of
21 these text messages.

22 So, on that basis, I did object to that being
23 presented to the jury during closing.

24 MR. MacDONALD: Your Honor, I was trying to just
25 display how the text messages weren't collected by law

1 enforcement. And so, therefore, they could of easily been
2 tampered with. That was the purpose of my demonstrative.

3 THE COURT: Yes, sir.

4 Okay. And I know that on -- I mean that was brought
5 up on cross I believe and it goes to the -- to go to the
6 weight of the -- of that evidence. And I, I think that
7 you made your point thoroughly and your, your comments to
8 them without illustrating your phone, all right, and I did
9 sustain the objection.

10 All right. Thank you all.

11 SOLICITOR LESKANIC: Thank you, Your Honor.

12 (WHEREUPON, the jury began deliberations at 1:55PM
13 and returned with a verdict at 2:57PM.)

14 THE COURT: Okay. Thank you all.

15 I have been informed that there's a verdict.

16 Is that correct, Madam Clerk?

17 THE CLERK: Yes, Your Honor.

18 THE COURT: Okay. All right. Is there anything then
19 before we have the jury return from the State?

20 SOLICITOR LESKANIC: No, Your Honor.

21 MR. MacDONALD: No, Your Honor.

22 THE COURT: Okay. And I did want to tell you-all in
23 the audience that I, I don't know what this verdict will
24 bring and that I do appreciate you-all being here to
25 support your loved ones.

1 This has been a long procedure, a long trial for
2 y'all and for your lawyers. And I, I just want to tell
3 you all that, whatever the verdict is, whether it is
4 approval or disapproval of the verdict, it would not be
5 appropriate for you all to breach decorum. It would not
6 be respectful of the work that the jury has done this
7 week.

8 And so, if you suspect that you're going to be unable
9 to contain your emotions and remain silent when the
10 verdict is announced, I, I would respectfully request that
11 you leave the courtroom. I, I just don't want to end up
12 having to chastise someone in the audience at, at the time
13 that we receive the verdict.

14 Okay. And so everyone please understand that I
15 understand how difficult this is for everyone involved.
16 And I do appreciate you-all being courteous to each other
17 at this point.

18 Thank you.

19 All right. And, Madam Clerk, the alternates were
20 being---

21 THE CLERK: They're over here, Your Honor.

22 THE COURT: Okay. Okay. And so we will now have our
23 jury. If everyone remembers to please rise.

24 Okay.

25 (WHEREUPON, the following takes place within the

1 presence of the jury.)

2 THE COURT: Okay. Madam Forelady, I have been
3 informed by the clerk that you-all have reached a verdict.
4 Is that correct?

5 THE FORELADY: (WHEREUPON, the forelady nods
6 affirmatively.)

7 THE COURT: Is it unanimous?

8 THE FORELADY: (WHEREUPON, the forelady nods
9 affirmatively.)

10 THE COURT: And has it been reduced to writing?

11 THE FORELADY: Yes.

12 THE COURT: Okay. And you've signed the verdict
13 form?

14 THE FORELADY: (WHEREUPON, the forelady nods
15 affirmatively.)

16 THE COURT: All right. Thank you.

17 If you will please hand that to the bailiff.

18 (WHEREUPON, the forelady complies.)

19 THE COURT: Okay. I will now ask the Clerk of Court
20 to publish this verdict.

21 THE CLERK: The State versus Daniel Machito Buckson,
22 as to the Indictment 25-GS-11-958 alleging criminal sexual
23 conduct with a minor second degree, sexual battery while
24 at ■■■ Colonial Avenue, Apartment ■■■, we, the jury,
25 unanimously find the defendant guilty.

1 As to the Indictment 25-GS-11-959 alleging criminal
2 sexual conduct with a minor second degree, sexual battery
3 while at ■■■ McCluney Drive, we, the jury, unanimously
4 find the defendant guilty.

5 As to the Indictment 25-GS-11-960 alleging criminal
6 sexual conduct with a minor second degree, sexual battery
7 while at ■■■ Brookwood Drive, we, the jury, unanimously
8 find the defendant guilty.

9 As to the Indictment 25-GS-11-961 alleging criminal
10 sexual conduct with a minor second degree, sexual battery
11 while in a vehicle at ■■■ McCluney Drive, we, the jury,
12 unanimously find the defendant guilty.

13 As to Indictment 25-GS-11-962 alleging criminal
14 sexual conduct with a minor second degree, sexual battery
15 while at a business located near Granard Middle School,
16 we, the jury, unanimously find the defendant guilty.

17 As to the Indictment 25-GS-11-621 alleging criminal
18 sexual conduct with a minor third degree by touching the
19 minor's breasts and vagina while at ■■■ Colonial Avenue,
20 Apartment ■■, we, the jury, unanimously find the defendant
21 guilty.

22 As to the Indictment 25-GS-11-622 alleging exposure
23 of private parts in a lewd act and lascivious manner while
24 at ■■■ Colonial Avenue, Apartment ■■, we, the jury,
25 unanimously find the defendant guilty.

1 As to the Indictment 23-GS-11-1014 alleging incest,
2 having sexual intercourse with biological daughter, we,
3 the jury, unanimously find the defendant guilty.

4 Signed by foreperson, Kaylyn Moss.

5 Ladies and gentlemen of the jury, if this is the
6 verdict of you all, please indicate by raising your
7 right-hand?

8 (WHEREUPON, all jurors raise their hands at this
9 time.)

10 THE CLERK: Thank you.

11 THE COURT: Thank you.

12 Okay. Counsel, is there anything else of the jury at
13 this time?

14 SOLICITOR LESKANIC: Not from the State, Your Honor.

15 MR. MacDONALD: No, Your Honor.

16 THE COURT: Okay. Thank you. And so I am now going
17 to release the jury.

18 All right.

19 (WHEREUPON, the jury was released at this time.)

20 THE COURT: Please be seated.

21 Counsel, can y'all come up?

22 (WHEREUPON, a bench conference was held at this
23 time.)

24 THE COURT: Okay. Thank you all.

25 Now let me hear from the State with regard to

1 sentencing.

2 SOLICITOR LESKANIC: Thank you, Your Honor.

3 May it please the Court.

4 Before you is Mr. Buckson after having been found
5 guilty on all charges by the jury.

6 We did serve him with notice of life originally.
7 That was clocked May 20th of 2025.

8 He has a prior criminal history consisting of several
9 serious offenses including possession with intent to
10 distribute crack cocaine within a half mile of a school,
11 trafficking in crack cocaine, another possession with
12 intent to distribute crack cocaine within proximity of a
13 school, another trafficking crack cocaine, another
14 possession with intent to distribute crack cocaine within
15 proximity of a school. Those are all classified under
16 South Carolina law as serious offenses.

17 Criminal sexual conduct with a minor on whether it be
18 second or third degree, which he was convicted of both,
19 they are classified, under South Carolina law, as most
20 serious offenses and, therefore, he was eligible to be
21 noticed that, if he was convicted on any counts of
22 criminal sexual conduct with a minor, that he would be
23 sentenced to life and that would be without discretion of,
24 of this Honorable Court.

25 So, we would ask that that sentence be imposed on

1 those charges.

2 THE COURT: And as to the incest and the exposure of
3 private parts in a lewd and lascivious manner?

4 SOLICITOR LESKANIC: He would receive credit for over
5 a thousand days. I did provide that information.

6 THE COURT: A thousand 62.

7 SOLICITOR LESKANIC: And so I believe he would have
8 time served on those charges, Your Honor.

9 THE COURT: Okay. And so, Mr. MacDonald, MacDonald,
10 do you agree with the explanation by the State regarding
11 the LWOP?

12 MR. MACDONALD: Yes, Your Honor.

13 THE COURT: And do you further agree that criminal
14 sexual conduct with a minor in the third degree and
15 criminal sexual conduct with a minor in the second degree
16 are both offenses that are considered to be violent and
17 most serious?

18 MR. MACDONALD: It is, Your Honor.

19 THE COURT: Okay. All right. And so I have the
20 original notices of life sentence pursuant to 17-25-45(a)
21 and amended notice of life sentence that was filed on July
22 the 29th. The first one was filed on May the 20th of
23 this year. The second one on July the 29th.

24 SOLICITOR LESKANIC: Yes, Your Honor.

25 THE COURT: These have been recorded with the clerk's

1 file.

2 Would you like to review them, sir?

3 MR. MacDONALD: No, Your Honor. I've, I've reviewed
4 them.

5 THE COURT: Okay. Is there any motion to make them
6 exhibits?

7 I'm not saying that they need to be.

8 SOLICITOR LESKANIC: No, Your Honor.

9 THE COURT: Okay. All right. And so anything else
10 with regard to sentencing?

11 SOLICITOR LESKANIC: No, Your Honor.

12 I have asked the victim if she would like to address
13 the Court and I believe she stands on her testimony.

14 THE COURT: Okay. Thank you.

15 Okay. Mr. MacDonald, sir, I would -- am happy to
16 hear from you or anyone else that wishes to address me on
17 behalf of Mr. Buckson before I hear from Mr. Buckson.

18 MR. MacDONALD: Okay. Thank you, Your Honor.

19 We understand the verdicts reached today. It binds
20 the Court with what sort of sentence he can receive, he
21 can receive. Mr. Buckson knew that going in and his
22 family's here in support of him. He's got a loving and
23 caring family and they were here throughout the trial in
24 support of him as well.

25 But, Your Honor, I've informed Mr. Buckson, Buckson

1 about what our options are going forward. And so, at this
2 time, I'll see if any of the family members want to
3 address you.

4 THE COURT: Yes, sir.

5 Good afternoon, ma'am.

6 You're Ms. Cassandra Buckson?

7 MS. BUCKSON: Yes, ma'am.

8 Good evening, judge.

9 I just want to speak on behalf of my brother.

10 Daniel was a very smart man. He's musically
11 inclined. He earned two degrees in health and human
12 services.

13 He's taken care of his kids since he's been home.
14 He's been nothing but good to **Complainant's** family and our own
15 family.

16 I wouldn't be here today in support of him if I
17 didn't trust his innocence. I know him very well. We're
18 very close. In fact, in school we kind of dressed alike.
19 I was a little tomboy.

20 But I blame myself because I got these kids together,
21 and when he was in prison, I took them down there to see
22 him. We made a weekend out of it, all three of them.

23 Sometimes **Complainant** wouldn't be allowed to come to show
24 them who he really is. And, when he graduated, **Brother** and
25 **Sister** was able to go. Claudia didn't allow **Complainant** to

1 go. But he actually wrote a song and they, they performed
2 it.

3 Every time we would go visit Daniel we got a visit
4 from the captain or the warden saying this boy is too
5 smart to be in here.

6 I don't believe that my brother did these things and
7 I appreciate the representation by Mr. MacDonald and,
8 Nick, I'm sorry. I don't know your last name. So,
9 Mr. Nick, I thank you and I want to tell my brother stay
10 strong and you do what God has you to do.

11 He's helped several people in Cherokee County jails.
12 They will vouch for him. You know, they study the Bible.
13 He taught himself how to play the guitar. He can play
14 anything. My younger brother that passed away, he was
15 learning the cello. They can play by ear. But they
16 sister need a little help. I read notes and things.

17 But I remember one -- once -- one day at Bible study
18 I stepped in the middle of the circle and I was gon' sing
19 a song and I'm very bashful. Nobody believes it. But
20 over every -- the song was called Break Every Chain, and,
21 and over everybody's voice, it wasn't a dry eye at the
22 church. I heard my brother singing. He said girl, if you
23 gon' sing the song, sing it.

24 But I understand the law. But I don't want, I don't
25 want to lose him again. I done lost one sibling. He's

1 all I got and yes, I suffer from depression. That's how I
2 recognize depression and I beg for psychiatric help for my
3 niece and nobody would listen to me, to me. And these
4 accusations are just not true.

5 And I respect what the jury has said. You know,
6 that's part of our Constitution and, you know, is to a
7 fair trial.

8 But, Daniel, I love you and I know you do. You know
9 I love you.

10 Thank you---

11 THE COURT: Yes, ma'am.

12 MS. BUCKSON: ---judge, for allowing me to have this
13 time and I also want to tell **Complainant** that Aunt Cassandra
14 loves you. I love you, girl. I love her.

15 These past three years that he's been incarcerated,
16 she's been ripped from us because how you go and talk to
17 her. I can read her and I know that she's telling the
18 truth and when she's not.

19 I saw her cutting and I remember when I was at home
20 she went and got a knife and I -- and she was getting
21 ready to cut herself and I said what are you doing and she
22 needed counseling. I immediately told her grandma. This
23 was over in the morning and putting the blade down.

24 My brother, it's not true. It -- I lost my brother
25 and I grieve. I still grieve. It's 2018.

1 This child lost her mama at seven. I watched her
2 grow and I tried to do what I could for her. I tried to
3 be a positive example for her and I did everything I
4 could.

5 So, you know, they been turning their heads and won't
6 speak. I believe that she's been coerced and not just
7 from the language that she spoke. But I appreciate --
8 yes.

9 So that I love you, Daniel.

10 THE DEFENDANT: I love you too.

11 MS. BUCKSON: You stay strong and you let God use
12 you.

13 Complainant I love you, I love you too, girly, and I
14 always will.

15 THE COURT: Thank you, ma'am.

16 MS. BUCKSON: Thank you, judge.

17 THE COURT: Anything else, Mr. MacDonald, before I
18 hear from Mr. Buckson?

19 MR. MACDONALD: No.

20 One second, Your Honor.

21 THE COURT: Yes, sir.

22 (Pause.)

23 MS. DORIS BUCKSON: I'm his mother.

24 THE COURT: Yes. Yes, ma'am.

25 MS. DORIS BUCKSON: The only thing is---

1 THE COURT: Yes, ma'am.

2 Can you state your full name for me?

3 MS. DORIS BUCKSON: Doris Buckson.

4 THE COURT: How do you spell your first name?

5 MS. DORIS BUCKSON: D-O-R-I-S.

6 THE COURT: Yes, ma'am.

7 MS. DORIS BUCKSON: Buckson.

8 THE COURT: Yes, ma'am.

9 MS. DORIS BUCKSON: I don't think that my son did
10 that. He didn't. I don't think so.

11 He, he lived in my house and I'm always at home with
12 him and she come visit and, and just -- I don't
13 remember -- the doors they close at my house. Those,
14 those don't close at my house. Have they ever -- I don't
15 think they close those bathroom doors. Those stay closed,
16 the bathroom, and I saw it was open.

17 MS. BUCKSON: She raised us by herself and she was a
18 very strict mom. All three of us have degrees and she's,
19 she's been a good mama and a good grandma as such as they
20 would allow.

21 MS. DORIS BUCKSON: Complainant -- that -- Complainant had --
22 they don't -- at my house a lot of times too.

23 THE COURT: Ma'am, thank you, ma'am. Thank you for
24 being here.

25 MR. MacDONALD: That's all. That's all, Your Honor.

1 THE COURT: Okay. Mr. Daniel Buckson, is there
2 anything that you'd like to tell me, sir?

3 THE DEFENDANT: I guess I'd like to say to both of
4 the families involved that this is horrible that we have
5 to be here today, you know, and I'm, I'm not a perfect
6 person. I'm -- maybe I haven't been the best father.

7 But anybody that knows me, that truly knows me on
8 both sides of the family know that I love my children with
9 all my heart and there is nothing that I will not do for
10 them.

11 I apologize for terrible words that I have said.

12 **Complainant** you did not deserve to hear those things
13 and, no matter what, you know, you continue to hold your
14 head high. Be strong and confident and grow into the
15 beautiful young woman that you are already.

16 But it, it, it was painful seeing the state that you
17 was in when I did come back home and you know I did every
18 effort that I could to help you to come out of that dark
19 space.

20 I'm not blaming nobody for this situation here today.
21 It is what it is and there -- it's -- this, this Court
22 process is here for a reason cause we all have the right
23 to be protected by the law. And, as we exhaust these
24 remedies, we just have to stand on the decisions that are
25 made.

1 And so, with that being said, that's, that's all I
2 have to say. Thank you, you all for your time and your
3 patience and effort, energy, and your respect.

4 THE COURT: Sir, do you agree with the statements of
5 your lawyer?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Anything else?

8 MR. MacDONALD: One more family members wants to
9 address the Court.

10 THE COURT: Yes.

11 MS. SMITH: My name is Georgia Smith and I'm---

12 THE COURT: Ms. Smith?

13 MS. SMITH: Georgia Smith.

14 THE COURT: Yes, ma'am.

15 MS. SMITH: And I'm Daniel's cousin and I also lived
16 in the house with Daniel and them when they were growing
17 up. So he more or less not just a cousin but like a
18 brother to me cause I watched the kids grow. Me and my
19 aunt, we work together, and not only just work together,
20 we already have been together.

21 And being a parent of a child of domestic (phonetic)
22 ever, it bothers me and all this was going on two years.
23 She could of talked to my daughter cause my daughter been
24 through this. But Daniel's not that type cause he done
25 been around my kids as they growing up. Done been around

1 my kid's kids when they growing up.

2 And knowing the type of man that Daniel are, we all
3 make mistakes. Not all. The majority have made mistakes.
4 But this ain't right.

5 Now what Daniel done in the past, yeah, it was wrong
6 because sometimes you don't have to go down the road and
7 he learned. And while he been down the road for the 12
8 year, 13, 14 years he was down the road, he learned. But
9 he also became a man of God.

10 And when he came back, he tried to love with not just
11 his family but his kids because he missed out. But he
12 loved **Complainant** more because -- he loved his kids, both --
13 all three of them. But **Complainant** as you -- cause her
14 mother had passed and he wasn't here to hold her when it
15 went through.

16 But the hurt and seeing him and go through and his
17 mother with stuff that I really don't feel took place from
18 here is hurtful and especially when you done lived that
19 life that I had to stand up and look at this stuff with my
20 daughter going through.

21 How can you go through two years when, if this was
22 going on, could of came to any of us?

23 The pastor. She didn't have to prolong two years of
24 being embarrassed. She was already damaged when her
25 mother passed cause she wasn't getting the love that she

1 would have got from her father and her daddy called during
2 times for stuff that -- and he wasn't raised up to do.
3 But when you get grown, you stray. But you always come
4 back in.

5 But now we going through this again. That's not him
6 when I guess the reason he didn't testify today because he
7 didn't want to be made to say stuff that wasn't true.

8 I would have known my daughter would have known cause
9 she used to talk to **Complainant** all the time about her
10 problems. And every time somebody would come to this
11 Court or be in the paper or on the news for being the
12 best -- for abused from they parents, it's affect my girl
13 and she relived in me all over again.

14 So, I have to go through with her again what she was
15 dealing with **Complainant** when they used to go down there
16 because Daniel and **Complainant** used to go to my daughter's
17 house all the time too and she was there. She can talks
18 to **Complainant**

19 why is this because way before now?

20 This could of been done back then in '21 or '22 when
21 it started or whenever they said it started. It didn't
22 have to go that long, judge.

23 And as the jury has spoken, she could have spoken
24 back then and this is why I had to speak on his behalf
25 because I'm not covering up for nenia (phonetic) or no

1 other of them. I wouldn't give -- if this had been my
2 daddy and it's wrong it's wrong.

3 But Daniel's a good man and, yeah, she got things in
4 her book over there that he done when he selling drugs.
5 And -- but that was a simple mistake that got corrected.

6 He came home to take care of his kids, not abuse
7 them, and then to hear this and it took two years?

8 And he sat in jail three years?

9 I just don't see that. I don't feel that. Neither
10 from that girl cause she could of come to us. We not bad
11 peoples. We might have made bad choices here and there.
12 But we not bad people.

13 We all go to church. So she's -- shouldn't of felt
14 offended. She should of felt more loved because what is
15 said in here and let somebody talk through the trauma if
16 somebody doing something wrong to him.

17 It's people y'all have in places out here protecting
18 her if she didn't feel like she come to her grandmother or
19 her other grandmother. It was people out here. My
20 daughter could had helped her---

21 SOLICITOR LESKANIC: Your Honor?

22 MS. SMITH: ---cause she was jumped (phonetic) to a
23 lot of it. But y'all do. But this is not him.

24 So, Daniel, keep on teaching no matter why. Be a
25 healer cause even in jail he taught. So, hold your head

1 up, baby, because it's not true. God will set it free and
2 know that I love you.

3 THE COURT: Thank you.

4 MS. SMITH: Thank you all and thank you, judge,
5 for---

6 THE COURT: Thank you, Ms. Smith.

7 MS. SMITH: ---for your time.

8 THE COURT: Thank you for being here.

9 Mr. Buckson, you need to be the last one to address
10 me, sir.

11 Is there anything else you want me to know?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: All right. Thank you all.

14 (Pause.)

15 THE COURT: Okay. With regard to the matter of the
16 State versus Daniel Machito Buckson, and as to Indictments
17 25-GS-11-958, 959, 960, 961, and 962, these are all for
18 the offense of criminal sexual, sexual conduct with a
19 minor in the second degree, these are violent and most
20 serious offenses, and in that Mr. Buckson, the defendant,
21 has been served with notice of life without parole, he
22 will be sentenced to life. These will be concurrent
23 sentences and there will be no contact with the victim.

24 With regard to Indictment 25-GS-11-621, criminal
25 sexual conduct with a minor in the third degree, this is

1 also a violent and most serious offense, as to the
2 defendant, Daniel Buckson, the sentence is life. This is
3 concurrent. There will be no contact with any victim.

4 As to Indictments 25-622, exposure of private parts
5 in a lewd and lascivious manner, and Indictment 23-1014,
6 incest, Mr. Buckson has been found guilty and will receive
7 time served sentences in that the time that he has spent
8 in pretrial detention exceeds the sentences of six months
9 and one year. These will be concurrent with credit for
10 1,062 days that he has spent in the detention facility and
11 there will be no contact with any victim.

12 I do sincerely wish you the best as well as the
13 victim and your family members all.

14 That will conclude the hearing.

15 MR. MacDONALD: Thank you, Your Honor.

16 THE COURT: Thank you.

17 SOLICITOR LESKANIC: Thank you, Your Honor.

18

19 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, 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 trial of the captioned case, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 4th, 5th, and 6th days of August, 2025.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

November 26th, 2025

PAMELA E. GREEN, Court Reporter

WITNESSES

CHEROKEE COUNTY SHERIFF'S OFFICE

(Garry Miller)

ARREST WARRANT NUMBER

2022A1110101167

ACTION OF GRAND JURY

TRUE BILL

Karen Sealey
Foreperson of Grand Jury

Date: *8-14-2023*

VERDICT

Guilty

Kaylynne *8/16/25*

Foreperson of Petit Jury
Date:

DOCKET NO. **23-GS-11-** *1014*

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

August 14, 2023 TERM

THE STATE

vs.

DANIEL MACHITO BUCKSON

Indictment for

INCEST

SC Code: 16-15-0020

CDR Code: 0090

Class FEL/E

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2023 AUG 14 A 10:41

BRANDY W. MCBEE

STATE OF SOUTH CAROLINA }
COUNTY OF CHEROKEE }

INDICTMENT

At a Court of General Sessions, convened on August 14, 2023, the
Grand Jurors of Cherokee County present upon their oath:

INCEST

That Daniel Machito Buckson between September 24, 2020, and August 3, 2022, did commit the crime of incest, in that the Defendant did engage in sexual intercourse with **Complainant** his biological daughter. Said incident occurred in Cherokee County, South Carolina. All in violation of §16-15-20, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.

Kimberly D. Kaine
DEPUTY SOLICITOR

DOCKET NO. **25-GS-11-00621**

WITNESSES

Cherokee County Sheriff's Office

[Signature]
S. Atkins

The State of South Carolina

County of Cherokee

Barry Barnett, Solicitor

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 MAY 12 A 12:00

BRANDY W. MCBEE

COURT OF GENERAL SESSIONS

WARRANT

DIRECT INDICTMENT

RE: Warrant 2022ATT10101162

ACTION OF GRAND JURY

TRUE BILL

Katagon 5/12/25
Foreperson of Grand Jury
Date:

Guilty VERDICT

Katagon 8/6/23
Foreperson of Petit Jury
Date:

MAY 12, 2025

TERM

THE STATE

vs.

DANIEL MACHITO BUCKSON

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, THIRD DEGREE

SC Code: 16-03-655 (C)
CDR Code: 3661
Class FEL/D

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on MAY 12, 2025, the
 Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That Daniel Machito Buckson did in Cherokee County, on or between August 1, 2020, and August 3, 2022, commit the offense of Criminal Sexual Conduct with a Minor, Third Degree, in that the Defendant, he being over the age of fourteen (14) years, did wilfully and lewdly commit or attempt to commit a lewd or lascivious act, upon or with the body or its parts, to wit: by touching the victim's breasts and vagina while at [REDACTED] Colonial Ave., Apt. [REDACTED], of one Complainant [REDACTED] a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the defendant or such child, all in violation of §16-03-655(C), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 Deputy Solicitor

25-GS-11-00622

WITNESSES

Cherokee County Sheriff's Office

S. Atkins
S. Atkins

DOCKET NO.

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 MAY 12 A 12:00

COURT OF GENERAL SESSIONS

BRANDY W. MCBEE

ARREST WARRANT NUMBER

DIRECT INDICTMENT

RE: Warrant 2022A1110101165

MAY 12, 2025

TERM

ACTION OF GRAND JURY

THE STATE

vs.

DANIEL MACHITO BUCKSON

TRUE BILL

W. Atkins 5/12/25
Foreperson of Grand Jury
Date:

VERDICT

Guilty

Indictment for

EXPOSURE OF PRIVATE PARTS IN LEWD AND
LASCIVIOUS MANNER

SC Code: 16-15-365

CDR Code: 377

Class MIS-U

Kayla M 8/16/25
Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

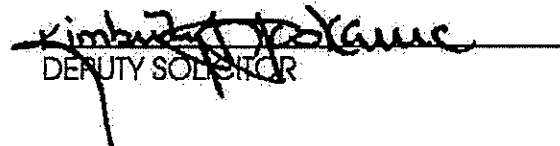
INDICTMENT

At a Court of General Sessions, convened on MAY 12, 2025, the Grand Jurors of Cherokee County present upon their oath:

EXPOSURE OF PRIVATE PARTS IN LEWD AND LASCIVIOUS MANNER

That Daniel Machito Buckson did in Cherokee County, between August 1, 2020, and August 3, 2022, willfully and knowingly expose the private parts of his person in a lewd and lascivious manner and in the presence of another person, to wit: Defendant exposed his penis to the victim, **Complainant**, while at **Colonial Ave., Apt.**, in violation of §16-15-365, of the CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

WITNESSES

Cheryl Miller

Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

7/28/25

VERDICT

Guilty

Foreperson of Petit Jury

Date:

8/6/25

DOCKET NO.

25-GS-11-00958

The State of South Carolina

County of Cherokee

Barry Bamette, Solicitor

- COURT OF GENERAL SESSIONS

July 28, 2025

TERM

THE STATE

vs.

DANIEL MACHITO BUCKSON

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, SECOND DEGREE

SC Code: 16-03-655

CDR Code: 0397

Class FEL/C

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 JUL 28 A 11:38

BRANDY W. MCBEE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on July 28, 2025, the
 Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Daniel Machito Buckson did in Cherokee County on or between September 28, 2020, and August 3, 2022, commit the offense of Criminal Sexual Conduct with a Minor, Second Degree, in that the Defendant did engage in a sexual battery, occurring at [REDACTED] Colonial Ave, Apt. [REDACTED], upon the victim, Complainant [REDACTED], who was at least fourteen (14) years of age but who was less than sixteen (16) years of age and the actor was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim, all in violation of §16-03-655(B)(2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 Deputy Solicitor

WITNESSES
Cheryl Miller
Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

RE: Warrant 2022ATT10101159

ACTION OF GRAND JURY

TRUE BILL

Harold Miller
Foreperson of Grand Jury
Date: 7/28/25

VERDICT

Guilty

Kaylene 8/10/25
Foreperson of Petit Jury
Date:

DOCKET NO.

25-GS-11-00959

The State of South Carolina

County of Cherokee

Barry Bamente, Solicitor

COURT OF GENERAL SESSIONS

July 28, 2025

TERM

THE STATE

VS.

DANIEL MACHITO BUCKSON

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, SECOND DEGREE

SC Code: 16-03-655

CDR Code: 0397

Class FEL/C

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 JUL 28 A 11:39

BRANDY W. MGBEE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

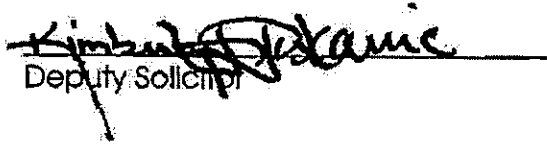
INDICTMENT

At a Court of General Sessions, convened on July 28, 2025, the
 Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Daniel Machito Buckson did in Cherokee County on or between
 September 28, 2020, and August 3, 2022, commit the offense of Criminal Sexual
 Conduct with a Minor, Second Degree, in that the Defendant did engage in a
 sexual battery, occurring at [REDACTED] McCluney Drive, upon the victim, [REDACTED] Complainant
 [REDACTED], who was at least fourteen (14) years of age but who was less than
 sixteen (16) years of age and the actor was in a position of familial, custodial, or
 official authority to coerce the victim to submit or was older than the victim, all
 in violation of §16-03-655(B)(2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976),
 as amended.

Against the peace and dignity of the State, and contrary to the statute in
 such case made and provided.


 Deputy Solicitor

WITNESSES
Young Miller
Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

RE: Warrant 2022A1110101160

ACTION OF GRAND JURY

TRUE BILL

Hayden
Foreperson of Grand Jury
Date: 7/28/25

VERDICT

Guilty

Hayden
Foreperson of Petit Jury
Date: 8/6/25

DOCKET NO. **25-GS-11-00960**

The State of South Carolina

County of Cherokee

Barry Barette, Solicitor

COURT OF GENERAL SESSIONS

July 28, 2025 TERM

THE STATE

VS.

DANIEL MACHITO BUCKSON

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, SECOND DEGREE

SC Code: 16-03-655

CDR Code: 0397

Class FEL/C

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 JUL 28 A 11:39

BRANDY W. MCBEE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

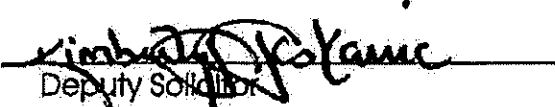
INDICTMENT

At a Court of General Sessions, convened on July 28, 2025, the
 Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Daniel Machito Buckson did in Cherokee County on or between
 September 28, 2020, and August 3, 2022, commit the offense of Criminal Sexual
 Conduct with a Minor, Second Degree, in that the Defendant did engage in a
 sexual battery, while at [REDACTED] Brookwood Drive, upon the victim, [REDACTED] Complainant
 [REDACTED] who was at least fourteen (14) years of age but who was less than
 sixteen (16) years of age and the actor was in a position of familial, custodial, or
 official authority to coerce the victim to submit or was older than the victim, all
 in violation of §16-03-655(B)(2), *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*,
 as amended.

Against the peace and dignity of the State, and contrary to the statute in
 such case made and provided.


 Deputy Solicitor

WITNESSES
Cheryl Miller
Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

RE: Warrant 2022A1110101161

ACTION OF GRAND JURY

TRUE BILL

Whateley
Foreperson of Grand Jury
Date: 7/28/25

VERDICT
Guilty

Kerene 8/6/25
Foreperson of Petit Jury
Date:

DOCKET NO. **25-GS-11-00961**

The State of South Carolina

County of Cherokee

Barry Bamente, Solicitor

COURT OF GENERAL SESSIONS

July 28, 2025

TERM

THE STATE

VS.

DANIEL MACHITO BUCKSON

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, SECOND DEGREE

SC Code: 16-03-655

CDR Code: 0397

Class FEL/C

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 JUL 28 A 11:39

BRANDY W. MCBEE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

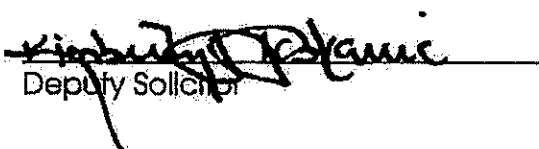
INDICTMENT

At a Court of General Sessions, convened on July 28, 2025, the
 Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Daniel Machito Buckson did in Cherokee County on or between September 28, 2020, and August 3, 2022, commit the offense of Criminal Sexual Conduct with a Minor, Second Degree, in that the Defendant did engage in a sexual battery, occurring in a vehicle at [REDACTED] McCluney Drive, upon the victim, **Complainant** [REDACTED], who was at least fourteen (14) years of age but who was less than sixteen (16) years of age and the actor was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim, all in violation of §16-03-655(B)(2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 Deputy Solicitor

WITNESSES
Young Miller
Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

RE: Warrant 2022A1110101276

ACTION OF GRAND JURY

TRUE BILL

Thompson
Foreperson of Grand Jury
Date: 7/28/25

VERDICT

Guilty

Kearse
Foreperson of Petit Jury
Date: 8/6/25

DOCKET NO.

25-GS-11-00962

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

July 28, 2025

TERM

THE STATE

VS.

DANIEL MACHITO BUCKSON

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, SECOND DEGREE

SC Code: 16-03-655

CDR Code: 0397

Class FEL/C

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2025 JUL 28 A 11:39

BRANDY W. MCBEE

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on July 28, 2025, the
Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Daniel Machito Buckson did in Cherokee County on or between
September 28, 2020, and August 3, 2022, commit the offense of Criminal Sexual
Conduct with a Minor, Second Degree, in that the Defendant did engage in a
sexual battery, while at a business near Granard Middle School, with Complainant
[REDACTED] who was at least fourteen (14) years of age but who was less than
sixteen (16) years of age and the actor was in a position of familial, custodial, or
official authority to coerce the victim to submit or was older than the victim, all
in violation of §16-03-655(B)(2), *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*,
as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided,


Deputy Solicitor

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

County of Cherokee

State

VS.

Daniel Maghito Buckson

AKA: SSN: [REDACTED]

RACE: Black SEX: Male

DOB: [REDACTED]

) INDICTMENT/CASE#: 2025-GS-11-00958) AWW#: 2025GS1100958) Date of Offense: 08/04/2020) S.C. Code §: 16-3-655(B)(2)) CDR Code #: 0397) Range of Offense: 0-20 yearsIn disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Criminal Sexual Conduct With Minor - 2nd Degree, Position to Coerce, Victim 14 to 18 Range of Offense Pled: _____In violation of § 16-3-655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)
The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____
[Signature] 16837
 Solicitor Kim Leskaric SC Bar # 10027
[Signature] 102614
 Attorney for Defendant SC Bar # _____

 The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
 for a determinate term of LIFE days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☒ The sentence shall run CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC._____ days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☒ PTUP
- ☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114 (BU) Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Provviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund
Brandy W. Moore
 Clerk of Court/Deputy Clerk

Pam Green
 Court Reporter

27100
 Judge Code

08/06/25
 Sentence Date

[Signature]
 Presiding Judge

Restitution	\$
FINE:	\$
	\$
<u>\$100</u>	\$
\$100	\$
\$12	\$
\$25	\$
<u>\$25</u>	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$ <u>128.75</u>

 SCCA217B
 01/27/2025

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

County of Cherokee

State

VS.

Daniel Machito Buckson

AKA: SSN: [REDACTED]

RACE: Black SEX: Male

DOB: [REDACTED]

) INDICTMENT/CASE#: 2025-GS-11-00961

) AWW#: 2026GS1100961

) Date of Offense: 08/04/2020

) S.C. Code §: 16-3-655(B)(2)

) CDR Code #: 0397

) Range of Offense: 0-20 years

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Criminal Sexual Conduct With Minor - 2nd Degree, Position to Coerce, Victim 14 to 16 Range of Offense Pled: _____In violation of § 16-3-655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation _____

Solicitor Kim Leskanen 16837 SC Bar # 105024

New man Runkel 102614
Attorney for Defendant SC Bar #The Defendant is committed to the ☐ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of LIFE days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☒ The sentence shall run CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC._____ days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
- ☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B).)

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(j) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Provide requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ \$17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundBrandy W. McBea
Clerk of Court/Deputy ClerkPam Green
Court Reporter

27600

08/06/25

R. R. Kies
Presiding Judge

Restitution	\$
FINE:	\$
\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$ 120.75

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

County of Cherokee

State

VS.

Daniel Machito Buckson

AKA: SSN: [REDACTED]

RACE: Black SEX: Male

DOB: [REDACTED]

) INDICTMENT/CASE#: 2025-GS-11-00962

) AW#: 2025GS1100962

) Date of Offense: 08/04/2020

) S.C. Code §: 16-3-855(B)(2)

) CDR Code #: 0397

) Range of Offense: 0-20 years

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Criminal Sexual Conduct With Minor - 2nd Degree, Position to Coerce, Victim 14 to 16 Range of Offense Pled: _____In violation of § 16-3-655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ RecommendationSolicitor: K. Leskaniemi 16837 SC Bar # 10024

Attorney for Defendant

SC Bar # 10264The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of 12 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☒ The sentence shall run CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC._____ days/month ☐ To Include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
- ☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

\$14-1-206 (Assessments 107.6%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundBrandy W. McKee
Clerk of Court/Deputy ClerkPam Green
Court Reporter

Fine/Costs and Assessments are to be paid to the

Clerk of Court within _____ days/months

Restitution \$

FINE: \$

\$

\$

\$

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TOTAL \$ 128.75SCQA217B
01/27/20252760 08/06/25
Judge Code

Sentence Date

Presiding Judge

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

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Jun 03 2026

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of June, 2026.