

ORIGINAL

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BERKELEY COUNTY

Kristi Lea Harrington, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL C. ANDES,

APPELLANT

APPELLATE CASE NO. 2011-204706

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 11-GS-08-0725
	)	
Michael Christopher Andes,	)	
	)	
Defendant.	)	

TRANSCRIPT OF JURY TRIAL

The within Jury Trial was held in above-captioned action on November 28, 2011 through December 2, 2011, before The Honorable Kristie L. Harrington in Courtroom E of the Berkeley County Court of General Sessions, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

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1 interest of a witness, the bias of a witness,
2 the prejudice of any witness, the opportunity
3 for that witness to have seen the matters and
4 things about which the witness may testify, as
5 well as the way that the witness acts on the
6 witness stand. You have a right to consider
7 anything in the record that will help you
8 evaluate the testimony of the witnesses. That
9 means that it is your duty to pay close
10 attention to these witnesses, to observe the
11 witnesses, to listen to the witnesses and to the
12 attorneys as well as the Court.

13 Ladies and Gentlemen, please do not let
14 your thoughts wander but give strict attention
15 to all of the testimony in this case so that at
16 the end of the testimony, after the arguments of
17 counsel and the instruction by the court on the
18 law, you will be in a position to determine what
19 the true facts are, apply the law to those facts
20 and render a true and just verdict. Please give
21 your strict attention. Ms. Williams?

22 SOLICITOR WILLIAMS: Thank you, Your
23 Honor, may it please the Court, Counsel.

24 On November 6th, 2010, this man seated
25 right here, Michael Andes, entered the room of

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1 the victim, LeAnn Blanche, held her down by her
2 wrists, pushed her legs apart and raped her.
3 After he was finished, while she lay crying in
4 the bed, he urinated on her floor.
5 He urinated on the floor of the room that she
6 shared with her ten-year-old daughter, who --
7 thank goodness -- was not home that evening.

8 This occurred in the early morning
9 hours of November 6th, probably about 3:30, a
10 quarter to 4:00 in the morning.

11 Now, Ladies and Gentlemen, I am going
12 to apologize in advance for some of the topics
13 that have to be discussed in this case. They
14 are unpleasant, they are uncomfortable, they are
15 distasteful. Unfortunately we have to get into
16 great detail about things that none of us really
17 want to think about or to talk about. We have
18 to repeat some very crude language that we might
19 not ordinarily use. Unfortunately the State has
20 to get into this facts in order to prove our
21 case.

22 Now, the victim in this case is LeAnn
23 Blanche. As disturbing as the facts that I just
24 gave you are, what makes this even more
25 disturbing is that this was not a stranger.

1 This was somebody that Mr. Andes supposedly used
2 to care about, somebody who he used to be in a
3 relationship with. That is what he did to her.

4 Now, back in November of 2010, LeAnn
5 Blanche was living the same home as Mr. Andes.
6 She was renting a room from him for \$400 a
7 month. The two of them had previously been in
8 a relationship but it was a very rocky
9 relationship. They had not been together in
10 almost a year. They had lived together and
11 at the time that they decided to separate,
12 unfortunately for Ms. Blanche she was
13 unemployed, she did own a vehicle, she was on
14 food stamps. Because Mr. Andes worked out of
15 town frequently, the two decided that she would
16 rent a room in the house, she could take care
17 of the house, she would pay him rent and when
18 she had her daughter, every other week, she
19 would still have a place to stay. At this time
20 she began looking for a job and trying to get
21 out of this situation, because it wasn't a good
22 situation.

23 Even as landlord and tenant, these two
24 people did not have a very healthy relationship.
25 They did not like each other very much.

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1 Even though the physical relationship
2 had not existed for almost a year before this
3 event occurred, there was still a lot of
4 disdain, disrespect, fighting. It was just a
5 bad situation..

6 In August of that year, Ms. Blanche had
7 finally found another job. She began putting
8 money away. She began trying to get out of the
9 situation. She finally found a place to move.
10 She was little by little getting her things of
11 his home, secretly without Mr. Andes knowing.

12 On the evening before the rape
13 occurred, Ms. Blanche was getting ready for a
14 birthday party.. Her ten-year-old daughter was
15 having a big party. Because she had been
16 unemployed in the previous year, she'd saved
17 money for this event and she was really excited
18 about finally giving her daughter a real
19 birthday party. They shopped for a special
20 cake, she had gone and picked up the cake the
21 evening before and she was getting ready to go
22 to bed. This was November 5th.

23 During the evening, Mr. Andes had come
24 back from his business, gone out drinking with
25 some friends, and there were some very angry

1 phone calls -- which was not unusual for these
2 two people -- exchanged back and forth. Ms.
3 Blanche began to worry that she would do
4 something to the birthday cake. She brought the
5 birthday cake into her bedroom. Finished the
6 phone calls with him and finally went to sleep.
7 This was about 1:00 in the morning.

8 At about 3:00 in the morning, Mr. Andes
9 shows up. Her hears somebody picking the lock
10 to her bedroom door. There he is. She wakes up
11 ands says, "Get out my room!" He goes back to
12 his side of the house, goes to his room, and
13 that's when the text messages start -- and
14 you're going to see this text messages.

15 Mr. Andes starts texting Ms. Blanche:

16 "I want sex."

17 "There is a beautiful girl in the next
18 room and I can't have her."

19 "All I want is one time and you can't
20 even do that."

21 He is still angry from the fights that
22 they had earlier. Finally -- a little while
23 later the texts stop, and you're going to see a
24 gap in the texting. The reason for that is
25 because he goes in her room, he says "you are

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1 going to know what it feels like to be forced."
2 He pushes her down. You are going to see
3 evidence and hear evidence about a nurse seeing
4 bruises on her wrists, bruises on her thigh
5 where he pushed her down and forced himself on
6 her. Then to add insult to injury, he turns
7 around and pees on her floor --- just in a final
8 act of disregard.

9 He goes back to his room. No more text
10 messages until the morning. Then it's:

11 "I know it was disrespectful."

12 "Will you come back?"

13 A whole different tone the next day,
14 because he knows what he did. He knows he raped
15 her.

16 Now, the State has the burden of prove
17 in this case and we will meet it. What the
18 State has to prove is that Mr. Andes is guilty
19 of criminal sexual conduct in the first degree,
20 what we commonly know as rape.

21 We have to prove that he, Mr. Andes,
22 used aggravated force to accomplish a sexual
23 battery.

24 The judge is going to give you this law
25 and each of these terms is defined.

1 What is a sexual battery? Sexual
2 battery is all of these different things -- for
3 our purposes it is sexual intercourse, because
4 LeAnn Blanche is going to have to testify in
5 great detail to the humiliating details of what
6 happened that night and what he forced her to
7 do. He forced sexual intercourse on her.

8 What is aggravated force? The State
9 has to prove beyond a reasonable doubt that he
10 used aggravated force. Well, the use of
11 physical force or physical violence of a high
12 and aggravated nature to overcome the victim.
13 We will see evidence -- you will hear evidence
14 from her that he pushed her down, held her down
15 and that he forced himself inside of her.
16 That's physical.

17 Now, you're going to see evidence that
18 this was -- you are going to see evidence from
19 this witness chair, you're going to hear about
20 some forensic evidence. The interesting thing
21 about this case is that type of evidence
22 corroborates the other. What LeAnn Blanche
23 tells you happened is corroborated by the
24 bruises on her body, by the DNA evidence.

25 There is a lot of information that

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1 you're going to hear over the next few days.
2 Lots and lots of facts, lots and lots of
3 witnesses. But, Ladies and Gentlemen, the core
4 facts in this case cannot be overcome. It is
5 the core facts that cannot be disputed -- that
6 she was held down against her will, and that she
7 was raped.

8 At the conclusion of all that evidence
9 and as you evaluate the witnesses and the
10 physical evidence, because you are the sole
11 judges of credibility, you will find that he is
12 guilty of criminal sexual conduct in the first
13 degree for what he did that evening.

14 THE COURT: Mr. Seaton?

15 MR. SEATON: Thank you, Your Honor.
16 May it please the Court, Ladies and Gentlemen.

17 Unfortunately I -- I'm old school, I
18 don't know how to work one of those things, I am
19 not going to use the clicker and do all kinds of
20 fancy stuff. I'm just here to tell you the rest
21 of the story that you already haven't heard from
22 the State.

23 First and foremost, over a year now
24 this is the first opportunity for this man right
25 here, Mr. Michael Andes, who has been accused of

1 this crime -- this is the first time that
2 anybody is going to get a chance to listen to
3 him... You know why? Because they arrested him
4 before they even asked him his side of the
5 story.

6 They didn't go -- when they go to his
7 house and -- sorry, I'm getting a little ahead
8 of myself. My mama said always said I don't say
9 "wait" (phonetic), and I think it's true,
10 especially when we've had to wait this long.

11 She reports this "rape" -- and let's
12 be clear about one thing. This is a boyfriend
13 and girlfriend who'd lived together about four
14 years.. This is a boyfriend and girlfriend who
15 he had bought her a ring and she was his
16 fiancee. This idea that she paid her rent --
17 you ain't going to see nothing, you ain't going
18 to see no checks, you ain't going to see no
19 receipts, you ain't going to see nothing. She
20 wasn't doing it. She was driving his truck.
21 The phone records, that we're going to spend a
22 whole lot of time talking about, was his phone
23 that he paid for. This was a boyfriend and
24 girlfriend, who'd been living in the same house
25 for years.

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1 She doesn't report it that same day.
2 She reports it always twenty-four hours later
3 after -- not only was she angry at Mr. Andes
4 because he'd been out drinking, she calls him
5 twenty-nine times -- twenty-nine times in a row.
6 Then when he won't answer or he won't come home,
7 then she calls 911.

8 Do you think anybody from the police
9 department asked him his version of the story?
10 No. They arrested him.

11 This is his first opportunity to say
12 'wait a second here.' I don't care what you're
13 going to put up with your clicker, this is our
14 first opportunity to tell you the story because
15 nobody has listened.

16 They're going to have her come here and
17 she is going to show you some text. The problem
18 is, the texts don't match up with the person
19 that they flew in from the state of Kansas, who
20 is here to say 'here's the official phone
21 records.' You're going to see that there's over
22 fifty texts that are sent and received. That
23 ain't what the pictures -- because they ain't go
24 nothing from Sprint that's going to say that
25 this is what was on the texts. All they've got

1 is her taking pictures of her phone or the
2 police taking pictures of her phone. Where's
3 the other thirty that have been erased? How is
4 this fair? When did they ask him, 'well, let me
5 see what's on your phone, let me see what you
6 sent when she accuses you of something and you
7 say that you didn't go it', 'let me show what is
8 on your phone.' They don't give him that
9 chance. This is the first chance that he's had
10 to answer any of this stuff.

11 So excuse me for being a little jumpy,
12 excuse me for being upset that they are going to
13 sit here and tell this man that he's raped his
14 girlfriend because nobody ain't ever listened to
15 his story.

16 When you look at the "facts", as they
17 talk about, they say that she's got bruises.
18 If they don't show the pictures of these
19 bruises, I promise you that we will. You know
20 why? There ain't no bruises -- unless you've
21 got much better eyesight than I do, you ain't
22 going to see no bruises. You're going to see
23 some cirrhosis. You might see something that
24 you might be able at some point might be a
25 bruise. But this isn't held-down forcibly god-

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1. awful bruises.

2. You're to see what they call a SANE
3. nurse, because once you report a rape they take
4. you to a special nurse because they treat you
5. different. She's going to tell you what her
6. findings are. They are not going to find any
7. trauma, they are not going to find that brut
8. force has been used. They're going to say that
9. there's bruises on her arm or side or something.

10. You look at these pictures, you use
11. your own common sense. Because whether you've
12. got one of these or one of those (projector with
13. screen) or a whole stack of these (photographs),
14. ultimately that's your job. Your job is to use
15. your common sense and your everyday experiences
16. and determine whether to not what they are
17. suggesting the crime that Mr. Andes has
18. committed is what happened.

19. Really what we have here is a dispute.
20. That's really all that this is. There is no
21. evidence, the officer that arrested Mr. Andes
22. wasn't there. Nobody was there except these two
23. people. This lady here, you know, they want to
24. stand her and keep pointing at Mr. Andes. Well,
25. let's point at her, too. This is a dispute.

1 These are two people who were boyfriend and
2 girlfriend in a house that they've lived in for
3 years that they are going to say now, all of a
4 sudden, that 'she is just a roommate and we're
5 going to stand here, we're going to point at
6 him.' This is a dispute.

7 This is your chance to use your common
8 sense, your everyday experiences. Listen to
9 what you're going to hear from this stand, think
10 about the evidence that you're going to hear,
11 think about the evidence that you're not going
12 to hear -- because you're going to see that the
13 phone records and the pictures of the phone
14 don't even come close. They are batting less
15 than fifty percent of what the phone records
16 show, the phone calls and, most importantly, the
17 texts. Where are all these texts that the man
18 that they flew in from Kansas is going to tell
19 us about? Where are they? Use your common
20 sense. Use your everyday experience.

21 I apologize in advance. I've already
22 got myself worked up, but that's because I have
23 had to sit on my hands for a year and a half. I
24 had to sit on my hands while they point their
25 finger at this man and say that he raped his

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1 girlfriend, act like they hardly even know each
2 other. That's why I get jacked up. I apologize
3 for that, but I can't wait for you all to hear
4 what you're going to hear from this stand.

5 THE COURT: Call your first witness.

6 SOLICITOR BEN SHELTON: The State
7 calls Rachael Gainey.

8 (WITNESS TAKES STAND)

9 RACHEL GAINNEY, being duly sworn to tell
10 the truth, the whole truth and nothing but the
11 truth, testified, as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR BEN SHELTON:

14 Q. Thank you, Ms. Gainey. How are you today?

15 A. I am well, thank you.

16 Q. Where do you work now?

17 A. I am currently employed at Target.

18 Q. Where did you work on November 6th, 2010?

19 A. I was employed as a patrol officer with the
20 City of Goose Creek Police Department.

21 Q. How long did you work there?

22 A. Approximately three years.

23 Q. Did you respond to in
24 Goose Creek that night, that day?

25 A. Yes, sir, I did.

1 Q. Are you prepared to tell us what you saw?

2 A. Yes, sir.

3 Q. When you responded there, what did you
4 respond for?

5 A. I was responding -- I was dispatched to
6 on the evening of November 6th in
7 reference to a rape.

8 Q. When you got there, please tell the jury
9 what you seen.

10 A. As I approached the residence, I observed a
11 white female on the porch in the front of the --
12 kinda like a duplex apartment. Later she was
13 identified as LeAnn Blanche. As I got out of my
14 vehicle and approached her, I observed that she
15 was visibly upset. She was shaking, her hands
16 were trembling and at times she would clutch
17 herself. She was kind of holding herself. She
18 was visibly crying.

19 Q. Do you know what time that you responded?

20 A. I believe that was about 10:00, 10:45,
21 later in the evening.

22 Q. And that was on November 6th?

23 A. Correct.

24 Q. And of course this is a commonsense
25 question but , is that in

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1 Berkeley County?

2 A. Yes, sir.

3 Q. Did the -- without going into details, did
4 the victim -- excuse me, LeAnn Blanche -- tell
5 you what happened?

6 A. She did.

7 Q. Did she tell you where this happened?

8 A. Yes, sir. She said that the incident
9 occurred in a second bedroom of the two-bedroom
10 residence; there's a master bedroom and then the
11 second bedroom is where she said the incident
12 occurred.

13 Q. Did she tell you when it occurred?

14 A. It was sometime after 4:00 o'clock in the
15 morning on November 6th.

16 Q. Around 4:00 o'clock in the morning?

17 A. Um-humm, of 2010.

18 Q. On November 6th?

19 A. Correct.

20 Q. And you responded on November 6th?

21 A. Correct.

22 Q. Now, without going into detail again as to
23 what she told you, was she crying throughout the
24 entire time or was she visible upset the entire
25 time that she was speaking with you?

1 A. At this point she was visibly upset. She
2 showed different types of emotions. Like she --
3 while she was speaking with me about what had
4 occurred, she did what -- she would tear up,
5 stop for a moment and begin to cry. She was
6 visibly shaken throughout the duration of me
7 speaking with her. Like I said, she would
8 continue to clutch herself, kind of holding
9 herself, uh, and there were times where her
10 voice would just quiver and she would have to
11 actually physically stop talking to try to kind
12 of regain herself, because it was very
13 emotional. You know, she seemed somewhat
14 distraught, very upset. She was, like I said,
15 just continuously tearing up, crying, having to
16 pause, clutching herself and, you know, just
17 trembling -- her hands and her arms, stuff of
18 that nature.

19 Q. Did you contact anyone from your office to
20 respond?

21 A. Yes, I contacted Sergeant Broder, which was
22 my supervisor at the time. Then once he arrived
23 on scene, I advised him of the information that
24 LeAnn Blanche had provided me. Based on the
25 situation, Sergeant Broder contacted our

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1 dispatch and informed them to ---

2 MR. SEATON: Objection. Hearsay.

3 THE COURT: Sustained as to hearsay.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR BEN SHELTON:

6 Q. Did anyone else respond?

7 A. Yes, sir.. Investigator Powell from the

8 Goose Creek Police Department responded, as

9 well.

10 Q. Did you have the opportunity to go into the

11 house that night?

12 A. I did.

13 Q. Did she show you where this happened?

14 A. She did.

15 Q. And inside of that room where it happened,

16 what did you see?

17 A. I observed -- it was a bedroom. There was

18 clothing, there was a bed, there was, you know,

19 personal items of Ms. Blanche around the room.

20 It was a typical bedroom and she'd showed me the

21 bed where she said that the incident had

22 occurred. Then she also had shown some of the

23 clothing that she had on that evening and also a

24 piece of -- an article of clothing that she had

25 placed over the bed once the incident -- after

1 the incident had occurred.

2 Q. Were all the items inside that room adult
3 items?

4 A. I'm sorry?

5 Q. Were all the items inside that room adult
6 items?

7 A. I don't believe so. I believe that she had
8 a child and that child stayed with her from time
9 to time, but the child was not there at the
10 time.

11 Q. Did you where any bathroom was inside of
12 the room?

13 A. The bathroom -- as soon as you exited the
14 bedroom, I want to say that it was directly to
15 the left of the bedroom.

16 Q. Do you recall approximately how far away
17 that it was?

18 A. Maybe just a couple of steps as you exited
19 that room.

20 Q. A few feet away?

21 A. Right.

22 SOLICITOR BEN SHELTON: May I ---

23 THE COURT: You may.

24 THE WITNESS: Maybe from yourself
25 to where the projector is.

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1 SOLICITOR BEN SHELTON: So from
2 here to where the projector is, is from where
3 that bedroom door is?

4 THE WITNESS: Probably from where
5 you were standing at the table to the projector.
6 So it wasn't very far.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR BEN SHELTON:

9 Q. So that's the bedroom door and this is the
10 bathroom door?

11 A. Correct.

12 Q. Later that night -- during the course of
13 that night did you have an opportunity to take
14 a statement from the victim?

15 A. I did.

16 Q. And do you have a cover sheet for
17 statements that you take from any type of
18 witness statement?

19 A. Yes, sir. Anytime that we have a victim
20 and/or witness, there is a victim statement form
21 with a cover sheet which includes their personal
22 information: name, date of birth, social
23 security, their address, height, weight, hair
24 and eye color, and a contact information number.

25 Q. And you do that with every witness?

1 A. Correct.

2 Q. So it is a regularly conducted activity
3 that you use?

4 A. Yes, sir.

5 Q. And you did this in this case?

6 A. Yes, sir.

7 Q. And in this case did she provide you with
8 her height and weight?

9 A. She did.

10 Q. Do you recall what she wrote down on that?

11 A. Yes, sir. For her height she said she was
12 5'8" and for her weight it was 160.

13 Q. A hundred and sixty pounds?

14 A. Yes, sir.

15 Q. Later that night, early the next morning
16 rather, did you retrieve a sexual assault kit
17 from MUSC?

18 A. Yes, sir. I did.

19 Q. And in that kit -- did you bring in back to
20 Goose Creek?

21 A. Yes, sir. I responded down to MUSC and
22 retrieved from the officers there, signed the
23 MUSC evidence sheet form, returned back to Goose
24 Creek Police Department where I secured it in
25 the evidence lockup and also secured an evidence

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1 sheet/form for that, as well.

2 Q. Thank you.

3 SOLICITOR BEN SHELTON: I beg the
4 court's indulgence.

5 THE COURT: Yes, sir.

6 SOLICITOR BEN SHELTON: (Sidebar
7 with Ms. Williams), no more questions. Please
8 answer any questions that Mr. Seaton might have.

9 THE COURT: Mr. Seaton?

10 MR. SEATON: Thank you, Your Honor.

11 CROSS EXAMINATION

12 BY MR. SEATON:

13 Q. Please excuse me. I'm probably going to
14 have a problem with calling you Officer Gainey,
15 even though you're no longer an officer.

16 Ms. Gainey, ---

17 A. Yes, sir?

18 Q. --- you worked for the Goose Creek Police
19 Department when this happened, correct?

20 A. Yes, sir.

21 Q. And as what we call SOP or standard
22 operating procedure, you would have created some
23 documents that were a notation or taken down or
24 creating a history of what happened that night.
25 Is that true?

1 A. Correct.

2 Q. All right. And you're the first responding
3 officer, you were the first one to get there
4 that night?

5 A. Yes, sir.

6 Q. I have -- the State has provided me with
7 two sets of what's called supplemental reports.
8 One has your name on it from 11/7/2010 and the
9 other is a three-page report from 11/6/2010. Do
10 you recall whether or not you created this two
11 incident or supplemental reports?

12 A. I know that I created the three-page one.
13 Typically what we do, or what was standard at
14 the department, if there was an incident that
15 involved any sort of sexual incident, we create
16 a supplemental report -- we create the original
17 report, which refers to the supplemental report,
18 so that the information cannot be disseminated
19 to just anybody.

20 Q. All right. And so that I understand, what
21 you referred to as the original report, isn't
22 that what is typically called an incident
23 report?

24 A. Yes.

25 Q. And typically it says at the top Incident

1 Report.

2 A. Correct.

3 Q. And we don't have that in this situation,
4 do we?

5 A. There should be an incident report. It's
6 going to contain the type of incident that was
7 -- that occurred, with the basic information
8 such as the date, any of the victim's/suspect's
9 information and then it's got a very -- it's
10 going to list any of the paperwork that was
11 generated with it, such as ---

12 Q. So you're telling me that there would
13 actually be three reports?

14 A. (No verbal response).

15 Q. I am not trying to trick you. Let me hand
16 these and ask you, can you identify those two
17 reports and are you telling me that there is
18 actually a third report that I don't have?

19 A. This is actually going to be this first one
20 right here, is actually going to be the incident
21 report. It's going to be the generic type of
22 situation that it was and then it's going to
23 have the victim/suspect information and then
24 it's just going to have the very basic
25 information that I responded to, the location

1 and reference to the rape and then it is going
2 to say "See Supplement Report." Then this is
3 going to be the -- the supplemental report is
4 going to include all of the information that I
5 obtained from the victim that night.

6 Q. So my question, then, Ms. Gainey, is are
7 you telling me that you used the wrong form and
8 that that -- what says supplemental report is
9 actually the original incident report, or are
10 you telling me that there is a third report that
11 I don't have a copy of?

12 A. No, sir. This is going to be the initial
13 report right here, the one that says Incident
14 Report on the top, this one.

15 Q. Okay. So this -- I see. It's just blanked
16 out, is what it looks like?

17 A. Yes, sir.

18 Q. So we've got these two reports and these
19 were created -- I guess my question is, if this
20 says Incident Report but it's got the date the
21 day after your supplemental report, ---

22 A. Right.

23 Q. --- help me understand the chronology. If
24 the original incident report happens first, then
25 why is it that this one is created the day after

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1 the supplemental report?

2 A. Correct. Unfortunately I -- we can go in
3 and do the actual supplemental report prior to,
4 so I probably just went ahead and did the
5 supplemental report and -- we're required to do
6 an initial incident report but, like I said, it
7 doesn't include all the information. So I must
8 have gone ahead and done the supplemental report
9 with all the pertinent information prior and
10 then went back and did the incident report,
11 which has the ---

12 Q. So you did the second report first and the
13 first report secondly.

14 A. It seems that way with the dating on it;
15 yes, sir.

16 Q. Okay. All right. So never mind whether we
17 did the first second or the second first, you've
18 already told us that before you get there you're
19 told you're going on a rape call?

20 A. Correct. That was the information that
21 dispatch advised over the radio.

22 Q. So it's already in your mind that this
23 woman has been raped?

24 A. No, sir.

25 Q. No?

1 A. No, sir.

2 Q. So when you get a rape call, you're not
3 thinking the person's been raped? You're
4 thinking, 'I need to go there and simply gather
5 information ---

6 A. Right.

7 Q. --- and determine whether anything actually
8 happened or whether the dispatch just over
9 reacted.'

10 A. No, sir. It's -- dispatch just passes
11 along the information that's provided by the
12 person calling. The way that I like to deal
13 with situations, as a police officer I don't
14 have preconceived notions. I go there with an
15 open mind. I am there to gather the information
16 and I don't go assuming one way or the other.

17 Q. Okay. All right. So you get there and you
18 don't have any preconceived ideas of what
19 happened, this lady is crying, and I believe
20 that you told me that this was -- so this was
21 almost about 11:00 o'clock at night and this
22 would have been a Saturday night?

23 A. Correct.

24 Q. And she alleged that this incident happened
25 at 4:00 o'clock, and I don't know quite how to

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1 describe it. It would have been 4:00 o'clock
2 that morning, but a lot of people refer to it as
3 4:00 o'clock the day before.

4 A. Correct.

5 Q. Because it's Friday running into Saturday
6 and then this is Saturday night that she calls
7 911?

8 A. I am not sure if she called 911. I know
9 that she notified the Police Department.

10 Q. All right. So she notifies the Police
11 Department and you get there and she is visibly
12 shaking, she's crying and she's upset?

13 A. Correct.

14 Q. Did you ask her where she had been all of
15 that day?

16 A. Yes, sir.

17 SOLICITOR BEN SHELTON: Calls for
18 hearsay.

19 THE COURT: Sustained.

20 CROSS EXAMINATION CONTINUED

21 BY MR. SEATON:

22 Q. Do you have any personal knowledge as to
23 whether or not she had been at Music In Motion
24 all day?

25 SOLICITOR WILLIAMS: Your Honor, ---

1 SOLICITOR BEN SHELTON: Objection,
2 Your Honor. Again, it's the same -- it's
3 rephrasing the same question.

4 MR. SEATON: I will ask her whether or
5 not she knew where she had been all day.

6 THE COURT: All right. Just rephrase
7 your question.

8 CROSS EXAMINATION CONTINUED

9 BY MR. SEATON:

10 Q. Do you know if she had been -- if she got
11 raped at 4:00 o'clock in the morning, do you now
12 if she had been there, standing on the front
13 porch crying, all day and all night before she
14 decided to call?

15 A. I do not know that.

16 Q. Do you know whether she called him thirty
17 times in a row, twenty-nine times in a row ----

18 SOLICITOR BEN SHELTON: Objection.
19 That's calling for ---

20 MR. SEATON: May I ask the question
21 first?

22 THE COURT: Let him finish his
23 question. Thank you.

24 SOLICITOR BEN SHELTON: Yes, ma'am.

25 CROSS EXAMINATION CONTINUED

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1 BY MR. SEATON:

2 Q. Do you know whether she'd called him
3 twenty-nine times in a row before, five seconds
4 later, she called 911?

5 SOLICITOR BEN SHELTON: Objection.
6 He's testifying, Your Honor.

7 MR. SEATON: It's a question, Your
8 Honor.

9 THE COURT: Mr. Seaton, if she knows,
10 she may answer it.

11 THE WITNESS: I am not aware that
12 LeAnn Blanche had called him prior to calling
13 the Police Department, no.

14 CROSS EXAMINATION CONTINUED

15 BY MR. SEATON:

16 Q. You didn't ask any of these questions?

17 A. I did not ask her. I asked her if she'd
18 had any contact with him and she said that she
19 had not.

20 Q. And, so, if she said that she hadn't had
21 any contact and if the record shows not only
22 that she called him twenty-nine times but then
23 she'd been texting throughout the day, would you
24 agree that's a little different than what she
25 told you?

1 A. It would be slightly different because she
2 said that she had not had any contact with him
3 throughout the day.

4 Q. You haven't have an opportunity or been
5 given access to any of the phone records, have
6 you?

7 A. No, sir, I have not seen any of those.

8 Q. And at no point did you ever call Mr. Andes
9 or go looking for Mr. Andes or in any shape,
10 form or fashion try to get an understanding from
11 him about what happened, did you?

12 A. No, sir, I did not. Like I said,
13 Investigator Powell came on the scene. He was
14 the -- the investigation was turned over to him.
15 So I did not have any contact or attempt to
16 contact ---

17 Q. Do you have any idea if Mr. Powell,
18 Investigator Powell, tried to reach Mr. Andes or
19 get ahold of his phone, call him before he was
20 arrested two or three days?

21 A. I can't speak on it, to specifically
22 answer.

23 Q. You don't have any knowledge of that?

24 A. Correct.

25 Q. All right. And when you say in your --

1 first of all, would it be fair to say that the
2 -- let's make sure that I've got it right, that
3 the supplement report that you created is a fair
4 indication of what happened in terms of what you
5 personally observed or what you personally
6 participated in?

7 A. Yes, sir, I believe that's a fair
8 recollection of what she had told me that night.

9 Q. And just so that you don't -- I'm not
10 trying to trick you, I'm not trying to do
11 anything but let me just ask you, have you
12 reviewed -- I know that you don't work for --
13 how long have you been gone from the Police
14 Department?

15 A. February 2010.

16 Q. And have you had an opportunity to review
17 your report or reports, I should say, since
18 then, lately or -- have you refreshed your
19 memory of any of this stuff?

20 A. Yes, sir, I have.

21 Q. Okay. Would you agree or disagree that the
22 report that you've got is an accurate depiction
23 of what you believe that you saw and
24 participated in that night?

25 A. It's not what I believe. It was

1 information that was provided to me by LeAnn
2 Blanche on that night.

3 Q. I asked that very poorly. Let me try
4 again. Is there anything on that report that
5 you created that you would now like to change
6 because your recollection is now different than
7 the document that you created back then?

8 A. No, sir. It's based on the information
9 that was provided by LeAnn Blanche.

10 Q. Okay. And is it fair to say that you in
11 your report told us that Mr. Andes called her at
12 approximately 2100 hours on the night before?

13 SOLICITOR BEN SHELTON: Objection,
14 Your Honor. Calls for hearsay.

15 MR. SEATON: This is what she wrote,
16 Judge.

17 SOLICITOR BEN SHELTON: I guess
18 it's hearsay on hearsay.

19 THE COURT: Counsel, approach.

20 (OFF RECORD SIDEBAR)

21 THE COURT: Sustained.

22 SOLICITOR BEN SHELTON: Thank you,
23 Your Honor.

24 CROSS EXAMINATION CONTINUED

25 BY MR. SEATON:

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1 Q. Did you look into the issue of whether or
2 not they were girlfriend, boyfriend.

3 A. She advised that they had dated previously
4 and that in December of 2009 or January of 2010
5 that they had no longer been boyfriend/
6 girlfriend but that they still both resided in
7 the residence, that she lived in the second
8 bedroom.

9 Q. The second bedroom that you're saying that
10 she lived in, did you by chance go into the
11 master bedroom and see if all of her clothes are
12 still in the closet in the master bedroom?

13 A. No, sir, I did not go into the master
14 bedroom.

15 Q. Did you -- you only went into the one room?

16 A. I was in the bedroom that she said that she
17 stayed in and also the common areas, such as the
18 living room.

19 Q. And you were specifically asked by the
20 solicitor about whether there was adult stuff or
21 kid stuff in that room. Would you agree with me
22 that that room was pretty much set up as a kid's
23 room?

24 A. I don't remember specifically everything in
25 that room but I do believe that there were some

1 articles that belonged to LeAnn Blanche.

2 Q. Let me ask you, what's -- does that picture
3 help you recollect?

4 A. Yes, sir.

5 Q. And is that a picture of a bunch of kid's
6 drawings on that door?

7 A. Yes, sir.

8 Q. All right. And let me show you some more
9 pictures from the bedroom and ask you, does that
10 look like kid stuff or adult stuff?

11 SOLICITOR BEN SHELTON: Your Honor,

12 ---

13 THE COURT: Hold on one second.

14 What's your objection?

15 SOLICITOR BEN SHELTON: I'm sorry.

16 Only that I would ask that Mr. Seaton refer to
17 what he's handing the witness, so that the court
18 reporter can ---

19 MR. SEATON: Sure. I agree.

20 SOLICITOR BEN SHELTON: --- and so
21 that we can know what he is handing the witness.

22 MR. SEATON: You're absolutely right.
23 I apologize. Let me -- I apologize. Let me try
24 that again, see if I can do this without ---

25 CROSS EXAMINATION CONTINUED

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1 BY MR. SEATON:

2 Q. State's Exhibit -- I should have brought my
3 glasses ---

4 SOLICITOR WILLIAMS: Can we approach,
5 Your Honor?

6 CROSS EXAMINATION CONTINUED

7 BY MR. SEATON:

8 Q. State's Exhibit 24 and State's Exhibit 27
9 are pictures that I have already shown you, ---

10 THE COURT: Hold on. There's ---

11 SOLICITOR BEN SHELTON: May we
12 approach, Your Honor?

13 (OFF RECORD SIDEBAR)

14 THE COURT: You may proceed, Mr.
15 Seaton.

16 MR. SEATON: Thank you, Your Honor.

17 THE COURT: And you have permission
18 to continually approach the witness.

19 MR. SEATON: Thank you. Again, I
20 apologize to the court and to the jury, I'm
21 horrible about that. I apologize to the witness
22 that I approached without asking.

23 CROSS EXAMINATION CONTINUED

24 BY MR. SEATON:

25 Q. State's Exhibit 27 and State's Exhibit 24,

1 if you can, first let me ask you do you
2 recognize those pictures? Does that help
3 refresh your memory?

4 A. Yes, sir. It looks like the bedroom that
5 LeAnn Blanche was staying in.

6 Q. Does it appear to you that those are
7 children's things or adult things in those
8 pictures?

9 A. It appears like there are some children's
10 toys in the room, as well.

11 Q. All right. And did you happen to see
12 clothes, makeup, purses, coats, jackets,
13 anything like that in the child's bedroom -- or
14 that bedroom, however we are going to describe
15 it ---

16 SOLICITOR BEN SHELTON: Objection,
17 Your Honor.

18 THE COURT: Basis.

19 SOLICITOR BEN SHELTON: Basis is
20 he's publishing the pictures without actually
21 entering them into evidence.

22 THE COURT: Overruled. You may
23 answer.

24 MR. SEATON: Thank you, Your Honor.

25 WITNESS: To be honest, I don't

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1 remember seeing any particular items in the
2 room.

3 CROSS EXAMINATION CONTINUED

4 BY MR. SEATON:

5 Q. And you've already told us that you didn't
6 look to see where her clothes were?

7 A. Correct, I did not go into the master
8 bedroom.

9 Q. When you arrived, did you see any signs of
10 a struggle?

11 A. When I arrived at the struggle, I observed
12 Ms. Blanche on the front porch and she was
13 alone.

14 Q. When you went into the bedroom where this
15 incident allegedly happened, did you see any
16 signs of things being broken?

17 A. I did not; however, never being in that
18 residence before and it wasn't -- it wasn't
19 very well kept, so I couldn't determine if
20 things -- I didn't see anything broken, though,
21 not specifically.

22 Q. It was a messy room?

23 A. Correct.

24 Q. And you -- I think in your incident report
25 that you talked about the articles of clothing

1 that she was wearing?

2 A. (Affirmative nod).

3 Q. Do you know whether or not the tee-shirt or
4 the pajama pants that she had on were torn or
5 stretched or frayed or they appeared to have
6 been torn in any fashion?

7 A. Right. I did not see her move any of the
8 clothing. Investigator Powell to the scene and
9 he dealt with all that sort of thing. I did not
10 move them or pick them up from where they were
11 originally located once I entered the residence.

12 Q. In your -- do you believe that your
13 supplemental report -- do you believe that the
14 supplemental report that's dated 11-6 was
15 created before your incident report of 11-7?

16 A. I am not sure. I know that I would have --
17 most likely I dated it, since the supplemental
18 was created first.

19 Q. You talk about that you were -- that you be
20 fair, that you try not to jump to any
21 conclusions when you arrived?

22 A. Correct.

23 Q. Do you agree that in your report that you
24 say that Ms. Blanche does not complain of any
25 nonvisible injuries?

1 A. Again, she ---

2 Q. I am not trying to trick you.

3 A. Correct.

4 Q. I just want to make sure that you
5 understand the question that I am asking?

6 A. She did complain that she had some
7 abdominal pain and some vaginal bleeding, which
8 obviously those were some thing that I did not
9 witness on her.

10 Q. All right. Let me make sure, again, -- and
11 I am not trying to trick you, but do you think
12 that you just checked the wrong box? Would you
13 agree with me that there is a box on there that
14 says "Yes or No, complained of nonvisible
15 injuries." Do you agree with me that there is
16 a box and, if so, which one did you check?

17 A. (Upon review), it says complained of
18 nonvisible injuries, no.

19 Q. So do you think that may have been a
20 mistaken on your part by having checked that
21 no, he did not complain of nonvisible injuries?

22 A. I believe so, because in the other report
23 I indicated that she did say that she had
24 abdominal pain and vaginal bleeding.

25 Q. And those complaints that you say that she

1 told you that she had, you've already told us
2 that you did not see them?

3 A. I -- (negative gesture).

4 Q. You did not see any abdominal pain?

5 A. I did not, I could not see inside her.

6 And I did not ask her to see any vaginal
7 bleeding, so I did not witness that either.

8 Q. And the bruises that you say, did you see
9 those?

10 A. I did not see the bruises on her right or
11 left upper thighs. However, I did see some
12 small scratches on her right wrist. Also she
13 had a red marking on her left wrist. Those
14 were visible to me that night.

15 Q. Do you know whether or not she suffers
16 from cirrhosis?

17 A. No, sir, I do not know that.

18 Q. Do you know what cirrhosis looks like?

19 A. I know that it can make the skin kind of
20 red and patchy. I know that it is a skin
21 irritation.

22 Q. Do you recognize that photograph as
23 depicting -- and let me -- excuse me. For
24 the record, State's Exhibit ---

25 SOLICITOR BEN SHELTON:

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1 Objection, Your Honor. Same objection as
2 before.

3 MR. SEATON: Which is what, Your
4 Honor?

5 THE COURT: Counsel, ---
6 (OFF RECORD BENCH CONFERENCE)

7 THE COURT: Thank you.

8 MR. SEATON: Your Honor, at this
9 point I would move that all State's Exhibit be
10 admitted into evidence.

11 SOLICITOR WILLIAMS: Wait a minute,
12 Your Honor. I think that we need to take the
13 exhibits -- if he wants to do the ones that
14 are relevant to this witness, then he can do
15 that.

16 MR. SEATON: I am just trying to
17 save some time, Your Honor.

18 THE COURT: I understand that. Why
19 don't we ---

20 MR. SEATON: I don't have any
21 problem with any of their documents.

22 THE COURT: I am trying to keep the
23 record clear. Please don't speak over me and
24 I'll try not to speak over you.

25 MR. SEATON: Yes, I apologize.

1 THE COURT: Just go with the
2 photographs that you have been using with this
3 witness. Then we will take other matters up
4 outside the presence of the jury. Thank you.

5 COURT REPORTER: Your Honor, that
6 exhibit reference was never given a number.

7 MR. SEATON: I'm sorry.

8 COURT REPORTER: The last exhibit
9 that you're talking about, you never published
10 a number.

11 MR. SEATON: Okay. Let's do that.

12 THE COURT: Thank you.

13 MR. SEATON: At this point I would
14 ask that we publish or make a court document
15 an exhibit for the jury, State's Exhibits 30,
16 27, 24, 25, 26, 28, 31, 32, 33, 29. I ask
17 that they be made -- accepted into the record.

18 THE COURT: All right. Does the
19 State have any objection to State's Exhibits
20 24 through 33, inclusive (sic), being admitted
21 into evidence at this time?

22 SOLICITOR BEN SHELTON: As
23 defense exhibits, we have no objection.

24 THE COURT: So you wish to remark
25 them as defense exhibits?

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1 SOLICITOR BEN SHELTON: Correct.

2 Yes.

3 THE COURT: You wish them marked as
4 defense exhibits at this time?

5 MR. SEATON: Sure.. That's fine.

6 THE COURT: All right. So they
7 will be -- just so that we can keep the record
8 clear, they will be Defense Exhibit 24 through
9 33, inclusive.

10 MR. SEATON: Would that make sense,
11 Your Honor, or would be one ---

12 THE COURT: Since we've already
13 been talking about them number-wise, we will
14 just do it that way. Thank you.

15 (SO ENTERED AS DEFENDANT'S EXHIBIT 24-33)

16 THE COURT: Any objection to those
17 photos?

18 SOLICITOR BEN SHELTON: Not as
19 defense exhibits, Your Honor.

20 THE COURT: Thank you.

21 CROSS EXAMINATION CONTINUED

22 BY MR. SEATON:

23 Q. We were talking about what has now been --
24 what is now Defendant's Exhibit 30. Let me
25 ask you if this will refresh your recollection

1 and is that an accurate depiction of what you
2 saw on her hand that day?

3 A. Correct.

4 Q. And can you tell if either of those two
5 marks is a cirrhosis mark or is a scratch?

6 A. I am not a physician, so I can't
7 determine. But the one that is right here,
8 looks more like a scratch to me. The other
9 one possibly could be a scratch. But, I mean,
10 as a physician I can't diagnose cirrhosis.

11 Q. Would you agree that along with not being
12 able to tell the difference between a scratch
13 and a cirrhosis mark that you can't tell us
14 how that scratch got there; or scratches, how
15 they got there?

16 A. No, sir, I can't determine how they got
17 there. No.

18 Q. You can't tell us whether or not those are
19 defensive scratches or offensive scratches or
20 accidental scratches?

21 A. No, sir, I can't make that determination.

22 Q. You did not investigate anything that
23 happened between 4:00 o'clock the morning
24 before, that morning, and 11:00 that night?

25 A. I'm sorry. Can you repeat the question?

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1 Q. According to your incident report, I don't
2 see where you did any investigation of what
3 had happened between 4:00 o'clock in the
4 morning and 11:00 that night?

5 A. I spoke with LeAnn Blanche about what she
6 had done that day. I said that.

7 Q. What did she tell you that she had done
8 that day?

9 A. She indicated that her child had had a
10 birthday party.

11 Q. And were else had she been during the day
12 besides this birthday party?

13 A. I don't recall any specific places. She
14 advised that she had gone to celebrate her
15 child's birthday and I don't remember if she
16 -- I don't remember her specifically saying
17 what the party was at or any of the locations
18 that she may have gone to other than in the
19 residence.

20 Q. You would agree that she didn't just come
21 from the birthday party?

22 A. I am not sure. I don't believe so. I am
23 not sure what time the birthday party ended or
24 what time -- I know that she had taken her
25 child back to the other parent or another

1 family member. I am not sure what time she
2 had dropped the child off.

3 Q. Did you look at her telephone?

4 A. I did not. Investigator Powell did.

5 Q. Did she tell you that she had received
6 texts from Mr. Andes?

7 A. She did.

8 Q. You didn't look at any of those texts?

9 A. No, sir, I did not.

10 Q. And you did not attempt to contact Mr.
11 Andes?

12 A. No, sir, I did not.

13 Q. Did you assist Ms. Blanche in leaving the
14 house that night?

15 A. I remained at the residence until she
16 left. I did not assist her. I just remained
17 in the residence while she collected a few
18 items. I believe that she contacted her
19 mother to escort her to MUSC. But I did not
20 assist her by gathering anything or telling
21 her to take specific things. Just letting her
22 know that she needed to get some things and
23 then to go down to the hospital.

24 Q. In your incident report, you state that
25 she -- meaning LeAnn Blanche -- then drove her

1 personal vehicle to the Police Department for
2 safekeeping.

3 A. Yes.

4 Q. This personal car of hers that she drove
5 to the Police Department for safekeeping, it's
6 actually Mr. Andes' truck, isn't it?

7 SOLICITOR BEN SHELTON: Objection.

8 Calls for hearsay. Speculation, Your Honor.

9 THE COURT: Sustained.

10 CROSS EXAMINATION CONTINUED

11 BY MR. SEATON:

12 Q. Did you determine whether or not she owned
13 her personal vehicle that had to go to the
14 Goose Creek Police Department for safekeeping?

15 A. I did not look at that registration. I
16 did not.

17 Q. Why the term "safekeeping". Why did her
18 vehicle need to go to the Goose Creek Police
19 Department for safekeeping?

20 A. Because she was no longer going to be at
21 her residence and she didn't feel comfortable
22 leaving the vehicle there. So she asked if
23 she could have it taken some other place, so
24 we -- we advised her that it could be taken
25 down to the Goose Creek Police Department.

1 Q. Even if it witness Mr. Andes's truck?

2 SOLICITOR BEN SHELTON: Objection
3 again. Speculation.

4 THE COURT: Sustained.

5 MR. SEATON: Certainly.

6 CROSS EXAMINATION CONTINUED

7 BY MR. SEATON:

8 Q. Would you have given her that same advise
9 if that was not her vehicle?

10 A. If it was not her vehicle, we would not
11 have recommended that she take it.

12 Q. Okay.

13 MR. SEATON: Nothing further, Your
14 Honor.

15 SOLICITOR BEN SHELTON: Nothing
16 further for this witness, Your Honor. I ask
17 that she be excused with leave to recall her
18 if need be.

19 THE COURT: Any objection?

20 MR. SEATON: If I understand what
21 they are suggesting, that ---

22 THE COURT: She gets to leave right
23 now. She is still under subpoena but she gets
24 to leave the stand and get to leave the
25 courthouse. If we need her back, she will

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1 come back.

2 MR. SEATON: May we approach, Your
3 Honor?

4 THE COURT: You may.

5 (OFF RECORD BENCH CONFERENCE)

6 THE COURT: Ms. Gainey, you may
7 step down.

8 (WITNESS STEPS DOWN)

9 SOLICITOR BEN SHELTON: May I
10 advise Ms. Gainey of your ruling?

11 THE COURT: Ms. Gainey, you're
12 still under subpoena. Please keep your cell
13 phone on. Thank you.

14 Mr. Foreman, this would be an
15 appropriate time for us to take a break if
16 y'all need a break.

17 FOREMAN: That's a good idea.

18 THE COURT: All right. Do not
19 begin your deliberations, do not discuss this
20 case amongst yourselves. Please rise for the
21 jury. We will take ten minutes.

22 (JURY OUT @ 11:28 A.M.)

23 THE COURT: Thank you. We are at-
24 ease. Ten minutes.

25 (BRIEF RECESS)

1 (DEFENDANT PRESENT)

2 THE COURT: Please rise for the
3 jury.

4 (JURY IN @ 11:39 A.M.)

5 THE COURT: Thank you. Be seated.
6 Call your next witness.

7 SOLICITOR WILLIAMS: Thank you,
8 Your Honor. The State calls LeAnn Blanche.

9 (WITNESS TAKES STAND)

10 LEANN BLANCHE, being duly sworn to
11 tell the truth, the whole truth and nothing
12 but the truth, testified, as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR WILLIAMS:

15 Q. Ms. Blanche, where do you work?

16 A. I work for a company call KFA.

17 Q. What do you do for them?

18 A. Medical billing for pathology labs.

19 Q. Do you need a glass of water or tissue?

20 A. I'm okay.

21 Q. Do you have any children?

22 A. I do.

23 Q. Who is that?

24 A. Minor

25 Q. How old is she?

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1 A. Eleven.

2 Q. Where does she go to school?

3 A. Westview Elementary.

4 Q. Do you have full custody of Minor or ---

5 A. We have joint custody where we alternate.

6 She is with her dad for a week and with me for
7 a week, then we share the holidays.

8 Q. How do you know Michael Andes?

9 A. We started dating the end of 2006.

10 Q. Okay. Do you see him here today?

11 A. Yes, I do.

12 Q. Can you please point him out for the
13 court?

14 A. Sitting right there.

15 Q. Can you tell us what he is wearing?

16 A. A blue plaid shirt, button up.

17 SOLICITOR WILLIAMS: Your Honor,
18 please let the record reflect that the victim
19 has identified the Defendant, Michael Andes.

20 THE COURT: It will reflect.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILLIAMS:

23 Q. Now, you said that you began a
24 relationship with Mr. Andes in 2006?

25 A. (Affirmative nod), yes.

1 Q. Tell me a little bit about that. Where
2 were y'all living at that time?

3 A. I was living in Hanahan in an apartment of
4 my own. We've actually met living in Coventry
5 Green in 2006 and did not start dating until
6 later in 2006. I lived in Park Place
7 Apartments in Hanahan from 2006 to 2008.

8 Q. Okay. And where were you living November
9 6th, 2010?

10 A. At

11 Q. And was that the same house that Mr. Andes
12 lived in?

13 A. Yes.

14 Q. Is that in Berkeley County?

15 A. Yes, it is.

16 Q. And when you first moved into that
17 residence, what was the relationship with Mr.
18 Andes?

19 A. At that time we were still in a boyfriend,
20 girlfriend type relationship.

21 Q. Before that time had y'all lived in other
22 places together?

23 A. No, we did not.

24 Q. Had this relationship remained steady from
25 2006 through 2010?

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1 A. No, it had not.

2 Q. What was the nature of the relationship?

3 A. It started off very well and within the
4 first year it turned to some physical
5 violence.

6 Q. Without going into specific incidences,
7 did you ever break up or ---

8 A. Yes, we have.

9 Q. How many times did that happen?

10 A. A few. There was one incident where I
11 actually moved out of the residence for a
12 period of time.

13 Q. When you lived with Mr. Andes, where did
14 your daughter live?

15 A. She lived there, as well.

16 Q. Is that as you described before, one week
17 on, one week off?

18 A. Yes, it was.

19 Q. Did Mr. Andes have children?

20 A. Yes, he does.

21 Q. And did you have a relationship with that
22 child?

23 A. Yes, I did.

24 Q. What is that child's name?

25 A. K.A.

1 Q. Did she have a relationship with your
2 daughter?

3 A. Yes, she did.

4 Q. Now, you were living on Boulevard
5 in Goose Creek on November 6th, 2010?

6 A. Yes.

7 Q. When you first moved into that residence,
8 when was that?

9 A. It was late 2008, early 2009.

10 Q. And what room did you live in, sleep in,
11 at that time?

12 A. At that time Mr. Andes and I shared the
13 master bedroom.

14 Q. Where did Minor sleep?

15 A. In the second bedroom.

16 Q. Did that ever change, as far as where you
17 slept?

18 A. Yes, it did.

19 Q. Tell us about that.

20 A. The relationship just was not a healthy
21 relationship and slowly it would start -- I
22 would start sleeping on the couch, and
23 eventually it turned to where I just slept in
24 the same room with Minor. That's where I
25 continued to stay from about March of 2010 on.

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1 Q. When was the last time that you had any
2 kind of sexual contact with Mr. Andes?

3 A. Any consensual would have been late 2009.

4 Q. Did you have some kind of surgery during
5 that time when you lived there?

6 A. I did.

7 Q. What kind of surgery was that?

8 A. I had to have a bladder spleen put in.

9 Q. Were there any complication from that?

10 A. Yes. I had the first surgery done the
11 beginning of June and they had to just go in
12 and loosen it, that was the end of June.

13 Q. And did you have some discomfort in your
14 vaginal area based on that surgery?

15 A. Slightly. Yes.

16 Q. Now, when you moved into Minor room,
17 what arrangements did you make with that
18 second bedroom for you to be able to be in
19 there with her?

20 A. Arrangements with ---

21 Q. Did you change the bed, did you change,
22 what did you do?

23 A. There was already - she had a comforter
24 there, sheets, my pillow that I brought in
25 there, there was a second dresser in the room

1 -- there were two dressers in the bedroom.
2 One had all of Minor clothing in it and
3 the other one was partially empty. It had
4 some of K.A. clothing in it. I put
5 some of my stuff in there, some stuff was in
6 the closet. There were a few things left in
7 the master bedroom, hanging up.

8 Q. Okay. Did you have to bring any new
9 furniture in there, paint the room, do
10 anything extra to Minor room?

11 A. No. I had already done it.

12 Q. And how far away was Mr. Andes' room from
13 that room?

14 A. It was on the other side of the house.
15 Our bedroom was in the very front of the house
16 and his bedroom was on the back side of the
17 house.

18 SOLICITOR WILLIAMS: Court's
19 indulgence for just a second. I think that
20 the pictures have gotten a little bit ---

21 THE COURT: Take your time.

22 SOLICITOR WILLIAMS: Your Honor, I
23 am going to show defense counsel what has been
24 previously marked as:

25 State's Exhibit 22,

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1 State's Exhibit 23,
2 Defense 24,
3 Defense 25,
4 Defense 26,
5 Defense 27,
6 Defense 28 and
7 Defense 29.

8 May I approach, Your Honor.

9 THE COURT: You may.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILLIAMS:

12 Q. If you would look at those first two
13 pictures and tell me if you recognize, without
14 telling the jury tell me if you recognize
15 what's in those pictures?

16 A. Yes, I do.

17 Q. Are those pictures an accurate reflection
18 of what it is that's in those pictures?

19 A. Yes.

20 SOLICITOR WILLIAMS: Your Honor, at
21 this time we would ask that State's Exhibit 23
22 and State's Exhibit 22 be admitted into
23 evidence?

24 MR. SEATON: No, Your Honor. In
25 fact, we've had several discussions.

1 Everything on that table that they want to
2 admit, I have no objections to. It's standing
3 -- anything that they want to admit, I'm in
4 agreement.

5 THE COURT: All right. State's
6 Exhibit 22 and State's Exhibit 23 into
7 evidence without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 22)

9 (SO ENTERED AS STATE'S EXHIBIT 23)

10 THE COURT: Ladies and Gentlemen of
11 the jury, as the evidence is admitted, all of
12 the evidence that is admitted will go back
13 with you during your deliberations. I know
14 that some of you want to see the photos, but
15 there is a procedure that we must follow until
16 they are published or given to you. We don't
17 hand them over to the jury. But understand
18 that once deliberation begins that all of the
19 exhibits that have been introduced will go
20 back into the jury room with you.

21 Ms. Williams.

22 SOLICITOR WILLIAMS: Thank you,
23 Your Honor. Can you (technician) please put
24 State's Exhibit 22 up?

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR WILLIAMS:

2 Q. If you could just wiggle your seat around,
3 what is that a picture of?

4 A. That's a picture of the home that we lived
5 in.

6 Q. That is the one where you were raped?

7 A. Yes, ma'am.

8 Q. And that's the one that you were living in
9 on November 10th?

10 A. November 6th.

11 Q. Of 2010?

12 A. (Affirmative nod).

13 SOLICITOR WILLIAMS: Could you
14 (technician) publish State's Exhibit 22 --
15 I mean twenty -- yeah, -- 23.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR WILLIAMS:

18 Q. What is that a picture of?

19 A. Me.

20 Q. And what part of the house is that?

21 A. That's the edge of the living room and
22 that goes into the kitchen.

23 SOLICITOR WILLIAMS: May I
24 approach, Your Honor?

25 THE COURT: You may.

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR WILLIAMS:

3 Q. If you could just -- if you could kind of
4 use this red dot (laser) to show where things
5 are in the pictures, that would be great.

6 A. (Affirmative nod).

7 Q. Where in that picture, if you could point
8 to the direction of where your bedroom was.

9 A. Okay, (complies). My bedroom. This was a
10 hall closet and then to the side down this way
11 was a little hallway and the bedroom was back
12 here.

13 Q. Where was Mr. Andes' bedroom?

14 A. You had to go through here and then where
15 this wall is, there's a little walkway there
16 and his bedroom is back in that area.

17 Q. State's Exhibit 24 is a little dark, but
18 what is that a picture of?

19 A. That's the bedroom door to the room that I
20 shared.

21 Q. Okay. Where, if you could just use the
22 pointer, would the closest bathroom be from
23 that?

24 A. This is a hall closet and right next to
25 this there was a bathroom. The door was right

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1 there next to the bathroom.

2 Q. State's Exhibit 25, is that that bathroom?

3 A. Yes, it is.

4 Q. What is in the hamper in that bathroom?

5 A. Those were the pajama pants and shirt that
6 I was wearing that morning.

7 Q. Okay. State's Exhibit 26, what is this a
8 picture of?

9 A. This is the bed that we slept in, the
10 comforter and sheets were already there and
11 then I just brought in some of the things that
12 I needed in there.

13 Q. Okay. And when you say "we", who are you
14 talking about?

15 A. My daughter and I.

16 Q. Is that where the sexual assault took
17 place?

18 A. Yes, it is.

19 Q. That evening -- let me backtrack a little.
20 When y'all decided that you were not going to
21 be boyfriend and girlfriend anymore, why
22 didn't you move out?

23 A. I was not working at the time.

24 Q. Why were you not working?

25 A. I was working for the Department of Mental

1 Health and I was let go in June of 2009.

2 Q. And how were you living, what were you
3 surviving on?

4 A. At that time I was paid out for another
5 two weeks and then after that I went and
6 applied for unemployment benefits. There was
7 a little bit of a delay when that came. I
8 went -- when that finally did come, I cashed
9 that check and gave the majority of it to Mr.
10 Andes for rent.

11 Q. How did you get food?

12 A. I went and applied for food stamps.

13 Q. And did you own a car at one time?

14 A. I did.

15 Q. What kind of car was that?

16 A. It was a Pontiac Gran Prix. I can't
17 remember the exact year, but maybe 2004.

18 Q. What happened to that car?

19 A. I voluntarily turned it back over because
20 I could not afford the payments on it.

21 Q. So what car were you driving? Were you
22 looking for a job?

23 A. I was. I was looking for a job.

24 Q. How were you getting around to these job
25 interview?

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1 A. Mr. Andes had agreed to help me purchase a
2 vehicle, he would help put it in his name and
3 I was financially responsible for it. I paid
4 the downpayment on it, gave him the money for
5 all the payments, I took care of the gas, the
6 maintenance, the taxes, everything on the
7 vehicle.

8 Q. And the reason that you couldn't get a car
9 yourself, did that have to do with your
10 unemployment, your credit?

11 A. My unemployment, my credit.

12 Q. So how much money were you actually
13 bringing in every month?

14 A. I made -- I received \$227 a week in
15 unemployment benefits.

16 Q. Then you got food stamps, did you say?

17 A. Yes, I did.

18 Q. How much of that money from the \$227 every
19 week went to Mr. Andes?

20 A. I would go and cash the check the day that
21 I got it in the mail and I gave him \$200 in
22 cash out of every check.

23 Q. What did that go toward?

24 A. That went towards the truck payment, the
25 rent, bills, the cell phone bill, insurance, I

1 mean whatever it would cover.

2 Q. Why was the cell phone in his name? Why
3 didn't you get your own?

4 A. When we had -- not longer after we'd
5 started dating, that was the way that it had
6 started. I had a phone and then he went and
7 had the second cell phone line added for me
8 and I did -- I did give him money towards the
9 telephone bill.

10 Q. So how much money did you have left over
11 every week?

12 A. About \$27.

13 Q. Plus your food stamps?

14 A. Yes.

15 Q. Did you get child support?

16 A. No, my exhusband and I agreed on child
17 support. That was a mutual decision.

18 Q. Because of the joint custody?

19 A. Correct.

20 Q. And was it a good situation, living there?

21 A. No.

22 Q. What was the interaction like between you
23 and Mr. Andes?

24 A. It was not very pleasant.

25 Q. Did you still talk a lot to him?

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1 A. We would speak but it was never about
2 anything very important or -- a lot of it was
3 just kinda to keep some conversation, just to
4 make it through every day.

5 Q. Who owned the house?

6 A. It was in his name.

7 Q. At some point did you get a job?

8 A. I finally got a job in August of 2010.

9 Q. And is that the same job that you have
10 today?

11 A. Yes.

12 Q. And what do you do?

13 A. I do medical billing.

14 Q. So the same thing that you were doing?

15 A. Yes.

16 Q. Now, after you got the job, did you ever
17 try to change your living situation?

18 A. Yes. I was actually in the process of
19 trying to get out of that house and move in
20 with a friend of mine.

21 Q. Who is that friend?

22 A. Her name is Jessica Thompkins.

23 Q. And when had you planned to do that?

24 A. We were hoping to have it done by the end
25 of the year at the latest.

1 Q. What arrangements were you -- what were
2 you doing in order to prepare for that move?

3 A. The house that she was living in belonged
4 to her grandmother who had passed away, so
5 there was a lot of stuff that was just stored
6 -- just thrown into the extra bedrooms, and
7 they were in the process of clearing that
8 stuff out and getting it into a storage area,
9 getting things like slowly out of the house.

10 I would take some things up to my mother's
11 -- you know, nothing very large and
12 noticeable, but trying to get things out as I
13 could.

14 Q. Did Mr. Andes know that you were doing
15 that?

16 A. No, he did not.

17 Q. Why didn't you tell him?

18 A. Because anytime that I tried to discuss
19 leaving or that I wanted to leave, or that I
20 did leave, he would find out where I'd gone or
21 it would turn violent.

22 Q. And what were your plans for the weekend
23 of November 6th?

24 A. My daughter turned ten on November 3rd and
25 her birthday party was planned for November

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1 6th.

2 Q. So what did you do the day of November

3 5th?

4 A. I went to work. I left work about 4:30,

5 somewhere between 4:00 and 4:30 that day. I

6 went and picked up a birthday cake that I'd

7 had ordered from someone who special made it.

8 I went up to my mother's house, showed her the

9 cake. I went by the Dollar Store and picked

10 up a few small things that I still needed,

11 some plates, like some small paper plates and

12 like accessories for the party itself.

13 Q. And about what time did you get home?

14 A. I arrived home at probably 7:00'ish Friday

15 evening.

16 Q. Where was Mr. Andes?

17 A. Outside the residence. We was standing

18 over by his vehicle.

19 Q. Did you have any interaction with him at

20 that time?

21 A. Yes, I did.

22 Q. What happened?

23 A. I'd gotten out of the truck and I went

24 over to the passenger's to get the cake out.

25 He'd come up behind me and grabbed my butt.

1 I'd asked him not to do that. It turned into
2 an argument. He went up and kicked the chairs
3 over on the front porch. The neighbor had
4 kind of come out ---

5 MR. SEATON: Objection.

6 THE COURT: Basis?

7 MR. SEATON: I'm sorry, Your Honor.
8 Hearsay.

9 THE COURT: Overruled.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILLIAMS:

12 Q: Continue.

13 A. The neighbor across the street had come
14 out and made a comment to ---

15 MR. SEATON: Objection, Your Honor.
16 Hearsay. That's all they are trying to do, is
17 say what the neighbor said.

18 THE COURT: Mr. Seaton, no speaking
19 objections. She hasn't said what the neighbor
20 said. She just indicating that there was a
21 comment made.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR WILLIAMS:

24 Q. Without telling us what ---

25 THE COURT: Thank you, Ms.

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1 Williams.

2 SOLICITOR WILLIAMS: Yes, ma'am.

3 THE WITNESS: The neighbor across
4 the street had come out because we were
5 arguing pretty loudly out in the front of the
6 house.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. So you went back in and at some point --
10 did you both remain in the house all night or
11 did somebody leave?

12 A. No.

13 Q. What happened next?

14 A. I went inside. I started to pack a bag,
15 get the stuff together for the birthday party
16 the next day. He asked me, 'Well, where are
17 you going?' Stated he would be leaving the
18 residence for the evening and not returning.
19 So I stayed at the residence, he'd left.

20 Q. Y'all hadn't had a physical relationship
21 in a year, why is -- what's going on here?
22 Like, why is he asking you where you're going
23 and grabbing your butt. I mean, what is going
24 on in this relationship at this time?

25 MR. SEATON: Objection, Your Honor.

1 That's leading.

2 THE COURT: Overruled.

3 DEFENDANT'S EXHIBIT

4 BY SOLICITOR WILLIAMS:

5 Q. Continue.

6 A. Honestly, I -- sometimes I don't even
7 know.

8 Q. So is it fair to say that it was a very
9 unhealthy relationship?

10 MR. SEATON: Objection, Your Honor.

11 SOLICITOR WILLIAMS: As to what?

12 WITNESS: I ---

13 THE COURT: Hold on one second.

14 MR. SEATON: That's clearly leading,
15 which she is testifying ---

16 THE COURT: Counsel! I'm trying to
17 control the witness, if you will allow me to
18 learn your objection. But I wanted to stop
19 the witness, so I that I could address your
20 objection.

21 If you would, please, when an
22 objection is made, I need you to stop
23 speaking. All right?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Thank you. Sustained

1 as to hearsay.

2 MR. SEATON: All right.

3 SOLICITOR WILLIAMS: Thank you,
4 Your Honor.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILLIAMS:

7 Q. Later that evening, what happened next?

8 As far as any contact with Mr. Andes?

9 A. There were phone conversations that were
10 very angry, a lot of arguing. That's how it
11 always was. Text messages. I don't remember
12 the exact nature of the conversation but it
13 was just very angry.

14 SOLICITOR WILLIAMS: Your Honor,
15 may I approach the witness?

16 THE COURT: You may.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR WILLIAMS:

19 Q. If you need a break during the testimony,
20 Ms. Blanche, please let the clerk or court
21 know -- (tendering Kleenex).

22 A. Thank you.

23 Q. Did you call him that day? Didn't you?

24 A. Yes, I did.

25 Q. A bunch of times?

1 A. Yes.

2 Q. Over twenty times?

3 A. Yes.

4 Q. So your behavior was not perfect that
5 night either?

6 A. No, it was not.

7 Q. Things were not going good in those
8 conversations?

9 A. No.

10 Q. Without telling us the words that you
11 used, what was the topic of these
12 conversations that you all had to talk about
13 for twenty times?

14 A. Angry.

15 Q. What were you talking about?

16 A. I don't even know. Sometimes I'd call him
17 back if there was a text message and through
18 the phone when he wasn't there because he
19 would go out and he'd drink and he would
20 forget what I'd said, so that it wouldn't
21 affect me when he got home.

22 Q. Is that the safest time to talk to him?

23 A. Yes.

24 Q. Did he know that you are having a birthday
25 party next day?

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1 A. Yes, he did.

2 Q. How did you know?

3 A. He had seen the stuff they are, me getting
4 prepared for it. Obviously we'd had a
5 relationship and he knew when Minor
6 birthday was and he knew that it was coming
7 up.

8 Q. Did he say anything about the arrangements
9 or anything about the party?

10 A. Not about the party, no.

11 Q. Did he say anything about cake?

12 A. Just that I needed to watch my stuff if I
13 wanted to keep the cake and certain things.

14 Q. And what did you do in response to that?

15 A. After he left, I went into the room and
16 brought the cake in there with me. I had
17 everything for the party in there with me.
18 I locked the bedroom door.

19 Q. About what time, if you remember, did all
20 of these phone conversations end?

21 A. It was late, probably after midnight,
22 maybe 1:00 o'clock.

23 Q. All right. When is the next time that you
24 remember seeing Mr. Andes?

25 A. It was a little after 3:00 in the morning.

1 Q. Tell us about that.

2 A. He'd come home. I was sleeping. I'd
3 heard him at the bedroom door with the tool
4 that he'd pick the lock with. I heard that.
5 At this point, I guess that he'd just gotten
6 back from being out drinking. He was standing
7 in the door. He said something, I don't know
8 the nature of what he said, and I asked him to
9 leave the room. At that point he left.

10 Q. What was his appearance?

11 A. He was clothed at that time.

12 Q. Did he in fact leave?

13 A. Yes, he did.

14 Q. What was the next time that you heard from
15 Mr. Andes?

16 A. There was a text message around --
17 sometime around 3:30 in the morning.

18 Q. What did the text message say?

19 A. Asking to have sex.

20 Q. What did you respond?

21 A. I didn't respond to those.

22 Then another one came stating that he had
23 a beautiful girl in the room next to him and
24 all he wants is just one time.

25 Then there was another one about 1:00 --

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1 excuse me language, "One fucking time is all
2 that I ask for."

3 SOLICITOR WILLIAMS: I am showing
4 Defense Counsel what has been marked as
5 State's Exhibit 1. May I approach?

6 THE COURT: You may.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. Ms. Blanche, what is that a picture of?

10 A. That's a picture of the text messages.

11 Q. Does this picture accurately reflect what
12 the text message looked like?

13 A. It does. This one just has the date, not
14 the time.

15 Q. Who is Mike in this?

16 A. That would be Mr. Andes.

17 SOLICITOR WILLIAMS: Your Honor, we
18 move State's Exhibit 1 into evidence.

19 THE COURT: No objection?

20 MR. SEATON: Your Honor, if they
21 want to do it every day, I will stand up and
22 say that I don't object. I've already said
23 that I don't object to any of them.

24 THE COURT: All right. State's
25 Exhibit 1 into evidence without objection.

1 (SO ENTERED AS STATE'S EXHIBIT 1)

2 SOLICITOR WILLIAMS: May we
3 publish, Your Honor?

4 THE COURT: You may.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILLIAMS:

7 Q. Okay. I don't know if you can read that,
8 Ms. Andes. If you need this to kind of ---

9 A. Ms. Blanch.

10 Q. I'm sorry. I'm so sorry. Ms. Blanche.

11 A. That's okay.

12 Q. What is he - what is Mike saying in there?

13 A. He states, (reading): "I want sex, but
14 you can't even do that. Not like I don't love
15 you." Because I would not -- I had made it
16 very clear that I was not in love with him, I
17 did not love him and I didn't want to have sex
18 contact with him at all.

19 Q. What is the next line?

20 A. (Reading): "All I wanted was one fucking
21 time."

22 Q. Then what?

23 A. Sorry. (Reading), "I have a beautiful
24 girlfriend in the next room and I can't have
25 her."

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1 Q. Then what?

2 A. (Reading), "Fuck that shit."

3 Q. And then what?

4 A. (Reading), "I wouldn't even love you
5 anymore. One time is all that I fucking asked
6 -- whatever."

7 Q. And you stated that those messages don't
8 have the time on them, is that correct?

9 A. Correct.

10 Q. Do you remember when those was taken?

11 A. That was taken at the Police Department
12 when I had gone in to meet with one of the
13 detectives.

14 Q. Was that the same day that the text
15 message was sent?

16 A. No.

17 Q. And on your phone, does it show the time -
18 - why does it not have the time on it?

19 A. The day that you receive a text message --
20 for instance, if you had been looking at this
21 phone on November 6th itself, it shows the
22 date and time that the text message was
23 received or sent. As soon as the day changes,
24 when it goes to the next day, on November 7th,
25 all it would have shown you is the actual date

1 that it was sent or received, but not the
2 time.

3 SOLICITOR WILLIAMS: Your Honor, I
4 will show Defense Counsel State's Exhibit 46.

5 MR. SEATON: Sure.

6 THE COURT: May I approach?

7 THE COURT: You may.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILLIAMS:

10 Q. What is this a picture of?

11 A. That is another picture of the cell phone
12 with the text messages on it.

13 Q. Is that one different than the one that we
14 are seeing?

15 A. Yes, it is. This one was taken on
16 November 6th and it actually shows the time of
17 the text messages.

18 Q. What are those times?

19 A. 3:36 a.m., 3:37 a.m., 3:40 -- I want to
20 say right at 3:40 a.m., it's a little blurry
21 -- and then another at 3:40 a.m.

22 SOLICITOR WILLIAMS: Your Honor,
23 permission to publish.

24 THE COURT: You may.

25 SOLICITOR WILLIAMS: Oh, we would

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1 move State's Exhibit 46 into evidence.

2 MR. SEATON: Without objection.

3 THE COURT: Forty-six into evidence
4 without objection. You may publish.

5 (SO ENTERED AS STATE'S EXHIBIT 46)

6 SOLICITOR WILLIAMS: Your Honor, we
7 apologize to the court because these cannot be
8 shown on the overhead because they're so
9 blurry. We would just ask to pass them around
10 the jury.

11 THE COURT: Well, -- you know the
12 procedure.

13 SOLICITOR WILLIAMS: Ms. Blanche,
14 if you could just wait for the jury to look at
15 those before we proceed -- (pause for jury to
16 review).

17 THE COURT: You may proceed.

18 SOLICITOR WILLIAMS: Thank you,
19 Your Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR WILLIAMS:

22 Q. What time does that last text show, that
23 you can see?

24 A. The bottom one states, (reading): "I
25 wouldn't even bother you anymore." The time

1 right above that is 3:40 a.m.

2 Q. When Mr. Andes first came into your room,
3 as you just testified, was your door lock or
4 unlocked?

5 A. When he first came in, it was locked.

6 Q. How did he get in?

7 A. He had picked the lock.

8 Q. What did he use?

9 A. There's a tool that -- when the bedroom
10 doors are locked, there's a little tool that
11 went above the closets that you could just
12 stick in the hole of the doorknob and unlock
13 it.

14 Q. Okay. After that last text, what happens
15 next? Do you leave your room, does he leave
16 his room?

17 A. I did. I -- eventually I got up and I
18 went into his room and I asked him to please
19 stop sending messages to me, that I was not
20 having sex with him and that I did not
21 appreciate the fact that he made me feel like
22 I had to be forced into doing something. That
23 was pretty much the end of that discussion. I
24 walked out and went back to my room.

25 Q. Did you lock the door when you went back

1 to your room?

2 A. Honestly I don't remember.

3 Q. And what happened next?

4 A. I laid back down and a few minutes later
5 he came into the bedroom, and he was
6 completely undressed.

7 He came over to his side of the bed and
8 started making some comments. It got a little
9 verbal between the two of us.

10 At this point I still had all of my
11 clothing on.

12 He had climbed on top of me and started
13 grabbing at my breasts, very roughly, and my
14 vaginal area pretty roughly. I asked him to
15 stop, I started crying, I started screaming
16 trying to get him to please just leave the
17 room.

18 He stood up like he was going to leave the
19 room and turned around and looked at me and
20 said "Fuck that, you want to see what it's
21 like to be forced, I'm going to show you."
22 He pulled my pants off of me and climbed back
23 on top of me. At first, all he started doing
24 was he started grabbing my breasts very hard
25 and -- (emotional) -- while he was doing that,

1 you know, he was rubbing himself against me,
2 trying to get himself hard. I told him to get
3 off of me, that I didn't want -- (crying) --
4 trying to hit him. When I did, he grabbed my
5 wrist and put it down. I started screaming
6 really loud, "Stop!" He put his hands over my
7 mouth and every time he'd grab one thing, I'd
8 try to twist and turn to get away from him.
9 He took his fingers and started shoving them
10 inside of me, extremely hard. I was just
11 asking him to stop. And -- (crying) ---

12 Q. Do you need a moment?

13 A. (Crying) -- he just kept grabbing at my
14 boobs and shoving fingers inside me. If I
15 tried to hit him, he would grab my wrists.
16 If I tried to twist my lower body, he would
17 grab me and twist me back. He eventually had
18 gotten himself hard enough, then he put
19 himself inside me.

20 Q. When you say put himself, I'm sorry to
21 have to ask you this, but what body part are
22 you talking about?

23 A. He put his penis inside me. I was
24 screaming and asking him to please stop, and
25 was crying. He put his hand over my mouth to

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1 keep me from screaming.

2 Q. What happened next?

3 A. He finished it.

4 Q. When you say finished, what happened?

5 A. He ejaculated.

6 Q. He ejaculated where?

7 A. It was inside me.

8 Q. When you say "inside me", you mean inside
9 your ---

10 A. Vagina.

11 Q. And what did he do next?

12 A. He sat up and kinda turned his body a
13 little bit on the side of the bed and started
14 urinating, and it went down the side of the
15 bed onto the floor.

16 Q. And then what happened?

17 A. He left the room.

18 Q. What did you do?

19 A. I just laid there and cried for a few
20 minutes. (Crying) -- I had some clothes that
21 I had and I put those on the sheet, where
22 there was semen, I used it to cover it up. I
23 put my pants back on and I texted my friend
24 Jessica.

25 Q. I'm sorry? You called?

1 A. I texted Jessica.

2 Q. What is Jessica's name?

3 A. Jessica Thompkins.

4 Q. Do you have any idea what time that it was
5 at this point?

6 A. Maybe 5:00 a.m.

7 Q. And do you know where Mr. Andes went next?

8 A. No. I'm assuming that he went back into
9 his bedroom.

10 Q. Now, what had you had planned for that
11 day?

12 A. A birthday party for my daughter.

13 Q. And did you go to that party?

14 A. Yes, I did.

15 Q. Why did you go to that party rather than
16 calling 911 right away?

17 A. Because my daughter -- it wasn't exactly a
18 healthy living situation for her and it was
19 the first time that I'd ever been able to
20 afford and have a birthday party for my
21 daughter, in ten years.

22 Q. Where was that party planned for?

23 A. Music in Motion.

24 Q. What kind of arrangements had you made?

25 A. Her dad was to bring her there. I was

1 picking up her cousins and bringing all the
2 stuff to get there early. My family was going
3 to be there, my mom, my brother. She had
4 friends coming, everything else.

5 Q. So you made a decision to go to the
6 birthday party rather than calling 911?

7 A. Yes.

8 Q. And was Minor able to figure out that
9 anything was wrong?

10 A. No, I didn't -- (negative gesture).

11 Q. Did you tell anyone else?

12 A. I let my mom know and Jessica arrived at
13 the party a little bit later, and she had
14 already known. At the end of the party, I let
15 Minor dad know kinda what had happened and
16 I asked him to please take her home with him
17 for the next few days.

18 Q. And then what did you do?

19 A. I left there. He was at the residence.
20 I went to my grandparents' house straight
21 from there. Actually I took two of the
22 children home. They were Minor cousins.
23 I had taken them and we all went back to her
24 cousins' house first, Chad, Minor dad, he
25 brought Minor and a couple of the other

1 kids. I brought the other cousins and we all
2 went there first and then I had already
3 planned on going to my grandparents' house,
4 because they could not make it. So I went to
5 their house.

6 Q. Did you hear from Mr. Andes that day?

7 A. Yes, I did.

8 Q. What was the nature of that communication?

9 A. He had sent a text message around 8:00 or
10 8:30 that morning and it stated something
11 along the lines of, 'I am truly sorry for last
12 night.'

13 Q. Did you respond back?

14 A. He'd sent a few more messages and I did
15 send a message back at some point stating
16 something about not being sorry. It wasn't a
17 detailed conversation. It was just basically
18 expressing the fact that I really didn't
19 accept his apology.

20 Q. How long did these text messages go on
21 for?

22 A. They went on for most of the day.

23 Q. And did he know that you had called the
24 police when you did?

25 A. At this point during the day when he was

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1 sending these text messages, I did not notify
2 the police yet. He did not know when I did
3 contact the police.

4 Q. Did he become suspicious that you might
5 have called the police at some point?

6 A. It was the Sunday after, yes.

7 Q. How did he figure that out? Had the
8 police picked him up yet?

9 A. No. He had sent a text message stating
10 that he had received two notifications on his
11 phone because he was being charged a fee from
12 Sprint for using 911, asking what had
13 happened, if everything was okay. Basically
14 just -- at this point he did not know
15 anything. I just kinda told him that
16 something was going on outside in the weeds by
17 the house, kinda played it off. Then I
18 contacted Investigator Powell and I let him
19 know the nature of that conversation, so that
20 he was aware that I had -- that he had made
21 some kind of contact and I was just trying to
22 keep him unaware of everything that was going
23 on.

24 Q. Why did you have to keep him unaware of
25 everything that was going on?

1 A. They had not gotten an arrest warrant yet.

2 Q. Now, ---

3 A. He -- not only that, after all of this had
4 happened, I went and stayed at my mother's and
5 -- (pause) -- was just trying to keep him as
6 calm as could be. That way he didn't try to
7 show up there and cause any more problems.

8 Q. Okay. You did call 911 later than
9 evening?

10 A. Yes, I did.

11 Q. What time was that about?

12 A. I don't know. It was later. Maybe 10:00,
13 10:30'ish. I don't know.

14 Q. Did you call anyone else before you called
15 911?

16 A. Yes, I had.

17 Q. Who?

18 A. I had called Mr. Andes.

19 Q. Why did you do that?

20 A. I was very angry. I was hurt, upset,
21 wanted to know why. I was very pissed off
22 about the fact that it was very flip-flop. One
23 minute, 'I am very, very sorry' and then 'here
24 I am, out drinking with my friends like what
25 I've done is no big deal.' I was angry. I

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1 was extremely pissed off and I wanted to know
2 why.

3 Q. Why he had done ---

4 A. Why he had done what he'd done.

5 Q. Were you at all conflicted about calling
6 911 on someone that you'd had a relationship
7 with?

8 A. Yes.

9 MR. SEATON: Objection, Your Honor.
10 That's leading.

11 THE COURT: Overruled. You may
12 answer.

13 THE WITNESS: Somewhat, yes.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. How many times did you call him after you
17 got the text messages but before you called
18 911?

19 A. It was quite a few times. I don't know
20 the exact number but it was quite a few times.

21 SOLICITOR WILLIAMS: Okay. Your
22 Honor, I am going to show defense counsel
23 State's Exhibit 2, 3, 4, 5, 6, 7, 8, 9, 10,
24 11, 12, 14, 15, 16 and 17.

25 MR. SEATON: Without objection.

1 THE COURT: No objection. Are you
2 moving those into evidence?

3 SOLICITOR WILLIAMS: I would.

4 (SO ENTERED AS STATE'S EXHIBIT 2-12)

5 (SO ENTERED AS STATE'S EXHIBIT 14-17)

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILLIAMS:

8 Q. If you could just look through to
9 familiarize yourself with them and then we
10 will put them up on the screen for you ---

11 SOLICITOR WILLIAMS: May we
12 publish, Your Honor?

13 THE COURT: You may publish. They
14 are in evidence without objection.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILLIAMS:

17 Q. Those are the texts that you showed the
18 police?

19 A. Yes, they are.

20 Q. And is this the first communication that
21 you got from him the next day?

22 A. Yes.

23 Q. Or after the sexual assault?

24 A. Yes.

25 Q. Now, you never -- you told the police that

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1 there was communication during the day between
2 the two of you. In fact, you showed them the
3 text messages?

4 A. Right. There was no physical contact
5 during that day, except for what -- the
6 incident that took place.

7 Q. So when you told the police that there was
8 no contact, you meant that you hadn't seen
9 him?

10 A. Correct.

11 SOLICITOR WILLIAMS: Can you
12 (technician) publish State's Exhibit 2.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. Do you still have the pointer, Ms.
16 Blanche?

17 A. Yes, I do.

18 Q. These are a little hard to read but if you
19 could just tell -- again, "Mike" is Mr. Andes?

20 A. Yes, it is.

21 Q. What is he saying in this text message?

22 A. The very first one, (reading): "Sorry
23 about last night, truly." That is the very
24 first one that I received. And I -- I'm
25 sorry.

1 Q. Then what do you say?

2 A. I responded, (reading): "You are not sorry
3 or you would have stopped."

4 Q. And what does he say?

5 A. He says, "I did, and I am sorry."

6 Q. If you would, just go on to ---

7 A. I go on to say, basically, that "you
8 stopped once you got enough and pissed on my
9 butt and floor, but you weren't drunk."

10 Q. What does he say?

11 A. He states that he wasn't drunk.

12 SOLICITOR WILLIAMS: Would you
13 publish these three>

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. If you could go through that text and
17 kinda tell the jury, since it's a little hard
18 to read, what you say and what he says.

19 A. He then states that he didn't -- that he
20 drank but was not drunk and that he was very
21 sorry.

22 I let him know that he did because it was
23 on my bed. I go on to tell him that it was
24 disrespectful and that he was sick.

25 He says, "Yeah, it was disrespectful.

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1 I am sorry for it."

2 Q. State's Exhibit 4.

3 A. I go on to telling him that, (reading):

4 "You don't think holding me down and
5 forcing yourself on me was sick, if it is not
6 rape, what do you want to call it? Fun?"

7 "I don't have much to say to you."

8 "Besides what you did last night and
9 that's not something that I can forgive or
10 forget."

11 "Now, you're leaving me. I guess it's
12 the end of my life with you."

13 Q. State's Exhibit 5.

14 A. It looks like there had been something
15 before and I said something about "I saw what
16 your love meant last night. Thanks for that."

17 He continues to say, "I know."

18 This one came during the actual birthday
19 party, he starts asking, "How is it going?
20 Well, okay. I love you. Have a good day."

21 This one came after Saturday night. He
22 asked, "Where did you stay last night? Well,
23 you must have a date with this guy."

24 I had gone to MUSC. I had gone back with
25 my mother and stayed at her house with her and

1 never went back to the residence at
2 that weekend.

3 Q. Did you ever go back ever, to live there?

4 A. Not to live there, no.

5 Q. Did you try to get your stuff?

6 A. I did. I took that Monday off of work and
7 I went by myself and I took whatever that I
8 physically on my own could get out of there.

9 A lot of it was mainly clothing, the bed,
10 essential things. I left a lot of stuff
11 behind.

12 Q. And State's Exhibit 6? If you could go
13 back to the text and tell us what he says, and
14 what you say.

15 A. He is stating, "Well, you must have a date
16 with this guy. What the fuck ever? Just
17 ignore me all fucking day. Hello?"

18 I was not responding. Then I asked him,
19 "Will you stop, please."

20 Then he starts just texting over and over
21 again, "Hello." "Hello." "Hello." "Hello."
22 "Hello."

23 Q. State's Exhibit 7?

24 A. You can see it, "Hello." "Hello."

25 "Hello." "Hello." "Hello." Asking, "What

1 are you doing? Why are you not answering me?"

2 Q. State's Exhibit 8.

3 A. (Reading): "Are you feeling okay? I
4 love you. Will you please call me before you
5 go to bed. Call me. Call me."

6 Q. State's Exhibit 9?

7 A. (Reading): "Call me. Call, call, call,
8 call."

9 And finally at this point, just to get him
10 to leave me alone, because I knew with all of
11 this going on that eventually it was going to
12 piss him out and I just said, "I am trying to
13 get Minor in the shower and ready for bed.
14 Stop texting or calling over and over."

15 And he said, "What happened last night?"

16 Q. State's Exhibit 10?

17 A. (Reading): "I got a 911 notice."

18 I asked him, "What are you talking about,
19 a notice?"

20 He said, "For using on my account, there's
21 a fee."

22 This is where I just -- it took me a
23 little bit to figure out something to respond,
24 so I just told him that there were some people
25 in the weeds next to the house, talking about,

1 and that they had put on hold the first time,
2 then hung up. I called back and they said
3 that there was already an issue at one of the
4 houses I the neighborhood back there.

5 I asked him, 'Anything else, since you're
6 going through my call log wasn't a big deal.'

7 He said, 'Okay. I was making sure that
8 you were okay.'

9 And I asked, 'Why? You weren't there.'

10 Q. State's Exhibit 12?

11 A. He states that he didn't check the call
12 log that he got a text message, "haven't been
13 near a computer and can't check it."

14 So, "I am laying the down."

15 "Doing the same."

16 "Have a good day at work."

17 That's all that he said, "goodnight."

18 Q. State's Exhibit 15.

19 A. He goes on to say, "Okay, Baby."

20 Q. State's Exhibit 15.

21 A. "Okay, Baby, goodnight. I really do love
22 you. Just telling me goodnight and to have a
23 good day at work made my heart feel so much
24 better. Would you like to come home today?"

25 Then it says down here, "I would like you

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1 to come home today. I would like you to come
2 home. I miss you. I love you. Have a good
3 day at work. If you need time, I understand.
4 I'll cook dinner if you're going to be home,
5 Babe."

6 "How do you feel today?

7 Finally at this point he just kept on, so
8 I said "I'm fine."

9 He said, "Okay. You still upset with me?"

10 "Yes, I am upset."

11 "Can we make it through this?"

12 These were messages that I don't
13 understand. Something about "DOD on Michael
14 and we had to call 911, he was nonresponsive
15 for hours, even after EMS took him to the
16 hospital. We could not wake him up."

17 "I can get two USC/Florida tickets right
18 now \$300 for both, second tier up. I am
19 trying to keep her. Doesn't know if she can
20 love me again, but I hope she can because I
21 love her."

22 I finally tell him to quit texting me
23 because it was going out to other people.

24 He said, "What? I'm sorry. But the one
25 about the tickets was for you. Are you coming

1 home?"

2 I state, "You mean something."

3 Q. All right. And those also don't have the
4 times on them, is that correct?

5 A. Correct.

6 Q. Just the date?

7 A. (Affirmative nod).

8 Q. Were there some that were taken with the
9 times?

10 A. Yes, the ones that Investigator Powell had
11 taken the day that he had come to the
12 residence on November 6th had the times on it.

13 SOLICITOR WILLIAMS: Your Honor, I
14 show defense counsel State's Exhibit 47
15 through 51 and move into evidence.

16 MR. SEATON: Without evidence.

17 THE COURT: State's Exhibit 47
18 through 51 into evidence.

19 (SO ENTERED AS STATE'S EXHIBIT 47-51)

20 SOLICITOR WILLIAMS: May I
21 approach?

22 THE COURT: You may.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILLIAMS:

25 Q. We don't have to publish these, Ms.

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1 Blanche, at this point but if you could just
2 give the jury an idea of -- the messages that
3 the just saw, is that another picture of
4 those?

5 A. Yes, they are.

6 Q. And does that have the times?

7 A. Yes, they do.

8 Q. About what time were you receiving all
9 those messages from Mr. Andes?

10 A. The first one started about 8:33 a.m. and
11 they kept going through 9:00 a.m., 9:30 a.m.
12 and there's one at 10:00 a.m., one at 12:34
13 p.m., another one around looks like 1:37 p.m.,
14 3:00 and it looks like the last one is about
15 3:40 a.m.

16 Q. Okay. And when they took pictures of
17 these text messages, they didn't take a
18 picture of every text message on your phone,
19 correct?

20 A. Correct.

21 Q. They took pictures of the text messages
22 that were relevant to the case?

23 A. Right.

24 Q. Did you delete any of the messages, that
25 you know of, from Mr. Andes or from you to

1 him?

2 A. No, not from any of those days; no.

3 SOLICITOR WILLIAMS: Your Honor, we
4 have a demonstrative aid, State's Exhibit 20
5 and State's Exhibit 21.

6 MR. SEATON: Without objection, Your
7 Honor.

8 SOLICITOR WILLIAMS: Move to admit
9 twenty and twenty-one.

10 THE COURT: State's Exhibit 20 and
11 State's Exhibit 21 into evidence without
12 objection.

13 (SO ENTERED AS STATE'S EXHIBIT 20)

14 (SO ENTERED AS STATE'S EXHIBIT 21)

15 SOLICITOR WILLIAMS: Your Honor,
16 what we would like to do is publish 20 and 21,
17 and we have a stipulation that there is a key
18 that goes with it, if we could just have the
19 bailiff have out to the jury, it would be
20 easier for them to understand the chart.

21 MR. SEATON: Your Honor, I don't
22 know in terms of ---

23 THE COURT: Counsel, approach.

24 (OFF RECORD BENCH CONFERENCE)

25 THE COURT: Ladies and Gentlemen,

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1 this is an appropriate time for us to break
2 for lunch. Do not begin your deliberations.
3 Do not discuss this case amongst yourselves.
4 Please remember all of my admonitions. Please
5 be back downstairs. The bailiffs will escort
6 you to be up in your jury room at 2:00, so you
7 need to be at like five until 2:00 downstairs.

8 Have a wonderful lunch. If you need
9 assistance on where to go, the bailiffs have a
10 list of lunch places for you. Please rise for
11 the jury. Stay seated, Ms. Blanche.

12 (JURY OUT @ 12:45 A.M.)

13 THE COURT: Ms. Blanche, we have --
14 we are going to break for lunch. So what that
15 means is that you may not discuss this case
16 with anyone. That includes anyone from the
17 prosecutor's office or from Mr. Seaton's
18 office or the defendant. That also includes
19 your support personnel, because I have allowed
20 her to remain in here. You may speak with her
21 but you may not discuss your testimony, either
22 what you have testified to or what your
23 proposed testimony will be. Any questions?

24 THE WITNESS: No, ma'am.

25 THE COURT: You may step down.

1 (WITNESS STEPS DOWN)

2 THE COURT: Anything further from
3 the State?

4 SOLICITOR WILLIAMS: None from the
5 State, Your Honor.

6 MR. SEATON: Just that I would like
7 to give your glasses back, Your Honor. I will
8 get mine when I get to the office.

9 THE COURT: Thank you. Mr. Seaton,
10 before I forget, I want you to place on the
11 record -- we have a conference at the bench
12 about your objection to the hearsay -- or
13 actually the State had objected to your use of
14 hearsay from former Officer Gainey's report.
15 I will allow you to articulate that for the
16 record.

17 MR. SEATON: Thank you, Your Honor.
18 The Court overruled and I would just simply
19 like to have on the record that I was
20 questioning Officer Gainey about the incident
21 report that she had created. In that incident
22 report, she was specifically referencing a
23 discussion that she had with LeAnn Blanche and
24 in that discussion she said that Blanche told
25 her that they had not had any contact during

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1 the day. There had been an objection on the
2 part of the State. I specifically asked that
3 the Court overrule their objection to hearsay.
4 I believe that because, number one, that it
5 was a document that was created by the officer
6 and, number two, that she had spoke with this
7 particular declarant, it's my understanding
8 that the hearsay law allows the exception of
9 an declarant who was here and who was present.
10 Clearly the witness that was called witness
11 the declarant. As such, the hearsay exception
12 applies and she should have been allowed to
13 testify as to what the declarant, Ms. Blanche,
14 said to her rather than it being sustained and
15 not being allowed to follow that line of
16 testimony.

17 THE COURT: All right. Just so the
18 record is clear, Ms. Williams, when you were
19 showing exhibits, we marked Defendant's 24
20 through 33, which were previously marked as
21 State's Exhibit 24 through 33. You referenced
22 State's Exhibits 24, 25, 26. Just so that the
23 record is clear, you were referencing
24 Defendant's Exhibit 24, 25 and 26.

25 SOLICITOR WILLIAMS: Thank you,

1 Your Honor.

2 THE COURT: There is currently
3 nothing marked as State's Exhibit 24 through
4 33. Those are defense exhibits at this time,
5 just so that the record is clear.

6 SOLICITOR WILLIAMS: Thank you.

7 THE COURT: All right, we will be
8 at-ease until 2:00.

9 MR. SEATON: Thank you, Your Honor.

10 (LUNCH RECESS)

11 (DEFENDANT PRESENT)

12 THE COURT: Ms. Blanche, you may
13 have a seat. I remind you that you are still
14 under oath. Did you abide by the Court's
15 admonition during lunch?

16 DEFENDANT: Yes, ma'am.

17 THE COURT: Let's bring in the
18 jury. Please rise for the jury.

19 (JURY IN @ 2:07 P.M.)

20 THE COURT: Thank you. Be seated.
21 Ms. Williams, your witness.

22 SOLICITOR WILLIAMS: Thank you,
23 Your Honor.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILLIAMS:

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1 Q. Ms. Blanche, when we broke, we were
2 talking a little bit about text messages and
3 phone calls.

4 SOLICITOR WILLIAMS: Your Honor,
5 the State is going to publish State's Exhibit
6 20 and 21, the portion of the call records,
7 and we would like permission for the bailiff
8 to hand out a legend that just basically shows
9 what each color signifies. This is without
10 objection from the defense?

11 MR. SEATON: That's correct, Your
12 Honor.

13 THE COURT: All right. Thank you.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. Can you read those numbers, Ms. Blanche?

17 A. Yes, I can.

18 Q. In the first column, what does that say?
19 What is the column called?

20 A. Calling number.

21 Q. What number do you see there?

22 A.

23 Q. Whose number is that?

24 A. At the time it was my cell phone number.

25 Q. Okay. And under the column Dialed Digits,

1 tell us what that number is?

2 A. . That number belonged to
3 Michael Andes.

4 Q. Okay. And if you would, just tell us what
5 the date is for those first four calls. It's
6 in military time, but about what the time is
7 on those.

8 A. On November 5th, it would be about 11:31
9 to 11:50.

10 Q. Okay. Those calls are not the only calls
11 that you make that night. You made lots of
12 other calls to Mr. Andes on this record; is
13 that correct?

14 A. Yes, ma'am.

15 Q. Now, let's go down to the green section.
16 Under the calling number, what is that? What
17 is that -- is that your number again?

18 A. Yes, ma'am. That's mine.

19 Q. And whose number is that under "Called
20 Number".

21 A. That's Jessica Thompkins' number.

22 Q. Okay. What time does it say there?

23 A. It says 3:33.

24 Q. And you don't know how Sprint does it,
25 whether that time is accurate? It could be an

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1 hour later. You just don't know anything
2 about that.

3 A. No, I don't.

4 Q. And all of the text messages or the data
5 that is in the light blue section, is that
6 your number and Mr. Andes' number?

7 A. Yes, it is.

8 Q. If we could do State's Exhibit 21. Again,
9 in that light blue data, is that Mr. Andes'?

10 A. Yes, it is.

11 Q. And his number is in which column on this
12 page?

13 A. The light blue for the calling number is
14 the , in the light blue.

15 Q. Okay. Who is the called number?

16 A. That would be the number that I had, the
17 437.

18 Q. So those are outgoing from his phone into
19 your phone?

20 A. Correct.

21 Q. In the pink section, that's you contacting
22 him?

23 A. Yes, ma'am.

24 Q. And then down in the green section, is
25 that -- you just testified that was Jessica

1 Thompkins?

2 A. Yes.

3 Q. Is that the individual that you contacted
4 right after the rape occurred?

5 A. Yes, it is.

6 SOLICITOR WILLIAMS: Your Honor, I
7 think that that exhibit will be used again
8 with the next witness and I imagine that Mr.
9 Seaton will use it as well. I don't know if
10 you want to collect them now or just have them
11 hold onto them.

12 THE COURT: They can keep them,
13 hold on.

14 SOLICITOR WILLIAMS: Okay. I am
15 showing defense counsel what has been admitted
16 as Defendant's Exhibit 26 through 29. May I
17 approach the witness?

18 THE COURT: You may. You have
19 continuing permission.

20 SOLICITOR WILLIAMS: Thank you,
21 Your Honor.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR WILLIAMS:

24 Q. If you could, publish 26. Ms. Andes -- I
25 mean -- I am so sorry. Ms., uh, Blanche, if

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1 you could tell us, what room is this?

2 A. This is the room that my daughter and I
3 shared.

4 Q. Okay. Where did you keep your things in
5 this room? Where is that dresser? Can it be
6 seen?

7 A. No, it cannot. It would be where the foot
8 of the bed is, straight across from that.

9 Q. Can you show us with the pointer -- just
10 push the little red ---

11 A. The dresser that I used -- at the foot of
12 this bed, straight across was a wall. It
13 would be just -- not even a couple of feet
14 straight across, there would be a dresser
15 right here.

16 Q. What is on the bed there? That bag?

17 A. There was a birthday gift and that would
18 be the laptop that she had gotten as a
19 birthday present, as well.

20 Q. Can you do Defendant's Exhibit 28. Now,
21 if you look at this picture, can you explain
22 to us what is on the bed there?

23 A. Yes. This is the comforter, the pillows,
24 these were the sheets that were on the bed.
25 These pajama pants right here are the ones

1 that were in the room that I had used to pick
2 up and kinda cover up where his semen had
3 went.

4 Q. Where on that picture -- you testified
5 that the Defendant urinated in the room after
6 he was finished.

7 A. (Affirmative nod).

8 Q. Where in that picture did that occur?

9 A. He sat up kinda of on the edge of the bed
10 here and it would be on the floor down here.

11 Q. Next picture, is that that same section?

12 A. Yes, ma'am.

13 SOLICITOR WILLIAMS: Court's
14 indulgence.

15 THE COURT: Yes, ma'am.

16 SOLICITOR WILLIAMS: I am showing
17 the defense counsel Defendant's Exhibit 30 and
18 State's Exhibit 40.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILLIAMS:

21 Q. Ms. Blanche -- these are two pictures of
22 -- tell me what that is.

23 A. These are pictures that -- one was taken
24 at MUSC and one was taken at the Goose Creek
25 Police Department. There are some of the

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1 scratches that I had received.

2 Q. Are they taken at different times?

3 A. Yes, they are.

4 Q. If you could just put up Defendant's
5 Exhibit 30 -- sorry.

6 SOLICITOR WILLIAMS: Your Honor, we
7 would move State's Exhibit 40 into evidence.

8 MR. SEATON: Without objection.

9 THE COURT: State's Exhibit 40 into
10 evidence without objection.

11 (SO ENTERED AS STATE'S EXHIBIT 40)

12 SOLICITOR WILLIAMS: If you could,
13 put State's Exhibit 40 up there first.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. It is overexposed, but can you just kinda
17 show the jury where that scratch was?

18 A. On my hand now or on the picture?

19 Q. Just on the picture. It's kinda hard to
20 see.

21 A. There's a scratch mark and then there is a
22 little bit of one there.

23 Q. Okay. And that was taken before the other
24 one?

25 A. Yes, it was. That was taken that night at

1 MUSC.

2 Q. Okay.

3 SOLICITOR WILLIAMS: Could you put
4 up thirty.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILLIAMS:

7 Q. Is that the same scratch?

8 A. It is. That's a scratch (indicating),
9 that's a scratch (indicating), and then that
10 right there is the cirrhosis.

11 Q. So is it healing in that picture or is it
12 -- is it later than the first one?

13 A. Yes, that was taken on the Tuesday after,
14 I believe.

15 Q. So since this occurred, you've remained at
16 that job?

17 A. Yes, I have.

18 Q. And have you done anything in terms of
19 getting past this event?

20 A. I have been going to counseling, been
21 working rather hard on rebuilding a better
22 relationship with my daughter, I've been able
23 to actually go to work every day and not have
24 stress, I got a promotion at my job, and I'm
25 working day by day to just feel better about

1 myself.

2 Q. Financially, are you standing on your own

3 two feet?

4 A. Yes, I am.

5 Q. Have your own car?

6 A. I have my own car, my own phone.

7 SOLICITOR WILLIAMS: Thank you, Ms.

8 Blanche. Please answer any questions that the

9 defense has.

10 THE COURT: Mr. Seaton.

11 MR. SEATON: Thank you, Your Honor,

12 may it please the Court.

13 CROSS EXAMINATION

14 BY MR. SEATON:

15 Q. Ms. Blanche, where did you grow up?

16 A. I was born in the state of Vermont and I

17 lived around. My stepdad was military. We

18 moved here in 1988, '89.

19 Q. Did you go to school here?

20 A. Yes, I did.

21 Q. How far did you go in school?

22 A. I went to college, I went two and a half

23 years at Charleston Southern.

24 Q. Did you get any sort of degree or anything

25 like that?

1 A. I did not get a degree from Charleston
2 Southern. I went to Trident Tech, finished
3 the pre-Nursing program, got divorced and that
4 kind of put that to a stop.

5 Q. So you didn't finish with the nursing
6 program?

7 A. No, I did not.

8 Q. And at that time that you were in the
9 nursing program, you were still married?

10 A. I was -- had got -- yes, I believe that I
11 was married at the time.

12 Q. Okay. And you and your husband, you had a
13 child together while you were still married, I
14 assume?

15 A. We had my daughter before we were married.

16 Q. So then while -- I guess the point that I
17 am simply trying to get at is that at some
18 point you, your husband and your daughter
19 lived together in Goose Creek, and that's when
20 you met Mr. Andes.

21 A. No, not at that time. I was married to my
22 husband early -- we got married in 2001. We
23 got divorced.

24 I did get remarried very briefly in 2005,
25 to someone that I had started dating in 2003.

1 Q. So maybe -- I apologize, was a little off.

2 When you met Mr. Andes, weren't y'all living
3 in the same apartment complex?

4 A. Yes, we were.

5 Q. This was in 2005?

6 A. I apologize. That's my mistake. It was
7 probably early 2006. I don't the exact date
8 that he had moved into Coventry Green, but it
9 was -- we were there for six or seven months.

10 Q. And that's where you met Mr. Andes?

11 A. Yes, it is.

12 Q. And you and your second husband went your
13 separate ways and that's when you moved out of
14 the same apartment complex as Mr. Andes and
15 then you moved to, I think you said Park Place
16 over in Hanahan?

17 A. Yes.

18 Q. While you were at Park Place in Hanahan is
19 when the relationship with Mr. Andes became a
20 sexual relationship?

21 A. Yes.

22 Q. Then y'all decided that you would live
23 together when he buys a house in Goose Creek;
24 is that correct?

25 A. No, not immediately at that time. That is

1 not correct.

2 Q. All right. Did he move into your
3 apartment in Goose Creek -- excuse me -- in
4 Hanahan, with you?

5 A. No, he did not. I had the apartment from
6 2006 to 2008. He had already purchased the
7 home at some point in 2008 and had lived with
8 other people. There were two male roommates
9 that he had prior to me even moving in.

10 I left the apartment and I had moved in
11 with my mother for a period of time. Then at
12 some point, in late 2008 or early 2009, is
13 when I moved in with Mr. Andes.

14 Q. Okay. So at that point you move into the
15 house that Mr. Andes owns?

16 A. (Affirmative nod).

17 Q. And I think your testimony earlier was
18 that you moved into the master bedroom with
19 him because y'all were boyfriend and
20 girlfriend.

21 A. Yes.

22 Q. In fact, didn't he end up buying you a
23 ring and y'all became engaged?

24 A. The ring was bought before we had lived
25 together and I did not wear it. It was not

1 really a proposal, that the ring was bought.

2 I never wore it.

3 Q. So you're saying that the ring that was
4 bought for you was in 2008?

5 A. Yes, it was.

6 Q. So he buys you a ring before you move in
7 with him?

8 A. Yes.

9 Q. And you don't wear the ring because you're
10 saying that it was not an engagement ring, but
11 yet you still moved in with him; is that what
12 you're saying?

13 A. Yes, I did.

14 Q. So you buys you a nonengagement ring, then
15 you move in as boyfriend and girlfriend, ---

16 A. Yes.

17 Q. Then you live there for approximately a
18 year before you decide that, once again,
19 you're going to change the relationship and
20 you're going to become a renter?

21 A. No. During that time I did not live there
22 continuously for a full year. I moved out of
23 the residence at some point in 2009 and moved
24 into a residence that he did not know at the
25 time where it was. Then moved back in to the

1 residence a couple of months later.

2 Q. In fact, I think you've already told us
3 that when you were living there that your
4 daughter was living there as well?

5 A. Yes, she was.

6 Q. And that was a week on, a week off, I
7 think you said.

8 A. Yes.

9 Q. And Mr. Andes has a daughter. Is he
10 approximately the same age as your daughter?

11 A. Yes, she is.

12 Q. And was she spending any time at Mr.
13 Andes' house?

14 A. Occasionally. The did not have a custody
15 arrangement, so it was sporadic.

16 Q. And this house that we're talking about,
17 how many bedrooms are there?

18 A. There's two.

19 Q. And in the two bedroom house, your
20 daughter -- would you agree with me that this
21 house, that the bedroom that you're saying
22 that you rented, or eventually rented, ---

23 MR. SEATON: May I approach the
24 witness, Your Honor?

25 THE COURT: You may.

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1 CROSS EXAMINATION CONTINUED

2 BY MR. SEATON:

3 Q. This bedroom, that was fixed up for your
4 daughter or his daughter or for the kids, or
5 how would you describe the way that this
6 bedroom was fixed up?

7 A. The bedroom was painted originally, early
8 on, before I had moved out of the master
9 bedroom. It was painted with a girl's color,
10 it had the comforter set that my daughter had
11 picked out, that she wanted. So, I mean, the
12 majority of the items in the room were hers.

13 Q. And when -- if you would, Mr. Andes'
14 daughter's name is what?

15 A. K.A. I.

16 Q. Was K.A. -- and you call your daughter
17 Minor ?

18 A. Yes.

19 Q. So when K.A. and Minor were both there,
20 they would sleep together in this particular
21 room?

22 A. It varied. Sometimes they would and
23 sometimes K.A. would sleep on the couch or
24 she would share a bed with Mr. Andes.

25 Q. I think you said that there was a dresser

1 in this bedroom that had some of Mr. Andes'
2 daughter's things in it?

3 A. Yes.

4 Q. When you decided that you were going to
5 start living in this bedroom, would all three
6 of y'all sleep in the bedroom or ---

7 A. No, sir. My daughter would sleep in the
8 bedroom and then K.A. either slept on the
9 couch or she would sleep with Mr. Andes.

10 Q. So K.A., in essence, was kicked out of
11 her bedroom?

12 A. No, I would sleep on the couch -- on
13 occasion is she wanted to sleep with Minor
14 then I would sleep on the couch..

15 Q. And you would also agree that you've told
16 us that you had clothes that were still in the
17 master bedroom?

18 A. Yes, I did.

19 Q. So in order to get your clothes you would
20 go in and out of the master bedroom whenever
21 you needed to?

22 A. Yes.

23 Q. And you told us that he buys you a ring
24 and you refuse to wear it, what did you ever
25 do with that ring?

1 A. I left it in his possession and he had put
2 it in the top dresser drawer in his house.

3 I have no idea what he's done with it since.

4 Q. When was this?

5 A. That was early 2009, because I gave it
6 back to him.

7 Q. Yet you had still moved into the house?

8 A. Yes, I did.

9 Q. And so eventually you tell him, 'Listen, I
10 am not interested in being your fiancée, I'm
11 not interested in being your girlfriend, I am
12 just going to rent space from you.'

13 A. Yes.

14 Q. Do you have any receipts or any bank
15 account records or anything to show us or to
16 show the jury that you started paying him to
17 rent this room?

18 A. I gave them the location of where I went
19 and got my checks cashed. I didn't have an
20 actual banking account. I had what's called a
21 rush card. You basically add money to it and
22 you can withdraw but you do not receive
23 checks. So you withdraw the money from the
24 ATM and get cash. I did give them a copy of
25 all of my records, all transactions. I don't

1 know if they have it but I did send over a
2 copy of all transactions. There were amounts
3 in the amount of \$500, \$400. When I got my
4 taxes, there was a large chunk of money that
5 went straight to Mr. Andes. I cashed my check
6 every single week. I'd get it in the mail on
7 Tuesday or Wednesday, depending on how the
8 mail was running. I would go and cash it at
9 the same exact place every single week and
10 give him \$200 cash that day.

11 Q. But when you say that these are documents
12 that you've talking about to show that you
13 gave Mr. Andes money, really all the documents
14 show is that you cashed the check.

15 Q. Well, they will not show the cashed check
16 because there really wasn't any money in my
17 bank account. For several months, I think my
18 highest balance witness \$4.19.

19 Q. Perhaps you misunderstood the question I
20 asked.

21 A. No, they will not show that it was taken
22 out of the bank and say given to Michael
23 Andes. No, it will not.

24 Q. And after you began a renter, did you also
25 have Mr. Andes go and get a vehicle for you?

1 A. No, the vehicle was bought prior to any of
2 this happening. The vehicle was bought in --
3 I don't remember. November of 2008 or 2009.
4 He put his name on it, but I paid the down
5 payment.

6 Q. So while y'all are still boyfriend and
7 girlfriend, he goes out and gets you a
8 vehicle?

9 A. Yes.

10 Q. And you say 'I am just going to become a
11 renter. I am going to keep this vehicle and I
12 am going to pay you money for your room.'

13 A. I paid him out of every check -- it wasn't
14 a set, 'okay, I am giving you \$400 every two
15 weeks.' Every week for an entire year and a
16 half, I got a check for \$227 and every single
17 week he was given \$200. So it wasn't that
18 there was a set amount that I was giving him.
19 I was giving him \$200. The payments for the
20 truck and the insurance came out of that and
21 then out of the \$27 that I kept, I would go
22 and -- I would save up the money so that I
23 could afford to pay the Direct TV bill. That
24 is shown on those bank records. I paid the
25 Direct TV out of the \$27 every week that I

1 kept, and gave him \$200 every week out of
2 every check.

3 Q. And the cell phone that you had was also
4 paid for or was on Mr. Andes' account, wasn't
5 it?

6 A. Yes, it was.

7 Q. And once again you said, 'I am going to
8 rent, but I want to stay on your cell phone.'

9 A. We had a discussion about it. I asked
10 him if he would call Sprint and turn it over
11 to me, so that I could take over financial
12 responsibility; which he had actually done
13 with Wachovia for the Durango, because they
14 had called me on several occasions, including
15 two weeks, after November 6th and stated that
16 they had just gotten off the phone with Mr.
17 Andes and that I was the one that he was
18 claiming was financially responsible for these
19 items and they wanted a payment. At that time
20 I let them know where the truck and stuff was.

21 Q. So the arrangement was, as you're now
22 telling us, was it after you told him that,
23 'I don't want to be your girlfriend anymore, I
24 am going to rent your daughter's room, I am
25 not sure how much that I can give you, I am

1 going to keep your truck and I am going to
2 keep your phone and I will give you what I can
3 give you when I can give it to you.'

4 A. There was no 'I didn't know how much I was
5 giving him.' I received \$227 every week and I
6 gave him \$200 every single week, and I kept
7 the \$27. That was the arrangement.

8 When I got laid off, there was a delay in
9 the unemployment for several weeks, so they
10 back paid me for every single bit of that.
11 Rather than me getting to keep any of that, he
12 asked for that money.

13 When my taxes came, the year of 2009, he
14 had requested that I give him the \$5,000 that
15 I was expected to get, so that he could go out
16 and purchase a vehicle and then held those
17 taxes. When I got my taxes for 2010, he got a
18 portion of that money as well. So I paid him
19 for everything that he had asked for.

20 Q. I think you talked about your daughter's
21 birthday party and that several -- that your
22 friend Jessica was there.

23 A. Yes.

24 Q. That that is who you are living with now?

25 A. Yes.

1 Q. That I think your parents or your
2 grandparents were there?

3 A. My mother was there.

4 Q. Any other relatives that were there?

5 A. Not physical relatives. My exmother-in-law
6 was there, my exfather-in-law. My exhusband.
7 A couple of the parents from the Children of
8 Mercy School were there.

9 Q. Are you close to -- does your mother live
10 around here?

11 A. Yes, she does.

12 Q. Are y'all close?

13 A. Yes.

14 Q. You told us, I think, also that at some
15 point that Mr. Andes had been physically cruel
16 and had put his hands on you?

17 A. Are you talking about this incident that
18 happened on this morning or in the
19 relationship in general?

20 Q. Well, I am not sure because you weren't
21 real specific. All you said was that he had
22 -- that you were scared of him and that he had
23 done physical harm to you.

24 A. Yes, he had.

25 Q. Did you call the police?

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1 A. I had once.

2 Q. Isn't it -- sorry.

3 A. I ---

4 Q. When did you call the police, ma'am?

5 A. There was one when I lived in Hanahan,
6 that's ---

7 Q. That's before you even moved in with him?

8 A. Yes.

9 Q. When else did you call them?

10 A. I had to call another time when I had
11 moved out and he used the tracking device on
12 the phone, found out where I was living and
13 showed up there.. It was not physical but it
14 was very verbally nasty.

15 There was an incident where he started
16 throwing things at me as I was trying to leave
17 the residence. I went to Goose Creek and they
18 could not file a report because technically
19 that was actually done was moreso to the
20 vehicle and the vehicle was in his name, so
21 therefore they just documented it so that he
22 could not come back and say that I damaged the
23 vehicle.

24 Q. Would you agree with me that the only
25 thing that 911 was called was when he called

1 to try to get you out of the house. Do you
2 remember that occasion?

3 A. No, I do not.

4 Q. You don't remember him ever having to have
5 the police to ask you to leave?

6 A. Oh, yes, I do.

7 Q. Okay.

8 A. I can -- well, the police did not come and
9 no one showed up.

10 Q. You left before they got there?

11 A. No, I did not. I had his daughter that
12 night because he was supposed to be showing up
13 at the apartment to come and pick her up and
14 he called me, stating he'd gotten asked to go
15 and work at a bar for security and needed a
16 ride home. So I took my daughter and his
17 daughter, at 2:30 in the morning, and showed
18 up at the bar where he claimed that he was
19 working and no one was there. No one even
20 knew who he was and he had not been seen there
21 all night. So I am driving around town trying
22 to find the different locations that he might
23 at, with his daughter and my daughter at 3:00
24 o'clock in the morning. I show up at the
25 residence, he is at the residence with a group

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1 of females and his roommate at the time, Josh
2 Webster, and I have his daughter. He was
3 supposed to have been there by 10:30, 11:00
4 o'clock to come and pick her up.

5 Q. So you get angry. You have your daughter
6 and his daughter at 3:00 o'clock in the
7 morning, you come to his house, you confront
8 him with these children there until the point
9 where he has to call the police to get you to
10 leave?

11 A. I was never aware that the police were
12 even called, nor was he on his phone during
13 that time.

14 Q. Then how did you know what I was talking
15 about when I asked you about the police,
16 ma'am?

17 A. He threatened to call the police. He had
18 threatened to call the police.

19 Q. So you were just guessing maybe that was
20 the same time?

21 A. That's the only incident where police were
22 ever threatened to be called on me.

23 Q. All right. So it's fair to say that you
24 give as much as you get, isn't it?

25 A. Well, can I clarify the reason that I did

1 get angry was that he grabbed a duffle bag
2 filled with clothes and swung it at my
3 daughter's face. So I did get angry. I got
4 very angry.

5 Q. Well, you had to be have been angry to
6 show up with the two little children at 3:00
7 o'clock in the morning.

8 A. His daughter ---

9 Q. To show up at the house. You had to have
10 been angry, weren't you?

11 A. I was angry, because I had his daughter, I
12 did not have clothes for her at my house and -
13 - not to get personal, but his daughter had a
14 problem with wetting the bed. So his daughter
15 woke up in urine-soaked underwear and clothing
16 when he was supposed to have been there to
17 come and get her.

18 Q. Were you angry the night that y'all had
19 sex on the 5th and the 6th, and you found out
20 and called the law ---

21 A. We did not have sex.

22 Q. Because he'd called Robin Todd. Were you
23 mad about that?

24 A. I didn't know he called Robin Todd, and I
25 don't know who she is.

1 Q. You never looked at the phone records in
2 all these years?

3 A. I don't have access to the phone.

4 Q. I'm sorry. You said that you don't know
5 who Robin Todd is?

6 A. No, I do not.

7 Q. You've never heard of Robin Todd?

8 A. The only time that I've ever heard of her
9 was after this happened and someone had said
10 that he was on Facebook making statements
11 about me, but I do not know who she is or ---

12 Q. So have you heard of her or not, ma'am?

13 A. I've seen her name on a Facebook printout
14 but I do not know her face, just her name.

15 Q. Have you heard of her or not? I've gotten
16 two answers and ---

17 SOLICITOR WILLIAMS: Asked and
18 answered, Your Honor.

19 MR. SEATON: I've gotten two
20 answers, Your Honor, and ---

21 THE WITNESS: The only way ---

22 THE COURT: Counsel and Ms.
23 Blanche, ---

24 MR. SEATON: Have you heard of her?

25 THE COURT: Counsel! Approach.

1 (OFF RECORD SIDEBAR)

2 THE COURT: The objection is
3 overruled. Mr. Seaton, please ask the
4 question again. Ms. Blanche, please answer
5 the question that Mr. Seaton asks.

6 CROSS EXAMINATION CONTINUED

7 BY MR. SEATON:

8 Q. Do you know who Robin Todd is?

9 A. I do not know her. No, I do not.

10 Q. And you did not see her name on his phone
11 the night that she happened?

12 A. He was not -- he didn't come to the house.
13 I didn't have any, like, contact with him
14 between the hours of 8:30 p.m. until sometime
15 around 3:00 the next morning when he showed
16 up. I don't have access to get into the phone
17 records through Sprint. My name is not on the
18 account. And you have to have a password in
19 order to even access, to get into the system
20 online.

21 Q. Let me ask you a couple of questions.
22 Let's talk about the phones for a minute. Are
23 these similar phones in terms of the models?
24 Was your phone similar to his?

25 A. No, they're not.

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1 Q. You had a Samsung, I believe?

2 A. Yes.

3 Q. Do you still have that phone or is that
4 phone gone?

5 A. No. That phone is gone.

6 Q. In your phone, if you've got people
7 programmed in, when their phone number comes
8 up, does it come up as a number or does it
9 come up as a name?

10 A. It comes up as a name and a number.

11 Q. Well, let me ask you this -- if they're
12 calling, it comes up as a name and a number.
13 On text messages, whatever you have the name
14 saved in there as a contact with that phone
15 number it shows that person's name. If you
16 do not have their name saved in there as a
17 contact, it would show up as the phone number.

18 Q. So if you get a text from somebody,
19 somebody named Robin, is it going to come up
20 as a phone number or is it going to come up as
21 Robin?

22 A. I don't understand the question. Are you
23 asking me if I have a person ---

24 Q. I'm asking you what you know about these
25 cell phones. If you put someone's name in

1 rather than just a number, isn't the text
2 going to come up with the name, just like on
3 here it says "Mike", it doesn't say the phone
4 number?

5 A. Right. Yes.

6 Q. It says "Mike."

7 A. Yes.

8 Q. So if the call log shows or the text log
9 shows somebody named Robin that he had been
10 texting with that night, it would show "Robin"
11 rather than a phone number; isn't that
12 correct?

13 A. On my phone or his phone.

14 Q. On either phone?

15 A. I don't know anything about his phone. He
16 had a Blackberry and I am clueless as to
17 Blackberry. All I know is how my phone
18 worked.

19 Q. And you never looked at any of these phone
20 records?

21 A. The first time I saw these phone records,
22 to be honest with you, sir, was about two
23 weeks ago when they showed them to me. I have
24 never had access to the Sprint website, I've
25 never been able to do anything because my name

1 was not on the account, nor did I have the
2 password or the PIN code to get access.
3 With Sprint, even if you call in to request
4 something, you have to have what is called a
5 PIN number or a PIN/code to get information.

6 Q. You never looked at your roommate's phone?

7 A. No, I did not. We slept in separate rooms
8 and he usually kept his phone right there with
9 him.

10 Q. Would you agree with me that your phone
11 records show that y'all text and call each
12 other numerous times every single day?

13 A. I haven't looked at all of the phone
14 records, so I can't say yes or no.

15 Q. All I've got is all that have been
16 subpoenaed. So here's about four or five days
17 worth, so you tell me, (tendering).

18 You look at your records and tell me --
19 before, during and after this alleged
20 incident, did you continue to have contact,
21 both on the telephone and via text, numerous
22 times every single day before this ---

23 A. Could I have a moment to look over these?

24 Q. Certainly.

25 A. So far all I see is his phone number.

1 (Upon review), are these just his phone
2 number? Because I don't see anything with my
3 phone number actually making -- I see here,
4 like page thirteen, on 11/4, it shows several
5 times where he has called my number three
6 times, but I don't really see -- I return his
7 phone call twice. I tried to call him back.
8 But the majority of these, I do see where he
9 is the calling number to mine. After him
10 making several attempts to call me, I do
11 return his phone call.

12 Q. Are you suggesting that you did not text
13 him on a regular basis?

14 A. During this time, not on a regular basis
15 unless it was in response to him. Like these
16 are just calling ---

17 MR. SEATON: May I approach the
18 witness, Your Honor?

19 THE COURT: You may.

20 CROSS EXAMINATION CONTINUED

21 BY MR. SEATON:

22 Q. May I see this one?

23 A. (Tendering).

24 Q. You allege that this happened at 4:00
25 o'clock in the morning on the 6th; is that

1 correct?

2 A. Yes.

3 Q. On the 4th, did you -- your phone number
4 is four -- excuse me, I don't want to confuse
5 the two. Your phone number is what?

6 A.

7 Q. Any idea how many times on the 4th and 5th
8 that you either talked to or texted with Mr.
9 Andes?

10 A. I am not sure. I've not seen all of those
11 records until today.

12 Q. Would you agree with me that you did?

13 A. I may -- if it shows, then yes I am sure
14 we had some sort of conversation.

15 Q. Is that a regular thing or did you
16 suddenly, the first day that we got this
17 subpoenaed documents, is that the first day
18 that you regularly texted and phoned with Mr.
19 Andes? Or was that something that y'all did
20 regularly?

21 A. We didn't talk about anything specific.
22 It was a lot of arguing, if anything. He was
23 never really at the residence.

24 Q. Maybe I'm -- we're misunderstanding each
25 other. I am not asking ---

1 A. Did we talk regularly?

2 Q. I'm talking about the logs showing that
3 y'all had contact regularly, either via text
4 or via phone, on a regular basis.

5 A. Yes.

6 Q. Then on the 4th, 5th, 6th, 7th, ---

7 A. If that's what it shows, then that's what
8 it is. There would be contact made. A lot of
9 times -- I usually wouldn't contact him until
10 he had made contact with me.

11 Q. And you don't believe that the records
12 indicate that you contacted him numerous
13 times?

14 A. On the 5th -- on the evening of the 5th, I
15 did already say that I did contact him
16 numerous times and it was not for to have a
17 pleasant conversation. I was trying to find
18 out if he planned on returning to the home or
19 not; because I wanted to leave and he'd
20 claimed that he would not return, so therefore
21 I stayed.

22 Q. On the 14th, you didn't call him three
23 times in a row?

24 A. On the 14th of November?

25 Q. Yes.

1 A. No, I wouldn't have made ---

2 Q. Excuse me. The 4th. I apologize. On the
3 4th.

4 A. If it shows that I did, then I must have.
5 Honestly I don't remember how many times I
6 called anyone on that particular day.

7 Q. And did you also text him? I don't want
8 to -- I don't want you to appear as though I'm
9 trying to trick you or anything, but would you
10 agree with me that the record shows that
11 you've had numerous phone calls and text on
12 every single one of those days that the
13 records were subpoenaed? Take you time to
14 review them.

15 A. Are these by dates or is this -- like the
16 ones that you originally gave me, are they a
17 different.

18 Q. Those -- here's what you've got.

19 A. I am just confused. Like if this is the
20 same thing you ---

21 Q. These are Mr. Andes ---

22 A. --- showed me ---

23 THE COURT: Please don't talk over
24 each other, Counselor. Thank you.

25 CROSS EXAMINATION CONTINUED

1 BY MR. SEATON:

2 Q. I'm sorry.

3 A. These are the ones that I actually made
4 the phone calls, is what you're saying?

5 Q. Yes.

6 A. It's hard for me to say whether or not I
7 made the first attempt because those right
8 there show where he made ---

9 Q. Those will show both the incoming and
10 outgoing of both phone and texts. Those are
11 your records. You tell me.

12 A. I guess that I am confused slight, because
13 you're saying -- I am just trying to
14 understand because I am kinda confused right
15 now. You're saying ---

16 Q. You didn't have any trouble when it was up
17 there on the screen and you wanted to point at
18 everything.

19 A. But this ---

20 Q. Why are we having trouble now?

21 A. Because it is confusing. You're saying
22 that this is the records from just the phone
23 numbers that I only used. On the phone number
24 . But if you look down the list on
25 the calling number, which would just show the

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1 phone calls from , when you come down
2 it says here the calling number is to
3 my phone number.

4 Q. That would be an incoming phone.

5 A. No, it says calling number and then called
6 number.

7 Q. Then does it say inbound or outbound?

8 A. (No verbal response).

9 Q. You didn't have trouble earlier. Why are
10 we having trouble now?

11 A. It says it's an inbound call.

12 Q. Wouldn't that be Mr. Andes calling you?

13 A. Right. But you -- what I'm asking is,
14 you're stating that these are the records for
15 only the outgoing phone calls that I made to
16 my phone?

17 A. No, ma'am.

18 Q. If you look at those records, they are the
19 same records that ---

20 A. Right.

21 Q. --- you pointed out -- you pointed at them
22 with the little clicker right there in front
23 of you. You explained all of that
24 beautifully. My question is, not that they're
25 not -- they're the same records.

1 A. I'm sorry, it's not ---

2 Q. It says inbound and outbound. I've got a
3 very simple question, my simple question is do
4 you agree or disagree ---

5 A. I can't answer you because I understand
6 the call log -- (emotional).

7 Q. You understood it five minutes ago, ma'am.

8 A. Because it was clearly made to understand,
9 it said calling number and called number. I
10 don't understand what you're stating.

11 Q. Is it because -- it is because this is
12 what you want them to see, only that, ---

13 A. No, it's not.

14 Q. --- rather than the whole stack?

15 A. No, it's not.

16 Q. Then why is it so difficult now?

17 A. I have already stated that I called him
18 several times. I am just trying to tell you
19 that I don't understand what you're stating.

20 You're stating that these are just the
21 phone numbers that came from my phone and the
22 calls that were going on, but I don't -- I am
23 confused on the record, because I can't tell
24 you clearly that it was just me making all of
25 these phone calls when I can't tell you what

1 phone calls were made by him and whether these
2 are in response to a phone call that was made
3 by him or a text message sent by him. I can't
4 because you're just showing me the phone calls
5 that I made only and the text messages that
6 only I made. I can't tell you. I am not
7 going to admit to something if I don't
8 understand.

9 I can't -- what I am telling you is that
10 I'm looking at this, I see the numbers going
11 to him. Yes, I made those phone calls. Yes,
12 I sent those text messages.

13 But I can't sit here and I am not going to
14 say that I only did this over and over and
15 over again.

16 MR. SEATON: Your Honor, can ---

17 THE WITNESS: Not in response ---

18 MR. SEATON: At some point I'd like
19 to ask a question.

20 THE COURT: You may ask your
21 question now.

22 CROSS EXAMINATION CONTINUED

23 BY MR. SEATON:

24 Q. Do you recall this document that was on
25 the screen ---

1 A. Yes, I do.

2 Q. --- behind you? Do you agree that this
3 document shows incoming and outgoing phone
4 calls made to your phone and from your phone,
5 texts and phone messages. Do you agree that's
6 what that says?

7 A. Yes, it does.

8 Q. And you tell me the difference between
9 this document and that document, other than
10 the color and the fact that they've shrunk
11 down nineteen pages down to a page and a half.
12 Other than the color and the fact that they
13 shrunk it to only those couple of phone calls,
14 tell me the difference.

15 A. These phone logs are not very easy to
16 understand and I ---

17 Q. Isn't it the same one, ma'am?

18 A. But it's broken down so that I know
19 what the difference is -- I know the phone
20 calls -- I was expected what the phone calls
21 are, what the text messages are. I don't --
22 when I look at this right here, I am confused
23 on whether -- where it shows her -- the
24 calling number was his. Then it says inbound
25 or outbound. This was color coordinated, I

1 understood, I looked -- I was explained what
2 the legend meant and --

3 Q. Did you tell us that you're college --
4 that you have several years of college?

5 A. Yes, I do.

6 Q. Okay. And isn't those the exact same
7 documents, the same tables? The only
8 difference ---

9 SOLICITOR WILLIAMS: Asked and
10 answered, Your Honor. She just explained the
11 difference.

12 MR. SEATON: If she ---

13 THE COURT: Counsel! I am not
14 going to warn you again. You may ask your
15 question.

16 THE WITNESS: I ---

17 THE COURT: Ms. Blanche, I under-
18 stand that this is getting very overwhelming
19 for you and Counsel is not behaving
20 appropriately. Mr. Seaton, you may ask your
21 question and then you may move on after this
22 question. Thank you.

23 MR. SEATON: I'm trying, Your Honor.

24 THE COURT: I understand.

25 CROSS EXAMINATION CONTINUED

1 BY MR. SEATON:

2 Q. Would you agree or disagree that those are
3 the exact same documents except that the one
4 that you told us all about has got color in
5 it? Isn't it the exact same document?

6 A. Well, if I go through it, I'm sure that
7 they are ---

8 Q. Yes or no, please, ma'am, and then you can
9 explain it.

10 A. Well, this is page seven ---

11 MR. SEATON: Your Honor, would you
12 please ask her to answer the ---

13 THE COURT: Counsel!

14 SOLICITOR WILLIAMS: Your Honor,
15 she is attempting to answer ---

16 MR. SEATON: --- question and then
17 she may explain her ---

18 THE COURT: That's it! Ladies and
19 Gentlemen, you are excused. Do not begin your
20 deliberations, do not discuss this case
21 amongst yourselves. Please rise for the jury.

22 THE WITNESS: (Crying/emotional).

23 (JURY OUT @ 2:54 P.M.)

24 THE COURT: Please be seated. Ms.
25 Roberts, you may escort Ms. Blanche to the

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1 restroom. Please remember my admonition. You
2 may step down. Do not discuss this case with
3 anyone. Please step down.

4 (WITNESS STEPS DOWN)

5 THE COURT: Mr. Seaton, I
6 understand the trial strategy but when I
7 warned you at the bench that I was done with
8 your antics, I meant it. This is the last
9 time I am going to call either one of you out.
10 You know the Rules of evidence. I understand
11 what you're trying to do, but your behavior is
12 inappropriate. I've indicated to the jury
13 that you both are professionals, that you both
14 are to treat each other with dignity. You
15 have each taken -- all three of you have taken
16 the Civility Oath, and I'm going to hold you
17 to it. The next time I call you down, I'm to
18 fine you and then after that I am going to
19 hold you in contempt and you're going to
20 spending the night next door. Do I make
21 myself clear, Mr. Seaton?

22 MR. SEATON: Yes, Your Honor. Am I
23 allowed to speak to that?

24 THE COURT: No, sir. Do I make
25 myself clear, Ms. Williams?

1 SOLICITOR WILLIAMS: Yes, Your
2 Honor.

3 THE COURT: Do I make myself clear,
4 Mr. Shelton?

5 SOLICITOR BEN SHELTON: Absolutely,
6 Your Honor.

7 THE COURT: We will take fifteen
8 minutes.

9 MR. SEATON: Your Honor, one
10 question?

11 THE COURT: Yes, sir?

12 MR. SEATON: Am I allowed to get an
13 answer to a yes or no question?

14 THE COURT: Mr. Seaton, I am
15 attempting to monitor the situation for you.
16 But what is happening is that the three of you
17 are speaking over each other. I hope that my
18 admonition of you, Ms. Williams and Mr.
19 Shelton will handle it. If you need me to
20 contain your witness, I will do so. But do
21 not get into antics between the two of you.
22 again. Understood?

23 MR. SEATON: Yes, Your Honor. I
24 thought was I was ---

25 THE COURT: Thank you.

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1 MR. SEATON: I was asking you, Your
2 Honor, to intercede.

3 THE COURT: I understand that, Mr.
4 Seaton. I have ruled. Thank you.

5 (BRIEF RECESS)

6 (DEFENDANT PRESENT)

7 THE COURT: Ms. Blanche, please
8 have a seat. I remind you that you're still
9 under oath. Do you understand that?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Did you abide by the
12 court's admonition?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Ms. Blanche, it is
15 important that, in order to maintain the
16 integrity of the record, when an attorney
17 makes an objection that you stop speaking.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: While you were in the
20 restroom, I've cautioned both attorneys that
21 they are to fully articulate their objection
22 without a speaking objection, to just stand
23 and say "Objection." At that point, if you
24 will please stop talking until I tell you
25 either to answer the question or tell the

1 attorney to rephrase the question or something
2 of that nature. Do you understand?

3 THE WITNESS: Yes, ma'am.

4 THE COURT: I know it puts a lot on
5 you to pay attention. But if you hear the
6 word "objection," stop talking.

7 THE WITNESS: All right.

8 THE COURT: Are we clear on those
9 rules? No speaking objections?

10 SOLICITOR WILLIAMS: Yes, ma'am.

11 THE COURT: If you need to make an
12 objection, you need to say "objection" loudly.
13 Ms. Blanche has been instructed that she is to
14 stop talking so that we can articular the
15 objection for the record.

16 SOLICITOR WILLIAMS: Absolutely,
17 Your Honor.

18 THE COURT: All right. Please
19 bring in the jury. Rise for the jury.

20 (JURY IN @ 3:15 P.M.)

21 THE COURT: Please be seated. Mr.
22 Seaton, your witness.

23 MR. SEATON: Thank you, Your Honor.
24 May I approach the witness, Your Honor?

25 THE COURT: You may and you have

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1 continuing permission.

2 MR. SEATON: Thank you.

3 CROSS EXAMINATION RESUMED

4 BY MR. SEATON:

5 Q. Ms. Blanche, what I am handing you is what
6 was subpoenaed from Sprint.

7 A. Okay.

8 Q. It is your cell phone number across the
9 top and then it has the calling number, the
10 number -- the called number, dialed digits
11 meaning that --

12 SOLICITOR WILLIAMS: Objection.
13 Your Honor, I haven't heard a question. He is
14 testifying.

15 THE COURT: He hasn't finished his
16 question, Ms. Williams. You may continue with
17 your question.

18 MR. SEATON: Thank you, Your Honor.

19 CROSS EXAMINATION CONTINUED

20 BY MR. SEATON:

21 Q. It says "Dialed Digits", meaning that's
22 a phone call rather than a text. Then this
23 "Outgoing", meaning that you dialed the number
24 or that you sent the text. Then "Incoming",
25 which means that someone sent it to you --

1 whether it's a phone call or a text.

2 A. Right.

3 Q. Do you understand that this is the same
4 document as the one that you testified to
5 earlier?

6 A. Yes.

7 Q. You're like me, I need glasses.

8 A. It's just a different timeframes and --
9 okay. That's all. That's what I was confused
10 was and didn't understand. Yes, I understand
11 now what this is.

12 Q. Okay. That that is your cell phone
13 number across the top?

14 A. Yes, it is.

15 Q. Do you agree with me that it shows both
16 the incoming phone calls to you and outgoing
17 phone calls, from you to other people?

18 A. Yes, it does.

19 Q. And do you agree with me that it shows
20 incoming texts from other people to you and
21 outgoing texts from you to other people?

22 A. Yes.

23 Q. Do you agree that that is the same thing
24 that the colored chart that you showed us
25 earlier, that those are the same thing?

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1 A. Yes.

2 Q. Would you agree with me that they are in
3 chronological order, starting with the
4 earliest time that was subpoenaed, which was
5 November 4 of 2010, and ending with November
6 10, 2010?

7 A. Yes.

8 Q. Okay. And those are what I would call a
9 full record of calls and texts, both coming in
10 and going out; would you agree with that?

11 A. Yes.

12 Q. You don't have any other documentation
13 that we show anything different, other than
14 those; do you?

15 A. No.

16 Q. Let's talk about some of these pictures
17 that you took of the texts that you received.
18 The phone calls in what has been marked as
19 State's Exhibit 48, I think you testified to
20 earlier as being text, phone calls, texts from
21 Mr. Andes to you.

22 A. Correct.

23 Q. Is that correct?

24 A. Yes.

25 Q. And how many of them are there?

1 A. On just this sheet.

2 Q. On just that sheet.

3 A. Uh, -- (pause).

4 Q. Tell me what times that they are. Tell
5 me how many there are and what times that
6 those occurred.

7 A. From him or -- just total text message
8 from him or total text messages on this
9 screen?

10 Q. Let's take them one step at a time,
11 because I don't want us to get into trouble
12 with each other. On that screen, is there any
13 texts from you to Mr. Andes?

14 A. Yes, there are.

15 Q. And let me see that for a second.

16 A. (Tendering).

17 Q. (Upon review), what time -- excuse me.
18 How many texts from you to Mr. Andes is on
19 that sheet?

20 A. There is one.

21 Q. And how many from Mr. Andes to you are on
22 that picture?

23 A. There are five.

24 Q. Does it show -- is all of that
25 chronological? If he sends a message, then

1 the next thing in line is going to be whatever
2 came next, whether he sent you one or whether
3 you sent him one, that photograph shows that
4 they are in chronological order; is that
5 correct?

6 A. Yes.

7 Q. To you knowledge, is that the way that the
8 phone works?

9 A. Yes, it is.

10 Q. And what time is that first phone call?

11 A. Uh, ---

12 Q. That first text? I apologize, that first
13 text, what time is that first one?

14 A. The first one is not very clear on here.
15 I don't know if that is 8:55 a.m. or if it is
16 8:53 a.m.

17 Q. I want to make sure that we are looking at
18 the same thing. I apologize. I handed you're
19 the wrong thing. I meant to hand you this
20 one, (tendering). This is State's Exhibit 46.

21 This is State's Exhibit 46. Let me ask
22 you, in looking at that picture that you took
23 of your phone -- first of all, did you take
24 that picture?

25 A. No, I did not.

1 Q. Were you there when that picture was
2 taken?

3 A. Yes, I was.

4 Q. Do you think that that is a fair and
5 accurate depiction of what was on your phone
6 at that time?

7 A. Yes, I do.

8 Q. All right. Now, on that photograph, how
9 many texts are there from you to Mr. Andes?

10 A. None during this time.

11 Q. And how many texts are there from Mr.
12 Andes to you?

13 A. There are five.

14 Q. And what is the time of the first text and
15 the time of the last text?

16 A. The first one is 3:36 a.m. and the very
17 last text message, the time is cut off. But
18 the one that appears right above that, the
19 time on that is 3:40 a.m.

20 Q. So those would reflect, those five texts,
21 would reflect everything that was texted to
22 you from the time that Mr. Andes arrived at
23 home until the time that you say that he raped
24 you?

25 A. Yes.

1 Q. In the times, you say, are 3:36 a.m. on
2 2010?

3 A. Yes.

4 Q. And the records, are you familiar with the
5 fact that these records are kept in Central
6 time zone?

7 A. I was not aware of that until I was first
8 asked to look at these and determine between
9 the phone calls and then the time of the text
10 messages when I noticed that there was a
11 discrepancy in the time due to -- because I
12 knew what time it was when he started and what
13 time he arrived at home. Then that's when
14 they explained that they had found out that
15 there was an issue with the way that the logs
16 are kept, that there is a time difference
17 between a phone call and the way that the text
18 messages are kept.

19 Q. So in looking at these documents, you
20 understand that the texts show that is
21 actually one hour behind our time? So if it
22 says 2:25 or 2:26 it's actually 3:25 or 3:26,
23 according to our local time.

24 A. Okay.

25 Q. Are you aware that?

1 A. (Affirmative nod).

2 Q. Is that how it was explained to you?

3 A. I knew that it was a different time.

4 I wasn't sure exactly what the difference
5 in hours was.

6 Q. And you understand, too, that just to make
7 things more confusing, that the calls, the
8 actual phone calls rather than texts, those
9 are the correct/accurate time?

10 A. Right.

11 Q. So let's look at 11/6/2010, between 3:30
12 and 3:46.

13 A. Okay.

14 Q. How many texts do you see Mr. Andes or you
15 receiving from Mr. Andes -- because this is
16 your phone record. How many did you receive?
17 Was it five or was it a different number?

18 A. (Upon review), I -- you said 11/6 between
19 the hours of 1:00 and when?

20 Q. Let me help you with that. If -- with
21 everyone's indulgence here. If you tell us
22 that your phone, because your phone texts
23 would have the correct time. Right?

24 A. Right.

25 Q. And all the texts that you received from

1 the time that he got home until the time that
2 you were raped, ---

3 A. Um-humm.

4 Q. --- were between 3:36 and 3:40.

5 A. Okay.

6 Q. Is that correct?

7 A. Yes.

8 Q. And if the call log shows an hour
9 difference, then those would really be between
10 2:36 and 3:40 -- 2:40, excuse me. I'll give
11 you a second to think about that. I've
12 thought about it for a long time and I still
13 have to think about it.

14 A. Just to make it easier, this one doesn't
15 quite break it up the way -- so what time were
16 you -- this is the one that we're looking at?

17 Q. Yes.

18 A. What was the timeframe that you asked for?

19 Q. The time frame that I am asking for is
20 from -- if you look at -- it looks like you
21 sent one at 1:36 to Mr. Andes. Would you
22 agree with that?

23 A. (No verbal response).

24 Q. You texted him at -- excuse me. I'm
25 already -- I apologize, I'm messing everybody

1 up. The document here says that you texted
2 Mr. Andes at 1:36, which would actually make
3 it 12:36.

4 A. If -- I'm con--, if these are an hour ---

5 Q. We have to struggle with this.

6 A. If the text messages are an hour behind,
7 wouldn't that make it 2:36? You said that the
8 text messages are showing an hour behind and
9 the phone calls show the accurate true times.

10 Q. You're absolutely right. See that. I
11 told you that I would mess up.

12 A. Okay.

13 Q. So the 1:36, do you see where it says that
14 you sent him one at 1:36 in the morning on the
15 6th?

16 A. Right.

17 Q. Okay. And I agree with you, wouldn't that
18 mean that you sent him a text at 2:36?

19 A. Yes.

20 Q. Then the next one is Mr. Andes texting
21 you -- it says 2:25 (sic) but that really
22 would be 3:35 (sic); correct?

23 A. Yes.

24 Q. Okay. I want for you to count for me --
25 one, two, three, four, five, six -- count for

1 me how many inbound calls you've got from Mr.

2 Andes until what says 2:27.

3 A. For the text messages, here?

4 Q. Yes.

5 A. One, two, three, four, five, six, seven.

6 Q. Is seven the same as five, that you got
7 this photograph, this picture of?

8 A. No, it's not.

9 Q. Where is the texts?

10 A. I ---

11 Q. Where is the text in the picture, then?

12 A. I don't know.

13 Q. Where's the other two, ma'am?

14 A. Those would be the first ones that I
15 received.

16 Q. Well, you told us that those or all of the
17 texts that you received, but your record shows
18 that there were seven of them. So my question
19 is, where are the other two?

20 A. I don't know, unless they didn't process
21 through -- because I see that there's several
22 all at the same time. So I don't know.

23 Q. We will get into all that ---

24 A. I mean, if the text message does not go
25 through, it will not -- like if he were to

1 send a text message during these times and it

2 did not go through on his end, I would not

3 receive it on my end, but it ---

4 Q. Would you ---

5 A. --- would still show up ---

6 Q. --- agree with me that that is your bill

7 and that it is saying that you received it?

8 We're not talking about his bill. We're not

9 talking about what he sent. I've talking

10 about what is on your record, that shows you

11 received it at those times and that there were

12 seven of them instead of five. Would you

13 agree with me that that is what the record

14 reflects?

15 A. That is what shows, yes.

16 Q. And would you agree with me that what is

17 in this photograph that has been marked as

18 State's Exhibit 46, one, two, three, four,

19 five texts and each one of them has a little

20 lock beside it, -- do you see that?

21 A. Yes, I do.

22 Q. Did you lock those?

23 A. The reason those were in -- the lock on

24 those must have just actually been placed on

25 there after Investigator Powell even came and

1 took the pictures, just because they needed to
2 possibly retake the pictures of those messages
3 and they did not want them to be deleted from
4 the phone.

5 Q. And is that because it can be deleted?

6 A. Messages?

7 Q. Can a message be deleted?

8 A. A text message can be deleted. Or if you
9 hit a certain number of text messages, they
10 will delete out of your phone automatically.

11 Q. Can they be deleted singularly, meaning
12 each one of the text messages can be deleted?

13 A. I am sure you can but to be quite honest
14 with you, I had not had this phone very long
15 so I did not know how to do that. I had no
16 cause to ---

17 Q. Well, ma'am, when did you learn it? You
18 just told us how to do it, so when did you
19 learn it?

20 A. No, I am saying that I don't know -- I'm
21 talking about deleting an actual individual
22 text message. I don't know how to go about
23 deleting an individual text message.

24 Q. You just ---

25 A. I know that you can ---

1 Q. --- told us that you can do it.

2 A. No. What I said was that I know that
3 there is probably a way to do it. I did not
4 know how. I have never had a smart phone
5 before. This was the first one that I had
6 ever had that was an all-touch phone. I went
7 from a basic very simple flip open the phone
8 and dial the numbers. The only thing that I
9 knew how to do completely was go in there and
10 do what is called "delete a thread" and that
11 would delete every single text message to and
12 from a particular person. That is the only
13 thing that I knew how to do.

14 Q. So you think in theory that it might be
15 possible, is what you just told the jury.
16 Yeah, I think there's -- what you actually
17 said was yes, that you could do it. But now
18 you're saying that yes, in theory there is
19 probably some way. 'I don't know how to do it
20 but there's probably some way that it can be
21 done.' Is that what you're saying?

22 A. Yes.

23 Q. You don't know how to do it?

24 A. I have used a smart phone before. Each
25 phone is different. Like if you were to hand

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1 me a Blackberry, I wouldn't know how to access
2 the menu on that.

3 Q. Well, you would agree with me that the
4 records show that you are using it probably
5 twenty to fifty times a day. Just the couple
6 of days of records that we have got.

7 A. Correct.

8 Q. What day did you get this phone that you
9 don't know how to use?

10 A. I got this phone in September of 2010,
11 maybe, sometime in September.

12 Q. September, October, November.

13 A. I had maybe a month and a half, two months
14 at the most. My daughter was trying to be the
15 one to teach me how to use it, to be quite
16 honest with you.

17 Q. Okay. And even though you don't know how
18 to delete single messages, you told us that
19 it's possible but you don't know?

20 A. That's correct.

21 Q. Okay. And you would agree with me that
22 your phone records show seven phone calls --
23 in just this little group.

24 A. Right.

25 Q. We can talk about others in a minute. But

1 just this one little group, you agree that
2 there -- that it says that you received --
3 not that he sent but that you received seven
4 messages?

5 A. It doesn't say received. It just shows
6 his number and it says -- to my number -- an
7 inbound, the time and the date.

8 Q. How is it going to know that it is inbound
9 if you did not receive it?

10 A. To be honest with you, I don't know. I
11 don't know how they track their records.

12 Q. All right. Then you tell us -- let's keep
13 going on this page. Who is phone number -
14 ?

15 A. I'll tell you that is. That is my
16 daughter. She was with her father and her
17 father has been dating a female that she is
18 taking a very long time to adjust to, and they
19 happened to be down in Mount Pleasant and
20 Minor wanted to be back at her dad's house
21 where they live with his parents in Jedburg.
22 She had a GO phone at the time, through AT&T,
23 she had just gotten that phone from her dad
24 and that was her trying to contact me to ask
25 me if I could possibly come and pick her up,

1 because her dad was not there to pick her up
2 and bring her home.

3 Q. And this was at 4:00 o'clock in the
4 morning?

5 A. It was. I did not actually answer the
6 call. I noticed it afterward, and I asked her
7 the next day why she was calling me at that
8 time. That's when she explained to me that
9 she had been done at her dad's girlfriend's
10 house and she was worried that her dad
11 wouldn't be able to get her to the party on
12 time.

13 Q. So you're telling me that your daughter
14 texted you at 4:00 o'clock in the morning and
15 you don't answer her text, but you call your
16 friend twenty minutes -- you texted your
17 friend twenty minutes later, didn't you?

18 A. (No verbal response).

19 Q. Look at your records. Tell us.

20 A. (No verbal response).

21 Q. You're telling us that your daughter
22 called -- that she texted you at 4:00 o'clock
23 in the morning and you didn't answer it?

24 A. I don't know if it was at text or a ---

25 Q. Look at it and tell us.

1 A. I am trying to find it. May I have just
2 one moment?

3 Q. It's the same page.

4 A. Which page number?

5 Q. It is page number eight of nineteen. It
6 is an inbound call from the number that you
7 and I just talked about and you told us that
8 that was your daughter.

9 A. (Upon review), hold on.

10 Q. At 4:01:53 in the morning from your -- how
11 old was your daughter at this point when this
12 happened?

13 A. I am trying to find. You said that it's
14 on page eight of nineteen?

15 Q. On page eight of nineteen, I.

16 A. I really do apologize. I'm trying to ---

17 Q. That's all right.

18 A. You said at 4:01 a.m.?

19 Q. On the document it says 3:01, because
20 we've got that little wonky problem there.

21 A. (Upon review), I -- I mean, I see. I
22 don't know what the text message said. I
23 don't ---

24 Q. Well, you told us what the text message
25 said. You went to great length to tell us

1 what the message said.

2 A. No, no. I didn't say what the text
3 message said. What I said was that she had
4 tried to contact me because she was trying to
5 get me. The only reason that I found this out
6 was that the next day at the party I asked her
7 why she had contacted me at that time.

8 Q. She texted you at 4:00 in the morning and
9 you don't look at your text, even though
10 twenty minutes later you text your other
11 friend?

12 A. (No verbal response).

13 Q. Would you agree with me that approximate
14 twenty-five maybe thirty minutes later you
15 texted your friend, Jessica, thirty minutes
16 later? And you are telling us that you did
17 not look at your ten-year-old's -- how old was
18 she? Was she ten?

19 A. No, she is eleven now.

20 Q. But at this time she would have been ten,
21 correct?

22 A. Yes, she was.

23 Q. Your ten-year-old daughter's text to you
24 at 4:00 o'clock in the morning, you never
25 looked at and you never responded to, and you

1 texted your other friend twice?

2 A. To be honest, sir, I really don't
3 remember. I also had just been raped at 4:00
4 o'clock in the morning and, I'm sorry, at
5 5:00-something in the morning, I was not about
6 to return a phone call to my daughter in the
7 state that I was in. So I don't ---

8 Q. What about the state that she was in? If
9 your ten-year-old daughter texted you at 4:00
10 o'clock in the morning, wouldn't you be
11 concerned ---

12 A. That's why I am saying ---

13 Q. --- about ---

14 A. You know, I ---

15 Q. --- it?

16 A. --- was. I should have been. That was my
17 mistake as a parent.

18 Q. But you were feeling well enough to text
19 your friend, Jessica; weren't you? Isn't that
20 what the next line shows us?

21 A. Yes, I did.

22 Q. Then she texted you and you texted her
23 back?

24 A. Yes, I did.

25 Q. Then you texted somebody else in the

1 morning. Apparently after 4:30 in the morning
2 there weren't any more texts, correct?

3 A. (No verbal response).

4 Q. Is that correct?

5 A. Uh, -- you said that I texted someone
6 after I texted her?

7 Q. Well, according to your records, you
8 texted Jessica twice and that's made it onto
9 the short list here?

10 A. Right.

11 Q. Let me show you colored example.

12 A. Right, I do know that I texted her.

13 Q. Do you see where the solicitor highlighted
14 the texts to and from her, but they didn't --
15 would you agree with me that we didn't get
16 highlighted when your daughter called you at
17 4:00 in the morning? Would you agree that
18 that is highlighted?

19 A. That is not highlighted, no, it's not.

20 Q. All right. So you texted your friend, she
21 texted you back and you texted her back -- at
22 4:00 o'clock in the morning.

23 A. Yes.

24 Q. Excuse me, almost 5:00 by that time?

25 A. Yes.

1 Q. And you don't respond to the text of your
2 daughter. You go to sleep.

3 A. I didn't go to sleep but, no, I did not
4 respond to my daughter's contact to me.

5 Q. All right. And so then it picks up at ---

6 A. 7:18 a.m.

7 Q. 7:18.

8 A. Which would have been 8:18.

9 Q. Right.

10 A. Yes.

11 Q. Who is that?

12 A. I believe that is my exhusband's niece,
13 Katelyn Blanche, but I can't be positive.

14 Q. And you would agree with me that you
15 responded to that a couple of minutes later
16 at 8:36; correct?

17 A. (No verbal response).

18 Q. Is that what the very last number on that
19 page shows?

20 A. Yes.

21 Q. All right. So this -- you think might be
22 your cousin's daughter, or something like
23 that. You responded to her ---

24 A. My niece.

25 Q. But you still have not answered the text

1 that your ten-year-old daughter had sent to
2 you at four o'clock in the morning, that you
3 said that she was upset but you still don't
4 remember what the text was about or even now
5 know what it was about?

6 A. No, I don't.

7 Q. You still don't remember what the text was
8 about?

9 A. (No verbal response).

10 Q. Is that -- did we capture any of that on
11 the photographs? Did we photograph anybody --
12 we didn't photograph anything else, did we?

13 A. The way that this phone worked, the text
14 messages, is that they each had a separate
15 screen. So if my daughter were to have sent
16 me a message, it wouldn't appear on the same
17 exact thing. When you go into the messages,
18 the way that they are displayed is that every
19 single text message and conversation that I
20 had with Mr. Andes, it would appear under a
21 category that says "Mike."

22 Q. I understand.

23 A. Then it would be ---

24 Q. And would you ---

25 A. --- separate, so -- no.

1 Q. --- agree with me that we don't have any
2 photographs of your friend, Jessica, that you
3 called at almost five o'clock in the morning
4 after your ten-year-old daughter called you?
5 You don't have any photographs of those -- of
6 that conversation that y'all had back and
7 forth, do you?

8 A. No. We do not.

9 Q. I assume that she's here and that she is
10 going to say that you texted about being
11 raped. I'm assuming that we are going to hear
12 that. Where is that picture?

13 A. There was not one taken. I asked -- I
14 even asked if they wanted to take the phone
15 for evidence. I tried to give the phone over
16 and I was told that because they have the
17 pictures that that was fine. I tried to give
18 the phone over so that they could have the
19 photos, they could have everything.

20 Q. Well, you didn't, because you continued to
21 use the phone not only the rest of the day,
22 including the times you called Mr. Andes
23 twenty-nine times in a row, you used the phone
24 all day that day, you used the phone all day
25 every other day until we ran out of these

1 records; didn't you?

2 A. I quit using the -- the phone had not
3 actually been given to the police or they had
4 not even looked at it until the evening of
5 November 6th. I used the phone because that
6 was the phone that I had and I tried not to
7 use it as much as possible, and I went and got
8 my own phone account and received my phone a
9 few days later.

10 The only contact that I used my phone for
11 was to speak to my advocate, someone from
12 People Against Rape, and I tried to use it as
13 minimal as possible because that was the
14 number that they had to reach me.

15 Q. Okay. And so once you get up in the
16 morning and you still hadn't contacted your
17 daughter, where does it show that you finally
18 either called her back or texted her back?

19 A. It -- I would have to look at my contacts,
20 but I am pretty certain the number is
21 my niece and nephew's number, and my daughter
22 at this point had already talked to them and
23 that is -- she -- I was picking them up from
24 their home. When I asked K.A. if she had
25 talked to Minor she said 'yes, that she was

1 with her dad.' So I eventually spoke to them.
2 I don't know what time that I got in touch
3 with them.

4 Q. This was her birthday?

5 A. No. Her birthday was November 3rd. This
6 was the morning of her birthday party.

7 Q. So you didn't call her to wish her Happy
8 Birthday ---

9 SOLICITOR WILLIAMS: Objection.
10 Relevance.

11 THE WITNESS: I didn't ---

12 THE COURT: Thank you. Sustained.

13 CROSS EXAMINATION CONTINUED

14 BY Mr. SEATON:

15 Q. You didn't call your daughter all or
16 return her ---

17 SOLICITOR WILLIAMS: Objection.

18 THE COURT: I am going to sustain
19 it. Asked and answered. Move on, Mr. Seaton.

20 CROSS EXAMINATION CONTINUED

21 BY MR. SEATON:

22 Q. Show me where you called her.

23 SOLICITOR WILLIAMS: Objection.

24 THE COURT: Sustained.

25 THE WITNESS: I would have to

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1 look through it. I'm sorry, Ms. Blanche, you
2 do not have to answer that questions.

3 THE WITNESS: Okay.

4 THE COURT: I'm sorry. Thank you,
5 Mr. Seaton.

6 MR. SEATON: Thank you, Your Honor.

7 CROSS EXAMINATION CONTINUED

8 BY MR. SEATON:

9 Q. All right.

10 A. Let's talk about -- can I clarify real
11 quick something ---

12 THE COURT: There is not a question
13 before you at this time.

14 THE WITNESS: All right.

15 THE COURT: Thank you.

16 CROSS EXAMINATION CONTINUED

17 BY MR. SEATON:

18 Q. So you agree with me that you spent the
19 night in the house that you got raped in?

20 A. Well, it wasn't really the night. It was
21 a couple of hours at the most, if that.

22 Q. You agree with me that you did not leave
23 the house that you were raped in until you
24 went to the birthday party?

25 A. (No verbal response).

1 Q. Or to pick up the relatives, I think is
2 what you told us?

3 A. Yes.

4 Q. All right. What time did you leave the
5 house to go pick up your relatives?

6 A. I don't know the exact time, but I know
7 that I left the house somewhere around 8:30,
8 8:40.

9 Q. Was Mr. Andes there when you left?

10 A. No, he was not.

11 Q. Was he working that Saturday?

12 A. No, he was not.

13 Q. He was not working?

14 A. No, he said that he had some kind of class
15 to go to or something along those lines, but
16 he was not working.

17 Q. So he was in class rather than working?

18 A. I don't -- that's just what he had stated.
19 I don't know where he really was. I don't
20 know where he was. He'd said something about
21 a class that he had to attend. That's all
22 that I knew.

23 Q. And so you left at approximately sometime
24 between 8:00 and 9:00?

25 A. Yes, sir.

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1 Q. What time was this party?

2 A. We told the kids that they could show up
3 as early as 11:00 and they could stay until
4 about 4:00 or 5:00.

5 Q. Is that what you did? You stayed there
6 until about 4:00 or 5:00?

7 A. Yes, I did. I got there. You had to be
8 there by 10:00 o'clock, because where the
9 facility is at you kind of -- you don't
10 reserve tables, it's first come first served.
11 So I got there around 10:00 a.m. The kids
12 were having a good time and I had already paid
13 for them and they could skate, so we -- they
14 wanted to stay and skate, so we stayed.

15 Q. And would you agree with me that you made
16 numerous phone calls and sent and received
17 numerous texts throughout the day while you
18 were at this skating birthday party?

19 A. Yes, I would.

20 Q. Would you agree that there was
21 conversations between you and Mr. Andes?

22 A. Conversations?

23 Q. When I say conversations -- excuse me, let
24 me rephrase that. That at least there was
25 texts between you and Mr. Andes on that day?

1 A. Yes, there were.

2 Q. And if we look at what I probably handed
3 you earlier -- let me hand you the whole
4 stack. I can't -- it's a little blurry. Can
5 you tell me where the texts that he sent you
6 on the following morning, the morning of the
7 6th, what is the first text message that he
8 sent you? What time does it say that was?

9 A. (Upon review), I can't say definitely but
10 it appears to be about 8:33 a.m., possibly.
11 It's very blurry.

12 Q. What time does -- let me write that down.
13 You think that it was approximately 8:30 in
14 the morning, the first text that you received?

15 A. Right.

16 Q. And ---

17 A. There is one above that. You can't see
18 the text message. It does have a time. I
19 can't be certain but it does say -- I don't
20 know if it is seven-something a.m. but there
21 is something about that with a time. But I
22 can't be certain of the time.

23 Q. Could it possibly be the one that was cut
24 off, where the time wasn't on the bottom of
25 the last picture?

1 A. Uh, ---

2 Q. The one that is sitting in front of you
3 right there?

4 A. To be honest with you, I really -- I don't
5 know.

6 Q. So you can't tell whether that's the
7 continuance of the one from the night before
8 or the time that that says -- or even what
9 that message says, can you?

10 A. I can't tell. All I see is like a portion
11 of the time here. I don't know. Then the
12 next one is -- it looks like around 8:33 a.m.

13 Q. Okay. And according to your testimony,
14 there was a group of texts between you and he
15 that morning, where he says 'I'm sorry' and
16 you said 'You're not sorry, you held me down,
17 raped me,' whatever all you say you said.
18 What time is the last one of those texts?

19 A. (Upon review), with these here that you've
20 given me, the last text message that I sent to
21 him was around 10:41 a.m., is what it looks
22 like.

23 Q. That is where you texted him?

24 A. Yes, it was.

25 Q. And what was it that you said at 10:41

1 a.m.?

2 A. I said, "Yeah, I saw what your love means
3 last night. Thanks for that."

4 Q. Okay. Let me grab those from you.

5 A. (Tendering).

6 Q. Let's make sure that we don't duplicate
7 things. Let me make sure that we're not
8 duplicating things. Does this have what
9 you're saying is the last text on it?

10 A. (Upon review), no. It does not.

11 Q. This one?

12 A. This one does, yes.

13 Q. And you say that it ends with you saying,
14 "Yeah, I was what you loved" ---

15 A. No, "I saw..." ---

16 Q. "Yeah, I saw what your love meant last
17 night. Thank you for that."

18 A. (Affirmative nod).

19 Q. Isn't there three more texts after that?

20 A. Those are the ones from him. You'd ask me
21 what time was the last one that I sent to him.
22 That was ---

23 Q. I apologize. If that's what I said, I
24 apologize. My question is -- the two of you
25 seemed to be having a conversation and you

1 have suggested that he was apologizing for
2 having raped you the night before. My
3 question -- what I meant to ask, if I didn't,
4 was simply when does the conversation, this
5 back and forth conversation, end. I think
6 that there's three more texts after the one
7 that you said was your talking at 10:41.

8 A. Right. There's three more here. This is
9 the last time on this text itself, is about
10 1:37 p.m., but this is not the last of the
11 messages that he sent that day.

12 Q. Okay. So 1:37 p.m. was the last one of
13 the photographs, correct?

14 A. I've seen -- of this photograph, yes.
15 I've seen the photograph that had, that I
16 believe had later times than what this one
17 has.

18 Q. On the same day?

19 A. Yes.

20 Q. Let's see if we can find it, then, because
21 I haven't seen that one. It ends with him
22 saying ---

23 A. I could be mistaken but I thought that I
24 had seen ---

25 Q. It ends with Mr. Andes allegedly saying

1 what?

2 A. (Reading): "Okay. Well, I love you. Have
3 a good day."

4 Q. Okay. I cannot -- I do not see it. I'm
5 sure the State will point it out if I am
6 wrong. Any other of these pictures ---

7 A. I could be mistaken. There may be ones
8 with ---

9 Q. Okay.

10 A. --- the actual date rather than the time.

11 Q. Okay. All right. Let me get you to tell
12 us one more time -- I am not sure, I think
13 that I wrote it down. Let me check. 1:37
14 p.m. was the last time when all of these --
15 these are photographs that show the times of
16 what time these individual things came in.
17 Correct?

18 A. Yeah.

19 Q. Okay. I want you to look through those
20 and give me two numbers. I want you to tell
21 me how many of those are texts that are sent
22 by Mr. Andes to you and I want you to tell me
23 how many texts you sent to Mr. Andes.

24 A. You want just starting from when he
25 started texting that morning or do you want

1 from the actual -- when he arrived at the
2 house?

3 A. Those are all of what you told us when ---

4 SOLICITOR WILLIAMS: Objection,
5 Your Honor. Cumulative. Objection is
6 cumulative.

7 THE COURT: Finish your question,
8 Mr. Seaton.

9 MR. SEATON: Thank you.

10 CROSS EXAMINATION CONTINUED

11 BY MR. SEATON:

12 Q. Would you agree with me that those are all
13 of the texts that you've testified that you
14 either received or sent that morning after --
15 can we agree that there weren't any more texts
16 that you received from Mr. Andes after the
17 last one at approximately 4:00 o'clock in the
18 morning until the next day, until the next
19 day, until, after you woke up the next day?

20 A. Yes.

21 Q. And would you agree with me that what you
22 have in your hands are the texts that you
23 received from Mr. Andes the next morning, and
24 that you sent to Mr. Andes the next morning?

25 A. Yes.

1 Q. That have the date and time that they were
2 sent or received?

3 A. Yes.

4 Q. Okay. And so my question is, tell me
5 how many -- let's break it down. Please go
6 through those and count them up and tell me
7 how many of those you received from Mr. Andes.

8 A. (Upon review), I apologize. Some of these
9 are duplicates on the same page, so --
10 (reviewing). There are fourteen from Mr.
11 Andes from 8:33 a.m. to 1:37 p.m.

12 Q. If you would, go through and count how
13 many that you sent to Mr. Andes.

14 A. Six from about 8:36 a.m. to 10:41 a.m.

15 Q. So let me get you, as long as we're doing
16 math here, -- first of all, let me grab all
17 four of those from you.

18 A. (Tenders).

19 Q. Thank you. Let me -- and I'm going to
20 make this a little easier. I want you to look
21 at ---

22 SOLICITOR WILLIAMS: Excuse me,
23 could we see what papers ---

24 MR. SEATON: The first time that she
25 gave me is ---

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1 SOLICITOR WILLIAMS: Can we see it?

2 MR. SEATON: Sure, (tenders).

3 SOLICITOR WILLIAMS: (Upon review),

4 Your Honor, may we approach?

5 THE COURT: You may.

6 (OFF RECORD BENCH CONFERENCE)

7 THE COURT: Ladies and Gentlemen,

8 we are going to take a short recess. Do not

9 begin your deliberations. Do not discuss this

10 case amongst yourselves. If any of you cannot

11 stay until 5:30, if you will please let the

12 bailiff know. Please rise for the jury.

13 (JURY OUT @ 4:05 P.M.)

14 THE COURT: Thank you. Please be

15 seated. Ms. Blanche, we're going to take

16 another witness out of order, so that means

17 that likely you are not going to finish your

18 testimony until in the morning.

19 THE WITNESS: Okay.

20 THE COURT: That means that all of

21 my admonitions still stand. You may not

22 discuss this case with anyone, either what you

23 have testified to previously or what you

24 anticipate testifying to. Any questions?

25 THE WITNESS: No.

1 THE COURT: Any further admonition
2 required from the State, Mr. Shelton?

3 SOLICITOR BEN SHELTON: No, Your
4 Honor.

5 THE COURT: Mr. Seaton?

6 MR. SEATON: No, Your Honor.

7 THE COURT: You may step down.
8 Thank you.

9 (WITNESS STEPS DOWN)

10 THE COURT: I understand that we
11 are going to take the witness out of order.
12 Is that okay, Ms. Williams?

13 SOLICITOR WILLIAMS: Yes, Your
14 Honor.

15 THE COURT: Any objection to doing
16 it that way, Mr. Seaton?

17 MR. SEATON: Not at all, Your Honor.
18 As I said, I feel sorry for the guy.

19 THE COURT: And we anticipate that
20 we can get him on and off by 5:30?

21 SOLICITOR WILLIAMS: I hope so,
22 Your Honor. I believe that we can. He really
23 is just going to authenticate the records and
24 explain a couple of short things. I think
25 other information that he could give, I think

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1 Mr. Seaton could get from other witnesses --
2 like he is doing with LeAnn Blanche. If we
3 could get as much information from him as we
4 need and let him go, that would be ---

5 THE COURT: All right. We are at
6 recess until 4:15. Thank you.

7 (BRIEF RECESS)

8 (DEFENDANT PRESENT)

9 THE COURT: Rise for the jury.

10 (JURY IN @ 4:17 P.M.)

11 THE COURT: Thank you, be seated.

12 Ladies and Gentlemen of the jury, due to
13 scheduling concerns we are taking a witness
14 out of order. Call your next witness, Ms.
15 Williams.

16 SOLICITOR WILLIAMS: Joseph
17 Trawicki.

18 (WITNESS TAKES STAND)

19 JOSEPH TRAWICKI , being duly sworn to
20 tell the truth, the whole truth and nothing
21 but the truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR WILLIAMS:

24 Q. Where do you work, Mr. Trawicki?

25 A. Sprint/Nextel.

1 Q. How long have you worked there?

2 A. A little over eight years.

3 Q. What are your duties there at Sprint?

4 A. As a records custodian, my primary
5 responsibility is to travel all over the
6 country and testify in court regarding records
7 Sprint has produced.

8 Q. Have you reviewed the records for phone
9 numbers 843- 6 and 843-4 4?

10 A. Yes, ma'am.

11 Q. Who is the subscriber for those numbers?

12 A. (No verbal response).

13 SOLICITOR WILLIAMS: Your Honor,
14 may I approach the witness?

15 THE COURT: You may.

16 MR. SEATON: Your Honor, I would be
17 fine with her leading -- if you want to ask
18 him leading questions, that's fine.

19 SOLICITOR WILLIAMS: Thank you, Mr.
20 Seaton.

21 MR. SEATON: There is no reason to
22 drag.

23 SOLICITOR WILLIAMS: I think, by
24 agreement, Your Honor, that we offer State's
25 Exhibit 57 into evidence.

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1 THE COURT: Any objection?

2 MR. SEATON: No, Your Honor. No
3 objection.

4 THE COURT: All right. State's 57
5 into evidence without objection. You may
6 approach the witness. You may want to tidy up
7 some of those exhibits, Ms. Williams. Thank
8 you.

9 (SO ENTERED AS STATE'S EXHIBIT 57)

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILLIAMS:

12 Q. Who is the subscriber?

13 A. The subscriber is listed as Michael Andes,
14 A-n-d-e-s.

15 Q. Are those records a fair and accurate
16 depiction of the call detail for those calls
17 between the dates of November 4th and November
18 10th?

19 A. Yes, ma'am.

20 Q. Now, I am going to put part of the record
21 up there, the twentieth (phonetic), and ask
22 you some questions about these records. Here
23 is sort of a snapshot of that, and we have a
24 pointer back here. Is it fair to say that for
25 the average layperson that these are kind of

1 hard to understand?

2 A. That's certainly possible.

3 Q. How can you tell that there is a call or a
4 text message?

5 A. Text messages will have zero duration.

6 They also have the re: phone number, which is
7 the last column you see here. Anything in the
8 two-nineties, sometimes in the five hundreds,
9 sometime in the six hundreds, will represent a
10 text message.

11 Q. So the average person just looking at
12 these records really can't look at them and
13 tell what is a text message, what is a call.
14 You have to know the recall number and some
15 things about the columns?

16 A. That's correct.

17 Q. Are the calls in Eastern time?

18 A. All the records will be shown the time
19 local to what system processes the.

20 All the voice calls will be local to
21 either the Charleston switch or to the
22 Columbia switch, which will be Eastern time.

23 All of our hardware that processes text
24 messages is located in the Central time zone,
25 so all the text messages will show a Central

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- 1 time on these records.
- 2 Q. So when we look at these records and we
- 3 see a text message, it will be -- if it says
- 4 2:33, it really was sent at 3:33?
- 5 A. It was 3:33 Eastern time; yes, ma'am.
- 6 Q. A call is the accurate time?
- 7 A. That's correct.
- 8 Q. And when you look at the Dialed Digits
- 9 column, is one of the way that you can tell if
- 10 it is a text message is if there is no number
- 11 in the Dialed Digits column?
- 12 A. That isn't the -- there are other reasons,
- 13 but most of the time if the dialed digit
- 14 column is blank it will be a text message.
- 15 Q. So sometimes it is not?
- 16 A. Yes. Computer-generated dials will not
- 17 show dialed digits.
- 18 Q. So really none of us can look at this,
- 19 unless we know all the recall numbers and know
- 20 that that is a text message.
- 21 A. That's right.
- 22 Q. So it's kinda hard to figure out how many
- 23 text messages match up with something on the
- 24 phone?
- 25 A. Yes, ma'am.

1 Q. And if you have more message texts on a
2 phone than you do on the phone record, is it
3 possible that a text message would make it on
4 the phone record but not be on the phone?

5 A. That's possible.

6 Q. Or vice-versa? Well, I guess it would be
7 vice-versa. If it is on the record and not on
8 the phone, what are some of the reasons why
9 that would be?

10 A. Messages can be individually deleted.
11 Also once a text message is sent from the
12 Sprint system off to another carrier, we
13 cannot guarantee what happens to that text
14 message.

15 Q. So it is possible that even though a text
16 message appears on this call log, it might not
17 appear on the phone?

18 A. That is certainly possible.

19 Q. And all of the time that is listed on this
20 phone record is in military time?

21 A. Yes, ma'am.

22 Q. Now, are you familiar with the way that
23 text messages sometimes appear on phones?

24 A. Yes, ma'am.

25 Q. And on the day that a text message is

1 sent, will the time appear?

2 A. Yes, ma'am.

3 Q. And does that change eventually?

4 A. Over the -- well, Android keeps updating
5 the system, but in the past after the current
6 day it would just show "Yesterday" and then if
7 the message was more than a couple of days old
8 it would say 'Tuesday', so on and so forth.

9 Q. So when you first see it, if it is that
10 same day, you can see the date and the time?

11 A. Correct.

12 Q. But then if you take a picture of the
13 message, the same message two days later, it
14 might just show the date?

15 A. That's correct.

16 Q. And on that call record, are there text
17 messages between 6 and 4?

18 A. Yes, there are.

19 Q. On the early morning hours, do you see
20 text messages from 6 to the other
21 number in the vicinity of 3:00 in the morning
22 all the way up to about 3:42 a.m.?

23 A. Yes, ma'am.

24 Q. And then do they stop at some point, until
25 about 8:33 a.m. the next morning?

1 A. Let me clarify. They show from 2:25 to
2 2:42 -- and that's 3:25 to 3:42 Eastern time.
3 Here they show 2:25.

4 Q. Right. So though it says 2:25, it is
5 actually 3:25 to 3:42?

6 A. Yes, ma'am.

7 Q. Then do those text messages stop again
8 until about 8:33 the next morning?

9 A. Yes, ma'am.

10 SOLICITOR WILLIAMS: Nothing
11 further. Please answer any questions that the
12 defense might have.

13 MR. SEATON: May it please the
14 Court, Your Honor.

15 THE COURT: Yes, sir.

16 CROSS EXAMINATION

17 BY MR. SEATON:

18 Q. Mr. Trawicki, a couple of questions. You
19 were subpoenaed or Sprint was subpoenaed and
20 the Police Department specifically asked for
21 whether or not Sprint had any e-mails, voice
22 mails, text messages, pictures, any type of
23 media -- and I don't know whether a text
24 message would be considered a media or not,
25 but any stuff other than just the naked, uh,

1 report. Are you familiar with that?

2 A. Yes, sir.

3 Q. Did Sprint respond that Sprint did not
4 have a copy of any text message either, from
5 either one of those numbers?

6 A. After October of 2009, we no longer store
7 any type of text content whatsoever.

8 Q. Okay. So all we've got are these reports?

9 A. That's correct.

10 Q. What we really have, what has been
11 admitted into evidence, is two different sets
12 of reports from two different phone numbers?

13 A. That's correct.

14 Q. They're both owned by Mr. Andes but you
15 were subpoenaed -- I keep saying you but what
16 I mean is Sprint.

17 A. (Affirmative nod).

18 Q. Sprint was subpoenaed to give us a set of
19 documents of this report from one phone number
20 and a separate set from the other phone
21 number; is that correct?

22 A. Yes, sir.

23 Q. All right. And the solicitor asked you
24 about 'well, there might be some text messages
25 that were sent but never received.'

1 A. Yes, sir.

2 Q. Would you agree with me that if you
3 compare the two sets, that if one set says
4 that it was sent and the other set says that
5 it was received, then that's a pretty good
6 indication that it was sent and received?

7 A. Yes, sir.

8 Q. And vice-versa, that if this says that it
9 was sent and this one says it was received,
10 then that's a pretty good indication ---

11 A. Yes, sir.

12 Q. If it is on both, it's going to be -- it
13 was sent and got to the hand receiver of the
14 other one?

15 A. Handset. That's correct.

16 MR. SEATON: Nothing further.

17 SOLICITOR WILLIAMS: Nothing
18 further, Your Honor.

19 THE COURT: Mr Trawicki, you may
20 step down. Thank you.

21 (WITNESS STEPS DOWN)

22 THE COURT: Just for scheduling,
23 Counsel approach.

24 (OFF RECORD BENCH CONFERENCE)

25 THE COURT: All right. Ladies and

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1 Gentlemen, that went a little faster than the
2 Court anticipated. Because of that, we're
3 going to go ahead and break for the afternoon.

4 Do not begin your deliberations, do
5 not discuss this case amongst yourselves.

6 Please be downstairs to meet the
7 bailiff at 9:30 and he will bring you up at
8 the appropriate time. So please meet
9 downstairs at 9:30.

10 Please remember all of my
11 admonitions. Do not discuss this case with
12 anyone. Do not read, watch or listen to news
13 accounts if there are any, and do not do any
14 independent investigation.

15 We will see you back downstairs, the
16 bailiff will meet you, at 9:30 in the morning.
17 Please rise.

18 (JURY OUT @ 4:28 P.M.)

19 THE COURT: All right. Be seated.
20 We will start back at 9:30 in the morning.
21 Thank you.

22 (COURT IN RECESS)

23 (TRANSCRIPT CONTINUED NEXT PAGE)

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1

2 NOVEMBER 30, 2011 9:30 A.M.

3 THE COURT: Good morning.

4 SOLICITOR WILLIAMS: Your Honor, we
5 need to enter the redacted version after Mr.
6 Seaton reviews it.

7 MR. SEATON: I guess the only sort
8 of procedural question, Your Honor, would be
9 -- I think for purposes of maintaining the
10 record, we need to enter the nonredacted video
11 ---

12 THE COURT: The nonredacted will be
13 Court's 3.

14 MR. SEATON: Yes, ma'am.

15 THE COURT: Because I referred to
16 that in my ruling in the pretrial Motion, so
17 it will be Court's Exhibtt 3 for the record,
18 the nonredcated copy.

19 MR. SEATON: Yes, ma'am. Nothing
20 further from the defendant, Your Honor.

21 SOLICITOR BEN SHELTON: I believe
22 that we already have it as Court's 2?

23 COURT REPORTER: It is Court's 2.

24 THE COURT: Thank you. I was going
25 to make Court's 3 the copy that I viewed. I

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1 think Court's 2 was the copy that you
2 introduced, that the State introduced.

3 SOLICITOR BEN SHELTON: Sorry,
4 Judge.

5 THE COURT: That's fine. We will
6 just make it Court's 2 and then I will hand
7 you back the judge's copy that you gave me.

8 Ms. Blanche, please come forward.

9 (WITNESS TAKES STAND)

10 THE COURT: Ms. Blanche, you are
11 still under oath. Do you understand what that
12 means?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Have you abided by the
15 court's admonition not to discuss this case
16 with anyone?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Let's bring in the
19 jury.

20 (JURY IN @ 9:42 A.M.)

21 THE COURT: Thank you. Please be
22 seated. Mr. Seaton, you may continue.

23 MR. SEATON: Thank you.

24 LEANN BLANCHE, having been previously
25 sworn, testified as follows:

1 CROSS EXAMINATION RESUMED

2 BY MR. SEATON:

3 Q. Ms. Blanche, yesterday, I think where we
4 left off was that we were talking about the
5 texts that you had sent to Mr. Andes and that
6 Mr. Andes had sent to you.

7 According to the pictures that you showed
8 to the jury of the texts themselves, they
9 seemed to be grouped into two different
10 groups, at least two different groups.

11 One would have been the group of texts
12 that were from the night or morning of
13 November 6th, sometime between 3:00 and 4:00
14 in the morning.

15 Then a second group that we have sort of
16 called the "apology group", that you tell us
17 were from 8:30 in the morning until 1:37 in
18 the afternoon of November 6th.

19 Do you recall that conversation?

20 A. Yes, I do.

21 Q. What I had done was handed you State's
22 Exhibits 47, 48, 49 and 50, that are all of
23 the exhibits ---

24 SOLICITOR WILLIAMS: Your Honor,
25 may we approach?

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1 (OFF RECORD BENCH CONFERENCE)

2 CROSS EXAMINATION CONTINUED

3 BY MR. SEATON:

4 Q. Rather than me writing for you, I am going
5 to ask you to write for yourself. What time
6 do those texts start?

7 A. Write it down?

8 Q. Yes, ma'am. Just write down the time of
9 the first text that's in the photograph there.
10 Tell us what it says?

11 A. It is slight blurry, it looks like
12 possibly 8:33 a.m.

13 Q. What time is the last one?

14 A. (Upon review), it appears to be 1:37 p.m.

15 Q. Would you write that one now for me?

16 A. (Complies).

17 Q. Now, if you would, please tell us how many
18 texts are there that Mr. Andes sent to you
19 during that time period? Yesterday you told
20 us fourteen but I am going to let you recount
21 and make sure that we still come up with the
22 same number.

23 A. You want me to write them down also?

24 Q. Please.

25 A. There are fourteen.

1 Q. Okay. How many texts are there in the
2 same time period that you sent to Mr. Andes?

3 A. There are six.

4 Q. Would you agree with me that that totals
5 twenty texts back and forth from the timeframe
6 of 8:30 in the morning until 1:30 in the
7 afternoon?

8 A. Yes.

9 Q. 1:37. You told us yesterday that you do
10 not know how to erase any text, singular text?

11 A. Not with this phone at the time; no, I did
12 not.

13 Q. And you tell us that that call log on your
14 -- that the pictures that you have accurately
15 depict the text messages that you received and
16 that you sent?

17 A. Yes.

18 Q. Now I am going to ask you to look at your
19 phone record, what has been marked as State's
20 Exhibit 57, I believe.

21 I am going to give you the other copy and
22 ask you to look at the same time period and
23 count up how many texts that you have in that
24 same time period according to your official
25 record?

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1 A. (Upon review), just between him and I?

2 Q. Yes.

3 A. You want just the text messages, correct?

4 Q. (Affirmative nod), just the text messages.

5 A. Okay. I don't know if this matters or
6 not, but the text message time appears to be
7 8:33 a.m. but this one here doesn't have the
8 time showing that it's 8:33, from him.

9 Q. Do you recall yesterday when the man from
10 Sprint testified that those are Central times,
11 so ---

12 A. If I could go back ---

13 SOLICITOR WILLIAMS: Objection.
14 Pitting.

15 THE COURT: What's your basis?

16 SOLICITOR WILLIAMS: Pitting one
17 witness against the other.

18 MR. SEATON: How is that -- I
19 apologize, Your Honor.

20 THE COURT: Rephrase your question.
21 Thank you, Mr. Seaton.

22 CROSS EXAMINATION CONTINUED

23 BY MR. SEATON:

24 Q. Do you recall you testifying that you
25 understood that the time on your official log

1 is one hour different because it is Central
2 time rather than Eastern time?

3 A. Yes. I'm sorry. I forgot. Do you mind
4 if I mark on this?

5 Q. That is not the official record. It's not
6 the court's exhibit.

7 A. (Upon review), there's thirty-three.

8 Q. Thirty-three or thirty-four?

9 A. I counted thirty-three. I can go through
10 it again if you would like.

11 Q. No, that's okay. We will go with thirty-
12 three.

13 A. So if you've got a picture of twenty text
14 messages and your official record says thirty-
15 three, thirty-four, whichever, -- again, we
16 will go with thirty-three -- where are those
17 texts?

18 A. I don't know. I do know, on that phone,
19 if you send a message and it comes back that
20 it did not get sent, it can still go through -
21 - as I -- I mean, I've sent previous ones to,
22 like, my mother that it would say that it did
23 not get sent, but it will go through.

24 If it goes to resend a message, it doesn't
25 show up again a second time on the screen. It

1 brings it back down to where the text message
2 screen is and sends it again. So it does not
3 show up on the phone as more than one message.

4 At Music in Motion there is no cell phone
5 signal inside the building, so if you're
6 sending a text message back in response to
7 one, you have to continue to try to resend it
8 again. So I would have to step outside to
9 even respond, to anyone. So if there was a
10 message that was resent, it can show up on the
11 call log -- because it will still go through
12 and it can come back on the phone that the
13 message was not sent.

14 I am not a cell phone expert here. I
15 don't understand the process. But a message
16 can come back saying that it was not sent, and
17 it will come back to you saying that it was
18 not sent but the person can actually still
19 receive the message, though it was not -- says
20 that it was not sent to you. But if you go to
21 resend the message from the phone, there is a
22 little thing that pops up on the phone that
23 tells you that the message wasn't sent, you
24 can click it and it resends the message
25 without duplicating it on the actual screen.

1 Q. If it wasn't sent, do you think that it
2 would show up on your bill?

3 A. What I am saying is that the other person
4 can ---

5 Q. That's a yes or no question, then you can
6 explain your answer.

7 A. Yes. It would.

8 Q. It shows up on your bill. A message that
9 wasn't sent shows up on your billing?

10 A. There are times where a message will come
11 back, a text message. It will show that it
12 did not get sent through to the recipient and
13 they do actually receive that message.

14 Q. If you wouldn't mind answering the
15 question that I asked, I will give you all the
16 time that you need to answer fully. I am not
17 trying to stop you. My question is, are you
18 suggesting that the bill is going to show a
19 message that was not sent?

20 A. I cannot answer that. That would have
21 been ---

22 Q. And would you agree that if it was not
23 sent that it would not show up on Mr. Andes'
24 phone log?

25 A. I can't agree to anything. I do not know

1 how the cell context (sic) messaging system
2 works.

3 Q. Well, you just told us this whole theory
4 about how it works.

5 A. Because I know that I have sent messages
6 -- when I was there, I would send text
7 messages to my mother that day and it would

8 come back saying that it was not sent, because
9 I did not have service inside the building at
10 Music in Motion. And I would go outside to
11 resend the message. It does not duplicate on
12 the screen.

13 It does not come -- it can come back to
14 you saying that the message was not sent, but
15 the actual person that you sent it to does
16 receive the message. That has happened. I do
17 not know how it shows up on the bill. I
18 cannot answer your question because I do not
19 know how that process works.

20 Q. If we are going to go with the theory that
21 you have now espoused, then can you explain
22 why the text messages that we talked about
23 yesterday, where he was in his bedroom on one
24 side of the house and you were in your bedroom
25 on the other side of the house and the numbers

1 didn't match in that scenario. Do you think
2 that suddenly he doesn't have cell service in
3 your house?

4 A. I don't know what -- I -- I wish I could
5 answer your questions. I really don't
6 understand how the cell phone process works.
7 I don't know how the billing work. I don't
8 know how it keeps tracks of. I can't answer
9 your questions because I don't know the
10 answers to those.

11 Q. Then why did you give us this long
12 explanation that you're now saying that you
13 don't know?

14 A. Because ---

15 SOLICITOR WILLIAMS: Objection.

16 Asked and answered.

17 THE COURT: Sustained.

18 CROSS EXAMINATION CONTINUED

19 BY MR. SEATON:

20 Q. Would you agree with me that there are
21 almost twice as many texts, according to your
22 log during that time period as you have in
23 your pictures that you showed us?

24 A. Yes.

25 Q. Your last -- in your photographs there,

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1 what has been marked as Exhibit 50, your last
2 text on here is at 1:37. Is that correct?

3 A. That is what the time appears to be. Yes.

4 Q. And would you agree, in looking at your
5 records, that you continued to have
6 conversations even after that last picture
7 with Mr. Andes? It shows at 12:45, which
8 would be 1:45, approximately seven minutes
9 later you texted him. Is that correct?

10 A. That's what it shows, yes..

11 Q. And would you agree that you don't have
12 that text message in any of your pictures?

13 A. I can't answer. These just end with the
14 time. I don't know about the ones that just
15 have the date. As far as the time on these,
16 these end at about 1:37 p.m.

17 Q. Let me hand you the rest of your stack.
18 You tell me. All of these photographs of
19 these pictures of your telephone, are any of
20 those your very next text message to him?

21 A. (Reviewing).

22 Q. You know what? I apologize. I made the
23 same mistake that everybody has been making.
24 I am reading -- I got my time backwards. I
25 apologize, Ms. Blanche.

1 Let's look at page -- well, here is what I
2 guess that we better do, then. I've got
3 thirty-four as of 11:37 rather than 1:37.
4 I count -- (counting to self) -- look at page
5 ten on your records. You told us that the
6 last text picture there was at 1:37, so it
7 would say 12:37 as your last picture that
8 matches up. Is that correct?

9 A. Yes.

10 Q. Then there -- you see that you texted him
11 right after that?

12 A. (Upon review), at 12:45. Yes.

13 Q. Then two more incoming from Mr. Andes
14 shortly after that?

15 A. (Upon review), that's what it shows. Yes.

16 Q. Then one more to him at 1300, which would
17 actually be 12:00. Would you agree that there
18 continues to be numerous texts back and forth
19 even though you're at Music In Motion and
20 you're saying that you're having some problems
21 with reception. Would you agree that your
22 record shows that y'all continued to text each
23 other?

24 A. That's what it shows, yes.

25 Q. You don't -- do any of those -- let me let

1 you take a second and look at all of those
2 other photographs that you have and ask you if
3 any of those match up.

4 A. (Upon review), they just have the date
5 from November 6th to November 7th.

6 Q. All right. Let's count up all of the ones
7 from November 6th then. Tell me -- let's do
8 what we have already done. All of your
9 November 6th, ---

10 A. Count from the pictures as well as the ---

11 SOLICITOR WILLIAMS: Objection.

12 Cumulative.

13 MR. SEATON: These are brand new,
14 Your Honor.

15 THE COURT: I am going to give him
16 -- it's a new day. Overruled.

17 CROSS EXAMINATION CONTINUED

18 BY MR. SEATON:

19 Q. Tell me just the ones that we haven't
20 already counted, because I am sure that some
21 of those are the same texts that we counted
22 earlier in the day. All the texts from later
23 on the 6th, I need you to count those up and
24 tell us how many are in the pictures from 1:37
25 -- excuse me -- they're not going to have

1 times on them. So anything that says November
2 6th, tell us how many pictures you've got of
3 ones that you sent and how many pictures
4 you've got of what Mr. Andes sent you on the
5 6th.

6 A. (Upon review), I -- you want in total,
7 starting from the very first message or are
8 you wanting from the time of -- what are you
9 wanting?

10 Q. I don't want you to count the ones that we
11 have already counted. All I want you to do is
12 tell us all of the ones that say November 6th
13 that we haven't already counted. Tell me how
14 many you've got.

15 A. Technically that would be starting back at
16 3:00-something in the morning, because those
17 are not here. So -- that's what I'm asking.

18 Q. Ms. Blanche, do you understand ---

19 A. Are you asking me from 1:37 p.m.? You had
20 said the ones that do not have a time; that
21 were not here, to count those up. The ones
22 that started here are not here either.

23 Q. All right. Would you agree that we have
24 already counted the ones from in the morning,
25 at 3:00 o'clock in the morning? We have

1 already counted those, haven't we?

2 A. (No verbal response).

3 Q. Didn't we do that yesterday?

4 A. Yes.

5 Q. All right. Now we've counted all of the
6 ones from 7:00 o'clock in the morning until
7 1:37 in the afternoon. We've done that
8 already?

9 A. Yes.

10 Q. So, therefore, have we counted all of the
11 ones that have specific times for us?

12 A. Yes.

13 Q. So would you agree that there are other
14 pictures that you have that you presented
15 through the state on your behalf that are
16 pictures of texts that you sent or that Mr.
17 Andes sent you that have the date of November
18 6th on them?

19 A. (No verbal response).

20 Q. Would you agree that you have those in
21 front of you?

22 A. Yes.

23 Q. Would you agree or would you simply not
24 count the ones that we have already counted?
25 Would you simply start with the ones that

1 haven't been counted?

2 A. (Reviewing) ---

3 Q. Ms. Blanche, I apologize, but I think
4 you've gotten ahead of us here.

5 A. You asked me to count the rest of the ones
6 for the date of November 6th, correct?

7 Q. I am asking you to tell us from the
8 photographs. I think I sort of did a bad job
9 of explaining that. Look at your photographs
10 and tell me all of the ones that ---

11 A. Can you explain to me real quick, because
12 I'm -- you've gotten me very confused right
13 now. Are you asking me for the ones that have
14 the date only or the ones that have the date
15 and time, which ones would you like for me to
16 count?

17 Q. Would you agree that we have already
18 counted the ones with the dates?

19 A. Yes, we did. I am trying to get
20 clarification on what you're asking me to
21 count.

22 Q. I am asking you to count all of the texts
23 that you either sent or received on the 6th
24 that haven't already been counted.

25 A. On this? Or this?

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1 Q. The photographs.

2 SOLICITOR WILLIAMS: Objection.

3 Cumulative.

4 THE COURT: Sustained.

5 THE WITNESS: There are none.

6 THE COURT: Ms. Blanche, you do not
7 have to answer. Move on, Mr. Seaton. Move
8 on. I sustained the objection. You asked and
9 she's answered, several times.

10 CROSS EXAMINATION CONTINUED

11 BY MR. SEATON:

12 Q. Do you not know how to count ---

13 SOLICITOR WILLIAMS: Objection.

14 MR. SEATON: Judge, these are --
15 I've asked a simple question.

16 THE COURT: Counsel. Approach.

17 (OFF RECORD BENCH CONFERENCE)

18 THE COURT: Ladies and Gentlemen,
19 there is a matter that I must take up out of
20 your presence. Please do not discuss the case
21 amongst yourselves, we will be with you
22 shortly. Please rise for the jury.

23 (JURY OUT @ 10:19 A.M.)

24 THE COURT: Thank you. Be seated.

25 Ms. Blanche, out of an abundance of caution, I

1 am going to let you step down and take a
2 comfort break. If you will wait outside with
3 Ms. Roberts, then we will call you back in.
4 All right.

5 THE WITNESS: Yes, ma'am.

6 THE COURT: I don't want anything
7 regarding our argument to influence your
8 testimony.

9 (WITNESS EXITS COURTROOM)

10 THE COURT: Thank you. Just for
11 the record, does the State have any objection
12 to the excusing Ms. Blanche from this
13 argument?

14 SOLICITOR WILLIAMS: No, Your
15 Honor.

16 THE COURT: Mr. Seaton, I am
17 assuming that you prefer her not to be here
18 while we are having this argument.

19 MR. SEATON: That's fine, Your
20 Honor.

21 THE COURT: We are going to be
22 talking about times and things like that and I
23 didn't want there to be any indicating during
24 this discussion that there was an influence as
25 to her testimony.

1 Mr. Seaton, we have an at-bar
2 conference, which I understand is not on the
3 record. So what I want you to do at this
4 point is to articular your understanding of
5 what occurred at the bar.

6 MR. SEATON: Yes, ma'am. Thank you,
7 Your Honor. Judge, right now you have the
8 purported victim on the stand, LeAnn Blanche,
9 who in direct testimony from the Solicitor's
10 office went over the phone records and used a
11 little pointer to point out specific things on
12 those phone records to make sure that the jury
13 understood the points that they were trying to
14 make with those phone records.

15 She sat right there. They took their
16 color chart, they handed it out to everybody.
17 She set there with the clicker and pointed at
18 everything that she wanted to make sure that
19 they understood.

20 Now that I have an opportunity to
21 cross-examine her, suddenly she doesn't seem
22 to understand these records. So I have tried
23 mightily to get her to -- to break it down as
24 simple as possible, to go through these
25 records. Because they subpoenaed only a few

1 days worth of records -- but they're
2 voluminous. I don't enjoy standing here for
3 hours on end, but if I can't get the
4 cooperation of the witness to do simple things
5 like agree that we have already counted --
6 because the bottom line is -- what I am trying
7 to do is to make clear to everyone that there
8 are pictures of the texts that have been
9 entered by the State that don't come anywhere
10 close to the records that shows that
11 throughout that same time period that there
12 are numerous text messages, according to the
13 records, that were sent to and from each other
14 but somehow don't show up on her pictures.
15 Those pictures are supposed to show a
16 chronological order of how and when they came
17 in.

18 THE COURT: I don't know, Mr.
19 Seaton, that there was any testimony that
20 those are the entire collection of the texts
21 for a particular time. My understanding was
22 that those were the texts that she received on
23 the phone and the text that the photographs
24 were taken. I don't believe that anyone has
25 testified that that is to be an entire

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1 collection of the texts during that timeframe.

2 MR. SEATON: Your Honor, if I may, I
3 specifically asked her and she agreed with me
4 that they are chronological and that she has
5 not erased any of them. Therefore, they
6 should match up.

7 Now, whether or not they don't, again
8 that's a fact for the jury to decide. But I'm
9 certainly entitled to make sure that they
10 understood every step of these several days in
11 which she is claiming that this is the record.
12 I mean, if they want to say that this isn't
13 the record, that's fine. But I'm being told
14 and the solicitor is telling the jury that
15 this is the record, and the record doesn't
16 match this one.

17 I'm entitled to point out the
18 disparity between what she says is the record
19 by taking these photographs and the record
20 that is in -- that everyone agrees is the
21 Sprint phone records for both her and Mr.
22 Andes that don't match up. All I am simply
23 trying to do is walk through the process.
24 She's decided that she is not going to
25 cooperate and suddenly doesn't seem to

1 understand any of this stuff.

2 I could certainly try to do it in a
3 fashion that makes -- you know, yesterday when
4 we had problems, I had to break things down
5 and do it one tiny step at a time. That,
6 unfortunately, is where I feel like I am again
7 today.

8 All I've tried to do in the last
9 thirty minutes is have her not count the ones
10 that we have already counted. There are -- if
11 you look at some of the State's exhibits, you
12 have the same texts that were taken on
13 different days, but it's the same text. So on
14 one exhibit it has the time, on another it
15 simply has the date. So if we have ones that
16 have the day on it that are the same, then we
17 shouldn't count them again. If they're not,
18 then they clearly would have arrived on the
19 same day but at a later time. So I can
20 compare the number of those texts that were
21 received and in the photographs with the
22 record. That's all that I am trying to do.

23 THE COURT: Mr. Seaton, I not
24 remember you inquiring if there were
25 duplicitous texts on the photographs.

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1 MR. SEATON: From the witness, no,
2 ma'am, I have not.

3 THE COURT: All right. What
4 questions have you asked that indicate that
5 she has an understanding of the missing texts?

6 MR. SEATON: What I've tried to do
7 was to get her to separate the texts that had
8 times on them from the ones that have just the
9 date, and haven't already been counted.

10 THE COURT: In that -- and here is
11 here I am having a difficult time keeping up
12 with your questions. There are photographs of
13 texts, ---

14 MR. SEATON: Yes.

15 THE COURT: And then there are the
16 actual records from Sprint.

17 MR. SEATON: Yes, ma'am.

18 THE COURT: My understanding of the
19 difficulty that you're having with this
20 particular witness in that line of questioning
21 is that the photographs don't necessarily
22 coincide in a complete fashion with what is
23 contained in the Sprint records?

24 MR. SEATON: That's absolutely it,
25 and that's the gist of what we're getting at.

1 THE COURT: All right. What line
2 of questioning do you believe that you can
3 elicit from this witness that is going to
4 answer the questions that you need answered?

5 MR. SEATON: Photographs of her
6 phone that she either took or she told us from
7 the stand that she was there when they were
8 taken and she can identify as her phone and
9 her records. She can tell us the number of
10 pictures or the number of texts that she sent
11 and received on the day in -- that we are
12 talking about right now -- because there's two
13 more days of this. You look at what they have
14 put into the record and there are several days
15 of these pictures that are supposed to be what
16 Mr. Andes has said and what she said that
17 simply don't match the Sprint records.

18 So all she has to do is count the
19 number of pictures there are or the text on
20 those pictures for November 6th and subtract
21 from that the one that are duplicative, that
22 have the time on them. That's all that I am
23 asking her to do. If she does that, then we
24 can come up with a number that we can compare
25 with the record that shows how many actually

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1 were sent or received after 1:37, which is
2 where the time ends.

3 THE COURT: Mr. Seaton, you
4 understand that there has been testimony from
5 both the Sprint individual and the victim that
6 indicates that there are, in essence, for lack
7 of a better word, "dropped texts." That they
8 were perhaps not received; sent but not
9 received, or what -- whatever technological
10 term that you want to give to that. You
11 understand that?

12 MR. SEATON: Yes, ma'am.
13 Absolutely.

14 THE COURT: She has testified to an
15 explanation to the best of her ability as to
16 how that may have happened?

17 MR. SEATON: Yes, ma'am.
18 Absolutely.

19 THE COURT: Mr. Seaton, just so
20 that you are clear as to my ruling on the
21 sustaining the asked-and-answered, when you
22 asked what happened to thyose tets or where
23 are those texts, she has already answered that
24 question.

25 MR. SEATON: Yes, ma'am. I --

1 again, there are two issues that that raises.
2 Number one, -- that's fine. I don't have to
3 ask her where they went. But if you recall,
4 the Sprint man said, 'Listen, I agree, we
5 can't tell where it was received or not but if
6 you compare the two records and it says that
7 it was sent on this one and received to this
8 one, it made it to the handset.' If you
9 remember, his exact words were, it made it the
10 handset.

11 So if Court wants me to, I will be
12 glad to hand her his records and have her
13 agree that it shows that she sent it, he
14 received it, she sent it, he received it. If
15 that helps.

16 But as far as her actually answering
17 the question 'where did it go', she don't
18 know. She's not going to say that she did
19 this or that she did that. I understand that,
20 Your Honor.

21 I don't have to ask that question.

22 But I'm certainly entitled to point
23 out to the jury through here, through she is
24 the one that they got all these in, who sat
25 there with the pointer and talked about the

1 records. I'm certainly entitled to use her to
2 prove my point that the pictures of her text
3 messages are in no way, shape, form or
4 fashion, even close to her records. That's
5 all that I am trying to do.

6 If you want me not to ask her where
7 did they do, that's fine. I don't mind not
8 asking her that.

9 THE COURT: You've already asked
10 her that several times.

11 MR. SEATON: Yes, ma'am.

12 THE COURT: And she has answered to
13 the best of her ability. Mr. Seaton, what is
14 it again that -- she can't testify -- all she
15 can testify to is whether or not she sent
16 texts or she received texts. I don't know
17 that she is capable, has the knowledge or
18 understanding of -- if the bill says or the
19 call log says that a text came in, what -- the
20 question is whether or not she received the
21 text. Correct?

22 MR. SEATON: No, Your Honor, I would
23 disagree with that. Why is she allowed to be
24 the custodian of records? If she can sit on
25 that -- if she sits right there with their

1 color-coded chart -- you know, they went to
2 great lengths. They had this blown up, they
3 had this passed out to every single person on
4 the jury, and she sat there, just like a
5 records custodian, and pointed out different
6 things on this record. Then why am I not
7 allowed to continue to ask her questions about
8 the same records.

9 THE COURT: My understanding as to
10 the color-coded chart is that that was her
11 recollection, her personal knowledge of texts
12 that she either recalls sending or recalls
13 receiving. Is that correct, Ms. Williams?

14 SOLICITOR WILLIAMS: Your Honor, all
15 she identified was 'this is my number, this is
16 his number.' That's it. Then I had her count
17 'how many have your number, how many have his
18 number.' The color-coded chart is very
19 simplistic.

20 MR. SEATON: I am just trying to
21 count, too, Judge.

22 SOLICITOR WILLIAMS: She just ---

23 MR. SEATON: That's all that I have
24 bene trying to do, is have her count. I can't
25 get her to agree on how to count. I want the

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1 same thing that the Solicitor got. She got to
2 count. I'm not even asking her to use the
3 little magic wand. I just want her to count.
4 Why can't I go through the rest of the
5 records, counting?

6 THE COURT: Because she has
7 testified that she doesn't understand the
8 record and that that was not a record that she
9 compiled or is custodian of, Mr. Seaton.
10 That's the issue.

11 MR. SEATON: She counted the same
12 record yesterday, Judge.

13 THE COURT: Because she was able to
14 identify the calls that she recognized and
15 that ---

16 MR. SEATON: I will be happy to go
17 through every one and ask her whether or not
18 she recognizes every one.

19 THE COURT: All right, then. I
20 think that's appropriate, Mr. Seaton, but I
21 don't understand the relevance of every
22 number. Of you asking the question of every
23 number. Can you enlighten the Court?

24 MR. SEATON: The relevance is, how
25 can the jury possibly be given the opportunity

1 for her to say 'I recognize those numbers from
2 those times' and me not be able to ask her the
3 same question? I am not asking for anything
4 different. You know, it's not even that I'm
5 opening new ground here. This is the same
6 ground that they opened.

7 THE COURT: All right. So when we
8 put Ms. Blanche back on the stand, you're
9 intending to ask her if she could count the
10 photographs of the texts and indicate which
11 ones are duplicative because some have a date,
12 some have a time.

13 MR. SEATON: Yes, ma'am.

14 THE COURT: All right. That is an
15 appropriate question based upon the questions
16 that you have asked before.

17 Then it is your further position that
18 you're going to go through the entire record
19 from Sprint and ask her if she recognizes the
20 number on either incoming or outgoing?

21 MR. SEATON: Yes, ma'am.

22 THE COURT: All right.

23 MR. SEATON: And then I am going to
24 ask her, the ones that she agrees that she
25 recognizes, I am going to ask her to count

1 those up and tell us what that number is.

2 THE COURT: What is that relevant
3 to, Mr. Seaton?

4 MR. SEATON: That is relevant to the
5 fact that her -- she say, 'I recognize these
6 numbers and that they do not match what her
7 phone' -- when she comes in and says, 'this
8 the texts that I received, they don't match',
9 then it goes directly to her credibility.

10 Because if she can sit here and say 'I
11 recognize this, I recognize these numbers from
12 these particular times with this particular
13 desire' and these text messages, then I am
14 certainly entitled to ask her if she
15 recognizes these other records why are we
16 coming up with two different numbers. So far
17 I've been allowed to it for the first time and
18 they didn't match. I've been allowed to it
19 for the second time, they didn't match. I am
20 simply moving on to the third time to show
21 that they continue not to match. We have the
22 before, we have the during and we have got the
23 after. So far nothing has matched.

24 THE COURT: Mr. Seaton, clearly you
25 agree with and you believe -- recall the

1 testimony of the victim (sic) with Sprint as
2 to the explanation of why they wouldn't match
3 up? Why there would be some discrepancy?

4 MR. SEATON: Your Honor, again, if I
5 need to show the two records -- because what
6 he said was that if the record showed that it
7 was sent on my bill and it shows that it was
8 received on the other, then it made it from
9 one phone to the other.

10 THE COURT: For billing purposes.

11 MR. SEATON: Now, if the jury wants
12 to decide ---

13 THE COURT: For billing purposes
14 only, Mr. Seaton. Correct?

15 MR. SEATON: Sorry?

16 THE COURT: For billing purposes
17 only. Is that correct?

18 MR. SEATON: Certainly I would agree
19 that once it gets to the phone, whether it
20 actually shows up on the screen or not, I have
21 no way of showing. I am not suggesting that
22 she has a way of showing, or not showing. But
23 I certainly think that I am entitled to show
24 that the expert that they flew in agrees that
25 if it shows up on one bill that it was sent

1 and it shows up on the other bill that it was
2 received that it made it from one handset --
3 and that was his words, "handset." So it made
4 it physically from one telephone to the other
5 telephone. Whether it made it to the screen
6 or not, no, Your Honor, I -- that's completely
7 impossible.

8 THE COURT: Well, how is that not
9 going to be misleading to the jury, that
10 you're going to go through every phone call or
11 every text and imply that this witness has
12 deleted or is untruthful about what happened -
13 --

14 MR. SEATON: Because that is
15 absolutely the most rational reason why it's
16 not on there. What -- you know, nobody -- no
17 expert has told us that there is some other
18 reason why it wouldn't be on there. What's
19 the most logical reason? He told us that it
20 was easy to erase singular ---

21 THE COURT: All right. Mr. Seaton,
22 just so that I am clear, how many phone calls
23 are you going through? How many are there?

24 MR. SEATON: Well, again, Your
25 Honor, ---

1 THE COURT: I mean, ballpark. Ms.
2 Williams?

3 SOLICITOR WILLIAMS: Your Honor,
4 there are so many hundreds and she's already
5 testified that they didn't take a picture of
6 every text on her phone.

7 THE COURT: Ms. Williams, that
8 wasn't my question.

9 SOLICITOR WILLIAMS: Sorry. In the
10 records, there's hundreds.

11 THE COURT: Okay.

12 MR. SEATON: I am not going to ask
13 about any numbers except her number and Mr.
14 Andes' number.

15 THE COURT: And how are you going
16 to phrase the question? Because I want this
17 all understood before I bring the jury back
18 in, so that we can move on with this matter.

19 MR. SEATON: If we can get through
20 the heavy slogging of simply getting her to
21 count the texts in the photographs, and not
22 include the duplicative ones, then my next
23 question to her is going to be to look at the
24 time -- the last one in the photographs is
25 1:37 in the afternoon on November the 6th.

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1 THE COURT: Okay.

2 MR. SEATON: So I would start with
3 the next one after 1:36 and ask her does she
4 see, on her bill, either that she
5 called/texted him or he texted her, does she
6 agree that that is her phone number and his
7 phone number, and does she agree that it was
8 received or that -- that she either sent it or
9 received it.

10 THE COURT: All right. And you
11 want her to count either the ones that she
12 sent or that she received, either from her
13 number or to his number.

14 MR. SEATON: Yes, ma'am.

15 THE COURT: And then -- well, that
16 ---

17 MR. SEATON: It really is not
18 different than the process of what we've been
19 doing, however we've gotten bogged down.
20 That's the same thing we started doing
21 yesterday and did through ---

22 THE COURT: Would you agree with
23 me, Mr. Seaton, that we have it fairly
24 narrowed down as to what the question would
25 be? It is at least a little more clear to me

1 as to what you're asking.

2 MR. SEATON: Yes, ma'am.

3 THE COURT: Okay.

4 MR. SEATON: And I'm fine if either
5 the Solicitor or the Court or myself want to
6 try to help her with some explanation before
7 we bring the jury in about what we're trying
8 to get at, or ---

9 THE COURT: I think ---

10 MR. SEATON: --- we could ---

11 THE COURT: --- if you can raise
12 it, Mr. Seaton, as clearly to Ms. Blanche as
13 you have just articulated to the Court, that
14 will be sufficient.

15 MR. SEATON: Thank you, Your Honor.

16 SOLICITOR WILLIAMS: Just so that I
17 understand, she's already testified that there
18 are more texts o the records than there are on
19 the phone.

20 THE COURT: Correct.

21 SOLICITOR WILLIAMS: So that's the
22 relevance of this. So what is the question?
23 I don't want to object, I don't want to upset
24 Mr. Seaton ---

25 THE COURT: He is going to have two

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1 questions that I understand will be the first
2 two questions that he asked Ms. Blanche -- and
3 please correct if ---

4 MR. SEATON: Yes, ma'am.

5 THE COURT: That she is going to
6 count the photographs of the text. That are,
7 even -- according to my understanding, you
8 agree that some are duplicative?

9 SOLICITOR WILLIAMS: I'm so
10 confused. I think she has already counted
11 those.

12 THE COURT: All right.

13 SOLICITOR WILLIAMS: But that's
14 fine.

15 THE COURT: She is going to count
16 the -- because what I -- what I understood has
17 happened is that Mr. Seaton has jumped from
18 photographs to call logs, back to photographs.
19 What I done in the next two questions is that
20 he would like -- he's going to ask her, can
21 you count the texts in the photographs and
22 indicate how many texts, from November 6th, --
23 removing the duplicative one, how many texts
24 are there?

25 MR. SEATON: Yes, ma'am.

1 THE COURT: Is that correct?

2 MR. SEATON: Yes, ma'am.

3 THE COURT: Then the next line of
4 questioning will be, you're going to hand her
5 the call log; ask her to identify her phone
6 number and Mr. Andes' phone number; and she is
7 then to count starting at 1:37 p.m., which
8 text, how many texts she sent to him, how many
9 texts were sent from his number to her --
10 only. Is that correct?

11 MR. SEATON: Yes, ma'am.

12 THE COURT: Yes, ma'am?

13 SOLICITOR WILLIAMS: But isn't the
14 last text message on the photos, she
15 testified, at 1:37? So I'm not sure why ---

16 THE COURT: 1:38, Ms. Williams.

17 SOLICITOR WILLIAMS: That is not
18 even relevant, because it's giving the jury
19 the impression that there are photographs of -
20 --

21 MR. SEATON: There is.

22 THE COURT: Mr. Seaton, ---

23 SOLICITOR WILLIAMS: --- texts
24 after 1:38 and there's less after 1:38 than
25 there are on the records; -- and there are no

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1 more after 1:38.

2 THE COURT: Then she will testify
3 to that. That's what Mr. Seaton wants her to
4 testify to. The number of texts, incoming and
5 outgoing, between Ms. Blanche and Mr. Andes
6 following 1:37 until the end of the records
7 that you have admitted.

8 SOLICITOR WILLIAMS: Because
9 there's no pictures of them?

10 THE COURT: Correct.

11 SOLICITOR WILLIAMS: Your Honor, I
12 understand the Court's ruling and appreciate
13 the Court's patience, I just -- for the
14 record, our objection is more a 611 objection
15 that it's confusing to the jury, that it is a
16 needless consumption of time and that it's an
17 undue embarrassment and harassment of the
18 witness, because it has gotten to the point
19 where she really doesn't know. She's trying
20 to please him. She doesn't even understand
21 what he is asking her. The point has been
22 made that there are more texts or phone calls,
23 whatever, on the records than there are on the
24 photographs. So just having made the record
25 that that is what our objection is -- and 403,

1 which is confusion, waste of time and
2 prejudice, I don't even think any of us
3 understand what it is that she is supposed to
4 do anymore. This has made it a little bit
5 more clear, but that's the basis of our
6 objection, is that it is getting very
7 confusing and prejudicial.

8 THE COURT: I am allowing these two
9 questions and the answers that follow because
10 I am confused. I believe that we have now
11 identified exactly what it is that Mr. Seaton
12 is attempting to do using this same
13 terminology, so that everyone is clear, and
14 that you are clear on your objection. The two
15 -- those two questions, I am going to allow.
16 So if you feel the need that you need to
17 object, I am going to overrule the objection
18 because I am allowing those two questions in
19 order to clean up what I have perceived over
20 the last two days has been a full objection.
21 All right.

22 SOLICITOR WILLIAMS: Thank you,
23 Your Honor.

24 THE COURT: Mr. Seaton now has --
25 even in his questions has even indicated that

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1 he was confused, because there's numerous
2 logs, there are two different time zones that
3 are used. I don't understand it. I can't
4 imagine her sitting on the stand, that she's
5 clear, and I don't know -- even sitting asking
6 the questions -- if anyone at the tables
7 understand what is going on. This is my
8 opportunity to attempt to clean up and clarify
9 for the jury and to move on from this line of
10 questioning.

11 After this, Mr. Seaton, I can't
12 imagine that there is going to be any more
13 questions that will need to be used,
14 specifically as to the call logs. But I could
15 be incorrect.

16 All right, we are going to take our
17 five-minute comfort break. I am wanting to
18 do, I am wanting to get her testimony
19 completed before our lunch break -- if at all
20 possible.

21 MR. SEATON: No, ma'am.

22 THE COURT: How much longer do you
23 anticipate, if we went to 1:30.

24 MR. SEATON: At the rate that she is
25 answering questions, I would say midafternoon.

1 THE COURT: Let's plan -- let's get
2 as much done before lunch, so if you need to
3 eat a Power Bar or something during our break,
4 let's make sure -- let's get some cookies to
5 the jurors.

6 MR. SEATON: I promise to be as
7 brief as possible.

8 THE COURT: Mr. Seaton, if you need
9 the entire week to complete this line of
10 questions, following the rules of evidence, I
11 am not way having this conversation with you
12 to limit your examination -- cross-examination
13 of the witness.

14 MR. SEATON: Yes, ma'am.

15 THE COURT: But I think that we're
16 to a point that we can move on from this line
17 of questioning. Five minutes.

18 (BRIEF RECESS)

19 (DEFENDANT PRESENT)

20 THE COURT: How many more
21 witnesses does the State have?

22 SOLICITOR WILLIAMS: We have five.

23 SOLICITOR BEN SHELTON: Five, at
24 least. At least five.

25 MR. SEATON: My only witness would

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1 be if we elect to present the Defendant.

2 THE COURT: If you will -- we're
3 not going to get to another trial this week,
4 based on how this is progressing, so you'll
5 need to let your office plan accordingly as
6 far as pleas and stuff tomorrow, as well. All
7 right?

8 SOLICITOR WILLIAMS: Just two things
9 I'd like to bring to the Court's attention.
10 And with all due respect, because I have an
11 enormous amount of respect for Mr. Seaton, I
12 think that -- I've heard from a couple people
13 in the audience that the jury can hear him at
14 the sidebar. I know that he is not going it
15 on purpose and I'm in no way implying that,
16 but if we could -- probably I am doing it,
17 too. If we could all just be a little more
18 aware of that because I do think it's ---

19 THE COURT: All right. Thank you,
20 Ms. Williams, I'll handle what happens at
21 sidebar. Thank you for bringing that to the
22 Court's attention.

23 SOLICITOR WILLIAMS: Just one more
24 thing, Your Honor.

25 THE COURT: Our second witness --

1 or the witness after this one is named Jessica
2 Thompkins. She was approached by a friend of
3 Mr. Andes trying to talk about the case,
4 saying some things that were in appropriate,
5 especially in light of your testimony. I
6 would just ask that we -- I know that Mr.
7 Andes and Mr. Seaton probably don't have any
8 control over that. If we could just -- we
9 don't want any of our witnesses being
10 intimidated that the Defendant knows. I don't
11 know of they have any control over that. We
12 are just bringing that to the court's
13 attention, because ---

14 MR. SEATON: I think that they need
15 to take up with the Sheriff's Office or the
16 Attorney General's Office, Your Honor. If
17 someone is accusing somebody of something,
18 then they need to do something about it but
19 they need to leave me out of it, Your Honor.

20 THE COURT: I believe that's what
21 Ms. Williams indicated but I ---

22 MR. SEATON: Well, then, we ---

23 THE COURT: Mr. Seaton. Mr.
24 Seaton, out of an abundance, I caution all
25 witnesses and parties involved that they are

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1 not -- that they're to control their own
2 behavior and not order or indicate, and
3 there's no indication, and I don't believe
4 that's what Ms. Williams was indicating, that
5 that individual was acting on the request of
6 you or your client. Until I hear differently,
7 I am not assuming such. All right. So we
8 will proceed. Thank you. Let's bring in the
9 jury. Where is Ms. Blanche?

10 SOLICITOR WILLIAMS: She's coming,
11 Your Honor.

12 (JURY IN @ 9:42 A.M.)

13 THE COURT: Thank you, be seated.
14 We went ahead and took out midmorning break,
15 as well. So it took a little longer than
16 anticipated, but I appreciate your patience
17 and consideration. We will continue with the
18 cross-examination of Ms. Blanche. Ms.
19 Blanche, I remind you that you are under oath.
20 You may continue, Mr. Seaton.

21 MR. SEATON: Thank you, Your Honor.

22 (WITNESS RESUMES STAND)

23 LEANN BLANCHE, having been previously
24 sworn, continued to testify, as follows:

25 CROSS EXAMINATION RESUMED

1 BY MR. SEATON:

2 Q. Ms. Blanche, we were discussing November
3 6th of 2010. You have had two sets of
4 pictures there from November 6 of texts that
5 were sent to you.

6 A. Right.

7 Q. Some of those photographs show that they
8 were taken after the 6th, so they don't have
9 the time.

10 A. Correct.

11 Q. And some of them were taken on the 6th, so
12 they do have the time. Would you agree with
13 me on that?

14 A. Yes, sir.

15 Q. And what I had asked earlier was for you
16 to count the photographs and tell us if
17 there's any that are duplicates, so to speak.

18 A. Correct.

19 Q. Would you agree with me that in looking at
20 all of those photographs that all of ht
21 November 6th turn out that they are
22 duplicates?

23 A. Yes.

24 Q. So we don't have any more photographs or
25 any more texts that are being entered into

1 evidence from November 6th, after 1:37 in the
2 afternoon; is that correct?

3 A. Correct.

4 Q. Do you still have your phone records up
5 there?

6 A. Yes.

7 Q. Let me ask you, what is your cell phone
8 number?

9 A. It was 843- 4.

10 Q. And do you know what phone number
11 is?

12 A. Yes, I do.

13 Q. What phone number is that?

14 A. Mr. Andes'.

15 Q. Let me get you to look at your phone
16 records. Starting after 1:37, which because
17 of the fact that this is Central time would be
18 12:37 -- if you would look after 12:37 and
19 count the number of texts that you either sent
20 to Mr. Andes or that Mr. Andes sent to you
21 throughout the remainder of November 6th.

22 A. (Upon review), there are twenty-three.

23 Q. Twenty-three texts that the records shows
24 either sent or received that you do not have
25 any photographs of those texts.

1 A. No, I do not.

2 Q. Do you recall those twenty-three text
3 messages that you sent or received?

4 A. I don't know what times text messages came
5 in or what time anything came in. I couldn't
6 tell you what ---

7 Q. You told us that you did not erase any?

8 A. I did not erase any messages. I went and
9 I locked the messages that I had had.

10 Q. So if we look at your record on page
11 twelve, that's where your text messages end,
12 is that correct, for the day of November ---

13 SOLICITOR WILLIAMS: Object.

14 Cumulative.

15 THE COURT: I'm going to give him a
16 little bit of leeway to ask that question.
17 Thank you.

18 CROSS EXAMINATION CONTINUED

19 BY MR. SEATON:

20 Q. Page twelve is where your text end for the
21 day of November 6th; is that correct, is that
22 what your records show?

23 A. Yes.

24 Q. This was the Saturday that you said you
25 were raped at 4:00 o'clock in the morning?

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1 A. Yes.

2 Q. And you get up Saturday morning, you go to
3 Music in Motion. You spent most of the day
4 there.

5 SOLICITOR WILLIAMS: Objection,
6 asked and answered.

7 THE COURT: I am going to allow it.
8 Let him finish his question.

9 CROSS EXAMINATION CONTINUED

10 BY MR. SEATON:

11 Q. You spend most of your day there. Where
12 did you -- what time did you get -- excuse me,
13 let me rephrase that. Where did you go after
14 Music in Motion?

15 A. We left Music in Motion sometime between
16 4:30 and 5:00 p.m. My daughter rode with her
17 dad. I took my niece and nephew and my
18 niece's friends and we went to his -- my
19 exhusband's brother's house after the party to
20 drop all of the children off and get them
21 there. So that's where I went directly after
22 the party.

23 I was there for a short period of time, I
24 don't know the exact length of time. I left
25 there and I had already promised my grand-

1 parents that I would be at their house from
2 the day before, and so then I went to their
3 house after that.

4 Q. Approximately what time did you go to your
5 grandparents' house?

6 A. I don't know the exact time. I know that
7 we left the party. I'd say maybe sometime
8 around 6:00'ish. I'm not sure. I don't know.

9 Q. And where did you go after your
10 grandparent's house?

11 A. I went to the residence at
12 Drive.

13 Q. Do you recall approximately what time you
14 went home?

15 A. I don't know for certain. I am not sure.
16 It was sometime maybe after 9:00, close to
17 10:00.

18 Q. Do you recall your testimony where you
19 told us that you made repeated phone calls to
20 Mr. Andes that night?

21 A. Yes, I do.

22 Q. Do you want to look on page twelve and
23 thirteen, and tell us how many phone calls
24 your records show that you made to Mr. Andes.

25 A. (Upon review), it was around twenty-nine

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1 but I will count them.

2 Q. If I told you twenty-nine, would you
3 disagree with that?

4 A. Sorry -- there was twenty-eight.

5 Q. So you called him twenty-eight times in a
6 row?

7 A. Yes, I did.

8 Q. And who did you call next?

9 A. I called the police.

10 Q. And what time does your records show your
11 last phone call to Mr. Andes as being?

12 A. 2241.

13 Q. And because that is kept in Eastern
14 Standard Time rather than Central, your last
15 phone call to Mr. Andes would have been at
16 10:41 on Saturday night?

17 A. Yes.

18 Q. All right. And then you called 911 at
19 10:48, is that correct?

20 A. Yes. I called the first time and my cell
21 phone battery was dead and that call got
22 disconnected. So I plugged my phone in to
23 charge and called back.

24 Q. But your first call was at 10:48?

25 A. No, it wasn't. It was at 10:42. I was

1 already on the phone and the phone cut out and

2 ---

3 Q. You're right. I apologize. I was looking
4 at the ending time, not the beginning time.

5 The start time was at -- you're right. I
6 apologize. You called Mr. Andes at 10:41,
7 right?

8 A. Yes.

9 Q. Then at 10:42 after the twenty-eighth time
10 of calling Mr. Andes, then you called 911?

11 A. Yes, I did.

12 Q. So 911 sends -- I think we have already
13 heard that Ms. Gainey was the first one to get
14 there?

15 A. Yes.

16 Q. And you showed Ms. Gainey -- or Officer
17 Gainey at that time -- Officer Gainey your
18 cell phone?

19 A. I don't remember. I don't believe that
20 she had asked for my phone at the time.

21 Q. At some point you showed your phone, the
22 same day obviously, to Detective Powell.

23 A. Correct.

24 Q. Were the twenty-five texts that we agree
25 were sent later that day, were they on that

1 phone or not?

2 A. They're not in the pictures; no, they're
3 not there.

4 Q. Do you recall giving a statement to the
5 police officers on that date?

6 A. Yes, I do.

7 Q. In fact, you gave a written statement;
8 didn't you?

9 A. Yes, I did.

10 Q. Was it a two-page statement?

11 A. I guess so. Two or three pages. I don't
12 know.

13 Q. I don't have a clean copy but let me show
14 you this. It's got a little bit of my writing
15 on it. I apologize. Does that look like your
16 statement?

17 A. Yes, it does.

18 Q. Let me ask you a couple of questions about
19 it. First of all, were you truthful in your
20 statement?

21 A. Yes, I was.

22 Q. It says, (reading): "Last night I arrived
23 home around ---

24 SOLICITOR WILLIAMS: Objection.

25 Hearsay. He's reading ---

1 THE COURT: Overruled as to
2 hearsay.

3 MR. SEATON: It's her statement.

4 THE COURT: Mr. Seaton, I've ruled.
5 Thank you.

6 MR. SEATON: Thank you, Your Honor.

7 CROSS EXAMINATION CONTINUED

8 BY MR. SEATON:

9 Q. (Reading): "Last night I arrived home
10 about 7:00 p.m. Michael Andes was at the
11 residence already."

12 A. Yes.

13 Q. Let me get you to look at your logs for --
14 that would have been the 5th, wouldn't it?

15 A. Yes, it would.

16 Q. Look at your log and tell me whether or
17 not you've got numerous texts on the 5th at
18 7:00 o'clock, which would be -- that's
19 military time, so 7:00 at night would be 1900
20 hours.

21 A. Nineteen.

22 Q. And because that's Central time, it would
23 actually say ----

24 A. Eighteen.

25 Q. --- 1800 hours.

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1 A. Yeah.

2 Q. Look on the 5th at 1800 Hours, ---

3 A. Okay.

4 Q. Let me back up and look with you here.

5 Do you see any phone calls between you and Mr.

6 Andes?

7 A. After 7:00 p.m.? Yes, I do.

8 Q. Were you calling him when he was in the

9 other room?

10 A. I didn't call him. The first call came

11 from him because he had already left the

12 residence. I said that I arrived home

13 sometime around 7:00. I don't know the exact

14 time.

15 Q. In your statement, did you say that he

16 left sometime after 8:00?

17 A. I thought it was 8:00. I could have been

18 incorrect. I'm sorry. I said around 8:00 if

19 I'm not mistaken. I don't know the documented

20 times.

21 Q. Got in his vehicle and left around 8:00.

22 A. Okay.

23 Q. What time are all these phone calls,

24 according to your records, --

25 A. The first one would have been 7:23.

1 Q. How about the other ones?

2 A. They are after 7:00 p.m.

3 Q. What time were they?

4 A. 7:24, 7:25.

5 Q. And so would you agree that you either
6 called him -- you didn't call him at the
7 house, did you?

8 A. (No verbal response).

9 Q. Do you recall -- you wrote this statement
10 the same night, didn't you?

11 A. No, I didn't. It was the next day. These
12 phone calls were made November -- this took --
13 November 5th is when I arrived home, the day
14 was November 6th, that evening.

15 Q. Well, when I say the same night, the same
16 night that the police came out is when you
17 wrote the statement; correct?

18 A. Is when I wrote the statement, yes.

19 Q. All right. So it says that you came home
20 at 7:00, that he's already there. He leaves
21 around 8:00, but you're calling him at 7:00.

22 A. He called me, actually. If you look at
23 7:23, I believe that it looks like -- it says
24 a routed call, and I don't really know what
25 the means, but it is showing that the calling

1 number was 296-9886 and the dialed digits was
2 437-3804. There are three of those in a row
3 on page three towards the bottom.

4 Q. I would back up a little bit, before 7:00
5 are you contending -- were there times where
6 you are in contact with him, before 7:00?

7 A. Yes, there were. It was 1656, so that
8 would have been -- I don't know exactly what
9 time. 5:56? I guess. Eastern time.

10 Q. 1659?

11 A. 1656 was the first one, the next one was
12 at 1659.

13 Q. Was he at home during that time, were you
14 texting him while he was at the house?

15 A. He was at the residence, yes. It was a
16 Friday, he didn't work.

17 Q. So you texted him ---

18 A. I didn't text him. That was a phone call.

19 Q. So you called him at the house?

20 A. I texted (sic) him -- I don't know if he
21 was at the residence or not. I can't say
22 that. I wasn't there with him.

23 Q. Well, you would know whether or not, if
24 you called him and he answered in the other
25 room, wouldn't you?

1 A. I wasn't at the home. When you're asking
2 me these questions about 1656 and 1659, I
3 wasn't at the residence yet.

4 Q. Okay. You also tell us that about 9:00
5 p.m. that he called you, stating that he was
6 at La Hacienda.

7 A. Around -- I'm sorry if I was mistaken on
8 my times.

9 Q. I understand. I am not trying to trick
10 you about that. I want you to look at your
11 records and tell us who called who. Did you
12 call him or did he call you, like you said?

13 A. The first call came from him, starting at
14 1823. There was another one from him at 1824,
15 another one from him at 1827.

16 Then I returned two of his calls -- I
17 tried to reach him again twice.

18 Then there was -- we did speak for a
19 period of time at 1920 and then again at 1949.

20 Q. Who called who, Ms. Blanche?

21 A. At 1920 I had called him, and at 1949 I
22 had called him.

23 Q. So when you say that he called you at
24 9:00, really you called him?

25 A. I was mistaken. I know that he had called

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1 me previously. I don't know the exact times,
2 I don't keep track of the exact times of
3 everything that took place that Friday
4 evening. I wasn't prepared for that the next
5 day I would have to recall every single moment
6 of my life the day before.

7 Q. I am not asking you to, ma'am, I am just
8 asking you questions about what ---

9 A. I understand that. I apologize. But the
10 times are not accurate with what these show.
11 I gave the best answers. I told them around
12 the times I assumed. I told them that he left
13 around 8:00, because there was an argument
14 during that period of time and it lasted for
15 quite a lengthy period of time.

16 Q. Along with not being correct -- actually
17 you were correct about the times, it's just
18 that you were incorrect about who called whom.
19 Is that fair to say? Based on refreshing your
20 recollection with your phone records, it is
21 not that you were wrong about the time, it's
22 that you were wrong about who called who.

23 A. No, I was not, sir. Because if you look
24 at the phone records, it does show that he
25 made the first call on that day. If you look,

1 there are three phone calls in a row where he
2 made contact with me first. I've already
3 pointed that out. I was mistaken on the time,
4 because he made the call to me at 1823 and
5 1824 and 1825.. Those are towards the bottom
6 of page three. He did make the first three
7 page calls to me and then I did return -- and
8 it -- (pause).

9 Q. Okay. And in your statement, you tell
10 us that after the four messages that I went
11 and asked him to stop. He came into my room
12 sometime after 4:00 and said, (reading):
13 "You want to see me force sex?"

14 A. Yes.

15 Q. (Reading): "He took off my pajama pants
16 and touched my vagina with his fingers. I
17 asked him to stop, was screaming "no" and
18 "stop." He went to get up from the bed, said
19 "fuck that" and climbed back on me.

20 A. Yeah.

21 Q. Held my wrists down, rubbed his penis on
22 my vagina roughly. I continued to scream "no"
23 and he put his hand over my mouth.

24 A. Yes.

25 Q. Grabbed my legs and kept rubbing his penis

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1 on me to make it hard. Once he had sex with
2 me -- once he finished, he sat up, urinated on
3 the floor by my bed, went to his bedroom and
4 went to sleep.

5 A. Yes.

6 Q. You gave the same statement to Officer
7 Powell?

8 A. Yes, (emotional).

9 Q. Gave the same statement to Ms. Gainey?

10 A. Yes, (emotional).

11 Q. Did you tell anything different to the
12 hospital, when you went and met the nurse?

13 A. The nurse didn't ask me very many details,
14 she just asked kind of what happened and what
15 the extent of what he did.

16 Q. Did she take what they call a case
17 history? Did you tell her what happened?

18 A. I told her some of the events. I don't
19 remember in full detail everything that she
20 had asked.

21 Q. Did you tell her that the assailant is
22 telling the victim, "If you don't stop and
23 shut up, I'm going to punch you."

24 A. Did I tell her what?

25 Q. Did you tell her he said that "if you

1 don't shut up, I'm going to punch you."

2 A. I don't recall that, no. I don't recall
3 saying that to her. No, I don't.

4 Q. Do you recall saying that, (reading):
5 "The assailant continued raping me. When he
6 finishes, he gets up, urinates on my bed and
7 on the floor and states, "That's what it's
8 like to be forced." Then he leaves."

9 A. He did make that comment, yes. I don't
10 remember exactly what I told her.

11 Q. Have you told us that before this second?
12 Is this the first time that you've said that
13 to the jury?

14 A. The comment about him stating that ---

15 Q. After he raped you -- let me ask the
16 question now. After he raped you, you said to
17 this nurse that he then stated "that's what
18 it's like to be forced." Have you said that
19 to the jury before?

20 A. No, I told her that he made that statement
21 before he raped me, that he was going to show
22 me what it's like to be forced.

23 Q. (Reading): "Victim is fully clothed with
24 pajama pants, shirt, underwear. Assailant
25 states, "Do you want me to see what it is like

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1 to be forced? I can show you." Victim tries
2 to get away. Assailant grabs."

3 A. Yes.

4 Q. So you explained to her that he said that
5 beforehand?

6 A. Yes, I did.

7 Q. But then he says that she that -- quoting
8 you, that ---

9 SOLICITOR WILLIAMS: Objection.
10 Hearsay.

11 MR. SEATON: Did you say ---

12 THE COURT: Mr. Seaton, there's an
13 objection. Counsel, approach.

14 (OFF RECORD BENCH CONFERENCE)

15 THE COURT: You may continue, Mr.
16 Seaton. You may need to rephrase or repeat
17 your question so that Ms. Blanche can answer
18 it.

19 MR. SEATON: Certainly.

20 CROSS EXAMINATION CONTINUED

21 BY MR. SEATON:

22 Q. Did you tell the nurse that after the rape
23 that he, he being Mr. Andes, then said "That's
24 what it's like to be forced."

25 A. I don't recall saying that to her, no.

1 Q. You told us that you have a couple of
2 medical conditions. One is the cirrhosis.

3 That is a condition of the skin?

4 A. It affects your skin but it is not
5 technically a dermatology issue.

6 Q. It's actually a nerve ending issue?

7 A. I don't know.

8 Q. And it causes redness?

9 A. It can and like dry white patches on your
10 skin, yes.

11 Q. And is it fair to say that you were
12 suffering from that on the night of the 6th?

13 A. Yes, it is.

14 Q. Would any of the photographs -- I think
15 that there are some photographs that haven't
16 been introduced yet. Is it fair to say that
17 in some of the photographs that you can see
18 some of the -- and you have looked at the
19 photographs of you that were taken in that
20 time frame?

21 A. Yes, I have.

22 Q. Do any of them reflect the fact that you
23 have cirrhosis

24 A. All I've seen is that there is one picture
25 of the hand where -- I mean, I can show you

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1 now. It's slight red and white and flaky.

2 Q. As you described having had surgery, how
3 long before November 6th was your last
4 surgical procedure?

5 A. They did the procedure some time towards
6 the end of June. June 22nd or the June 24th,
7 somewhere along in there.

8 Q. And were you still suffering from any of
9 the maladies or having any problems with the
10 surgical procedure?

11 A. No, I was not.

12 Q. They did some work on your bladder?

13 A. They put in a bladder sling to hold the
14 bladder up. That was it.

15 Q. And you didn't -- after that, you didn't
16 complain about the ---

17 A. After ---

18 Q. After the procedure where ---

19 A. No, sir.

20 Q. You kept going back to the doctor saying,
21 'I am continuing to have problems.'

22 A. I didn't have problems. No, I did not.

23 Q. When you were in bed after this allegedly
24 happened, I think about 4:00 in the morning,
25 when Mr. Andes went to sleep, you said that he

1 went back to his room?

2 A. I believe so, yes.

3 Q. And I think you said that he urinated on
4 the bed and that he urinated on the floor?

5 A. Yes, he did.

6 Q. Did you sleep in that bed?

7 A. I put something over the stuff and I sat
8 up -- I did not go back to sleep. I just sat
9 there long enough until I had to leave.

10 Q. You told us before that you've slept, that
11 for a while you used to sleep on the couch.
12 Did you get up and go sleep on the couch that
13 night?

14 A. No, I did not.

15 Q. You didn't go stay at a friend's house?

16 A. No, I did not.

17 Q. You went throughout the day, spent your
18 day, as you've already told us, at the
19 birthday party.

20 A. Correct.

21 Q. Then you went to some relatives house,
22 then your grandparents' house?

23 A. Correct.

24 Q. Do your grandparents live around here?

25 A. Yes, they do.

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1 Q. Where do they live?

2 A. They live in Crowfield Plantation.

3 Q. And your mother lives in that area?

4 A. She lives in Pimplico.

5 Q. And your friend, Jessica, lives here as
6 well?

7 A. She lives -- yes.

8 Q. In fact, she is your roommate now?

9 Or you are her roommate, I should say.

10 A. I'm sorry?

11 Q. Are you living with Jessica now?

12 A. Not now, no. I just moved out.

13 Q. Until recently you were living with her?

14 A. Yeah.

15 Q. And the house that Jessica and you shared,
16 is that the same house that she was living in
17 at the time of November 6th?

18 A. Yes, it was.

19 Q. After you called Mr. Andes twenty-eight
20 times and then you called 911, ---

21 A. Yes.

22 Q. --- you told the police that you wanted
23 to make sure that the vehicle in Mr. Andes'
24 name was safe, and drove it to the Police
25 Department?

1 A. Yes.

2 Q. And you also went to the Family Court
3 and asked them for what is called an Order
4 of Protection, didn't you?

5 A. Yes, I did.

6 Q. In that Order you asked for -- it's called
7 a Petition for an Order. Did you ask for the
8 use of a 2005 Durango?

9 A. Yes, I did.

10 Q. And did you also ask for an Order that
11 forbids Mr. Andes from transferring, selling,
12 destroying or encumbering or otherwise
13 disposing of any real or personal property?

14 A. Yes, I did.

15 Q. And you can already took the vehicle that
16 was in his name, correct?

17 A. I did have it but he had already called
18 the bank and told them that I was financially
19 responsible for the vehicle.

20 Q. Your phone records and the photographs
21 continue on to the 14th, don't they?

22 A. I don't know the date.

23 Q. Excuse me. I asked you two different
24 questions. Let me try that again. Looking at
25 your phone records, do you agree that they

1 continue on until the 14th?

2 A. (Upon review), no, they do not. They go
3 to November 10th.

4 Q. I apologize. To the tenth. And let me
5 ask you to look at all of your pictures of
6 your texts on your phone. What is the last
7 date on there?

8 A. (Upon review), November 8th.

9 Q. So the phone records certainly cover
10 through the end of those photographs?

11 A. Yes.

12 Q. And without spending another hour or two
13 going over it, would you agree with me that
14 the number of pictures through the 8th is
15 going to be different than the number of texts
16 that were sent and received on the 7th and
17 8th?

18 A. I don't know. I haven't looked at them.

19 Q. Would you like to take a minute and look
20 at them?

21 A. (Upon review), do you want me to count the
22 number from there and compare it to here
23 again?

24 Q. If you would like to do it that way,
25 that'd be fine. I am just asking a general

1 question.

2 A. Well, I can't answer a general -- I can't
3 say yes that this don't match up to this,
4 because I don't know.

5 Q. Yes, ma'am. I understand. Then please
6 take your time and just tell us whether they
7 match or not.

8 A. (Upon review), these pictures don't have
9 all the cell phone. (Upon review), there are
10 forty-two that I counted here. I may have
11 missed some. I know that it was about forty-
12 two or forty-three.

13 Q. Let's look at that, now.

14 A. This one also has seven.

15 Q. Would you agree that several of these
16 pictures have the same duplication?

17 A. Of the bottom section?

18 Q. You've looked at -- (pause). Do you see
19 some duplication in those?

20 A. (Affirmative nod), one.

21 Q. Do you see some duplication in those?

22 A. (Affirmative nod), one. I didn't count
23 this. You told me to count through the seven
24 and that's all that I counted.

25 Q. Let's look at just the seven, then.

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1 SOLICITOR WILLIAMS: Your Honor,
2 just for clarification, I am not sure what the
3 question is or what we're all looking at. If
4 we could ---

5 THE COURT: He is just looking at
6 the emails or the text that are duplicative
7 from November 7th.

8 SOLICITOR WILLIAMS: He is grabbing
9 some things from court's (sic) exhibits and
10 some that are now. So I just -- I would ask
11 that we know the numbers so that we can keep
12 up with it.

13 THE COURT: The exhibit numbers.

14 MR. SEATON: I will as soon as we
15 sort it out.

16 THE COURT: All right. Thank you.
17 They are going through the stack. Thank you.

18 CROSS EXAMINATION CONTINUED

19 BY MR. SEATON:

20 Q. Do you see a duplication in that one, or
21 two?

22 THE COURT: The exhibit numbers,
23 Mr. Seaton, of those two?

24 MR. SEATON: Number 8 and 9.

25 CROSS EXAMINATION CONTINUED

1 BY MR. SEATON:

2 Q. See that?

3 A. I can't say for certain. You can see that
4 he called me and then he proceeded to text
5 over and over and over repeatedly, so I can't
6 verify if there are actually duplicates
7 showing up or what he just kept sending over
8 and over and over.

9 Q. I understand.

10 MR. SEATON: Let me show this to the
11 Solicitor -- (sidebar with Ms. Williams).

12 SOLICITOR WILLIAMS: (Review).

13 CROSS EXAMINATION CONTINUED

14 BY MR. SEATON:

15 Q. Tell me how many that you got in those.

16 A. (Upon review), there are thirty-five.

17 Q. I came up with thirty-two. Would you mind
18 counting one more time? I could be wrong, so
19 please bear with me.

20 THE COURT: Mr. Seaton, what are
21 the exhibit numbers?

22 MR. SEATON: Exhibits 6, 7, 8, 9 and
23 10, Your Honor.

24 THE COURT: All right.

25 THE WITNESS: I still come up

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1 with thirty-five.

2 CROSS EXAMINATION CONTINUED

3 BY MR. SEATON:

4 Q. I come up with thirty-four. I hate to
5 keep asking you, I hate to keep bugging you,
6 but would you please count them one more time?

7 A. (Upon review), there are thirty-four.

8 Q. Thank you. If you would, would you please
9 count the number of texts?

10 SOLICITOR WILLIAMS: Asked and
11 answered, Your Honor. She just ---

12 THE COURT: Right. The number of
13 --- you're asking her to do what, Mr. Seaton?

14 MR. SEATON: I apologize. You're
15 absolutely right.

16 THE WITNESS: You might ---

17 CROSS EXAMINATION CONTINUED

18 BY MR. SEATON:

19 Q. Would you look on your bill and count the
20 number on your bill?

21 A. I have, and I can but there are several
22 numbers in here so it may take just a minute.

23 Q. Certainly.

24 THE COURT: Mr. Seaton, just so
25 that I am clear, you're asking her to look at

1 the number of texts on the bill -- for what
2 time period?

3 MR. SEATON: For the 7th, Your
4 Honor. November 7th.

5 SOLICITOR WILLIAMS: Asked and
6 answered, Your Honor. She just did that.

7 MR. SEATON: No, she -- we talked
8 about ---

9 THE COURT: Counsel -- continue
10 counting, Ms. Blanche, thank you.

11 (OFF RECORD BENCH CONFERENCE)

12 THE COURT: Sustained. Thank you.

13 CROSS EXAMINATION CONTINUED

14 BY MR. SEATON:

15 Q. Ms. Blanche, I apologize. To my
16 understanding, you've already told us how many
17 you counted on the bill. It was forty-two, I
18 believe?

19 A. I think so.

20 Q. And the photographs show thirty-three,
21 thirty-five or thirty-four?

22 A. It was thirty-four.

23 Q. All right. So would you agree that all of
24 the dates that you have pictures of from your
25 phone, which would be the sixth, the seventh,

1 and we haven't quite gotten to the eighth ---

2 A. Yes.

3 Q. Would you agree that the number of text
4 messages that you have on your phone is
5 different on all of the dates than on your
6 phone bill?

7 A. Yes, and I can explain for the seventh why
8 that would be.

9 Q. Okay.

10 A. Mr. Andes had started texting and was just
11 'Hello. Hello. Where are you? Where are
12 you?' The messages from the sixth were
13 locked. You can go in and delete the entire
14 group of text messages that are received from
15 him that are not locked and it will delete
16 those and erase those. When he started to
17 text me, I ---

18 Q. So are you saying -- let me stop you for a
19 second so that I am sure that I understand.

20 A. Okay.

21 Q. Are you now telling us that you have
22 deleted them?

23 A. I deleted the ones where he said 'hello,
24 hello' from the seventh; not from the sixth,
25 from the seventh.

1 Q. Okay. So you have deleted your phone log
2 after all? After two days of telling us that
3 you haven't, now you're telling us ---

4 A. Not ---

5 Q. --- that you have deleted it?

6 A. Not the text messages from the sixth. The
7 ones from the seventh, that he was just saying
8 'hello', a simple hello, yeah, I started -- I
9 did not want to have contact with him. I
10 contacted Investigator Powell in Goose Creek
11 and let him know that he was making contact
12 with me.

13 Q. Do you recall on numerous occasions me
14 having asked you whether or not you had
15 deleted text messages?

16 A. You said from the sixth.

17 Q. Do you recall me asking you whether or not
18 you knew how to delete those phone messages?

19 A. I don't know how to delete a single text
20 message. When a text message comes in -- and
21 I don't know if I can explain this where as
22 you can understand it, but again when you get
23 a text message and you lock the text message,
24 it is locked and cannot delete that text
25 message at all, whatsoever.

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1 Q. So anything else ---

2 A. So I ---

3 Q. Let me make sure that I understand. As
4 long as you lock it -- and you obviously know
5 how to lock it, because you locked it.

6 Correct

7 A. Investigator Powell was there with me to
8 explain how to lock the rest of them.

9 Q. So you ---

10 A. Yeah, they were locked.

11 Q. Okay.

12 SOLICITOR WILLIAMS: I ---

13 THE COURT: One second, Mr. Seaton.

14 SOLICITOR WILLIAMS: Objection.

15 Badgering. He is not letting her answer the
16 question.

17 MR. SEATON: I let her ---

18 THE COURT: Overruled.

19 MR. SEATON: Thank you, Your Honor.

20 THE COURT: Please be careful,
21 though, Mr. Seaton, about talking over the
22 witness.

23 CROSS EXAMINATION CONTINUED

24 BY MR. SEATON:

25 Q. Now that you've said that you know how to

1 lock the numbers, you can explain fully how
2 you came to learn these things.

3 A. Can I ask which question you'd like for me
4 to answer first? Because you've asked me
5 about four different -- I'm not trying to be
6 rude, but you've asked me about four different
7 questions ---

8 Q. Yes, ma'am. Certainly.

9 A. --- and haven't let me answer one of them.

10 Q. Certainly. Well, let's start -- let's go
11 back to the beginning then. Would you agree
12 that you have deleted some text messages?

13 A. On November 7th, yes, I did.

14 Q. And would you agree that I have asked you
15 about deleting messages, period?

16 A. You asked me in reference to the 5th and
17 6th, because those are the dates that we have
18 looked through the pictures and compared the
19 phone records for.

20 Q. And do you recall me asking you if you --
21 how to lock the messages?

22 A. No, sir. You did not ask me how to lock
23 messages. You asked me how to delete messages
24 individually.

25 Q. Would you agree with me that if it is not

1 locked that is going to be deleted.

2 A. What do you mean, it is going to be
3 deleted?

4 Q. If you go in and you delete -- if you hit
5 delete, because there -- you keep telling us
6 that you don't know how to delete a single
7 message, correct?

8 A. Not an individual message, no.

9 Q. So if you delete all of them, then any
10 that are not locked are going to be deleted;
11 correct?

12 A. Correct.

13 Q. Okay. So show me where those are locked.

14 A. Those are not locked, because I didn't
15 lock any of those. I locked the one on the
16 6th. On the 7th, he started sending messages.

17 Q. Show me where the ones on the 7th are
18 locked.

19 A. They are not locked. What I had stated
20 was that I had started to delete messages when
21 he first started texting me on November 7,
22 because they were very simple and I did not
23 think that they were anything important.

24 And when he making contact, I contacted
25 Investigator Powell and asked him how he would

1 like for me to handle because I knew that I
2 didn't respond to Mr. Andes that he would soon
3 become very, extremely pissed off and come and
4 find me.

5 Q. So how were those still there if you
6 didn't delete the ---

7 A. Because those ---

8 Q. Ma'am, let me ask the question first
9 before you answer. The question that I have
10 got is, if it erases the whole thing then why
11 are those still there?

12 A. Because I ---

13 Q. Or did you ---

14 A. --- stopped deleting the messages after I
15 had spoke with Investigator Powell. But Mr.
16 Andes had first started making contact with me
17 on the morning or -- excuse me -- late
18 afternoon on November 7th. When Mr. Andes
19 first started making contact, I was deleting
20 the group of messages that came. I deleted
21 those. I contracted Investigator Powell and
22 from that point forward every message between
23 him and I was saved. Everything -- when I
24 made response to him about him asking about
25 the 911 calls, I let Investigator Powell know

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1 that I did response to him and that I did let
2 him know that I had made something up so that
3 he would not be aware that I had called 911,
4 (emotional).

5 Q. So that we are a hundred percent clear,
6 you have erased messages?

7 A. From the date the seventh, yes.

8 Q. Okay. You didn't erase from the 6th?

9 A. No.

10 Q. You didn't erase from the 5th?

11 A. No.

12 Q. You didn't erase from the 4th?

13 A. The phone will clear out message once it
14 hits a certain number, on it's own.

15 Q. How do you know that?

16 A. Because I've seen it do it. You go to
17 check your text messages and after it hits a
18 certain number, it deletes them. I don't know
19 -- I'm not a cell phone expert (emotional), I
20 don't know.

21 Q. Well, ma'am, I guess my question is -
22 every time you keep telling us something new
23 every time that I ask the same question. My
24 question is, now you are telling us that there
25 is not - that the text messages are not there

1 because of the number of text messages
2 received?

3 A. And why do you - I don't know. I don't
4 know cell phone technology. I don't. I don't
5 work in that business and I can't explain to
6 you any more than what I know, (emotional).
7 I know that when text messages hit a certain
8 amount that it does clear out one from the
9 previous days or whatever. I don't know.
10 I don't know how it works. I just know that
11 it will happen, (emotional).

12 I know that on these smart phones that if you
13 don't go in and clear out all of the text
14 messages, even though they are in your call
15 log, I do know that it does tend to drain your
16 battery because the person at Sprint had to
17 explain it to me. I can't answer some of your
18 questions (emotional) because I don't know how
19 it works! (Crying).

20 Q. I am just asking you what you do know,
21 ma'am. I am not asking you what you don't
22 know.

23 A. (Sobbing, emotional).

24 MR. SEATON: What you like to take a
25 break, Your Honor?

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1 THE COURT: I am sure Ms. Blanche
2 will tell me if she needs to take a break.

3 CROSS EXAMINATION CONTINUED

4 BY MR. SEATON:

5 Q. So is it your position that some of the
6 texts from those days were deleted because of
7 the number of texts that you received and
8 sent?

9 A. I don't know why they're not there. I
10 can't explain that to you. I wish that I
11 could, but I can't.

12 Q. And you did not delete any message after
13 the earliest one on the 7th. Would you agree
14 with me ---

15 A. No, I did not.

16 Q. --- that anything that you erased would
17 have been before the earliest one on the 7th?

18 A. Yes.

19 Q. And would you agree with me that you did
20 not agree erase any on the 8th?

21 A. No, I did not. I tried not to have any
22 contact with him on the eighth, because I was
23 trying to get myself out the house.

24 Q. All right. And as I understand the --
25 you would agree that on the dates that we do

1 have these pictures of your phone that those
2 numbers don't match up to what the phone
3 records say?

4 A. Yes, I can agree to that.

5 Q. And in preparing for your testimony today,
6 have you looked at the corresponding records
7 of Mr. Andes to determine whether or not he
8 shows the same phone calls being sent and
9 received as your bill shows?

10 A. I didn't look at anything to prepare, sir.

11 I wasn't given anything to look at.

12 I went home and I came back this morning.

13 Q. At any time?

14 A. No, I haven't looked anything. The only
15 records that I have looked at are the ones
16 from the morning off the 6th. All I have been
17 asked to do is to identify the numbers and
18 they asked me about the phone calls. I have
19 never denied any of that.

20 Q. Would you have any reason to doubt that
21 those numbers match up?

22 A. No, I don't. I don't know. They probably
23 do match up. I don't know, (emotional).

24 Q. I'll show you Exhibit 5 and I am going to
25 ask if they can pull it up on the screen.

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1 This is from November 6th where you had locked
2 some of these texts.

3 A. Um-humm.

4 Q. This is what I believe is in front of you
5 and it's been marked as State's Exhibit 5.

6 That's a picture from your phone, correct?

7 A. Yes, it is.

8 Q. That shows the date of November 6th and
9 November 7th?

10 A. Yes, it does.

11 Q. And it states -- it looks like it is
12 mostly, except for the very top, it looks like
13 it is all Mr. Andes texting you; correct?

14 A. Yes.

15 Q. And you tell us that you haven't deleted
16 anything from the 6th and only some of the
17 stuff from the 7th that's wasn't important.

18 A. Correct.

19 Q. In looking at what he is telling you, does
20 it look like there might be an text, any
21 answer, any response -- specifically look at
22 the last two texts where it says, (reading):

23 "Where did you stay last night?"

24 "Well, you must have a date with this
25 guy."

1 A. There was nothing. I didn't respond to
2 him.

3 Q. Does it appear to you that there is
4 something missing, that he is responding to
5 something that might have been said?

6 A. There wasn't anything said

7 Q. "Well, you must have a date with this
8 guy." Who is "this guy"? Why would he say
9 "this guy"?

10 A. I don't know.

11 Q. Why not "a guy?"

12 A. I don't know.

13 Q. Or "that guy"?

14 A. I don't know. You'd have to ask Mr. Andes
15 that question.

16 Q. That doesn't appear to you that there is
17 missing conversation?

18 A. No, it doesn't. There was no conver-
19 sation. I didn't have much to say to him.

20 Q. According to the records, your phone
21 records say that you had plenty to say.

22 A. That was on the night of the sixth.
23 This is going into the seventh.

24 Q. You told us that you didn't tell Mr. Andes
25 that you had called the police.

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- 1 A. No, I did not.
- 2 Q. And you continued to text him over the
- 3 next couple of days?
- 4 A. Yes, I did.
- 5 Q. At any point did you ever tell him "Game
- 6 Won."
- 7 A. No, I did not.
- 8 Q. Did y'all ever talk about a destination
- 9 wedding?
- 10 A. No, we did not.
- 11 Q. Take a trip to Vermont?
- 12 A. Yes, we did.
- 13 Q. How long did y'all go to Vermont?
- 14 A. For a week.
- 15 Q. Was that after y'all were living together?
- 16 A. Yes, it was.
- 17 Q. Was it after you became a renter?
- 18 A. No, it was not. Or, I don't know.
- 19 I don't remember what year that we went.
- 20 I believe that it was in August of 2009.
- 21 Q. In your description of what happened that
- 22 night, the night of the 6th, you talk about
- 23 him forcibly holding you down.
- 24 A. Yes.
- 25 Q. You talked about how he covered your

1 mouth?

2 A. Yes.

3 Q. You disagreed with the report that you did
4 not say that he was going to punch you in the
5 mouth if you didn't shut up?

6 A. I don't remember if I said that or not.
7 I apologize, but that night and that day was
8 very mentally draining. So if I said -- I
9 don't know if I said that or not. I can't
10 tell you yes or no, (emotional).

11 Q. Pictures that have been shown of your
12 hands, what has been marked as Defendant's
13 Exhibit 30, ---

14 A. Yes.

15 Q. --- that's the extent of the wound that
16 you received when he holding you down?

17 A. No, it's not. There is another picture,
18 sir. It's overexposed. I had burn marks on
19 my -- they were almost like a burn mark on my
20 wrists from his fingers. There was three of
21 them that went down on this wrist. And they
22 did take ---

23 Q. So ---

24 A. --- pictures of those but they are
25 overexposed.

1 Q. So you're saying that is not an accurate
2 depiction of the ---

3 A. Of the front of the hand that ---

4 Q. Let me ask the question and then I will
5 let ---

6 A. All right.

7 Q. --- you fully answer. You're saying that
8 this picture that's been entered into evidence
9 is not an accurate depiction of the injury
10 that you received?

11 A. That was one of them, yes. That is
12 accurate.

13 Q. Then maybe I am misunderstanding you.
14 You're saying that it doesn't pick up -- that
15 there is another picture of the same hand and
16 wrist that shows a lot more damage?

17 A. There were marks that were on the wrist.
18 It was a picture of my wrist taken this way
19 (illustrating). When they took it, it was
20 slightly overexposed, so it was hard to see.
21 There was marks coming down -- where he held
22 that wrist and his fingers scratched. I tried
23 to twist and his fingernails -- (emotional) --
24 got down here on this wrist. There were marks
25 there. There were other bruises on other

1 parts of the bodies. But of the hands, the
2 front of the hands, this is an accurate
3 depiction of the front of my hands.

4 Q. Did you have any injuries to your face
5 where he grabbed your face?

6 A. Not on my face, no. He didn't grab my
7 face. He put his hand over my mouth.

8 Q. When he put his hand over your mouth, did
9 it cause any injury?

10 A. No, it did not.

11 Q. And these other injuries that you're
12 talking about is a bruise on the outside of
13 each leg?

14 A. No, there were bruises on the legs, there
15 was bruising on my breast, -- there was a
16 bruise -- if I am not mistaken, I did have
17 bruising on my arm. There was bruising on the
18 legs, the inner and outer thighs. The bruise
19 on the breast was on the right breast, on the
20 outside right here (indicating).

21 Q. Did you -- you're saying that you received
22 -- you were bruised more than just on the
23 outside of each thigh?

24 A. Yes, sir.

25 Q. There was bruising on your legs?

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1 A. Yes, sir.

2 Q. Do you recall being examined by a nurse,
3 what they call a SANE nurse, S-A-N-E, short
4 for South Carolina Assault -- no, I think that
5 I've got that wrong. Anyway it's short for
6 something, some special nurse.

7 A. Yes.

8 Q. Do you recall being examined by her?

9 A. (Affirmative nod).

10 Q. Do you know whether or not she documented
11 anything different than what you're saying?

12 A. The bruising on the outside of the right
13 breast was not visible the day -- I did not
14 even see it myself that night.

15 Before I had gone in to meet with
16 Detective Maggie Carver, I had noticed the
17 bruising on the right breast. They
18 photographed it at that time.

19 Q. Yes, ma'am. I was talking about your
20 legs. I apologize.

21 A. The bruising ---

22 Q. You said that you had bruising on the
23 outside of your thighs and other places, as
24 well?

25 A. On the outside. They were outside, and

1 then some on the inner thigh, inner thigh.

2 Yes.

3 Q. Do you have any pictures of that?

4 A. There were pictures that were taken, yes.

5 Q. And it shows bruising on the inner thigh?

6 A. It was the thigh I -- I don't know if you
7 call it the inner thigh. It was in this area,
8 (indicating). There was one -- I have a
9 tattoo right here and there was bruising here.

10 There was another one where there were three
11 finger marks like where he held me with his
12 fingers and you can see that there are three
13 individual finger marks or bruises on my leg
14 - (emotional)... I don't know if it's close to
15 the inner thigh or the outer. It's on the
16 thigh.

17 Q. Well, again, I'm not trying to trick you
18 with some difficult question. I would suggest
19 that anywhere, on either the front or the side
20 or the back, I would be willing to suggest to
21 agree to it being the outer thigh.

22 A. I ---

23 Q. The inner thing would simply be on the
24 inside.

25 A. On the ---

1 Q. Are you suggesting that the ---

2 SOLICITOR WILLIAMS: Objection.

3 Asked and answered.

4 THE COURT: Let him finish the
5 question before you make your objection.

6 CROSS EXAMINATION CONTINUED

7 BY MR. SEATON:

8 Q. Are you suggesting that you were bruised
9 on the inner thigh?

10 A. No.

11 Q. Did you just tell us that you were bruised
12 on the inner thigh?

13 A. I -- (pause).

14 Q. Why is my explanation enough to make you
15 rethink what you were describing as the inner
16 thigh?

17 SOLICITOR WILLIAMS: Objection.

18 Asked and answered.

19 THE COURT: I am going to allow it
20 to. Please re-ask your question for
21 clarification. Overruled. You may answer,
22 Mrs. Blanche.

23 THE WITNESS: Yes.

24 CROSS EXAMINATION CONTINUED

25 BY MR. SEATON:

1 Q. Do you know whether that was reflected on
2 any report that was done by an expert?

3 A. I have not seen the report. I don't know.
4 Some of the bruising was not dark until the
5 next day or the following day, so as the
6 bruising did get darker -- and the bruising
7 that I did have the night that I went to MUSC,
8 they did take picture of. As those got
9 darker, those pictures were taken at Goose
10 Creek Police Department by Detective Maggie
11 Carver, (emotional, crying).

12 Q. And you're telling us that this was pretty
13 violent. If he is bruising you, if he is ---

14 A. Yes, it was.

15 Q. --- tearing up your wrists, it was pretty
16 violent?

17 A. It was violent. He wasn't, like, -- but,
18 yes, it was violent.

19 Q. And you would agree with me that your
20 pants were not ripped; correct?

21 A. No, they were not because he stood up at
22 the foot of the -- he stood up at one point
23 before he had taken my clothes off (crying)
24 and that's when he said "Fuck that shit!" and
25 he started -- and he -- he grabbed my pants

1 off of me and got back on top of me. So, no,
2 they were not ripped!

3 Q. So when he grabbed you and pulled your
4 pants off and he pulled your tee-shirt off ---

5 A. He did not pull my tee-shirt off, sir.
6 That was kept on. He just pulled it up.

7 Q. So you're -- you would agree that there is
8 nothing that is going to reflect on your pants
9 that they were violently removed?

10 A. (Crying) -- no -- (crying).

11 Q. You went to the -- you were examined by
12 the SANE nurse that same night, weren't you?

13 A. Yes, I was.

14 Q. And you reported that in this forceful
15 assault that you were bleeding from your
16 private area.

17 A. I had let them know that there was a
18 slight amount of blood. It was not extreme.
19 I don't know -- because when he was using his
20 fingers inside of me, I don't know if he's
21 kept them manicured since but his fingernails
22 and his hands were not exactly the softest,
23 not were they kept very clear (sic). So ---

24 Q. Would you agree with me that the report
25 doesn't show any kind of trauma whatsoever to

1 your private area?

2 A. There was -- I don't think that there as
3 any trauma. I don't know. I haven't looked
4 at the report. I don't know. It wasn't like
5 he -- I don't know how to explain this to you
6 without ---

7 Q. You just told us that he used his fingers
8 and that ---

9 A. His fingers were not going around ---

10 Q. --- he had ---

11 A. --- inside ---

12 THE COURT: Counsel, do not talk
13 over each other. Counsel!

14 CROSS EXAMINATION CONTINUED

15 BY MR. SEATON:

16 Q. Let me ask the question. Didn't you just
17 finish telling us that he forcefully, with his
18 unmanicured or -- I've got my words mixed up -
19 - with his fingernails, that he tore you up.

20 A. I didn't say tore me up.

21 Q. What did you say?

22 A. He would take his fingers -- he took these
23 two fingers here (indicating) and he kept
24 shoving them inside of me.

25 Q. And didn't you have surgery just a couple

1 of months earlier?

2 A. Yes, I had but that was healed. The
3 surgery was not vaginal.

4 Q. Do you agree or disagree with me that the
5 report says that there was nothing -- that
6 they found nothing?

7 A. Yes, because at that time there was no --
8 there was no bleeding. It was just a small
9 amount.

10 Q. Did ---

11 A. That's all that I told them. I told them
12 that it was a small amount. I did not make it
13 sound like it was this extra bleeding. It was
14 small amount of blood. That's exactly what I
15 told them.

16 Q. Do you recall them using any sort of
17 special magnifying glasses or any sort of
18 lights to look at you?

19 A. Sir, as this was going on, I was laying
20 down on the table and it was -- I was turned,
21 looking at my -- at the lady that was there
22 from PAR. So I did not see everything that
23 they used.

24 Q. Do you know that they looked for scratches
25 and bruising and blood and any other signs ---

1 A. Yes.

2 Q. --- of trauma?

3 A. Yes...

4 Q. And do you know whether or not the report
5 says that there were signs of trauma?

6 A. I have not seen the report. No, sir, I
7 do not know.

8 Q. So he forcefully held you down ---

9 THE COURT: Objection, asked and
10 answered.

11 MR. SEATON: Your Honor, could I ---

12 THE COURT: Ms. Williams, let him
13 finish his question and then you may interpose
14 your objection.

15 CROSS EXAMINATION CONTINUED

16 BY MR. SEATON:

17 Q. So he forcefully held you down and did
18 not tear your pants, did not take your shirt
19 off -- I believe that is what you said --
20 bruised the outside of your legs but not the
21 inside, and tore - excuse me, I keep saying
22 that and I agree that you didn't say that.
23 That he forcefully put his hands in you before
24 his penis.

25 A. Yes, he did.

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1 Q. And the records don't reflect any sort of
2 trauma. Is that your recollection?

3 SOLICITOR WILLIAMS: Objection.

4 THE COURT: Sustained.

5 SOLICITOR WILLIAMS: Asked and
6 answered.

7 THE COURT: Sustained. Do not
8 answer the question.

9 CROSS EXAMINATION CONTINUED

10 BY MR. SEATON:

11 Q. Did you tell Officer Gainey that after he
12 left the bedroom and you called 911 the same
13 evening, but not from 4:00 in the morning
14 until almost 11:00 the same night, did you
15 tell Officer Gainey that you had not had any
16 contact with him since the text message?

17 A. He had asked me if I had seen him or
18 anything along those lines. I had not had any
19 physical contact with Mr. Andes but I did let
20 them know that there was contact with the
21 phone text message and the phone -- some of
22 the phone calls.

23 Q. So if Ms. Gainey's report simply reflects
24 that ---

25 THE COURT: Objection. Pitting.

1 Asked and answered.

2 THE COURT: I am going to just
3 sustained. Move on, Mr. Seaton, that's been
4 asked and answered. Move on.

5 CROSS EXAMINATION CONTINUED

6 BY MR. SEATON:

7 Q. Did you ever tell anyone that you'd had no
8 contact with Mr. Andes?

9 A. I'd had no physical contact but -- I had
10 not actually been in his presence at all
11 whatsoever from the morning of November 6th
12 on. When they asked about contact, I took it
13 as physical contact. So in that sense, if I
14 answered it incorrectly, I apologize, when
15 they asked, but there was not physical
16 contact. I did not once deny the fact that
17 there were text messages and phone calls.

18 Q. Did you say that in your incident report?

19 A. Did I say what?

20 Q. Did you say that you'd had contact with
21 him? Did you say -- any of what you just told
22 us, is that what you said in your two-page
23 incident report?

24 A. I don't -- I believe that I mentioned the
25 fact that he did text me around 3:36 a.m. that

1 morning.

2 Q. I am talking about afterwards, Ms.

3 Blanche. In your statement, did you ---

4 A. All they asked me ---

5 Q. --- say anything about the twenty-nine
6 times you called him or did you say anything
7 about all of the text messages back and forth?
8 Is any of that in your statement?

9 A. No, it is not. Because I was asked when I
10 wrote my statement to please describe the
11 exact offense that happened from when I got
12 home -- when I explained to them what had
13 happened around 7:00 p.m., and what happened
14 up until and right after the rape happened,
15 that's what my statement. They asked me to
16 please explain that in my statement.

17 Q. Why did you feel the need once you'd
18 called the police, why was it necessary to
19 continue to have texts and conversations?
20 Why did you participate in texting with Mr.
21 Andes after you had already called the police?

22 A. I have already explained that. I will
23 tell you again. I had already spoke with
24 Investigator Powell when these things started
25 happening, when he started texting me again.

1 At this time there was no arrest warrant or
2 anything for him and I still had items that
3 I had to go and get out of that house, my
4 essentials for my daughter and I.

5 Not only that but my daughter was back at
6 my house on this particular night until her
7 dad came and got her. Therefore, I kept
8 contact with him to head him off because I had
9 a ten-year-old child and myself to protect
10 until we got through the rest of that weekend.

11 Q. I'm not talking about before you called
12 the police. I'm talk about after you called
13 the police.

14 A. You're talking -- okay.

15 Q. Why did you continue to text ---

16 A. Okay. Why ---

17 Q. --- him after you'd called the police and
18 said 'this man raped me, arrest him.' And you
19 went to the nurse, you did all those things.
20 Why did you continue for the next couple of
21 days to continue to have text conversations
22 with Mr. Andes?

23 A. I have already explained everything after
24 the police, but I will explain that day.

25 Because I wanted to ---

1 Q. I want to understand what day it is that
2 you're talking about.

3 A. You just asked ---

4 Q. You just said 'that day'.

5 A. You asked me about why I had continued to
6 talk to him or to text him, so I answered
7 that. Then you just asked me why was it that
8 I would continue to have conversation with him
9 or text him before I had called the police, so
10 that's when I ---

11 Q. No, ma'am. I apologize, that's not what
12 I ---

13 A. That is what you said.

14 Q. If I said that, I apologize. That's not
15 the question that I was asking. The question
16 I asked is, you called the police on the 6th
17 at almost 11:00 o'clock at night. Then we've
18 got records that you continued on the 7th and
19 8th, until -- after you had left the house.

20 A. Yes.

21 Q. That you continued to have and to answer
22 his text messages?

23 A. Yes.

24 Q. Why did you continue to do it?

25 A. I just explained that to you, sir. I -- I

1 contacted Investigator Powell after he started
2 contacting me on November 7th! At this time
3 the arrest warrant had not been issued.

4 I was staying at my mother's house with my
5 daughter, who knew something at this point had
6 happened and is terrified of Mr. Andes.
7 Therefore, in order to keep myself and my ten-
8 year-old daughter safe, I had to respond to
9 him because he gets on the Sprint family
10 locator and would find out where I was at and
11 show up!

12 So I spoke with Investigator Powell and he
13 said if that's what needs to be done, if you
14 can respond to him to keep him from keeping
15 pissed off, then do so. I let them know
16 before I even did anything! I asked
17 Investigator Powell whether or not I should
18 reply or not reply and he said 'if he will
19 keep him from being suspicious, then go ahead
20 and respond.' They knew everything that I was
21 doing!

22 Q. Keep him from being suspicious?

23 A. Yes.

24 Q. Suspicious of what?

25 A. Because he ---

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1 Q. That you were trying to set him up?

2 A. I was not trying to set him up.

3 Q. Well, why else would you continue to write

4 ---

5 A. He ---

6 Q. Why did you spend days after -- who else

7 would -- if a man raped you, why would you

8 continue to talk to him if you're not trying

9 to set him up?

10 A. I ---

11 SOLICITOR WILLIAMS: Objection.

12 Asked and answered.

13 THE COURT: Hold on, Ms. Blanche.

14 Sustained. Asked and answered. Thank you.

15 CROSS EXAMINATION CONTINUED

16 BY MR. SEATON:

17 Q. In any of these text messages for the next

18 couple of days, does he say "I raped you"?

19 A. Not in those, no.

20 Q. No. Does he say, 'I did anything wrong'

21 for those next couple of days?

22 A. Not on the 7th and 8th, but on the 6th he

23 does.

24 Q. Does he -- ma'am, if you would, answer the

25 question that I am asking you. Does he say,

1 "I love you. Can we make this work?"

2 A. Yes, he does.

3 Q. And so your idea was that somehow he's
4 going to come to your mother's house and harm
5 you and harm your child if you don't respond
6 to his text messages.

7 SOLICITOR WILLIAMS: Objection.

8 THE COURT: Sustained.

9 CROSS EXAMINATION CONTINUED

10 BY MR. SEATON:

11 Q. You said that you were in fear of him?

12 A. Yes, sir.

13 Q. Isn't this the same man that you told us
14 that he'd beat you before you even moved in
15 with him?

16 A. He didn't beat him, but there was an
17 altercation that took place -- yes.

18 Q. Isn't this the same man that you took your
19 child and his child at 3:00 o'clock in the
20 morning and came over and confronted him?

21 A. I did not come to confront him, sir. I
22 was asked ---

23 Q. Isn't that what happened?

24 A. The confrontation began after he tried to
25 assault my daughter.

1 Q. Wasn't your daughter outside in the car?

2 A. My daughter got out because he was
3 screaming at me, and got out because she tried
4 to come in between so that he would not hit
5 me.

6 Q. And didn't you show up at 3:00 o'clock --
7 do you think you -- were you angry when you
8 came with his child and your child at 3:00
9 o'clock in the morning, and you came over, got
10 out and went inside? You weren't angry?

11 A. I didn't ---

12 Q. You didn't confront him?

13 A. The reason that we were out at 3:00
14 o'clock in the first place was because Mr.
15 Andes called me and told me that he needed
16 someone to come and pick him up from the bar.
17 So that's what I went to go and do. When we
18 got to that bar, he was not there. No one had
19 even seen him there that night.

20 Q. I would like an answer to the question
21 that I asked.

22 A. So ---

23 Q. The question that I asked was, you're
24 telling me, us, the jury, that you weren't --
25 that you didn't confront him, that you weren't

1 angry that night when ---

2 A. When I got there, I was not there. I got
3 there because I was ---

4 Q. You weren't angry?

5 A. I was upset but I wasn't angry. I needed
6 stuff for his daughter, because I had her with
7 me and he -- (pause).

8 Q. So you continued to text message with Mr.
9 Andes?

10 SOLICITOR WILLIAMS: Objection.

11 Asked and answered.

12 THE COURT: Sustained.

13 CROSS EXAMINATION CONTINUED

14 BY MR. SEATON:

15 Q. Would you agree with me that y'all had
16 argued throughout your relationship?

17 A. Yes.

18 Q. And even though you argued throughout the
19 relationship, you told us that you gave back
20 the ring before you moved in; is that correct?

21 A. No, sir.

22 Q. You still moved in?

23 A. Yes, I did.

24 Q. Then approximately a year later you went
25 from being a girlfriend to a renter; is that

1 correct?

2 A. Well, to clarify exactly, we had actually
3 broken up during that year and I had moved out
4 of the residence at one point. So it wasn't a
5 continuous year.

6 Q. So at some point you decide that you're
7 going to move back in?

8 A. Yes.

9 Q. When did you move back in? Approximately?

10 A. June-ish of 2009, I believe, because it
11 was right before I lost my job.

12 Q. So you told us in your statement that you
13 continued to have a sexual relationship with
14 him until at least December of 2009; is that
15 correct?

16 A. Correct.

17 Q. So when you moved back in, it wasn't as a
18 renter, it was as boyfriend and girlfriend?

19 A. When I moved back in, yes.

20 Q. Okay. Then at some point it morphed into
21 becoming a renter?

22 A. Yes.

23 Q. This was because you had nowhere else to
24 go?

25 A. Yes, and -- some of it was fear. I would

1 try to leave and the times that I did try to
2 leave, he -- if I -- (acting emotional).

3 Q. How about when you did leave, did he beat
4 you into making you come back?

5 A. No.

6 Q. When you came back as his girlfriend, like
7 you just told us, did you come back because
8 you were afraid of him? Is that what we're to
9 understand?

10 A. Well, what actually happened when I moved
11 in back is that I had moved out to Pimlico
12 with a friend of mine. Mr. Andes found where
13 I was living because he got on and used the
14 family locator from Sprint to find out. He
15 showed up at about 3:00-something in the
16 morning and was beating on the doors. I had
17 to call the police.

18 Then eventually it was, 'well, I am going
19 to get help', 'I will do this', 'I promise you
20 all of these things will change.'

21 So, you know what, call me stupid, but I
22 guess I just fell for it and you believe -- I
23 tried. I try to see the good in some people.

24 Q. So you moved back in again, then you
25 stayed his girlfriend at least until --

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1 according to your statement -- December of
2 2009. Then somehow this thing morphes into
3 you becoming a renter. Is that correct?

4 A. Yes.

5 Q. And you slept on the couch for a while
6 before you moved into the other bedroom?

7 A. Yes, the couch -- I started sleeping on it
8 even before December of 2009, because ---

9 Q. Your mother lives here in town?

10 A. Yes, she does.

11 Q. Your grandparents live here in town?

12 A. Yes, they do.

13 Q. The woman that you moved out with and
14 lived with until recently lives here in town?

15 A. Yes.

16 Q. And in fact that's who you moved in with
17 after you left Mr. Andes' house?

18 A. Yes.

19 Q. All of these were available to you
20 throughout all these different time periods,
21 yet you chose to rent for some unspecified
22 amount from Mr. Andes until he raped you?

23 A. They were not available but -- they were
24 there but they were not exactly available.

25 Q. Your mother wouldn't let you sleep on her

1 couch?

2 A. I am sure that she would have but I had my
3 daughter ---

4 Q. Your grandparents wouldn't let you ---

5 A. --- and my brother ---

6 Q. --- sleep on their couch?

7 A. My brother lived with my brother and my
8 brother has a tendency to be a little bit
9 violent and has some issues with drugs and
10 alcohol and there was not always occasions
11 where they probably would not have been the
12 best situation -- even though this one wasn't
13 always good.

14 Q. How about your grandparents in Crowfield?

15 A. My grandparents -- my grandparents didn't
16 know all of the details of my relationship
17 with Mr. Andes, because I was too embarrassed
18 to sit down and tell them about it.

19 Q. How about your friend Jessica, you
20 couldn't move in with her either?

21 A. No, there was not. She had a one-year-old
22 at the time who had the other bedroom, and the
23 other two rooms that are there, one of them is
24 packed full of items and the other one, that I
25 moved into, we literally had to finish

1 clearing out the day that I moved in and I did
2 not actually even move in there on that day
3 because we still had stuff that we had to
4 clear out. So there was no space. All there
5 was was a recliner in her living room at that
6 time.

7 Q. So you had no options. You had to live
8 with him for approximately another year from
9 the time that you say that you moved back --
10 actually it more than a year. It would have
11 been about a year and a half, wouldn't have
12 it, from the time that you last moved into
13 that house until the time that you say that
14 you were raped and then you moved in with the
15 lady that you're saying you couldn't move in?
16 That's about a year and a half, isn't it?

17 A. Yes.

18 Q. So none of those options were available to
19 you for a year and a half?

20 A. No. I was in the process of getting ready
21 to move in with Ms. Thompkins. It was already
22 in place. We were slowly -- the house had
23 belonged to her grandmother that had passed
24 away, so a lot of stuff was just shoved into
25 certain rooms. We were in the process of

1 clearing out those rooms and creating enough
2 space so that Minor and I could each have a
3 bedroom. That did not get done. So when I
4 moved in there, it still was not completely
5 open.

6 Q. Well, you were already sharing a bedroom
7 with your daughter and Mr. Andes' daughter,
8 weren't you?

9 A. Mr. Andes' daughter did not live there.
10 I shared the room with my daughter.

11 Q. Did you tell us that Mr. Andes' daughter
12 slept in that room when she wanted to?

13 A. This was before ---

14 Q. Before what?

15 A. --- I started sleeping in that room.

16 Q. So you're saying that she didn't sleep in
17 there after you moved in as a renter, out of
18 the living room into the bedroom? That wasn't
19 your testimony yesterday, about her -- she got
20 to sleep in there with your daughter when she
21 wanted to and you would sleep on the couch?

22 That wasn't your testimony?

23 A. She wasn't there really after any of that.
24 After March of 2010 she never really spent --
25 my daughter was there, his daughter was not --

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1 because Mr. Andes would drop her off at his
2 mother's house and that's where she would
3 spend the night.

4 Q. So she never spent the night from March
5 until you moved out?

6 A. It was extremely rare.

7 Q. And when you said yesterday that the
8 daughter sleeps in that bedroom, what you
9 really meant was that that was before you
10 moved in?

11 A. Before I moved to sleep in the bedroom
12 with my daughter, yes.

13 Q. And when you said that she could sleep in
14 there with your daughter, that wasn't correct?

15 SOLICITOR WILLIAMS: Objection.

16 Asked and answered yesterday.

17 THE COURT: Sustained.

18 CROSS EXAMINATION CONTINUED

19 BY MR. SEATON:

20 Q. Did you get to keep the truck?

21 A. What you mean, did I get to keep the
22 truck?

23 Q. The one that you hid at the Goose Creek
24 Police Department? Did you get to keep it
25 until it was repossessed?

1 A. I didn't hide it. I didn't keep the
2 truck. No, sir. I took it to Gene Reed
3 Toyota and I dropped it off there at a secure
4 location. The plan was for me to bring the
5 keys and everything up to Investigator Powell,
6 turn the truck over to the Police Department
7 so that they could return it to Mr. Andes.
8 Whereupon, he called Wachovia. They asked me
9 'Where is the truck? Mr. Andes has already
10 stated that you're financially responsible for
11 this.' I let them know where the vehicle was,
12 the process that was about to take place, that
13 the vehicle was going to be turned over to the
14 police department. This was probably not even
15 a full week after the 6th.

16 Q. So if you were then going to turn the
17 vehicle back over to Mr. Andes, why did you
18 tell the Family Court that you wanted it?

19 A. I was asking for the temporary use of it
20 or for reimbursement because I had paid the
21 down payment, I had just put brand new brakes
22 on it, I paid for all of the maintenance,
23 every single payment, the car insurance on it.
24 Everything that had to be taken care of for
25 that vehicle, I did it.

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1 Q. So ---

2 A. All I wanted was temporary use of it long
3 enough until I could purchase my own vehicle.

4 Q. So, instead, you took it to Gene Reed --
5 you took it from the Goose Creek Police
6 Department, you took it to Gene Reed and
7 turned it over to them?

8 A. I did not turn it over to them. I brought
9 it there, I left it there, because I purchased
10 a vehicle. I could not drive two vehicles at
11 the same time. That's not physically
12 possible. So they locked it up in the back,
13 where they knew that it would be secure, and
14 held onto the key.

15 Q. So what you're saying is that you used
16 that vehicle as long as you needed it ---

17 SOLICITOR WILLIAMS: Objection.
18 Asked and answered.

19 THE COURT: Let him finish his
20 question.

21 CROSS EXAMINATION CONTINUED

22 BY MR. SEATON:

23 Q. You used the vehicle as long as you needed
24 it and then when you bought a new car, you
25 abandoned it at Gene Reed and gave them the

1 key.

2 A. I did not abandon the vehicle.

3 SOLICITOR WILLIAMS: Objection.

4 Relevance.

5 THE COURT: I am going to sustain

6 it. Move on, Mr. Seaton.

7 MR. SEATON: Nothing further, Your

8 Honor.

9 THE COURT: Ms. Williams.

10 SOLICITOR WILLIAMS: I have a very

11 brief redirect.

12 THE COURT: Thank you.

13 REDIRECT EXAMINATION

14 BY SOLICITOR WILLIAMS:

15 Q. Okay. Ms. Blanche, you got asked an awful
16 lot of questions about phone records.

17 A. Yes.

18 Q. Do you know what a recall number is?

19 A. I have no idea.

20 Q. Do you now what an MR number is?

21 A. No, I don't.

22 Q. Do you really even know which are texts
23 and which are phone calls?

24 A. No, I don't.

25 Q. You don't understand these records, do

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1 you?

2 A. No, I don't.

3 Q. So counting them doesn't mean a lot, does
4 it?

5 A. (Negative gesture).

6 Q. And you got asked about all these phone
7 calls after you called 911 and you were trying
8 to explain, I think, why.

9 A. (Affirmative nod).

10 Q. What date was he arrested?

11 A. If I am not mistaken, it was Tuesday
12 November 9th.

13 Q. Right. When did you call 911?

14 A. On Saturday, November 6th.

15 Q. So there was three days when he was out
16 there and hadn't been picked up yet.
17 Right?

18 A. Yes.

19 MR. SEATON: Objection. Leading.

20 THE COURT: Sustained as to
21 leading. Please watch your leading questions.

22 REDIRECT EXAMINATION

23 BY SOLICITOR WILLIAMS:

24 Q. Did the police take pictures of every text
25 message on your phone?

1 A. Yes.

2 Q. Do you know if they took pictures of all
3 the text messages or just the ones relevant to
4 the rape?

5 A. Just the ones relevant to the rape.

6 Q. So there were other text messages on your
7 phone that they didn't take pictures of, is
8 that correct?

9 A. Yes.

10 MR. SEATON: Objection. Leading,
11 Your Honor.

12 THE COURT: Ms. William, once
13 again, please watch the leading questions.
14 Sustained as to leading. Please rephrase your
15 question.

16 SOLICITOR WILLIAMS: Thank you,
17 Your Honor. I'll be more careful.

18 REDIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. You tried to explain ---

21 SOLICITOR WILLIAMS: Court's
22 indulgence.

23 THE COURT: Yes, ma'am.

24 REDIRECT EXAMINATION

25 BY SOLICITOR WILLIAMS:

1 Q. What's the difference between deleting an
2 individual message and a stream of messages?

3 Briefly.

4 A. The individual message was just -- it
5 would delete just the individual message.
6 Deleting a group of messages, which is the
7 only thing that I had really known how to do
8 on this phone with the text messages, deletes
9 what is called the thread. So if the message
10 was not locked, like some of those were, it
11 would delete the entire group of messages,
12 anything and everything that was not locked,
13 it will delete all of those for that
14 conversation or for all of the text messages
15 as a whole. Yeah, it would delete -- yeah.
16 That's all I knew.

17 Q. So you knew how to do one but not the
18 other?

19 A. Yes.

20 MR. SEATON: Asked and answered.

21 THE COURT: Overruled.

22 REDIRECT EXAMINATION

23 BY SOLICITOR WILLIAMS:

24 Q. Mr. Seaton asked you about individual
25 incidents of domestic violence; is that true?

1 A. Yes.

2 Q. Have you ever called the police on Mr.

3 Andes?

4 A. Yes.

5 Q. Do you recall what date?

6 A. I don't remember exactly.

7 Q. Would it refresh your memory to look at

8 the police report that you filed when you

9 called?

10 A. Yes.

11 SOLICITOR WILLIAMS: Showing
12 defense counsel what will be marked as State's
13 Exhibit 58, I think.

14 MR. SEATON: Sure.

15 SOLICITOR WILLIAMS: May I
16 approach, Your Honor?

17 SOLICITOR WILLIAMS: You may.

18 COURT REPORTER: State's Exhibit 58.

19 MR. SEATON: You are not moving to
20 enter ---

21 SOLICITOR WILLIAMS: No, it's just
22 for identification purposes.

23 (SO MARKED FOR ID AS STATE'S EXHIBIT 58)

24 REDIRECT EXAMINATION

25 BY SOLICITOR WILLIAMS:

1 Q. (Tendering document to witness), what date
2 did you call the police?

3 A. (Upon review), this was on March 15th,
4 2008.

5 Q. Where were you living at that time?

6 A. Hanahan, Park Place.

7 Q. Is it fair to say that that is not the
8 only -- were there other times?

9 A. There were other times, but not --
10 (pause).

11 Q. Did you call the police every time?

12 A. No, I did not.

13 Q. What did he do this time?

14 A. That was one where there was some arguing
15 and some yelling and him taking a chair from
16 the dining room and had thrown it -- I had my
17 back turned kinda of towards him, and he'd
18 thrown that at me. There was just a lot more.
19 Like there was stuff knocked over in the
20 dining room and it -- that was pretty much
21 what that one was all about.

22 Q. Did he assault you that time?

23 A. He had thrown something at me. I don't
24 remember exactly if he had hit me on this
25 occasion or not.

1 Q. Would it refresh your memory to look at
2 the report?

3 A. Yes.

4 Q. Take your time.

5 A. (Upon review), okay.

6 Q. What did he do to you that time?

7 A. There had been an argument prior to him
8 getting there and when he got there, it just
9 continued. He had grabbed me. He turned me
10 around and, like, was going to - it wasn't
11 very large dining room table but he threw me
12 down onto the dining room table and then had
13 thrown a dining room chair at me.

14 Q. And you did stay in the house with him
15 after y'all had broke up?

16 A. Yes.

17 MR. SEATON: Objection, Your Honor.
18 Leading.

19 SOLICITOR WILLIAMS: I'm sorry,
20 Your Honor. Just trying to speed it up. I
21 will be more careful. I apologize.

22 THE COURT: Thank you, Ms.
23 Williams.

24 REDIRECT EXAMINATION

25 BY SOLICITOR WILLIAMS:

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1 Q. Did you ever go back after he raped you?

2 A. No, that -- the only time that I went back
3 was to retrieve my essentials out of the home.
4 I went with the police to try to get some of
5 my belongings out of the house.

6 Q. Did you ever listen at home again after he
7 raped you?

8 A. No, I did not.

9 Q. Would you put twenty up -- now, ---

10 SOLICITOR WILLIAMS: May I
11 approach, Your Honor?

12 THE COURT: You may.

13 REDIRECT EXAMINATION

14 BY SOLICITOR WILLIAMS:

15 Q. Mr. Seaton pointed your attention to the
16 last text that Mr. Andes sent you, at 3:42.

17 A. Yes.

18 Q. Then after that, you testified -- what did
19 he do next?

20 A. That is when he came in the room and raped
21 me.

22 Q. And what time do you call -- you texted
23 your friend, you testified that you ---

24 MR. SEATON: Objection, Your Honor.

25 REDIRECT EXAMINATION

1 BY SOLICITOR WILLIAMS:

2 Q. What time did you call ---

3 THE COURT: Counsel!

4 MR. SEATON: This has been asked and
5 answered in the original ---

6 THE COURT: Counsel! "Asked and
7 answered" is the basis of your objection.

8 MR. SEATON: It is, Your Honor.

9 THE COURT: Thank you. Overruled.

10 You may answer in response to the question
11 asked on cross (sic) examination.

12 REDIRECT EXAMINATION

13 BY SOLICITOR WILLIAMS:

14 Q. What time did you call Jessica?

15 A. It says 3:33, so it would have been 4:33
16 a.m.

17 Q. So when you received your text from your
18 daughter at 4:01, what was going on?

19 A. I was in the process of being raped.

20 Q. Could that be why you didn't answer the
21 text?

22 A. Yes, it is.

23 Q. When did you find out that you had a text
24 from your daughter?

25 A. It wasn't until the next day, like -- or

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1 -- hours later.

2 Q. Did you see her that day?

3 A. Yes, I did.

4 SOLICITOR WILLIAMS: Court's
5 indulgence.

6 THE COURT: Yes, ma'am.

7 SOLICITOR WILLIAMS: I have no
8 further questions, Your Honor.

9 THE COURT: Mr. Seaton?

10 RECROSS EXAMINATION

11 BY MR. SEATON:

12 Q. You said that you did not see the text
13 from your daughter that -- is that what you
14 told us yesterday?

15 A. (No verbal response).

16 Q. Didn't you tell us yesterday that you saw
17 the text from your daughter, that you just
18 didn't open it?

19 A. I saw the text after I had talked to
20 Jessica. I did not see the text message until
21 much later in the morning. By that morning I
22 had already spoken to her at her cousins'
23 house. I'd used their phone to talk to her.

24 Q. If you send Jessica a text and she texts
25 you back, is your phone going to show you that

1 you've got two text messages?

2 A. No, all it has is a message -- all it has
3 is a little envelope that shows that there is
4 a message. It doesn't tell you how many text
5 messages that there actually are.

6 Q. So you just had no idea that while you
7 were texting Jessica that your daughter, your
8 ten-year-old daughter, texted you at 5:00
9 o'clock in the morning?

10 A. Not at this time, no. I did not.

11 Q. Okay. Just so that we're clear, what time
12 -- let's bring up the color charts because it
13 seems that she can read that a lot better.

14 THE COURT: Mr. Seaton, ---

15 REXCROSS EXAMINATION CONTINUED

16 BY MR. SEATON:

17 Q. Look at the colored chart and tell us what
18 time the ---

19 THE COURT: Mr. Seaton, ---

20 CROSS EXAMINATION CONTINUED

21 BY MR. SEATON:

22 Q. --- phone call -- excuse me.

23 A. (Crying)..

24 Q. Excuse me. The two texts that you sent,
25 outbound and inbound, -- when you picked up

1 your phone to text Jessica, wasn't the call --
2 wasn't the text from your daughter sitting
3 right there? Wasn't it telling you, 'Hey,
4 you've got a text message.'

5 A. It doesn't pop it up in bright big
6 letters. It's just a little thing up at the
7 top. I did not check it.

8 Q. Did you see thirty seconds or one minute
9 later that your friend texted you?

10 A. I had already texted her to ask her a
11 question. I was trying to wait on her
12 response.

13 Q. So you are waiting on her response but
14 you are ignoring the other text that you had
15 already gotten from your daughter?

16 A. (No verbal response).

17 Q. Right?

18 A. I did not ignore it. I did not see it.

19 Q. Is that what you told us yesterday?

20 A. I did not see ---

21 Q. Is that what you told us ---

22 A. Yes!

23 Q. --- yesterday?

24 A. Yesterday I told you that I did not see
25 the message the first thing at that time --

1 (acting emotional). I did not see it until
2 later.

3 Q. And when you tell us that you didn't go
4 back in the house after the rape, isn't it
5 true that you didn't leave until the next day
6 and that then you did come back?

7 A. No, the rape happened in the morning on
8 November 6th.

9 Q. Correct. Didn't ---

10 A. I left the residence. I did not come --
11 the only time that I came back was in the
12 evening and that's when the police and
13 everyone else were there. When I called them
14 that's the only time that I ---

15 Q. And didn't you come back to the house --
16 instead of calling from your grandparents'
17 house or instead of calling from a phone,
18 instead of stopping at the Goose Creek Police
19 Department, instead of anywhere in the entire
20 world, you called twenty-nine times Mr. Andes.
21 He called him twenty-nine times. You're at
22 the house, you call 911 and you -- the
23 solicitor tried her best to get you to say
24 that you never sent back, but that's exactly
25 where you were, weren't you?

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1 A. The times that I called him, no, not all
2 of them. I was in my vehicle -- in the
3 vehicle. Excuse me.

4 Q. No, ma'am. When the solicitor asked you,
5 and you agreed with her, you said you never
6 went back to that house after you got raped.
7 Isn't it true that you did go back? You went
8 back and you spent at least an hour or two or
9 three, or Lord knows how many you spent there,
10 after you got raped even though you told the
11 solicitor, 'yes, I have never been back in
12 that house.' The truth of the matter is that
13 you went back the same day.

14 A. Well, the rape didn't happen -- (shouting)
15 -- everywhere else. The rape happened there,
16 so I had to come back to that house!

17 Q. Why?

18 A. Because that's where it happened!
19 (Witness yelling and pounding on witness
20 stand). Do you think that I could call from
21 someplace where it didn't happen?

22 Q. If you tell us that you're so scared that
23 you've got to text him over the next few days,
24 that you can't -- that even after you called
25 the police, 'I'm so scared of this man that I

1 can't stay at my grandparents' house or my
2 mother's house', whoever's house, 'I can't
3 stay there without texting him because I am so
4 scared of him.'

5 A. (Crying).

6 Q. Yet you take it upon yourself that instead
7 of calling the police first, you're steading
8 calling him and. ---

9 SOLICITOR WILLIAMS: Objection.

10 Asked and answered.

11 THE COURT: Sustained.

12 THE WITNESS: (Crying, sobbing).

13 THE COURT: Ladies and Gentlemen,
14 this is an appropriate time for us to take our
15 lunch break. Do not begin your deliberations.
16 Do not discuss this case amongst yourselves.
17 Please meet the bailiff downstairs at two
18 thirty and he will bring you up at the
19 appropriate time. Please rise for the jury.

20 (JURY OUT @ 1:22 P.M.)

21 THE COURT: Thank you, please be
22 seated. Ms. Blanche, you may step down.
23 Thank you.

24 (WITNESS STEPS DOWN)

25 THE COURT: Mr. Seaton, wide

1 latitude is given on cross-examination. Of
2 course it is in the court's discretion as to
3 what I will allow.

4 I have determined that the rest of
5 your cross examination -- you're done with
6 cross examination. I feel that what is
7 continuing is harassment. I am concerned for
8 the witness' safety. There is confusion as to
9 the issues and there is extreme prejudice to
10 allow her to continue.

11 I will allow you at this time to
12 place upon the record any questions that you
13 would ask the witness as to cross examination.

14 MR. SEATON: I certainly would, Your
15 Honor.

16 THE COURT: Thank you.

17 MR. SEATON: I would certainly query
18 as to any statement that somehow the safety of
19 the witness is being compromised.

20 THE COURT: I have made my ruling,
21 Mr. Seaton, of what I am going to allow you.
22 If you wish to take time to do it, to place it
23 on the record for appellate purposes, is to
24 indicate what questions that you would ask
25 further of Ms. Blanche.

1 MR. SEATON: Certainly, Your Honor.

2 THE COURT: That is the only
3 latitude that I am giving you at this time.

4 MR. SEATON: The rebuttal questions
5 that I am asking are based on the fact that
6 the State has the right, once I've questioned
7 the witness, to ask rebuttal questions. Then
8 I have the opportunity to ask rebuttal
9 questions based on what the State has just
10 asked.

11 The State specifically asked her
12 whether or not she had gone back to the house
13 after she had been raped. I am clearly
14 entitled to the right to continue to ask her
15 those questions, when she says that she had
16 not gone back to the house and every bit of
17 evidence that we have, including her perjured
18 testimony earlier that she had been at the
19 house, that she was at the house.

20 If I am not entitled to continue to
21 question her about that, I don't know what I
22 can possibly be entitled to, Your Honor.
23 Because she sat right there and she lied.
24 Everybody knows that's a lie, because she said
25 'no, I did not go back to the house.' And she

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1 absolutely not only went back to the house but
2 she testified about going back to the house.

3 THE COURT: Mr. Seaton, what other
4 questions are you going to inquire of?

5 MR. SEATON: I would want to inquire
6 as to whether or not she is going to agree
7 that she has given us conflicting testimony
8 about going back to the house. One of the
9 problems I have when I am confronted with a
10 witness like Ms. Blanche ---

11 THE COURT: Mr. Seaton, I
12 understand your position. I am not giving you
13 this opportunity -- my -- the purpose of this
14 is for you to articulate specific questions in
15 response to the State's redirect that you
16 would ask. It is my ruling at this time that
17 she will not be put back on the stand. I am
18 allowing you this opportunity not for argument
19 but merely for the questions that you would
20 ask.

21 MR. SEATON: Your Honor, I am very
22 confused. Are you telling me that I am not
23 allowed to ask any questions of any nature
24 based on the rebuttal questions that she has
25 been asked? Are you tell me that I am no

1 longer going to be allowed to ask her ---

2 THE COURT: I am asking you to
3 place upon the record the questions that you
4 would have for her on recross at this time.

5 MR. SEATON: And by putting it on
6 the record, are you going to consider whether
7 or not I am going to be allowed to ask those
8 questions or not?

9 THE COURT: I am asking you to
10 place on the record the questions that you
11 have for Ms. Blanche.

12 MR. SEATON: Your Honor, the problem
13 that I am having with this is that I certainly
14 do not have to be in a position where the
15 State is being told the questions that I am
16 going to ask before I asked them.

17 If this is because Her Honor has
18 decided that I am no longer entitled to ask
19 her any more questions, then I will gladly put
20 it on the record.

21 But it is certainly my position that
22 there are numerous things that in rebuttal the
23 State asked her that I am clearly entitled to
24 go into that same thing. You know, she got to
25 pull up the picture and use the pointer again.

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1 If I am allowed to go into those things, then
2 I would certainly object that I need to let
3 them know what my questions are going to be.
4 If I am being told that it doesn't matter what
5 the questions are, but that I'm only here to
6 be told that I can put it on the record for
7 purposes of the record, then I will tell you
8 what those questions are, Your Honor.

9 THE COURT: Mr. Seaton, the State
10 doesn't have an opportunity for re-redirect.
11 So it really doesn't matter if you tell them
12 what the questions are going to be at this
13 point either.

14 MR. SEATON: I would certainly go
15 into the issues ---

16 THE COURT: Let me have Ms. Blanche
17 taken outside.

18 (WITNESS EXITS COURTROOM)

19 THE COURT: You may continue.

20 MR. SEATON: Thank you, Your Honor.
21 The State very carefully asked her whether or
22 not there were texts that were, in their
23 words, that were not important, that the
24 police didn't take pictures, or that she
25 didn't take pictures, or that someone else

1 didn't take pictures of.

2 This is the first time in the last
3 two that I've ever heard that theory as to why
4 those pictures don't match those logs.

5 So she readily agreed with the
6 solicitor that, yes, there are other, uh,
7 text messages that we didn't take pictures
8 of.'

9 That is an absolute opposition to
10 what she has testified to from day one. She
11 has told us that those are all of them, that
12 those are the ones that from the start - I
13 mean, we've been saying that they started here
14 and they ended there. We've argued about that
15 for hours. So the idea that they are suddenly
16 now going to throw out this whole new theory
17 that there aren't pictures or that there are
18 other texts but that they were not 'important'
19 is a whole gambit of questions that -- I don't
20 understand where this came from or how they
21 suddenly postulate this theory. Even more
22 importantly, how she has agreed with that when
23 it is the exact opposite of what she has
24 testified to, ---

25 THE COURT: Mr. Seaton, my

1 recollection of that line of questioning was
2 that it was replete, over and over again asked
3 in several different ways. She indicated that
4 the pictures were taken of the relevant text
5 messages.

6 I am not here to argue. The purpose
7 of this is for me to determine whether or not
8 there is a line of questioning that will be
9 relevant, without continuing to harass the
10 witness or to cause undue delay or repetition.

11 MR. SEATON: Your Honor, the State
12 specifically asked a question that has never
13 been asked.

14 THE COURT: Which was, Mr. Seaton?

15 MR. SEATON: Which was, is there
16 other texts in her phone -- and I can only
17 assume that those were from Mr. Andes -- that
18 there was no, that the idea was that they were
19 from Mr. Andes -- that were not -- that they
20 did not take photographs.

21 And if -- and she immediately agreed,
22 'yes, there are other texts that are not --
23 that we did not take pictures of.' The only
24 thing that I recall her saying prior to this
25 line was that she had erased texts that were

1 not important. But not that -- because we
2 went into great detail about how the chain has
3 not been broken.

4 So I don't know how you got these
5 texts that we are now seeing but that there
6 were other texts 'but they're not important,
7 so we don't have pictures of them.' Then they
8 would be stuck here in the middle of all this
9 stuff.

10 THE COURT: What other line of
11 questioning specifically, Mr. Seaton?

12 MR. SEATON: Specifically is, and I
13 would repeat myself if necessary, about her
14 not going back into the house.

15 THE COURT: I have that one down.

16 MR. SEATON: Yes, ma'am. And that -
17 - I've already gone into the texting of the
18 daughter.

19 THE COURT: Those are the only two
20 lines of questioning that you intend, based
21 upon the State's redirect?

22 MR. SEATON: As far as still are
23 open to be flushed out based upon the
24 questions that they asked. Yes, ma'am.

25 THE COURT: All right. I need Ms.

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1 Blanche.

2 (WITNESS RETURNED TO COURTROOM)

3 THE COURT: How many witness do
4 have, for scheduling, this afternoon?

5 SOLICITOR WILLIAMS: Five.

6 THE COURT: Do you anticipate that
7 we will be able to finish those today?

8 SOLICITOR WILLIAMS: I do. There's
9 basically one quick fact witness, then the
10 nurse and one expert on rape trauma. I don't
11 expect the direct examination to be very long.

12 MR. SEATON: None of those do I
13 expect to be long either, Your Honor. I would
14 anticipate that the arresting officer would
15 take some period of time. Other than that, I
16 don't any of the rest of them have anything of
17 a great deal of importance to add to the
18 evidence.

19 THE COURT: Ms. Blanche, you may
20 stand right there. You may not discuss this
21 case with anyone, your proposed testimony,
22 your prior testimony, what you anticipate the
23 testimony to be. We will have a short
24 examination after lunch, so please take time
25 at lunch but do not discuss the case with

1 anyone. You may discuss (sic) with Ms.
2 Roberts, but you may not discuss your
3 testimony. Do you understand?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: If there is anything
6 needed for scheduling, that's all that you can
7 talk to the State about. Any questions?

8 THE WITNESS: No, ma'am.

9 THE COURT: Thank you. Mr. Seaton,
10 I am going to allow you that very limited re-
11 recross.

12 MR. SEATON: Yes, Your Honor.

13 THE COURT: But I hope that you
14 understand that I am feeling that your line of
15 questioning is harassing the witness and
16 attempting to confuse her on issues that are
17 not relevant. Please be back at 2:30. Thank
18 you.

19 (LUNCH RECESS)

20 (DEFENDANT PRESENT)

21 THE COURT: Anything before we
22 bring in the jury?

23 MR. SEATON: Yes, Your Honor. I
24 have a clarification on one exhibit, which
25 doesn't have to be with this witness, but the

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1 phone records of Mr. Andes that we were going
2 to get in through the Sprint man yesterday,
3 and somehow I think we only put in Ms.
4 Blanche's rather than Mr. Andes as well, so
5 we just want to agree to ---

6 SOLICITOR WILLIAMS: I just want
7 to look at this first.

8 MR. SEATON: Sure.

9 SOLICITOR WILLIAMS: Because this
10 situation not the official ---

11 THE COURT: All right. Well, we
12 don't have to do that with that witness.
13 We can move on.

14 SOLICITOR WILLIAMS: No. But we
15 have agreed, I will agree that we will enter
16 the defendant's phone records as soon as we
17 get a good clean copy.

18 MR. SEATON: My only concern, Your
19 Honor, is that this was supposed to have
20 already been done. I don't want it to get
21 caught up in the problems here.

22 THE COURT: All right. Well, if
23 it becomes a problem, we will call Ms. Blanche
24 back, but I'd like to go ahead and get the
25 jury back in.

1 Ms. Blanche, please come forward.

2 Ms. Williams, if you're prepared to
3 let that in, just let me know.

4 SOLICITOR WILLIAMS: Yes.

5 (JURY IN @ 2:52 P.M.)

6 THE COURT: Thank you. Be seated.
7 Ms. Blanche, I remind you that you are still
8 under oath. Mr. Seaton, you may continue.

9 MR. SEATON: Thank you, Your Honor.

10 RECROSS EXAMINATION RESUMED

11 BY MR. SEATON:

12 Q. Ms. Blanche, I think where we left off was
13 the solicitor has asked you whether or not you
14 had returned to the house after you say that
15 you had been raped. Your answer was, 'No,
16 I've never been back there.'

17 Would you agree that in fact that you have
18 been back there since you allege that you were
19 raped?

20 A. Yes.

21 Q. Okay. And we've got back up on the screen
22 again and started talking about the phone
23 records and -- it was suggested that there are
24 text messages that we don't have pictures of,
25 but there were texts. Because now they are

1 "not important", we don't have those pictures.

2 Is that now your testimony?

3 A. I'm -- you're talking about the text
4 messages that are on the records from the 7th,
5 or just in general?

6 Q. No. We agreed that you erased those.
7 I think that's the last statement that you
8 made, was that -- my question about erasing
9 texts. You said, well, that I had only asked
10 you about the 5th and the 6th and other things
11 and that I didn't ask you about the 7th, so
12 you said that's why, when I'd asked you if you
13 had erased anything, you said, 'Well, you
14 didn't ask me about the 7th.' I'm not asking
15 about the text that you've now told us that
16 you erased on the 7th.

17 My question is, in recross examination
18 your solicitor -- or the solicitor -- asked
19 you about other text messages that -- were
20 there other text messages that someone has
21 decided isn't important and that's why the
22 numbers don't match. Is it your statement
23 today that other than the text messages -- and
24 we're only talking about Mr. Andes -- for any
25 other witness that you're going to call, like

1 Ms. Thompkins, any other witness that you plan
2 on calling, is there other text messages that
3 you say that you had but 'we didn't take
4 pictures because...' -- that you didn't take
5 pictures of?

6 A. Everything from the 5th and 6th, they took
7 pictures of. Then the 7th and 8th, they took
8 pictures of the ones that were not previously
9 erased. That's correct.

10 Q. Okay. So the pictures -- excuse me. The
11 text pictures -- that's probably the best way
12 to describe it, text pictures. You are
13 agreeing that there are no other texts -- if
14 that's a word -- from the 6th all the way
15 until the 7th?

16 A. On the phone, no.

17 Q. The 7th, you said you erased. There are
18 no other texts that we don't have in the
19 pictures, is that correct?

20 A. Correct.

21 Q. And so when we spent all the time going
22 through the logs, you would agree with me that
23 we still have a huge ---

24 SOLICITOR WILLIAMS: Objection,
25 asked and asked and outside the scope of

1 redirect.

2 THE COURT: Counsel, let him finish
3 his question.

4 MR. SEATON: Thank you, Your Honor.

5 REDIRECT EXAMINATION CONTINUED

6 BY MR. SEATON:

7 Q. So if I understand correctly, when the --
8 when you agreed with the Solicitor that there
9 were unimportant ones that were not
10 photographed, those were not from the 5th or
11 6th -- excuse me -- the 6th or 7th. It wasn't
12 until the ones that you erased. Those were
13 the first -- there was no unimportant pictures
14 or texts that you don't have pictures of?

15 SOLICITOR WILLIAMS: Objection.
16 Asked and asked and outside the scope.

17 THE COURT: I am going to allow it.
18 You may answer, Ms. Blanche.

19 THE WITNESS: On the text
20 messages from his is what you're asking?
21 Unimportant text messages from him that were
22 not taken, is that what you're asking?

23 RE CROSS EXAMINATION CONTINUED

24 BY MR. SEATON:

25 Q. Let me help you understand what I'm

1 asking. Until the recross (sic), no one --
2 you never suggested that there were texts that
3 you didn't have pictures of. Is that correct?

4 A. (Pause) -- from the -- I'm slightly --
5 pictures that I suggested that I didn't --
6 from the 5th and the 6th, those are the
7 pictures that they had. Those were the text
8 messages that I had. The only ones that were
9 erased were ones that were not of anything
10 pertaining to anything involving the rape.

11 Q. Yes, ma'am. I am not asking about the
12 ones that you erased, because obviously you
13 don't have pictures of those.

14 What I am asking you is, the Solicitor
15 asked you about pictures of ones that -- were
16 there ones that we didn't have pictures of
17 because they were not important. You said
18 'yes, there are one that we don't have because
19 they are not important and that might help us
20 understand why the numbers don't match up.'

21 A. Yes.

22 Q. Wasn't that the line of questioning that
23 you got just before we broke for lunch?

24 A. Yes.

25 Q. Haven't you now told us that there are no

1 text messages that you don't have pictures of
2 from the 6th? That's the question (sic) that
3 I am trying to elicit from you, is are you
4 agreeing with what you told us or are you
5 agreeing with what the solicitor has
6 suggested, that there are unimportant text
7 messages that we don't have pictures of from
8 those days?

9 A. There were texts that -- I don't believe
10 -- I don't believe that they took all the
11 pictures of everything that -- that did not
12 pertain to anything with the rape.

13 Q. Okay. You understand that the last two
14 questions that I asked were the exact same and
15 that you gave me two different answers?

16 A. Well, I'm sorry. But you're slightly
17 confusing me with the way that you're asking
18 the question. To -- anything that did not
19 pertain to the rape was not taken. So
20 whatever the dates were, I don't know. I
21 don't know what -- they took pictures of the
22 text messages that had anything to do with the
23 rape.

24 Q. Would ---

25 A. That is what they took pictures of. That

1 is how I am answering your question. I cannot
2 answer it any clearer than that.

3 Q. Yes, ma'am, you can. Let me ask ---

4 A. I ---

5 SOLICITOR WILLIAMS: Objection!

6 Asked and answered.

7 THE COURT: Sustained. Solicitor.

8 RECROSS EXAMINATION CONTINUED

9 BY MR. SEATON:

10 Q. Were there other ---

11 THE COURT: Objection. Your Honor,
12 I think ---

13 THE COURT: Let him finish his
14 question, Ms. Williams.

15 RECROSS EXAMINATION CONTINUED

16 BY MR. SEATON:

17 Q. You're saying that there are other text
18 messages that exist -- not the ones that
19 you've now told us -- you told us that you
20 erased messages on the 7th. Correct?

21 A. Correct.

22 Q. Did you erase them any other time, other
23 than the ones on the morning or sometime on
24 the 7th? Did you erase any other from Mr.
25 Andes or Ms. Thompkins, or anyone else that

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1 you're planning on calling as a witness? Did
2 you erase any other messages other than the
3 ones you've told us you did on ---

4 SOLICITOR WILLIAMS: Objection.
5 Outside the scope of redirect.

6 THE COURT: Sustained. Asked and
7 answered. Move on, Mr. Seaton.

8 RE CROSS EXAMINATION CONTINUED

9 BY MR. SEATON:

10 Q. So are ---

11 MR. SEATON: Your Honor, I don't
12 think that I've gotten a straight answer.

13 THE COURT: If you need to direct
14 ---

15 MR. SEATON: I would like to ---

16 THE COURT: If you have a question
17 for the Court, Mr. Seaton, you need to ask to
18 approach.

19 RE CROSS EXAMINATION CONTINUED

20 BY MR. SEATON:

21 Q. Did you have -- do you have -- is there
22 other text messages on the 6th that we don't
23 have pictures of?

24 SOLICITOR WILLIAMS: Objection.

25 Asked and answered.

1 THE COURT: I will allow that
2 question. You may answer, Ms. Blanche.

3 THE WITNESS: There were. I've
4 explained to you. Again, they saw all of the
5 text messages on the phone and took pictures
6 of only the text messages that were pertaining
7 to the rape. I did not delete them. They
8 took the pictures of them.

9 RECROSS EXAMINATION CONTINUED

10 BY MR. SEATON:

11 Q. Then explain ---

12 A. I ---

13 Q. Sorry. Go ahead.

14 A. (No verbal response).

15 Q. Explain to me, if you didn't erase them --
16 you've already told us that you don't know how
17 to erase them one at a time.

18 A. No, I do not.

19 Q. Then tell me how is it that the ones
20 you're telling us about now would be inbetween
21 these two sets. Tell me how that got done.

22 SOLICITOR WILLIAMS: Objection.

23 Asked and answered. Outside the scope.

24 THE COURT: Sustained.

25 RECROSS EXAMINATION CONTINUED

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1 BY MR. SEATON:

2 Q. So you told us that there are other texts
3 -- did you tell us that there were no other
4 texts on the 6th of ---

5 SOLICITOR WILLIAMS: Objection.

6 THE COURT: Let me finish his
7 question.

8 MR. SEATON: May we approach?

9 THE COURT: You may.

10 (OFF RECORD BENCH CONFERENCE)

11 THE COURT: Mr. Seaton, your
12 witness.

13 MR. SEATON: Thank you, Your Honor.

14 RECROSS EXAMINATION, CONTINUED

15 BY MR. SEATON:

16 Q. The "unimportant" texts that we didn't --
17 that pictures were not taken of, were they
18 from November 6th?

19 A. Some of them may have been. I don't know.

20 I gave the phone to Investigator Powell that

21 night to take pictures of. And I tried

22 several times to turn the phone back over to

23 -- or I asked if they wanted the phone. I

24 don't know all of the dates. I don't know the

25 process of how they went through and took the

1 photos. They took the phone and took all of
2 the pictures.

3 Q. And if that in fact is now what you're --
4 if that's what you're saying happened, then
5 explain to me -- if I could get the State to
6 help me in putting up Exhibit 5.

7 Exhibit 5 shows the November 6th and then
8 rolling over into November 7th, doesn't it?

9 A. Yes, it does.

10 Q. And wouldn't you agree with me that you
11 told us that you don't know how or haven't
12 erased singular text?

13 A. Yes, I did.

14 Q. All right. So if you've gotten November
15 6th rolling into November 7th and we've got
16 November 6th with time stamps on it, how is it
17 possible that they either weren't erased or
18 they are not on the photographs when we
19 followed the time line. Do you understand my
20 question?

21 A. I understand your question.

22 Q. How could it be inbetween Exhibit 5, that
23 shows November 6th running into November 7th,

24 ---

25 A. Because the date these pictures were taken

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1 were on November 9th or November 10th,
2 somewhere in there, so at this point we had
3 already logged all of the message that
4 Investigator Powell needed to take the
5 pictures of, and had taken pictures of, to
6 keep them in case he needed the phone again.

7 So the ones that were deleted are not
8 there. The ones that were not needed were not
9 there. Along with any other text messages
10 from anyone else: my mother, my child, Ms.
11 Thompkins, whoever it was. Anything that
12 wasn't no longer needed, all contact,
13 everything by the 9th of November had been
14 completely deleted out of the phone and was no
15 longer planned to be used at that point in
16 time.

17 Q. Would you agree with me that you took them
18 the same day? Didn't you?

19 A. I didn't take the pictures. Investigator
20 Powell took the pictures on November 6th.

21 Yes.

22 Q. Isn't that what these show?

23 A. Yes, it is.

24 SOLICITOR WILLIAMS: Objection.

25 Asked and answered.

1 THE COURT: What is the objection?

2 SOLICITOR WILLIAMS: Asked and
3 answered.

4 THE COURT: Sustained.

5 RECROSS EXAMINATION CONTINUED

6 BY MR. SEATON:

7 Q. Do you have some theory how it is that
8 pictures that show the date ---

9 SOLICITOR WILLIAMS: Objection.
10 Calls for speculation.

11 THE COURT: If you could let him
12 finish his question, Ms. Williams. I am not
13 going to rule on your objection until he
14 finishes his question. Understood?

15 SOLICITOR WILLIAMS: Yes, Your
16 Honor.

17 RECROSS EXAMINATION CONTINUED

18 BY MR. SEATON:

19 Q. Can you explain how the pictures that were
20 taken on November the 6th, that night, the
21 ones that you have -- because, didn't we agree
22 that the only reason you have times on them is
23 because they were taken on November 6th when
24 it still had times. Do you agree with that?

25 A. Yes.

1 Q. Then tell us how it is that you can have
2 those pictures and also erase what you have
3 now decided is "not important" and still have
4 November 6th rolling into November 7th without
5 individually erasing -- you're either going to
6 lose everything or you've got to erase it
7 individually. So tell us how is it possible,
8 if you know.

9 A. I don't know. The pictures were not taken
10 by me, nor did I select everything that was
11 taken. So the pictures were taken of things
12 that were useful for the purposes of this
13 incident. I cannot explain to you any more
14 than that. I told you what I did -- the day
15 that everything got done. That's all that I
16 can tell you. I don't even know the nature of
17 half of the text messages that even came in or
18 came out. I can't explain it.

19 Q. Did you sit there and watch Mr. Powell
20 erase these messages?

21 SOLICITOR WILLIAMS: Objection.
22 Outside the scope.

23 RECROSS EXAMINATION CONTINUED

24 BY MR. SEATON:

25 Q. Who erased the messages -- you're now

1 telling us that even on this day that messages
2 got erased. So who erased them? Do you know
3 who erased them?

4 A. The group? No.

5 SOLICITOR WILLIAMS: Objection.

6 Outside the scope.

7 THE COURT: Sustained.

8 RE CROSS EXAMINATION CONTINUED

9 BY MR. SEATON:

10 Q. Did you erase the ones that you're now
11 saying were erased on the 6th? Are you the
12 one who erased them?

13 SOLICITOR WILLIAMS: Objection,
14 asked and answered.

15 THE COURT: Sustained.

16 RE CROSS EXAMINATION CONTINUED

17 BY MR. SEATON:

18 Q. Did you observe anyone erase messages?

19 SOLICITOR WILLIAMS: Objection,
20 outside the scope.

21 THE COURT: Overruled. You may
22 answer, Ms. Blanche.

23 RE CROSS EXAMINATION CONTINUED

24 BY MR. SEATON:

25 Q. Did you ---

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1 A. I didn't observe what they did. They had
2 my phone and were taking pictures. No, I did
3 not.

4 Q. Do you know whether -- you're now saying
5 ones were erased on the 6th?

6 A. (Affirmative nod).

7 Q. You erased them on the 7th.

8 A. (Affirmative nod).

9 Q. Did you erase them or are you aware of
10 anyone erasing them on the 8th?

11 SOLICITOR WILLIAMS: Objection.
12 Outside the scope.

13 THE COURT: Overruled as to outside
14 the scope. You may answer.

15 RECROSS EXAMINATION CONTINUED

16 BY MR. SEATON:

17 Q. Did ---

18 A. On the 8th?

19 Q. Yes, ma'am.

20 A. No. There was no text messages that was
21 erased for the 8th, because that was the day
22 that they had planned on issuing the arrest
23 warrant. I was to remain in contact up until
24 my contact -- I was given instruction by the
25 Goose Creek Police Department that until they

1 had the arrest warrant in hand to go pick him
2 up or to find him that evening, ---

3 Q. So you are now telling us that you erased
4 every day but the 8th?

5 SOLICITOR WILLIAMS: Objection,
6 asked and answered and outside the scope.

7 THE COURT: Sustained. You do not
8 have to answer.

9 RECROSS EXAMINATION CONTINUED

10 BY MR. SEATON:

11 Q. You want to tell us any more theories on
12 how all of this stuff got -- how we can make
13 it all match?

14 SOLICITOR WILLIAMS: Objection.
15 Causes for speculation, and badgering.

16 THE COURT: Sustained.

17 RECROSS EXAMINATION CONTINUED

18 BY MR. SEATON:

19 Q. You've now told us that there are ones
20 that have been erased, but that you didn't do
21 it, and that you had problems with the
22 reception. Can you think of any other ways
23 why these numbers don't match?

24 SOLICITOR WILLIAMS: Objection.
25 Calls for speculation. Asked and answered.

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1 Badgering.

2 THE COURT: Sustained.

3 RECROSS EXAMINATION CONTINUED

4 BY MR. SEATON:

5 Q. If you didn't erase them and you didn't
6 see them, how do you know that they were
7 erased?

8 SOLICITOR WILLIAMS: Objection.

9 Calls for speculation. Asked and answered.

10 Badgering.

11 THE COURT: If she knows, she may
12 answer.

13 THE WITNESS: I don't know.

14 RECROSS EXAMINATION CONTINUED

15 BY MR. SEATON:

16 Q. So why did you say that they were erased?

17 A. The ones from the 7th were erased. I
18 don't know about the other text messages. I
19 cannot give you any -- I don't know!

20 Q. Well, then why did you tell the Solicitor
21 that you did?

22 SOLICITOR WILLIAMS: Objection.

23 Asked and answered.

24 THE COURT: Sustained.

25 RECROSS EXAMINATION CONTINUED

1 BY MR. SEATON:

2 Q. Would you agree that you've told us two
3 different versions of the same question (sic)?

4 SOLICITOR WILLIAMS: Objection.

5 Asked and answered.

6 THE COURT: I am going to allow
7 this one. You may answer.

8 THE WITNESS: Sir, I'm really
9 sorry but your questions can get very
10 confusing. So you'll have to forgive me if
11 I'm answering them incorrectly from one minute
12 to you to the next minute from you. Maybe I
13 am just not that bright.

14 RECROSS EXAMINATION CONTINUED

15 BY MR. SEATON:

16 Q. Ma'am, I am not trying to pick a fight
17 with you. I don't want to have a discussion.
18 I am just trying to get to the bottom ---

19 A. And I have answered your questions.

20 Q. You've told us things in conflict and I'm
21 trying to resolve the conflict. My question
22 very simply is, do you know that someone has
23 erased what y'all are calling "unimportant"
24 messages from Mr. Andes? Do you know that or
25 not?

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1 A. No, I ---

2 SOLICITOR WILLIAMS: Objection.

3 THE COURT: Hold on, Ms. Blanche.

4 Sustained. You do not have to answer.

5 MR. SEATON: Nothing further, Your

6 Honor.

7 THE COURT: Ms. Blanche, you may

8 step down.

9 (WITNESS STEPS DOWN)

10 THE COURT: Call your next witness.

11 SOLICITOR WILLIAMS: The State

12 calls Jessica Thompkins.

13 THE COURT: Ms. Williams, Mr.

14 Seaton, approach. Please swear her in, Ms.

15 Evelyn.

16 (OFF RECORD BENCH CONFERENCE)

17 (WITNESS TAKES STAND)

18 JESSICA THOMPkins, being duly sworn

19 to tell the truth, the whole truth and nothing

20 but the truth, testified, as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR WILLIAMS:

23 Q. Do you know LeAnn Blanche?

24 A. Yes, ma'am.

25 Q. How do you know her?

1 A. We've been friends for about eight years.

2 Q. Okay. Do you know Michael Andes?

3 A. Yes.

4 Q. How do you know him?

5 A. We grew up in Goose Creek, I went to
6 school with his sister, he used to be a
7 bouncer at a bar that I hung out at -- and
8 I met him with LeAnn a couple of times.

9 Q. So you knew LeAnn, and you knew him
10 through her as well?

11 A. Yes.

12 Q. Did you know LeAnn back in November of
13 2010?

14 A. Yes, ma'am.

15 Q. What was your phone number back then?

16 A. 843. 4.

17 Q. Where was she living back in 2010?

18 A. With Mr. Andes.

19 Q. If you know, how long was she planning to
20 stay there?

21 A. I think that she was making plans to move
22 out.

23 Q. How do you know that?

24 A. Because she and I had discussed that.

25 Q. Tell me about that. What were the plans

1 and where was she moving?

2 A. She was supposed to -- she was moving in
3 with me. She was getting her stuff together.
4 She was slowly going to be moving in.

5 Q. Okay. Where was she moving into?

6 A. She was moving into a den that was added
7 onto my house a long time ago and I -- I was
8 cleaning it out for her.

9 Q. What was in there that you had to clean
10 out?

11 A. My grandmother's -- it was my grand-
12 parents' house and it was my grandmother's
13 furniture, just odds and ends. It was
14 basically just a storage room before she moved
15 into it.

16 Q. Why was she moving out?

17 A. Because she was uncomfortable with her
18 living situation.

19 Q. Did you hear from LeAnn at all on, if you
20 remember, on November 6th?

21 A. Yes, ma'am.

22 Q. How did you hear from her? Tell us about
23 that.

24 A. She sent me a text message -- it was after
25 4:00 a.m. I'd just got home from work. She

1 sent me a text message, several text messages.

2 Q. Without telling us exactly what she said
3 in the text message, did she report a sexual
4 assault to you?

5 A. Yes, ma'am.

6 Q. And without telling us where, did she say
7 where it -- or, I'm sorry, you can tell us
8 where. Where did she say that it occurred?

9 A. In her bedroom.

10 Q. And when did she say it occurred?

11 A. It had just happened.

12 Q. Did you see LeAnn the next day?

13 A. Yes, ma'am.

14 Q. Where was that?

15 A. At her daughter's birthday party.

16 Q. What was her -- what was she like?

17 A. She was very upset, she was very shaken
18 up. She was trying to put on a good face for
19 her daughter, but she was -- you could tell
20 that she was upset.

21 Q. When did she actually move in?

22 A. Within forty-eight hours.

23 Q. Was that the original plan?

24 A. No.

25 Q. Okay. Did y'all have to do anything to

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1 make that happen faster?

2 A. Yes. We basically just threw everything
3 out of the room and put it wherever we could
4 put it.

5 SOLICITOR WILLIAMS: Court's
6 indulgence for just a moment.

7 THE COURT: Yes, ma'am.

8 SOLICITOR WILLIAMS: I have no
9 further questions. Please answer any
10 questions that Mr. Seaton has.

11 THE COURT: Mr. Seaton?

12 MR. SEATON: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. SEATON:

15 Q. Good afternoon, Ms. Thompkins.

16 A. (No verbal response).

17 Q. You describe yourself as a good friend
18 with LeAnn Blanche?

19 A. I would say so, yes.

20 Q. And y'all have been friends for how long?

21 A. About eight years.

22 Q. You'd see her on a regular basis
23 throughout that time?

24 A. (Affirmative nod). I mean, not every
25 single day but occasionally. Yes.

1 Q. I assume that you would help her any way
2 that you can?

3 A. I'd try to, yes.

4 Q. She came to live with you sometime after
5 she moved out of Mr. Andes' house?

6 A. Yes.

7 Q. Are you aware of her receiving a ring from
8 Mr. Andes?

9 A. No.

10 Q. Did you know her when she was living in
11 Park Place? Did you keep up with each other
12 at all?

13 A. We became better friends within the last
14 couple of years, but we've -- I've known her
15 for a long time, over eight years. I wouldn't
16 say that we were best friends. I wouldn't say
17 that we constantly talk, every single day, but
18 we did -- (pause).

19 Q. Were you in contact with her, at all, when
20 she was living at Park Place?

21 A. I am sure I was.

22 Q. And at some point after that, you're aware
23 that she moved in with Mr. Andes?

24 A. Yes.

25 Q. You're aware that at some point -- and I'm

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1 not going to hold you to dates, because I'm
2 not real sure either. But at some point she
3 moved out of Mr. Andes' house for a period of
4 time and then eventually moved back in?

5 A. Yes.

6 Q. When she moved out, do you have any idea
7 roughly how long she was living somewhere
8 other than living with Mr. Andes?

9 A. No.

10 Q. She eventually moves back in Mr. Andes.
11 Are you aware of when they stopped being
12 boyfriend and girlfriend?

13 A. I believe that it was before the summer of
14 last year.

15 Q. Before the summer of last year.

16 A. Sometime around summertime. I am not sure
17 what month, I am not sure what day.

18 Q. Roughly the summer of 2010?

19 A. I think so, yes.

20 Q. And after she decided not to be boyfriend
21 and girlfriend anymore, did she -- to your
22 knowledge, did she start renting space from
23 Mr. Andes?

24 A. She was staying there, she told me,
25 because he was working out of town during the

1 week and she was helping him with his daughter
2 on the weekends.

3 Q. So the daughter was staying there?

4 A. I don't know if she was there every day.
5 I'm not sure.

6 Q. You said on the weekends?

7 A. I thought she was helping him with his
8 daughter.

9 Q. Was she paying rent?

10 A. I don't -- I don't know.

11 Q. Do you know if he was providing her with a
12 vehicle that was in his name?

13 A. I thought it was in both their names, but
14 she was driving a car -- a truck.

15 Q. And the phone that she had, do you know
16 whether or not that was on one of his
17 accounts?

18 A. Yes, it was.

19 Q. You said that she was upset when you saw
20 her at Music in Motion?

21 A. Yes, sir.

22 Q. Had she already been talking to you before
23 this incident about moving in, is that
24 correct?

25 A. Yes.

1 Q. If she and Mr. Andes had been having
2 problems, you wouldn't have had any trouble
3 with her moving in, staying on the couch or
4 whatever prior to her actually moving in;
5 would you?

6 A. No.

7 Q. Y'all are close enough friends that had
8 she said, 'Hey, it's not good here. I need
9 to come over...' ---

10 A. Yes.

11 Q. She texted you sometime, approximately
12 4:30, in the morning?

13 A. Yes.

14 Q. Did you text her back?

15 A. Yes.

16 Q. Did she text you?

17 A. Yes.

18 Q. Then, lastly, you texted her back -- to
19 your knowledge?

20 A. Yes, I did. I think so.

21 Q. So there were two texts that you sent her
22 and two texts that she sent you?

23 A. Yes.

24 Q. In those texts she tells you that she had
25 been raped?

1 A. (No verbal response).

2 Q. Is that what she said?

3 A. (Affirmative nod).

4 Q. Yes?

5 A. She asked me a question.

6 Q. And what was the question that she asked
7 you, ma'am?

8 SOLICITOR WILLIAMS: Objection.

9 May we approach?

10 THE COURT: You may.

11 MR. SEATON: Your Honor, if there is
12 an objection, then ---

13 THE COURT: Counsel, approach.

14 (OFF RECORD BENCH CONFERENCE)

15 THE COURT: Ladies and Gentlemen,
16 there is a matter of law that I must take up
17 outside of your presence. Do not begin your
18 deliberations. Do not discuss this case
19 amongst yourselves. Please rise for the jury.

20 (JURY OUT @ 3:21 P.M.)

21 THE COURT: Thank you. Be seated.

22 Mr. Thompkins, we are going to take our mid-
23 afternoon break. Do not discuss your
24 testimony with anyone. You may step down. We
25 are going to take seven minutes. Thank you.

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1 (BRIEF RECESS)

2 (DEFENDANT PRESENT)

3 THE COURT: All right. We had a
4 bench conference and that all transpired, so
5 that the record is clear, was that Ms.
6 Williams asked to approach the bench and
7 indicated that the statement that Ms.
8 Thompkins was going to make would be hearsay.
9 I'll be happy to hear from you, Mr. Seaton.

10 MR. SEATON: Thank you, Your Honor.

11 EXAMINATION BY MR. SEATON:

12 Q. Ms. Thompkins, I had asked you ---

13 THE COURT: No, no, no. I need to
14 hear what -- I guess that I need to hear from
15 the State as to, is there an objection?
16 What's the issue?

17 SOLICITOR WILLIAMS: The objection is
18 hearsay. Our position is that he is eliciting
19 an out-of-court statement made by a declarant,
20 Ms. Blanche, made to this witness. I don't
21 now of any exceptions. It's non-hearsay only
22 as to the time and place, which we have
23 elicited on direct.

24 THE COURT: Mr. Seaton, your
25 response?

1 MR. SEATON: Yes, Your Honor. Very
2 briefly. If you look at the hearsay rules and
3 the hearsay exception, Rule 801(d)(1)
4 specifically says that if she has already
5 testified -- "she" being the declarant -- if
6 she has already testified in the courtroom,
7 then it is admissible.

8 I would, however, agree, as I agreed
9 in sidebar, that the *State v. Schumpert*
10 exception would apply. However, unless we
11 have an in-camera hearing, I don't know what
12 it is that she's going to say to determine
13 that it's a Schumpert exception.

14 THE COURT: Well, Mr. Seaton,
15 801(1)(d) (sic) indicates that it is not
16 hearsay as long as it is limited to the time
17 and place of the incident.

18 MR. SEATON: If the person made the
19 -- Yes, ma'am. That's exactly what I'm
20 saying. It is not -- the -- Schumpert and
21 that both says the same thing. If it is
22 limited to time and place, if that's what is
23 on the text or what she was going to testify
24 to. The problem is that I don't have a copy
25 of the text. I don't have any statement. I

1 haven't even been told by the State what it is
2 that allegedly Ms. Thompkins is going to say.
3 So I don't know that it falls into that.

4 THE COURT: All right. So, Mr.
5 Seaton, the larger objection that you have to
6 this is that you haven't provided discovery
7 material?

8 MR. SEATON: No, ma'am, that is not
9 the objection at all. I'm simply saying that
10 the only way that we can ascertain whether or
11 not that this is an issue of time and place
12 would depend on what it is that she is going
13 to say, which is why it should be done in-
14 camera, because I don't know what she is about
15 to testify to. I raised it at discovery.

16 THE COURT: Thank you, Mr. Seaton.
17 Ms. Williams, any reason -- we're outside the
18 presence of the jury -- why she can't testify
19 as to what was said?

20 SOLICITOR WILLIAMS: Well, she can
21 but I just think that -- I mean, our position
22 is that if it doesn't fall under time and
23 place, then it is just hearsay. I mean, it's
24 hearsay until there is an exception and
25 there's no -- the only exception is time and

1 place. I don't ---

2 THE COURT: We are outside the
3 presence of the jury. Thank you.

4 Mr. Seaton, I will allow you to ask
5 that question to Ms. Thompkins.

6 MR. SEATON: Thank you. Ms.
7 Thompkins, I had asked you a moment ago the
8 nature of the text mail that you received. If
9 you would, what did the text say?

10 WITNESS, JESSICA THOMPKINS: The
11 text that she -- she asked me if I considered
12 it rape when someone forced themselves into
13 your room and onto you without -- without your
14 knowledge or your consent.

15 MR. SEATON: Nothing further, Your
16 Honor.

17 THE COURT: So you agree that that
18 statement, other than time and place, should
19 not come in?

20 MR. SEATON: Yes, ma'am.
21 Absolutely.

22 THE COURT: All right. So that is
23 all that you needed from this witness.

24 MR. SEATON: Absolutely. In terms
25 of in-camera. I have other questions that are

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1 -- but in terms of the hearsay exception, yes,
2 ma'am.

3 THE COURT: All right. Anything
4 before we bring in the jury?

5 SOLICITOR WILLIAMS: Nothing from
6 the State, Your Honor.

7 THE COURT: Mr. Seaton?

8 MR. SEATON: No, Your Honor.

9 THE COURT: All right, let's bring
10 in the jury. Ms. Thompkins, remain seated. I
11 remind you -- we are not going to swear you
12 back in, you're still under oath. Thank you.

13 (JURY IN @ 3:46 P.M.)

14 THE COURT: Please be seated.

15 Mr. Seaton, your witness.

16 MR. SEATON: Thank you, Your Honor.

17 RE CROSS EXAMINATION RESUMED

18 BY MR. SEATON:

19 Q. As a result of the two texts that LeAnn
20 Blanche sent you and the two text messages
21 that you sent back to LeAnn Blanche, did you
22 or anyone to your knowledge call 911 or the
23 police in any way?

24 A. No. I told her to.

25 MR. SEATON: Nothing further, Your

1 Honor.

2 THE COURT: Redirect?

3 SOLICITOR WILLIAMS: No, Your

4 Honor.

5 THE COURT: You may step down.

6 Thank you. You're free to go, but feel free
7 to remain with us. Thank you.

8 (WITNESS STEPS DOWN)

9 THE COURT: Call your next witness.

10 SOLICITOR WILLIAMS: Katie Urka.

11 (WITNESS TAKES STAND)

12 SOLICITOR WILLIAMS: Your Honor,
13 may we approach very briefly?

14 (OFF RECORD BENCH CONFERENCE)

15 KATIE URKA, being duly sworn to tell
16 the truth, the whole truth and nothing but the
17 truth, testified, as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. Ms. Ukra, where do you work?

21 A. I work at the State Law Enforcement
22 Division.

23 Q. How long have you worked there?

24 A. I've worked there for over five years.

25 Q. What do you do there?

1 A. I'm a forensic DNA analyst.

2 Q. What is your training and experience in
3 the field of forensic DNA?

4 A. I have a bachelor of science degree in
5 Forensic Biology. I also have master's of
6 science degree in Forensic Biology. Both of
7 my degrees are from the Virginia Commonwealth
8 University.

9 Upon my employment with the State Law
10 Enforcement Division, I completed the training
11 program there, where I was trained in evidence
12 and DNA report writing.

13 Q. And have you been qualified as an expert
14 before, in court?

15 A. Yes.

16 Q. How many times have you testified?

17 A. About twenty-five.

18 SOLICITOR WILLIAMS: Your Honor, at
19 this time we would ask that Ms. Urka be
20 qualified as an expert in the field of
21 Forensic Science, DNA Analyses.

22 MR. SEATON: Without objection, Your
23 Honor. I also would not object to her, so
24 that we move along a little bit, report.

25 THE COURT: You would not object

1 to?

2 MR. SEATON: There's a report that
3 I'm assuming that the solicitor is going to
4 ask be admitted into evidence. I certainly do
5 not object.

6 THE COURT: What is the report --
7 are you attempting to introduce a report?

8 SOLICITOR WILLIAMS: Sure.

9 THE COURT: Have you marked that?
10 Would that be 59?

11 SOLICITOR WILLIAMS: That would be
12 -- would that be 58 or 59?

13 COURT REPORTER: This is a new item?

14 THE COURT: Yes.

15 COURT REPORTER: It would be 59.

16 (SO ENTERED AS STATE'S EXHIBIT 59)

17 THE COURT: And you are requesting
18 that she be designated as an expert in
19 Forensic Science?

20 SOLICITOR WILLIAMS: Forensic
21 Science, DNA Analyses.

22 THE COURT: Ladies and Gentlemen of
23 the jury, normally a person can't give opinion
24 testimony. Normally when they testify they
25 must testify either to what they saw, heard or

1 sensed by smell or something of that nature.
2 There is an exception in our laws that when
3 someone is qualified, because of their
4 education and/or experience, they're permitted
5 to give their opinion in certain areas.

6 This witness will be qualified in the
7 area of forensic science and DNA analyses to
8 give opinion testimony in that area.

9 That does not mean that you must
10 accept that opinion. It is simply evidence
11 for you to use in any way that you see fit.
12 Thank you.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. What is DNA analyses? Could you explain
16 that to the jury?

17 A. To make a DNA analysis, I'm attempting to
18 develop DNA profiles from items of evidence as
19 well as known standards from people. I look
20 at the profiles from each and see if they
21 match.

22 Q. At SLED when you do DNA analyses, tell us
23 a little bit about the peer review process and
24 how you process DNA and what has to happen
25 before you can actually come to a result that

1 can be published.

2 A. When I first received my evidence for
3 analysis, I test to see if there is any bios
4 (phonetic) there, which is serology. If that
5 test is positive, I can continue with the DNA
6 analysis. Upon developing a DNA profile, from
7 the evidence and the know standards, I
8 generate reports. My reports are peer-
9 reviewed twice before those reports are issued
10 to a submitting agency.

11 Q. Did you receive the items of evidence in
12 this case?

13 A. Yes.

14 Q. What evidence - what items of evidence did
15 you receive?

16 A. I received a sexually assault evidence
17 collection kit from LeAnn Blanche and oral
18 swabs from Christopher Andes.

19 SOLICITOR WILLIAMS: Your Honor, I
20 am going to show defense counsel what has been
21 previously marked -- consolidated -- as
22 State's Exhibit 43.

23 MR. SEATON: Without objection, Your
24 Honor.

25 SOLICITOR WILLIAMS: May I

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1 approach?

2 THE COURT: You may. Are you
3 moving 43 into evidence?

4 SOLICITOR WILLIAMS: Yes, Your
5 Honor.

6 THE COURT: State's Exhibit 43 into
7 evidence without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 43)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILLIAMS:

11 Q. Can you tell us if you recognize these
12 items?

13 A. They both have the SLED lab number on
14 them, as well as my initials.

15 Q. So when you get an item of evidence - is
16 that the evidence that you analyzed for this
17 case?

18 A. Item one is. Number three is actually
19 Andes, and I did not analyze those.

20 Q. Okay. What is in item number one?

21 A. Item one is a sexual assault kit. It
22 contains a vaginal smear, vaginal swabs, pubic
23 hair combing, buccal swabs, and debris
24 collection.

25 Q. Okay. What, if any, results did you get

1 from these items? Were those then broken down
2 into results?

3 A. They items are just listed along with the
4 reports of the analyses performed on them.

5 Q. Okay. For instance, the vaginal swabs,
6 how is that identified in your report?

7 A. There was semen identified on the vaginal
8 swabs.

9 Q. What is that labeled as in your report?
10 1.2?

11 A. Yes.

12 Q. Okay. Is there any other thing that you
13 used in your analyses to compare the vaginal
14 swabs where the semen was found?

15 A. When I run the evidence, I also run the
16 known standards that are submitted for that
17 case -- if they submit standards.

18 Q. So when you compared Item 1.2 to the oral
19 swabs, how are you labeling the oral swabs?

20 A. Oral swabs, uh, from the victim are Item
21 1.5, from Christopher Andes they are Item 2.

22 Q. Did you compare the DNA from the semen to
23 the oral swabs from Mr. Andes?

24 A. Yes.

25 Q. What was the conclusion?

1 A. The DNA profile developed on the semen on
2 Item 1.2 matches the DNA profile of
3 Christopher Andes.

4 Q. So what are the chances that the semen
5 that was found in the sexual assault kit from
6 the vaginal swabs is not Mr. Andes' semen?

7 A. It's a very rare profile that I developed.
8 The statistics of the rarity of the profile,
9 so the chances of finding that profile again
10 in the population are very slim. It was one
11 in one hundred and ten quadrillion.

12 Q. So the chances that it is not him are one
13 in one hundred and ten quadrillion? Is that
14 correct?

15 A. It says that if you have a random listing
16 of one hundred and ten quadrillion people,
17 that you would expect to see that profile
18 once.

19 Q. Can you put up -- I am going to show you
20 the chart that you provided in your report, it
21 should come up right behind you. Can you just
22 very briefly explain to the jury what that is
23 and what it means?

24 A. That is a table that we produce in our
25 reports to list the DNA evidence.

1 Going across is the profile.

2 The columns going down are the locations
3 that we are looking at, and there's fifteen
4 different locations.

5 The last one is a gender marker.

6 So the first row going across is the
7 victim's standard. The second one down is the
8 defendant's standard.

9 The last two are the vaginal swabs.

10 Q. You can use this pointer. So, what is
11 the significance of that for those people
12 who don't understand all of the science?

13 A. It is just that listing a comparison from
14 the evidence to the standards.

15 Q. Is there any DNA that is foreign to either
16 person?

17 A. No.

18 Q. I mean, any markers?

19 A. (Negative gesture).

20 Q. So all the markers that are found are
21 either hers or his?

22 A. Correct.

23 Q. Sometimes do you come to the conclusion
24 that it does belong to the perpetrator but
25 that there are other markers in there?

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1 A. Sometimes we get mixtures where we can't
2 really tell who is in that mixture. Sometimes
3 people can't be excluded from a mixture.

4 Q. So which you consider this a pretty strong
5 result?

6 A. Yes.

7 SOLICITOR WILLIAMS: I have no
8 further questions. Please answer any
9 questions that the defense counsel may have.

10 THE COURT: Mr. Seaton.

11 MR. SEATON: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. SEATON:

14 Q. Dr. -- I'm sorry, I didn't catch your
15 name.

16 A. Urka.

17 Q. Dr. Urka, just very briefly, -- first of
18 all, did you find any of LeAnn Blanche's
19 blood?

20 A. I did not test for blood.

21 Q. You had her underwear, but you did not
22 test for blood?

23 A. Another analyst at SLED examined the
24 panties for semen, but I did not personally,
25 no.

1 Q. Are you - do you have any documents with
2 you, or anything, that says that blood was
3 negative?

4 A. We didn't test for blood. Only semen.

5 Q. And when you tested for semen, the DNA of
6 Mr. Andes, do you know whether or not that he
7 ever denied that was his DNA?

8 A. No, I do not.

9 Q. Do you have any idea, by looking at any of
10 whatever you were given, can you tell us
11 whether or not that DNA, that semen, was there
12 by force or whether it was consensual? Do you
13 have anything to say about a crime being
14 committed?

15 A. I can't tell you if there was a crime. I
16 can only tell you that there was DNA present.

17 Q. Okay. Can you tell us the age of DNA?

18 A. No.

19 Q. If a police officer says, 'I can tell you'
20 whether it's new DNA or old DNA, would he be
21 wrong?

22 A. I really can't determine the age of DNA.
23 In a sexual assault kit, when there are
24 vaginal swabs, if there is semen present it's
25 generally within forty-eight to seventy-two

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1 hour period that you're going to find a good
2 profile, because of the drainage of semen out
3 of the body. So after several days, I
4 wouldn't expect to find this kind of profile.

5 Q. Thank you.

6 THE COURT: Ms. Williams?

7 SOLICITOR WILLIAMS: Nothing
8 further.

9 THE COURT: You may step down.

10 (WITNESS STEPS DOWN)

11 THE COURT: You are free to remain
12 with us, and you are also released from your
13 subpoena. Thank you. Call you next witness.

14 SOLICITOR WILLIAMS: Dr. Alyssa
15 Rheingold, and I think, Your Honor, that we do
16 have ---

17 (OFF RECORD BENCH CONFERENCE)

18 (WITNESS TAKES STAND)

19 ALYSSA RHEINGOLD, being duly sworn to
20 tell the truth, the whole truth and nothing
21 but the truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR WILLIAMS:

24 Q. Dr. Rheingold, please tell this jury a
25 little bit about your educational background.

1 A. I received my bachelor's from the
2 University of Pennsylvania in 1996, graduating
3 -- majoring in Psychology, graduating with
4 honors in Psychology, graduated cum laude.

5 I then received my master's in Clinical
6 Psychology at MCP University in 1998, then
7 continued and received my Ph.D. in Clinical
8 Psychology in 2001.

9 Q. Have you been published?

10 A. Yes, I have.

11 Q. How many times?

12 A. I've published in thirty-three peer-
13 reviewed journals and other kinds of
14 manuscripts.

15 Q. As far as your post-doctoral fellowship,
16 what did that ---

17 A. I completed a two-year post-doctoral
18 fellowship at the Medical University of South
19 Carolina. It was in the area of Trauma, on
20 research and clinical work in the field of
21 trauma.

22 Q. Where you work now?

23 A. I currently work at the Medical University
24 of South Carolina. I work within the
25 department of psychiatry and behavioral

1 sciences, in the division of the victim
2 center.

3 Q. What does that department do? I under-
4 stand that it is different areas, but in the
5 different areas, what do y'all do?

6 A. Our division, we have a total of about
7 fifteen faculty members, mainly clinical
8 psychologists. We do primarily research,
9 clinical work and teaching in the area of
10 trauma. So we have a kind of variety of
11 different kinds of research studies that we
12 do, service-oriented programs. We have an
13 outpatient clinic where we see kids and adults
14 who have experienced a sort of traumatic event
15 where we provide counseling for them.

16 Then we also do a lot of teaching to
17 medical students, psychology internship, we
18 have a psychology internship program where we
19 teach psychiatry residents and we do a lot of
20 national training and teaching, as well.

21 Q. And have you made presentations regarding
22 trauma?

23 A. Yes. I've done over one hundred twenty-
24 five presentations, most in the areas of
25 trauma, impacts of trauma. I've done them

1 both locally, regionally and nationally at
2 conferences.

3 Q. Have you received any awards by the
4 Medical University of South Carolina?

5 A. I've recently received the MUSC
6 Outstanding Clinician Award, which is provided
7 to two or three clinicians throughout the
8 entire Medical University.

9 Q. When you're talking about trauma,
10 generally you are just talking about people
11 who have been exposed to all kinds of trauma;
12 is that correct?

13 A. Correct. So sexual assaults, domestic
14 violence, natural disasters, car accidents,
15 any situation where someone might perceive
16 being in danger, harm to themselves.

17 Q. How many patients which you estimate that
18 you have worked with?

19 A. Since my licensure I've worked with
20 probably about a hundred and twenty victims of
21 trauma. I have also - I supervise the
22 psychology interns and psychiatry residents,
23 so I have probably supervised about three
24 hundred people, as well.

25 Q. Have you ever testified before?

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1 A. I have.

2 Q. In what capacity?

3 A. I've testified two times as an expert
4 witness in the fields of psychology and
5 trauma.

6 SOLICITOR WILLIAMS: Your Honor, at
7 this time we would offer Dr. Rheingold as an
8 expert in the field of psychology and in the
9 field of impact of trauma in domestic
10 violence.

11 THE COURT: Impact of trauma in
12 domestic violence?

13 SOLICITOR WILLIAMS: And domestic
14 violence.

15 THE COURT: Mr. Seaton?

16 MR. SEATON: Your Honor, she sounds
17 like an expert but I don't know that that is
18 what she said that she was an expert in. I
19 think she ---

20 THE COURT: Do you wish to voir
21 dire this witness as to those qualification,
22 Mr. Seaton?

23 MR. SEATON: No, let's go ahead.
24 She sounds like an expert to me.

25 THE COURT: All right. This

1 witness will be qualified as an expert in the
2 areas of psychology, impact of trauma, and
3 domestic violence.

4 SOLICITOR WILLIAMS: Thank you,
5 Your Honor.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILLIAMS:

8 Q. How common is domestic violence in our
9 society?

10 MR. SEATON: Objection, Your Honor.
11 What is the relevance to ---

12 THE COURT: Is your objection
13 relevance?

14 MR. SEATON: Yes, the objection is
15 relevance.

16 THE COURT: All right. Counsel.

17 (OFF RECORD BENCH CONFERENCE)

18 THE COURT: Overruled. Ms.
19 Williams, reask your question so that Dr.
20 Rheingold has an understanding. Thank you.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILLIAMS:

23 Q. How common is domestic violence in our
24 society?

25 A. Domestic violence, according to a variety

1 of literature, is roughly twenty to twenty-
2 five percent of women who report being the
3 victims of domestic violence. That's fairly
4 common, more common than you'd think.

5 Q. And how does economy dependence impact the
6 dynamic in domestic violence relationship?

7 MR. SEATON: Your Honor, I am going
8 to objection, Your Honor, to relevance.

9 THE COURT: Overruled. You may
10 answer, Doctor.

11 THE WITNESS: There are a host of
12 reasons why a lot of people stay in domestic
13 violent relationships, and finances is one of
14 them. So economic dependency a lot of times
15 makes it difficult for women to leave
16 relationships.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR WILLIAMS:

19 Q. What is the power and control dynamic in a
20 relationship that has domestic violence?

21 A. Within domestic violence relationships it
22 is not necessarily all just about the physical
23 assaults that might go on. There's a dynamic
24 of power and control a lot of times in these
25 relationships. So, uh, -- there's a lot of,

1 sometimes, verbal abuse, control of finances,
2 control over who the person may see or be
3 around, there might be more threatening
4 undertones. A lot of times within a
5 relationship there is more to a relationship
6 than just incidence of assault. There's a lot
7 of other sort of controlling behaviors, such
8 as finances or children, things like that.

9 Q. And how common is sexual assault in
10 domestic violence relationships?

11 A. When folks think of sexual assault that
12 sexual assault occurs what we more commonly
13 think with of sexual assaults is that someone
14 gets raped, pulled into bushes and that does
15 occur in about twenty percent of sexual
16 assault cases; however, however the rest, the
17 eighty percent, the assault usually occurs by
18 someone who the victim actually knows.

19 So it's more likely that someone will be
20 assaulted by someone that they know than by
21 a stranger.

22 In twenty percent of sexual assault cases,
23 it typically occurs within a relationship with
24 a husband, exhusband, exboyfriend, boyfriend,
25 sort of relationship.

1 Q. As it pertains to the field of trauma, and
2 the work that you have done as it relates to
3 this topic, you are relying on statistical
4 data. Or whatever that you are relying on,
5 could you explain to the jury what you are
6 basing your information on, that you are
7 giving them on?

8 A. Sure. I am basing that on a variety of
9 research studies that have been conducted as
10 well as my own clinical experience.

11 Q. In your work in the field of trauma, what
12 research exists as it relates to the victim of
13 sexual assault trauma?

14 A. There is -- in the past twenty years,
15 there's been a lot of research that has done
16 in this field by a variety of different types
17 of studies, so there has been large-scale
18 survey studies, epidemiological research
19 studies that have been where you sort of
20 telephone survey people across the country.
21 There's been several of those surveys that
22 have been done, where they've called folks and
23 asked them about their trauma history in a
24 very specific structured way in order to be
25 able to get reliable, valid information.

1 There have been some large scale studies that
2 have been done that way and that is kind of
3 how they have come up with this prevalence
4 rate.

5 There have also been studies of sexual
6 assault victims through emergency rooms,
7 through clinical exam, through college campus
8 studies, where women have reported to sexual
9 assault clinics, uh, -- so there is a lot of
10 variety in research.

11 Q. In your research and in your clinical
12 experience, do victims always respond the same
13 way to sexual assaults?

14 A. No, there really isn't a set way that a
15 woman will respond. Some will report the
16 assault immediately, call the police and run
17 in and get help. There is no sort of
18 "standard" way that someone reports or reacts
19 to this situation.

20 Q. Specifically looking at the issue of
21 reporting, could you discuss with jury the
22 variety of what ways that sexual assault
23 victims report an assault?

24 A. Only about sixteen percent of women
25 actually make reports of sexual assault to

1 authorities. Actually the majority of women
2 who suffer sexual assault don't even report it
3 at all. It is a small portion of women that
4 do report to the authorities. So typically it
5 is under-reported.

6 Q. Are there studies that back that up?

7 A. Yes. So a lot of those national survey
8 studies that have been done, uh, are
9 consistent about -- in reporting.

10 Q. What is delayed reporting?

11 A. Delayed reporting is typically - when we
12 look at someone reporting and when somebody
13 reports late, it's usually after twenty-four
14 hours. That is considered sort of delayed
15 reporting.

16 Q. And for the rape trauma victims that we
17 are aware of, how common is it for victims to
18 report after twenty-four hours?

19 A. To report after twenty-four hours?

20 Q. To report -- to have delayed reporting?

21 A. To have delayed reporting. About a quarter
22 of the women will -- if they're going to make
23 a report, a quarter will still make it twenty-
24 four hours. So anything within the twenty-
25 four hour time period is considered immediate

1 reporting.

2 Q. So if somebody is raped at, like, 3:00 in
3 the morning and they report at 11:00 p.m., is
4 that even considered delayed reporting?

5 A. Uh, no.

6 Q. Is there unusual about a victim not
7 reporting just immediately?

8 A. Uh, no, women respond in a lot of ways.
9 Some could pick up the phone but for a lot of
10 women don't necessarily do that. There are a
11 variety of reasons. Some women like, you
12 know, just like wrapping their heads around
13 it, especially if it was someone that they
14 knew. Typically when a woman knows the
15 perpetrator, they are less likely to report it
16 to authorities. So, you know, there is a lot
17 that goes on with their thinking about it and
18 want to do.

19 Q. And as far as your research and
20 experience, could you discuss the range of
21 emotional reaction(s) of rape victims?

22 A. Immediately or?

23 Q. However you -- is there a range of
24 emotional reactions depending on the victim?

25 A. Sure. There isn't a standard way that

1 someone is going to act in a trauma such as a
2 sexual assault.

3 So, uh, a lot of times people go to the
4 fight-or-flight response. That's one of the
5 -- when we're in any type of dangerous
6 situation, we will go -- it's our way to sort
7 of prepare ourselves to be able to physically
8 fight with the injurer (sic) or run away.
9 It's sort of describes in-guided reaction.

10 You can call fight, flight or freeze.
11 Fight is return the aggression, flight is an
12 attempt to get out of the situation, and
13 freeze is sort of kinda playing opossum. Your
14 body sort of "freezes" for a moment in order
15 to try to protect itself in dangerous
16 situation. A lot of people when in a
17 traumatic situation adopt that fight, flight
18 or freeze reaction.

19 Q. What you're saying is that fight or flight
20 can mean just freezing? Nothing?

21 A. Yes, and we all are sort of hardwired for
22 that.

23 Q. What is emotional numbing?

24 A. Emotional numbing in the immediate
25 aftermath of a sexual assault is sort of tied

1 to that reaction. It is our way of trying to
2 protect ourselves in a situation in order to
3 be able to kinda get through whatever we need
4 to get through.

5 For example, if I was in a car accident
6 and I was in a car accident with, you know, a
7 loved one and they were seriously injured and
8 I still all shook up from the things that
9 happened in the accident, and they need to get
10 to the hospital and I need to do lots of
11 different things, I need to jump in the
12 ambulance, I'm going to sort of emotionally
13 shut off all of my feelings at that moment in
14 order to be able to continue to attend to the
15 situation. Then maybe a day later, after
16 everything kind of blows over, may be the time
17 that I sort of break down and cry. So it's
18 sort of our way to, in the moment, to be able
19 to get through what we need to get through.

20 Q. In your practice and in your experience,
21 is it sometimes difficult for some victims to
22 come to a decision to actually pick up the
23 phone and press charges?

24 A. Yes. Both in the literature and in my
25 clinical experience, obviously it is difficult

1 for women to want to make a report or to press
2 charges for a host of reasons. The first
3 thing is that they may know the person and
4 they may have a relationship with that person.
5 They may actually feel -- first of all they
6 may not be able to come to grip with the terms
7 of what it means, what happened. If it is a
8 person that they trusted, that they have
9 feelings for, sometimes they worry about what
10 is going to happen to the person. Even though
11 this person might have sexually assaulted
12 them, they are still worried about their
13 ramifications of reporting and that person
14 going to jail if they had a relationship with
15 a person. They might fear the person that did
16 it. They might experience a lot of shame and
17 guilt around what happened. A lot of women
18 hesitate to report fearing, you know, that
19 their name is going to be put in the media and
20 they will be blamed by others. They are
21 worried that their family and friends are
22 going to find out and what are they going to
23 think about that. So there is a whole host of
24 reasons why women struggle with whether they
25 are going to report are not.

1 Q. So would some woman fear that they are
2 going to go through a horrible trial, get beat
3 up on the stand?

4 MR. SEATON: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. SEATON: She's been leading. I
7 would ---

8 THE COURT: Sustained. Watch your
9 leading questions.

10 SOLICITOR WILLIAMS: Yes, Your
11 Honor.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR WILLIAMS:

14 Q. Is it unusual for a perpetrator to contact
15 victim, even after a rape?

16 MR. SEATON: Your Honor, I have
17 going to object to relevance. Unless she's
18 going to tell us that this woman in this case
19 ---

20 THE COURT: Overruled. Mr. Seaton,
21 we've been three days now in trial. Please
22 watch those speaking objections.

23 MR. SEATON: Objection to relevance.

24 THE COURT: Thank you. Overruled.
25 You may answer, Doctor.

1 THE WITNESS: In a domestic
2 violence relationship, a lot of times when
3 woman get assaulted in some way and they have
4 a relationship with that person, they will try
5 to make sense of what happened. A lot of
6 times a person afterwards apologizes, promises
7 that they will change. So they are trying to
8 understand. So it is not uncommon for a woman
9 to go back into a relationship when they had
10 been assaulted. Or for them to make contact.

11 DIRECT EXAMINATION CONTINUED

12 By SOLICITOR WILLIAMS:

13 Q. Have you ever met LeAnn Blanche?

14 A. I have not.

15 SOLICITOR WILLIAMS: I have no
16 further questions. Please answer any
17 questions that the defense may have.

18 THE COURT: Mr. Seaton.

19 CROSS EXAMINATION

20 BY MR. SEATON:

21 Q. Doctor, do you know anything about this
22 case?

23 A. I do not.

24 Q. So you're here to talk about statistics?

25 A. Common reactions, yes.

1 Q. And statistically speaking, would you
2 agree with me that if we looked at all of
3 humankind that the statistical average person
4 would be a dead Chinese woman?

5 A. I ---

6 Q. Would you agree with me that there's more
7 women than men? Correct?

8 A. (No verbal response).

9 Q. Isn't there more women than men?

10 A. Yes.

11 Q. Is China the largest country in the world?

12 A. Yes.

13 Q. And there more dead people than alive?

14 A. Yes.

15 Q. So wouldn't statistically the average
16 person that we're talking about is a dead
17 Chinese woman?

18 A. In common reactions to trauma?

19 Q. I mean, we're here to talk about
20 statistics. You've already told us that you
21 don't know this lady.

22 A. No.

23 Q. Have you ever met Mr. Andes?

24 A. No.

25 Q. You have told us that the range of things

1 that can happen is everything, that the
2 average -- we don't even talk about an average
3 person, do we?

4 A. (No verbal response).

5 Q. There is no average person, according to
6 your testimony. You've got a wide range,
7 you've got an entire range. Anything is
8 possible?

9 A. Correct.

10 Q. And amongst things that are possible, have
11 you ever met someone who had lied about an
12 assault?

13 A. Uh, I might have met somebody. Women who
14 work at my clinic, that I do treatment with,
15 do evaluate whether the women are lying.

16 Q. That is not part of your job, is to
17 determine the truth of what they are telling
18 you; is it?

19 A. That's correct.

20 Q. Your job is not to get to the verdict or
21 seeking the truth, your job is to simply say
22 'this person has a problem and we're going to
23 try to her, or him;' is that correct?

24 A. Correct.

25 Q. And along with no caring about the truth,

1 would you agree with me that there is such
2 things as female perpetrators of crimes?

3 A. There are.

4 Q. That a woman is just as likely to be --
5 or could be, since I don't want to get into
6 statistics, since I just gave you a hard time,
7 -- which you agree with me that there are
8 female perpetrators of criminal domestic
9 violence?

10 A. Yes.

11 Q. And which you agree with me that there are
12 women who have accused loved ones of crimes
13 that did not happen?

14 A. I am sure there are.

15 MR. SEATON: Thank you, Doctor.

16 THE COURT: Redirect?

17 SOLICITOR WILLIAMS: No, Your
18 Honor.

19 THE COURT: You may step down.
20 Please feel to remain with us but you're also
21 free to leave. Thank you.

22 (WITNESS STEPS DOWN)

23 THE COURT: Do you have a witness
24 this afternoon?

25 SOLICITOR WILLIAMS: I'm sorry,

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1 Your Honor. Yes. Janet Ward.

2 THE COURT: Ward?

3 SOLICITOR WILLIAMS: Yes, ma'am.

4 Your Honor, may we approach?

5 (OFF RECORD BENCH CONFERENCE)

6 THE COURT: Ladies and Gentlemen of
7 the jury, before Ms. Ward testifies, I wanted
8 to let you know that the State and the
9 Defendant have entered into a stipulation. A
10 stipulation simply means an agreement. What
11 that impacts for the trial is that a lot of
12 times it saves additional witnesses from
13 having to come in to testify, because the
14 parties can agree to what the testimony would
15 be. The parties in this case have entered
16 into a stipulation concerning the chain of
17 evidence. Both sides agree that the chain of
18 evidence concerning the DNA in this case has
19 been maintained from the time that it was
20 collected until it was tested.

21 Did I accurately state the
22 stipulation, Ms. Williams?

23 SOLICITOR WILLIAMS: Yes. Thank
24 you, Your Honor.

25 THE COURT: Mr. Seaton?

1 MR. SEATON: Yes, that's absolutely
2 correct, Your Honor.

3 THE COURT: All right. Thank you.
4 And thank you, Counsel, for entering into that
5 stipulation. It certainly saves the Court
6 time and shortens the trial significantly.

7 Ms. Ward, I apologize for
8 interrupting. It's a pleasure to have you.

9 Ms. Williams, she is your witness.

10 SOLICITOR WILLIAMS: Thank you,
11 Your Honor.

12 MR. SEATON: Your Honor, I'm sorry,
13 I don't mean to -- since we're talking about
14 saving time, I would say the same thing is
15 true with the chain of custody of whatever
16 they are going to talk about. We waive the
17 need for chain of custody from one person to
18 the next.

19 THE COURT: All right. Thank you.

20 MR. SEATON: Sure.

21 THE COURT: Ms. Williams.

22 (WITNESS TAKES STAND)

23 JANET WARD, being duly sworn to tell
24 the truth, the whole truth and nothing but the
25 truth, testified, as follows:

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1 DIRECT EXAMINATION

2 BY SOLICITOR WILLIAMS:

3 Q. Give us some background and information on
4 where you currently work.

5 A. I currently work at MUSC in Charleston. I
6 am a registered nurse. I work in the surgical
7 trauma ICU.

8 Q. In addition to that, besides the surgical
9 trauma ICU, do you work any other area of the
10 hospital?

11 A. Yes, ma'am. I'm a sexual assault nurse
12 examiner at MUSC, as well.

13 Q. And what is your educational background?

14 A. I graduated from Hocking College in
15 Miltonville, Ohio, in the year of two thousand
16 and two, with a certificate degree in nursing.

17 Q. Did you work in Ohio as a nurse, as well?

18 A. Yes, I did.

19 Q. How long?

20 A. I have been a nurse for nine and a half
21 years. I've been here in Charleston for the
22 last two.

23 Q. Were you working at MUSC in your capacity
24 as a sexual assault nurse examiner on November
25 7, 2010?

1 A. Yes, I was.

2 Q. On that date, did you treat a patient
3 named LeAnn Blanche?

4 A. Yes, I did.

5 Q. Did you obtain some general information
6 concerning the patient?

7 A. Yes, I did.

8 Q. Is this routinely done?

9 A. Yes, it is.

10 Q. Is that called a history?

11 A. Yes, it is.

12 Q. Why do you do that?

13 A. There's general information that we need
14 to know because we will be examining her,
15 treating her. So we always get some basic
16 information, such as when their last menstrual
17 period was, any type of medical history that,
18 you know, go inside/correlate with the exam
19 that we are going to move into.

20 Q. That night, how does it work? When the
21 patient comes in, do they come into a special
22 place or to the emergency room or how does
23 that work?

24 A. The patient first presents to the
25 emergency room. The patient is seen,

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1 typically, by an emergency room physician.

2 Then they will call and activate the SANE
3 team, which I am a part of. They will leave
4 the patient in the emergency room.

5 Q. Did LeAnn Blanche tell you what she was
6 there? Let me just caution you that you can't
7 repeat what she said, but did she tell you
8 what the purpose of her being there was?

9 A. Yes, she did.

10 Q. What was that?

11 A. She said that she had been sexually
12 assaulted.

13 Q. Did she tell you where she was sexually
14 assaulted?

15 A. Yes.

16 Q. Where did she say that she was sexually
17 assaulted?

18 A. In her house, in her bedroom.

19 Q. Did she say when?

20 A. Yes. May I refer to my notes for a
21 second?

22 Q. Please.

23 A. (Upon review), on November 6th, 2010 at
24 approximately 4:00 a.m.

25 Q. And when you take that information from

1 the patient, are you just writing down what
2 they say? Like is this your -- yours and the
3 other nurses' notes?

4 A. Yes.

5 Q. So is it fair to say -- do you write down
6 word for word or do you paraphrase?

7 A. We do paraphrasing and take direct quotes
8 as well.

9 Q. What is the protocol for processing, for
10 lack of a better word, a rape victim? How do
11 you do that?

12 A. We will obtain consent, general consent,
13 for examination, treatment, collection of
14 evidence if you will.

15 We will do a full body assessment, looking
16 over all their body -- starting at the head
17 and going down to the feet.

18 We will, you know, just ask general
19 questions.

20 Q. As far as the examination of the vaginal
21 area or private area, how is that done, just
22 generally, and what do you do?

23 A. When we do the full body exam, it's
24 typically after the patient has given us the
25 history or the story and then we will place a

1 -- as we are doing the exam, we will do a
2 vaginal exam with a speculum.

3 Q. Did you collect any evidence in this case?

4 A. Yes, I did.

5 Q. What did you collect?

6 A. I collected a specimen from the vaginal
7 area. I collected a specimen from the
8 peritoneal area, I collected a buccal swab --
9 which is her own DNA that identifies her.
10 I collect a specimen of combed pubic hair.
11 And, as I said, the vaginal swab and smear.

12 Q. How do you do the buccal swab?

13 A. We do a buccal swab -- there is a
14 collection kit and inside of the kit there's
15 multiple envelope, and inside each individual
16 envelope -- each envelope is marked. I'm
17 sorry. We take out the envelope and inside of
18 the envelope is q-tip that is in its own
19 sterile packaging. We open the Q-tip -- we
20 will open the packaging, swab the inside of
21 the mouth, put the Q-tip back over what is
22 called a swab holder, just place it in there
23 to allow it to completely dry before
24 repackaging.
25 Q. Okay.

1 SOLICITOR WILLIAMS: Your Honor,

2 I am showing you defense counsel what was
3 previously marked as Exhibit 43 and entered
4 into evidence. May I approach?

5 THE COURT: You may.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILLIAMS:

8 Q. Ms. Ward, tell us what this is and if you
9 recognize any markings on that.

10 A. After we collected -- that is the big
11 envelope that's inside of the sexual assault
12 examination kit.

13 Q. So after ---

14 A. And that's my handwriting.

15 Q. So those are your initials?

16 A. Yes, ma'am, those are my initials.

17 Q. So after you collect everything, vaginal
18 swabs, buccal swabs, you put it in there; is
19 that fair to say?

20 A. I put a completely dried -- repackaged
21 them, yes.

22 Q. Then you turn it over to law enforcement.

23 A. Yes, I do.

24 Q. Now, in this case did she tell you about
25 any other symptoms besides just the vaginal

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1 area?

2 A. She had scratches and some bruises to her
3 bilateral wrists and her bilateral thigh, so
4 both wrists, both thighs.

5 Q. And did you take pictures of those?

6 A. Yes, ma'am. I did.

7 Q. Now, do the pictures -- let me show
8 you ---

9 SOLICITOR WILLIAMS: Your Honor, I
10 am showing Counsel State's Exhibit 34, 35, 39,
11 41, and 42. May I approach?

12 THE COURT: You may.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. Are these some of the pictures that you
16 took?

17 A. (Upon review), yes.

18 Q. Is it hard to see some of the bruises on
19 the pictures?

20 A. Yes, ma'am.

21 MR. SEATON: Objection, Your Honor.
22 Leading.

23 THE COURT: I am going to allow
24 that one.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR WILLIAMS:

2 Q. You can answer.

3 A. Yes, ma'am, they are.

4 Q. Did you also do a diagram of where some of
5 the injuries were on the body?

6 A. Yes, I did.

7 SOLICITOR WILLIAMS: Your Honor, we
8 would now offer State's Exhibit 19 into
9 evidence.

10 THE COURT: Any objection?

11 MR. SEATON: No objection.

12 THE COURT: State's Exhibit 19 into
13 evidence without objection.

14 SOLICITOR WILLIAMS: May I
15 approach?

16 THE COURT: You may.

17 (SO ENTERED AS STATE'S EXHIBIT 19)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR WILLIAMS:

20 Q. Is this the diagram that you did?

21 A. Yes, it is.

22 SOLICITOR WILLIAMS: Could you
23 please publish State's Exhibit 19?

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILLIAMS:

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1 Q. If you could just kinda flip in your chair
2 and, with this pointer, just kinda of push the
3 red button, and just show the jury what you
4 saw that day on Ms. Blanche when she came in.

5 A. Is it this button?

6 Q. It's the red button.

7 A. Sorry! Right here on her right wrist
8 there was a small reddened area. On her left
9 wrist there was a small reddened area, as well.

10 If you just flip around, it was on the
11 inside and the outside, this being the outside
12 of the wrist.

13 Down here on the right thigh there was a
14 bruised area, as well as on the left thigh
15 there was a bruised area.

16 Q. Okay.

17 SOLICITOR WILLIAMS: Can you put up
18 State's Exhibit 34.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILLIAMS:

21 Q. Is it fair to say that you do that diagram
22 to document what you see that day?

23 A. Yes, that's correct.

24 Q. Now, why did you take that picture?

25 A. Well, there -- on this right, on the right

1 wrist -- it's hard to see in the picture, it's
2 just a bit overexposed, there is a red -- just
3 a small reddened area right in here.

4 Q. So the picture doesn't really show what
5 you saw?

6 A. No, ma'am.

7 MR. SEATON: Objection. Leading.

8 THE COURT: I am going to allow
9 that one but, Ms. Williams, in the future you
10 need to watch those leading questions.

11 SOLICITOR WILLIAMS: Thank you,
12 Your Honor. I will. Publish State's 39.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. Could you tell us what's in that picture?

16 A. Right here, this being her right thigh,
17 there is a bruised area right here at about
18 the mid part of her thigh?

19 Q. State's Exhibit 38. Tell us what's in
20 that picture. It's hard to see.

21 A. It is difficult to see but right in here
22 and right in -- in this area right here, right
23 here and here, you can see a bruised area. I
24 apologize for my photograph.

25 Q. State's Exhibit 42.

1 A. Here and here there is a reddened scraped
2 area.

3 Q. Now, you photographed these areas for a
4 reason. What information did you have from
5 the victim to want to even look at these areas
6 of her body?

7 A. What I did was I pulled up -- when I was
8 collecting my screen, she had told me that
9 during the assault that she had been held down
10 and that she -- that she had been held down.
11 So with her telling me that she had been held
12 down, that her legs -- she told me that he
13 forced -- that he had used -- I'm trying to
14 find the exact quote that she gave me, so that
15 I don't tell you wrong -- (searching file).
16 She said, "He held my wrists down and put my
17 legs up forcefully when he became hard.
18 That's where I got the scratches on my wrists
19 and the bruises on my thighs."

20 So when she told me that, I gave special
21 attention to her wrists and her thighs and
22 made sure that I documented those with
23 pictures.

24 Q. Did she talk to any other nurses before
25 you?

1 A. She had spoken with an emergency room
2 nurse prior to my arriving.

3 Q. And do you all kind of fill each other in
4 on what's going on before you start your
5 treatment?

6 A. Yes, ma'am.

7 Q. Did you review her notes, as well?

8 A. I did.

9 Q. Did the victim complain of other symptoms

10 ---

11 MR. SEATON: Objection.

12 THE COURT: Basis?

13 MR. SEATON: Hearsay.

14 THE COURT: Overruled.

15 DIRECT EXAMINATION CONTINUED.

16 BY SOLICITOR WILLIAMS:

17 Q. For the purpose of treating her, for
18 medical diagnosis, did you look at -- what did
19 she tell the other nurse about other symptoms?

20 A. She said that she had some pelvic pain or
21 muscle pain related to the assault.

22 Q. Did she talk about some light vaginal
23 bleeding?

24 A. (Upon review of notes), ---

25 Q. It's kinda hard to hear. I can pull the

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1 page to refresh your memory.

2 A. It is. I have it right here. Yes, a
3 small amount of bleeding.

4 Q. And did you note any trauma to the vaginal
5 area, the perineum, that area of the body?

6 A. No, ma'am.

7 Q. Is that unusual?

8 A. No, that is not unusual.

9 Q. Is that common?

10 A. That is common.

11 Q. In sexual assault cases?

12 A. In sexual assault cases.

13 SOLICITOR WILLIAMS: Court's
14 indulgence for just a moment.

15 THE COURT: Yes, sir.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR WILLIAMS:

18 Q. Did you photograph her breasts or see her
19 breasts that day?

20 A. Not that I can recall.

21 SOLICITOR WILLIAMS: Thank you.

22 Please answer any questions that the defense
23 has.

24 THE COURT: Mr. Seaton.

25 CROSS EXAMINATION

1 BY MR. SEATON:

2 Q. Nurse -- I'm sorry, I started writing
3 before I caught your name. What is your last
4 name?

5 A. Ward, W-a-r-d, Janet.

6 Q. Ms. Ward, so that I understand, you would
7 have prepared -- what I think you've got in
8 front of us is what is a protocol, what is
9 often called a protocol, for all of the
10 information that you're gathering as a SANE
11 nurse?

12 A. That's correct.

13 Q. It is a speciality that was created
14 because there was concern about the way a
15 woman was treated when she comes into a
16 hospital and says that she has been raped?

17 A. (No verbal response).

18 Q. Is that -- perhaps I am putting words in
19 your mouth. Are you aware why there is such a
20 thing as what's called a SANE nurse, which I
21 assume stands for sexually assault nurse
22 examiner.

23 A. That's correct.

24 Q. That is a special nursing position that
25 was created. Do you have any idea why that

1 was created?

2 A. Well, we receive special training to take
3 care of patients who have been sexually
4 assaulted.

5 Q. Your job is to write all of this stuff
6 down, basically collect information, and help
7 her through the trauma.

8 A. We assess the patient, we treat the
9 patient and we collect evidence as well.

10 Q. Is it your job to determine whether or not
11 she was actually raped or whether she had
12 consensual sex? Is it your job to get at the
13 issue of whether or not she was truthful in
14 what she's telling you?

15 A. No. No, it's my job to treat her.

16 Q. You are not looking for, did this happen
17 the way that she actually described it or did
18 it not?

19 A. No, I am not.

20 Q. So let's talk about it. You also told us
21 that you collected in your examination what
22 you call a history.

23 A. (Affirmative nod).

24 Q. In that history, you told us that you did
25 a full body examination of LeAnn Blanche, is

1 that correct?

2 A. That's correct.

3 Q. Did you list everything that you saw on
4 her body or just the things that you decided
5 were pertinent to what she says happened?

6 A. I noted all of the things that during my
7 full body exam that I saw that I should --
8 that I should document.

9 Q: The State put up -- let me get, pull up
10 State's Exhibit 41. Is that a photograph that
11 you took?

12 A. Yes, it is.

13 Q. Let me ask you to look at the top of her
14 arm and tell me, is there a redness in that
15 picture?

16 A. Yes, sir, there is.

17 Q. Is that noted in your ---

18 A. No, sir, it is not.

19 Q. So would you agree with me that there are
20 some marks on her body that aren't on this
21 sheet that you created?

22 A. Yes, sir.

23 Q. State's Exhibit 39, and that photograph
24 that you saw and that we just talked about a
25 few minutes ago, look at her knuckle and tell

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1 me, is there marks on her knuckle?

2 A. Yes, sir.

3 Q. What kind of marks are those?

4 A. It's a rash, kind of excoriated like an
5 eczema-type lesion.

6 Q. Did you note that on your ---

7 A. No, I did not.

8 Q. It is fair to say that you do decide what
9 is or is not going to go - that there are some
10 things that we are seeing in these pictures
11 that you decided are not going to go into your
12 report. Is that correct?

13 A. Yes, sir.

14 Q. Okay. We don't have -- and I not
15 suggestion that we try to see, but we don't
16 have a full-body photograph to see if there
17 are other areas which may have some color or
18 marks of some other kind that just didn't make
19 it on here. You didn't take any of photograph
20 like that?

21 A. No full body, no.

22 Q. Okay. And you also, along with the couple
23 of things that you listed here in her history,
24 wrote down things that she told you.

25 A. Yes, sir.

1 Q. Is that correct?

2 A. (Affirmative nod).

3 Q. Did you write down, "if you don't shut up,
4 I'm going to punch you."

5 A. (Upon review), yes, I did.

6 Q. Now, would you have written it down
7 because she told that or did you just make
8 that up?

9 A. I wrote it down because she told me that.

10 Q. And further down, on the same page, where
11 it says "assailant holds her wrist down" and
12 "puts my legs up forcibly, and this is where I
13 got the scratches on my wrist and bruises on
14 my thighs." Do you see that?

15 A. (Upon review), yes.

16 Q. That was on your supplemental page.

17 A. I found it.

18 Q. "Assailant holds my wrists down and puts
19 my legs up forcibly" in the air -- or "puts my
20 legs up forcibly"; is that correct?

21 A. Yes.

22 MR. SEATON: Pull up the diagram
23 that y'all showed a minute ago, 19, I believe.

24 CROSS EXAMINATION CONTINUED

25 BY MR. SEATON:

1 Q. This is the -- the pictures that we just
2 saw are on the outside of the thigh here and
3 the outside of the thigh here.

4 A. Okay.

5 Q. And if you can, help us understand the
6 mechanics of how he forcibly held her wrists
7 and her -- and somehow bruised the outside of
8 her thighs while he's holding her legs up. Do
9 you know how that happened?

10 A. The way that it was explained to me was
11 holding the wrists up like this, with one
12 hand, and shoving the legs up with the other.

13 Q. You would agree with me that Mr. Andes
14 only has two hands, right?

15 A. Yes, sir.

16 Q. And we've got bruise marks on both thighs
17 here from her saying that she was -- that her
18 legs were forcibly held up. How was he
19 bruising the outside instead of the inside of
20 the thighs, how was he going a bruise on each
21 leg and holding the hands up. How do you get
22 all three of that done? If you're aware -- if
23 I'm above your head, just let me know.

24 SOLICITOR WILLIAMS: Objection.

25 Calls for speculation.

1 THE COURT: If she knows.

2 THE WITNESS: I could only
3 speculate the way that happened. And I could
4 not tell you definitely help that happened.

5 CROSS EXAMINATION CONTINUED

6 BY MR. SEATON:

7 Q. If you want to speculate, I'd love to hear
8 it.

9 SOLICITOR WILLIAMS: Objection.

10 THE COURT: Sustained as to
11 speculation.

12 CROSS EXAMINATION CONTINUED

13 BY MR. SEATON:

14 Q. But you would agree that we've got these
15 exterior bruises of the thighs?

16 A. Yes.

17 Q. You know, I'm horrible -- what you call
18 bilateral, on the outside of the thighs and on
19 the wrists?

20 A. Yes, sir.

21 Q. And you also would have an examination of
22 the vaginal area, I think is what you told us
23 about?

24 A. Yes.

25 Q. Did you use any instruments other than

1 just the speculum?

2 A. No, sir.

3 Q. Was there any type of observation done
4 through any magnifying glass, any lenses or
5 anything like that?

6 A. No, sir.

7 Q. Okay. So this was just your observation
8 of the area?

9 A. Yes, sir.

10 Q. And you would agree with me, without being
11 graphic, that that is a fairly sensitive area?

12 A. Yes, sir.

13 Q. And if someone -- is it likely that
14 someone would be scratched in a sensitive area
15 like that?

16 A. Not likely.

17 Q. In fact, what you told us was that it's
18 less likely or that it's more likely that
19 there is not going to be trauma to the vaginal
20 area than there is going to be trauma?

21 A. Right.

22 Q. So if you're suggesting that if there's
23 trauma that it didn't happen?

24 A. No.

25 Q. So what you're suggesting is that if there

1 is trauma, that it happened, and that if there
2 is not trauma that it happened?

3 A. I am not suggesting anything. I am only
4 going by my observations.

5 Q. But you said that any trauma to the
6 vaginal area is less likely to happen than to
7 happen, when we're talking about someone being
8 raped. So wouldn't you agree with me that
9 whether there is trauma there or not trauma
10 there, it's all consistent with someone being
11 raped? According to the protocol?

12 A. Yes.

13 Q. So realistically what you're telling us is
14 that the findings that are made in here about
15 the vaginal area, it doesn't matter what it
16 says because it is all consistent with rape?

17 A. Could you repeat that, please.

18 Q. Certainly. You have told us that more
19 often than not that there is no trauma to the
20 vaginal area when someone has been raped.

21 A. Okay.

22 Q. Isn't that what you said, ma'am, and I am
23 not trying to put words in your mouth. Isn't
24 that what you said? Isn't that what your
25 testimony was?

1 A. Yeah.

2 Q. Okay. So we can all agree, no matter how
3 silly that it sounds, that if there is trauma
4 there that that is pretty consistent with
5 someone having been raped.

6 A. Not necessarily.

7 Q. So what you're telling us then, whether
8 there is trauma or there is not trauma it is
9 consistent with being raped, either way?

10 A. (No verbal response).

11 Q. Or it's both inconsistent?

12 A. (No verbal response).

13 Q. Again, I'm not trying to put words in your
14 mouth. Basically what you're telling us is if
15 someone got raped, whether there's trauma
16 there or not, it really isn't telling us
17 anything.

18 A. That's correct.

19 Q. Okay. Thank you.

20 THE COURT: Redirect?

21 SOLICITOR WILLIAMS: Just briefly
22 -- no, Your Honor, we just have one more
23 question. We have no more questions for ---

24 THE COURT: Ms. Ward, you may step
25 down.

1 (WITNESS STEPS DOWN)

2 THE COURT: You are free to stay
3 with us but you are also free to leave. Thank
4 you.

5 Just for housekeeping, State, just
6 verifying that you have moved into evidence
7 34, 35, 39, 41 and 42.

8 SOLICITOR WILLIAMS: Yes, Your
9 Honor. And if we haven't moved this into
10 evidence, 43, I think by agreement that it is
11 in.

12 MR. SEATON: Without objection.

13 THE COURT: State's 43 has been.
14 Any objection to 34, 35, 39, 41 and 42, Mr.
15 Seaton?

16 MR. SEATON: Without objection.

17 THE COURT: All right, those
18 items will be admitted into evidence without
19 objection.

20 (SO ENTERED AS STATE'S EXHIBIT 34)

21 (SO ENTERED AS STATE'S EXHIBIT 35)

22 (SO ENTERED AS STATE'S EXHIBIT 39)

23 (SO ENTERED AS STATE'S EXHIBIT 41)

24 (SO ENTERED AS STATE'S EXHIBIT 42)

25 (SO ENTERED AS STATE'S EXHIBIT 43)

1 THE COURT: We are ending at 5:30,
2 so it is your choice, Ms. Williams. It is
3 five 'til.

4 SOLICITOR WILLIAMS: Marianna
5 Flynn.

6 THE COURT: Flynn. Flynn.

7 SOLICITOR WILLIAMS: Marianna
8 Flynn.

9 THE COURT: Ms. Williams, your
10 witness.

11 SOLICITOR WILLIAMS: Your Honor, we
12 have entered into another stipulation as to
13 Mr. Flynn being an expert ---

14 THE COURT: Ms. Williams, if you
15 would turn at least to the court reporter so
16 that she can take down everything that you're
17 saying.

18 SOLICITOR WILLIAMS: I'm sorry. We
19 have entered into a stipulation with defense
20 counsel for Ms. Flynn to be qualified as an
21 expert in the field of sexual assault
22 examination, forensic nursing.

23 THE COURT: Is that correct?

24 MR. SEATON: Yes, Your Honor,
25 without objection.

1 THE COURT: She will be so
2 qualified.

3 SOLICITOR WILLIAMS: Thank you.

4 (WITNESS TAKES STAND)

5 MARIANNA FLYNN, being duly sworn to
6 tell the truth, the whole truth and nothing
7 but the truth, testified, as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR WILLIAMS:

10 Q. Ms. Flynn, you have already been qualified
11 as an expert. Just very briefly, I would like
12 for the jury to know your background. How
13 many years have you been doing sexual assault
14 examinations?

15 A. Sexual assault examinations for the past
16 thirteen years.

17 Q. Where are you from?

18 A. I am from Boston, originally. I have
19 worked here in Charleston for the past three
20 years.

21 Q. What was your capacity with nurse and
22 program at MUSC?

23 A. I began the nursing program at MUSC, the
24 forensic nurse examiner program, we began
25 working on sexual nurse examiners, hiring

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1 them, training them, getting them up to speed
2 with what you do in a sexual assault exam,
3 how to care for the victim emotionally,
4 physically. What to look for, signs and
5 symptoms. Actually going into documentation,
6 going into forensic photography, and keep them
7 current on the latest changes going on in the
8 field.

9 Q. Were you the director of that program?

10 A. I was the coordinator of the program, yes.

11 Q. Thank you. And, uh, is collection of
12 evidence part of what a SANE nurse does?

13 A. Yes.

14 Q. What are some of the things that can
15 remove evidence from a victim's body?

16 A. Some general hygiene can remove evidence
17 from a body, such as bathing, showing,
18 changing clothing might remove evidence, that
19 sort of thing.

20 Q. So how long would you expect to find semen
21 in a sexual assault, a vaginal swab, based on
22 your experience?

23 A. Probably around seventy-two hours,
24 although we do the exams up to a hundred
25 twenty. It depends a lot on the crime and

1 what kind of equipment they use to see how
2 far out that they detect semen. Semen has
3 been detected in crime labs out as far as five
4 days.

5 Q. What if a victim were to take a shower or
6 urinate, would that affect ---

7 A. Each time it will sort of degrade the
8 evidence, make it less and less concentrated.

9 Q. And in your experience as a nurse
10 examiner, is there always trauma to the
11 vaginal area when there is sexual assault?

12 A. No.

13 Q. Can you explain why that is?

14 A. I think that most people would like to
15 think that there's going to be, in the area,
16 but most of the time we see none at all. In
17 fact, seven out of ten examinations show
18 absolutely nothing. I can get into sort
19 of a bit of explanation on this, if you want.

20 Q. That would be great.

21 A. And a woman, in a female, -- and we
22 conduct examinations for assault on both
23 female and male victims.

24 But in a woman, the vaginal area is very
25 pliable. It is an area that will loosen

1 easily because of its membrane. The vagina
2 itself is a muscle. It is a muscle that was
3 the science really in a woman's body, really,
4 was designed to give birth to a baby. So when
5 you hear people say things like the cervix is
6 dilated ten centimeters, -- the cervix hurts
7 when it is going to dilate and make that
8 baby's head come out. The vagina walls are
9 laced with sort of cradles and little crevices
10 that will unfold and allow the baby's head to
11 come through. It's not the vagina opening
12 that is hurting, it is the cervix. So in a
13 sexual assault or in a normal sexual activity
14 between a man and a woman, the vagina will
15 open and allow a penis to enter without any
16 signs of injury.

17 Q. Why would you not see trauma then?

18 A. Well, you can see trauma when there is
19 force, but also it can depend on maybe the
20 state that the woman was in. It can depend on
21 how flexible her vagina could be. We are all
22 different. You know, there are some people
23 that may have multiple sexual partners, who
24 maybe have had childbirth happen in the past,
25 and it can make that vagina a little more

1 flexible than another.

2 Q. In your program, did you use any kind of
3 devices that would magnify the vagina when it
4 was being examined by the nurse examiner?

5 A. Like I culposcopy. No, we didn't I made
6 that decision to not use that with Ms. Blanche
7 for a number of reasons.

8 Number one, the culoscope machine is
9 extremely expensive, it's a huge outlay for a
10 program that is starting out to begin -- to
11 compete with the cost of the machine.

12 Secondly, it has be secured somehow
13 because equipment, even in hospitals, goes
14 missing. So we didn't really have a mechanism
15 to secure the scope.

16 Thirdly, the nurses have to more and more
17 trained on how to use the machine. There are
18 a lot of nurses who don't know how to do it.
19 That is a lot of machine that sit in sexual
20 assault examination programs that are just not
21 used many times because the nurses are
22 uncomfortable using it.

23 Another reason is that when you're doing a
24 culoscopy, you'd end up most likely taking
25 pictures. The pictures that you are going to

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1 take are going to be of vaginal walls, the
2 entry to the vagina, these sort of things.
3 Frequently when a non-trained person looks at
4 them, they don't look like a whole heckuva
5 lot. It's a huge embarrassment to the victim
6 for people to see intimate parts of her body
7 exposed in a trial.

8 Q. Did you supervise Janet Ward back in
9 November '06 ---

10 A. Yes.

11 Q. --- at the time that this sexual assault
12 occurred?

13 A. Um-humm.

14 Q. But you didn't see LeAnn Blanche?

15 A. No, ma'am.

16 Q. And when you talk about culoscopy, for us
17 laypeople, what exactly is that?

18 A. It is a specialized machine used in
19 gynecology, for the examination of women. It
20 is like a pair of binoculars that is sitting
21 on a stand where we can actually look and see
22 - they use it mostly for things like looking
23 at cell, if they are wanting to know whether
24 or not they are cancerous cells inside a
25 woman. They use that to look and find any

1 sort of microscopic injury that would be
2 present.

3 Q. So Janet Ward could not have used it?

4 A. Oh, no, (negative gesture).

5 Q. Is it fair to say that a culposcopy would
6 help you see injuries that you wouldn't be
7 able to see with the naked eye?

8 A. Correct.

9 Q. So that was not used on LeAnn Blanche?

10 A. Correct.

11 Q. And aside from that, could you kind of
12 explain to the jury what the protocol is and
13 why consistent protocol is necessary when
14 you're doing sexual assault examination?

15 A. Consistent protocol is necessary so that
16 every clinician examiner is treating every
17 patient exactly the same way. It becomes a
18 good method for her to standardize her
19 practice. It also makes sure that each
20 patient gets a comprehensive exam, the way
21 that they should after a sexual assault
22 complaint.

23 Q. And in all of your years of practicing,
24 can you tell us how often you see signs of
25 vaginal injury in a rape case?

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1 A. Not as often as we both would like to
2 think that. As I said, I think that out of
3 ten cases that we may see three that have some
4 very minor signs of injury.

5 I can tell you that out of a hundred and
6 eighty cases or so, we only had about fifty-
7 one that showed bleeding. So that is how
8 infrequently we see any kind of bleeding that
9 would be significant enough to call for the
10 doctor.

11 SOLICITOR WILLIAMS: Court's
12 indulgence.

13 THE COURT: Yes, ma'am.

14 SOLICITOR WILLIAMS: I have nothing
15 further. Please, Ms. Flynn, answer any
16 questions that the defense counsel may have.

17 THE COURT: Mr. Seaton.

18 CROSS EXAMINATION

19 BY MR. SEATON:

20 Q. Is it fair to say that you're basically
21 the boss over there at the SANE unit? Is it a
22 unit or how would you describe your SANE
23 nurses?

24 A. We describe them as a team. It's a group
25 of nurses that are all dually employed, that

1 work for MUSC doing a full-time job and they
2 do this on their days off.

3 Q. And this is -- when you say that they do
4 it on their days off, are they paid to do
5 this?

6 A. They are. They wear a pager and they're
7 paid minimal to carry the pager, then paid a
8 minimal hour wage. If they get a case and
9 they get paged to go into the emergency room
10 because a patient has presented, then they get
11 an hourly wage for the time that they are
12 doing the exam.

13 Q. So these SANE nurses, you are the one who
14 is responsible for training them, I think is
15 what you said, and ---

16 A. Yes.

17 Q. --- getting them up to following the
18 protocol?

19 A. Correct.

20 Q. Okay. In the protocol that you developed
21 or that has been developed -- I'm assuming the
22 protocol that you follow is similar to other
23 protocols throughout the United States?

24 A. (Affirmative nod), similar.

25 Q. Okay. And the protocol that the SANE

1 nurses at MUSC use, is part of the protocol
2 determining whether or not she was raped or
3 whether she may have had consensual sex?

4 A. A sexual assault examiner does not
5 determine whether a sexual assault happened or
6 not.

7 Q. In fact, isn't it fair to say that the
8 truth of what she describes in her history is
9 really not something that you all delve into?

10 A. No.

11 Q. You simply take them at face value?

12 A. Yes.

13 Q. And if they said that a Martian raped
14 them, that is what I would assume that you
15 would write down in the history?

16 A. Yes, I would.

17 Q. And the protocol for the examination is
18 self included what's described as a whole body
19 scan.

20 A. A visual.

21 Q. A visual scan.

22 A. (Affirmative nod).

23 Q. And that would be simply looking at the
24 person undressed, I assume from head to toe?

25 A. (Affirmative nod), and asking them ---

1 Q. Would you then, on your sheet, write down
2 all of the abrasions and bruises and cuts and
3 nicks and things of that nature?

4 A. Yes.

5 Q. And is it for the SANE nurse to decide
6 what should go on that list and what should
7 not go on the list, or should everything go on
8 the list?

9 A. Everything should go on the list.

10 Q. Along with everything going on the list of
11 what they had found that the solicitor asked
12 you about, the vaginal area most often not
13 having signs of trauma, and I think that's -
14 that seven out of ten was the number that you
15 used.

16 A. (Affirmative nod).

17 Q. Would it be a similar number to the amount
18 of trauma that someone has from consensual
19 sex?

20 A. Would you please restate that question?

21 Q. Certainly. I might have confused myself.
22 You'd tell us that most of the time there just
23 isn't any sign of trauma.

24 A. Right.

25 Q. And that is consistent, the fact that

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1 there are no signs of trauma, is consistent
2 with the fact that someone is raped and --
3 they were raped and there is no sign of
4 trauma.

5 A. Correct.

6 Q. And you could also agree that it is
7 consistent that if they are raped and there
8 are signs of trauma, that is consistent?

9 A. Correct.

10 Q. So realistically, aren't we really saying
11 that whether there are signs of trauma or not
12 doesn't really indicate whether or not a
13 person was raped?

14 A. Correct.

15 MR. SEATON: Nothing further.

16 SOLICITOR WILLIAMS: Nothing
17 further, Your Honor.

18 THE COURT: You may step down.
19 Thank you.

20 (WITNESS STEPS DOWN)

21 THE COURT: Counsel, just for
22 scheduling, approach.

23 (OFF RECORD BENCH CONFERENCE)

24 THE COURT: Ladies and Gentlemen,
25 we have been presented with the perfect time

1

2 DECEMBER 1, 2011

9:45 A.M.

3

4

(DEFENDANT PRESENT)

5

THE COURT: Bring in the jury.

6

(JURY IN @ 9:54 A.M.)

7

THE COURT: Thank you. Be seated.

8

Call your next witness.

9

SOLICITOR BEN SHELTON: The State

10

calls Investigator Maggie Carver.

11

THE COURT: Mr. Shelton.

12

SOLICITOR BEN SHELTON: Thank

13

you, Your Honor, may it please the Court.

14

(WITNESS TAKES STAND)

15

MAGGIE CARVER, being duly sworn to

16

tell the truth, the whole truth and nothing

17

but the truth, testified, as follows:

18

DIRECT EXAMINATION

19

BY SOLICITOR BEN SHELTON:

20

Q. Good morning, Ms. Carver. How are you

21

this morning?

22

A. Good morning, sir.

23

Q. So you're an investigator?

24

A. (Affirmative nod).

25

Q. Where are you an investigator?

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1 A. At the Goose Creek Police Department.

2 Q. How long have you worked there?

3 A. Twenty years.

4 Q. Twenty years?

5 A. Yes, sir.

6 Q. Did you have an opportunity to be a part
7 of this case, State v Michael Andes?

8 A. I did.

9 Q. What was your role in this case?

10 A. Investigator Powell asked me to interview
11 LeAnn Blanche.

12 Q. What date did you perform that interview?

13 A. On Tuesday, the 9th of November of 2010.

14 Q. Tuesday, the 9th of November 2010?

15 A. Yes, sir.

16 Q. Are you aware of when the incident date
17 for this actual occurrence was?

18 A. It was on the ---

19 Q. Do you need to review your notes to
20 refresh your memory?

21 A. Please.

22 Q. Please do.

23 A. (Upon review), it occurred on the 6th of
24 November of 2010.

25 Q. So you interviewed her on the 9th?

1 A. Yes.

2 Q. In that interview, did LeAnn Blanche tell
3 you what had happened on the 6th?

4 A. She did.

5 Q. Did she tell you where it occurred?

6 A. She did.

7 Q. Where was that?

8 A. That was at six -- correction --

9 Drive.

10 Q. Did she tell you round about when it
11 happened?

12 A. Yes, she did.

13 Q. When was that?

14 A. That was approximately 3:00 o'clock --
15 after 3:00 o'clock in the morning, because he
16 arrived home at 3:00 o'clock in the morning.

17 Q. When she was telling you what happened
18 that night, what was her emotional state on
19 the 9th? Could you please just describe for
20 the jury her general emotional state?

21 A. Yes, sir. We talked a little bit and
22 after we got into the actual ---

23 MR. SEATON: Your Honor, I am going
24 to object.

25 THE COURT: Basis?

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1 MR. SEATON: The basis is hearsay.

2 THE COURT: Overruled.

3 DIRECT EXAMINATION

4 BY SOLICITOR BEN SHELTON:

5 Q. General emotional state, please.

6 A. When we got into more of the actual
7 assault that occurred, LeAnn Blanche would
8 stop herself, compose herself, but she did cry
9 at times.

10 Q. She wasn't hysterical or anything like
11 that, at that time?

12 A. No.

13 Q. She would cry at times but generally she
14 was more composed?

15 A. She was more composed, yes.

16 Q. Did you meet with her again?

17 A. I did.

18 Q. When was that?

19 A. I met with her -- if I could refer to my
20 calendar.

21 Q. Please do if that helps to refresh your
22 memory.

23 A. I met with her again -- the 9th was the
24 interview and on the 10th I went with her to
25 the bond hearing. Then on the 12th, which was

1 on Friday, at 2:00 in the afternoon I met with
2 Ms. Blanche because she had found a new injury
3 on her person.

4 Q. A new injury on her person related to
5 what?

6 A. To the assault that had occurred on the
7 6th.

8 Q. Where was this injury?

9 A. On her breast.

10 Q. Did you take pictures of this injury?

11 A. I did.

12 Q. Did you take pictures of other injuries
13 that she related to you were caused by the
14 assault?

15 A. Yes, sir, I did.

16 SOLICITOR BEN SHELTON: May I
17 approach the witness, Your Honor?

18 THE COURT: You may.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR BEN SHELTON:

21 Q. Investigator Carver, I am going to hand
22 you, first of all, what has been previously
23 marked as State's Exhibit 60 for
24 identification purposes. Please don't show it
25 to the jury, but just describe what you see in

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1 that picture, please. Do you recognize it,
2 first of all?

3 A. I do. It's a picture of Ms. Blanche's
4 breast. It has a bruise on it.

5 Q. It has a bruise. Can you describe the
6 bruise and it shows in the picture?

7 A. The bruise on the picture appears to be
8 smaller and lighter than the injury than I
9 observed on her person.

10 Q. So the picture, other than it being
11 smaller and lighter than the actual injury
12 that you saw on Ms. Blanche, is it a fair and
13 accurate depiction of the bruise?

14 A. Yes, sir, it is.

15 Q. In real life, describe how it was
16 different?

17 A. In real life, uh, when I looked at her
18 person, the actual bruise appeared to be
19 bigger than the photo -- than the one in the
20 photograph -- and darker.

21 Q. Okay.

22 SOLICITOR BEN SHELTON: At this
23 time the State move Exhibit 60 into evidence.

24 THE COURT: Six-zero?

25 SOLICITOR BEN SHELTON: Yes, Your

1 Honor.

2 THE COURT: Any objection?

3 MR. SEATON: Yes, I object. She has
4 already told us that the picture doesn't ---

5 THE COURT: Counsel, no speaking
6 objections. Do you have an objection?

7 MR. SEATON: I do, Your Honor.

8 THE COURT: All right. Counsel,
9 approach with the photograph.

10 (OFF RECORD BENCH CONFERENCE)

11 THE COURT: Any objection?

12 MR. SEATON: No, Your Honor.

13 THE COURT: State's Exhibit 60 into
14 evidence without objection.

15 (SO ENTERED AS STATE'S EXHIBIT 60)

16 SOLICITOR BEN SHELTON: Thank
17 you, Your Honor.

18 THE COURT: You may continue.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR BEN SHELTON:

21 Q. Just briefly, again describe what you see
22 there for the jury before we publish it to the
23 jury.

24 A. This is a photograph of Ms. Blanche's
25 breast, that I took of her on the 12th of

1 November, 2010. The photograph that I took
2 looks a little lighter and smaller than the
3 actual injury that was on her person.

4 Q. Thank you.

5 SOLICITOR BEN SHELTON: May I
6 publish, Your Honor?

7 THE COURT: You may. Mr. Shelton,
8 are you able to place that on the overhead?

9 SOLICITOR BEN SHELTON: Not this
10 one. We don't have it prepared. I could, but
11 we would prefer just to have the jury look at
12 it.

13 THE COURT: Thank you. Ladies and
14 Gentlemen of the jury, it is my policy when
15 we're publishing exhibits that there is no
16 speaking so that each of you can concentrate
17 on the photograph as it is passed by.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR BEN SHELTON:

20 Q. The jury has had a chance to look at that
21 now, Investigator Carver. Just from your
22 being able to look at that and knowing what
23 she described caused those injuries, what is
24 the relative size of that bruise?

25 A. I would say that it was like the size of

1 your thumb.

2 Q. I am handing you now, Investigator Carver,
3 what has been previously marked for
4 identification purposes only as State's
5 Exhibits 62, 63 and 64. Would you please take
6 your time, look over each of those, please
7 describe each and please tell the jury what
8 number that they are as you're describing them
9 and what you see in those pictures.

10 A. Exhibit 62 is Ms. Blanch's thigh. There
11 is a bruise on her thigh. As I previously
12 stated, the bruise on her thigh -- when I saw
13 it on her person, it looked a lot bigger and
14 darker. On the photograph it looks a little
15 smaller and lighter.

16 Q. But it is a fair and fair depiction other
17 than the way that you just qualified it?

18 A. Yes, sir. It is.

19 Q. Please describe what you see in the next
20 photograph.

21 A. In Exhibit 63, it is the injury that was
22 photographed -- the same injury, however it is
23 a more close up picture but it's the same
24 injury on her thigh. Again, it appears to be
25 lighter and smaller.

1 Q. And the next?

2 A. Exhibit 64 is also a picture of Ms.
3 Blanche's thigh, and it's got a bruise on it
4 that also appears to be smaller and lighter
5 than the actual injury that I saw on the
6 person.

7 Q. Is that -- was that a different thigh than
8 the thigh that was in the other two pictures?

9 A. It is.

10 Q. Which thigh is that on her? Can you tell
11 if it is her left or her right?

12 A. This is her left thigh.

13 Q. And the other pictures are pictures of her
14 right thigh?

15 A. (Affirmative nod), of her right thigh.

16 Q. May I approach, Your Honor?

17 A. You may.

18 Q. Finally, State's Exhibit 61 for
19 identification purposes only, again please
20 tell the jury what you see in that picture
21 there.

22 A. Exhibit 61 is a photograph that I took of
23 Ms. Blanche's forearm. She has got a tattoo
24 on it that reads "Beyond" and above the tattoo
25 is a small bruise and also some reddish marks

1 to her forearm, when I took this picture. As
2 I said before, those look a lot lighter and
3 smaller than the actual injury that I saw on
4 her person.

5 Q. Is it hard to see the bruise in that
6 picture?

7 A. It is.

8 Q. Candidly, could you see it when you looked
9 at her?

10 A. When I saw it on her person, I could see
11 it as soon as she exposed her forearm.

12 However, in the picture you kind of have to
13 look a little harder.

14 Q. But you can, if you look carefully, see
15 it?

16 A. Yes.

17 SOLICITOR BEN SHELTON: The State
18 would move State's Exhibit 60 (sic) into
19 evidence, Your Honor.

20 THE COURT: Sixty-two?

21 SOLICITOR BEN SHELTON: Sixty-
22 one.

23 THE COURT: Investigator Carver,
24 what number is that one?

25 THE WITNESS: This one is 61.

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1 THE COURT: What about 63 and 64,
2 Counsel?

3 SOLICITOR BEN SHELTON: All of
4 those as well.

5 THE COURT: Any objection to 61,
6 62, 63 and 64?

7 MR. SEATON: No, Your Honor.

8 (SO ENTERED AS STATE'S EXHIBIT 61)

9 (SO ENTERED AS STATE'S EXHIBIT 62)

10 (SO ENTERED AS STATE'S EXHIBIT 63)

11 (SO ENTERED AS STATE'S EXHIBIT 64)

12 SOLICITOR BEN SHELTON: May I
13 publish, Your Honor?

14 THE COURT: You may. They are in
15 evidence without objection.

16 SOLICITOR BEN SHELTON: Thank
17 you.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR BEN SHELTON:

20 Q. Investigator Carver, what day did you take
21 these pictures, again?

22 A. The photograph of her breast was taken on
23 Friday, the 12th of November 2010. I believe
24 that the other pictures, of her thighs and
25 everything, were taken on the 9th of November

1 when I interviewed her.

2 Q. Were you aware that the pictures were
3 already taken of these injuries, earlier in
4 the investigation?

5 A. I did not.

6 Q. Why do you take photographs of injuries,
7 specifically lesions, bruises and cuts days
8 after an injury occurs?

9 A. Because at times the injuries do not show
10 up the first and second day, they show up more
11 on like the third day.

12 SOLICITOR BEN SHELTON: Thank
13 you, Investigator Carver. Please answer any
14 questions that Mr. Seaton has for you.

15 THE COURT: Mr. Seaton.

16 MR. SEATON: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. SEATON:

19 Q. Good morning, Detective.

20 A. Good morning.

21 Q. Detective Carver, you've already told us
22 that you've been with the Goose Creek Police
23 Department for approximately twenty years?

24 A. Yes, sir.

25 Q. What is your job, primarily, there with

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1 the Goose Creek Police Department?

2 A. My job primarily is an investigator of
3 juveniles.

4 Q. Obviously you do other things, as well?

5 A. Yes, sir.

6 Q. That would include this particular case?

7 A. Yes, sir.

8 Q. I was provided with -- the State gave me a
9 copy of what's called a Supplemental Report,
10 which is two pages long, dated November 9th,
11 2010. It has your name at the bottom. Is
12 that the notes that you're using to recollect
13 or to refresh your memory?

14 A. I believe so. It's Call Number 048893..
15 That would be my notes.

16 Q. I'm sorry?

17 A. At the very top.

18 Q. I have a case number, then agency ID
19 number.

20 A. (Indicating), call number.

21 Q. Your call number.

22 A. Yes, sir.

23 Q. 8893.

24 A. Yes.

25 Q. That is a two-page supplemental report?

1 A. Yes, sir.

2 Q. Do you have any other reports or any other
3 notes that you've taken besides this two-page
4 report?

5 A. I don't believe so. I just take hand-
6 written notes from my interviews of
7 individuals, however those are destroyed once
8 they are put into the computer.

9 Q. This is dated the 9th -- November 9th. Is
10 that correct?

11 A. Yes.

12 Q. So you didn't take any notes from the 10th
13 or the 12th?

14 A. On the 10th was -- I just accompanied Ms.
15 Blanche to the bond hearing of the Defendant.
16 There were no notes taken at that time.

17 Q. How about on the 12th?

18 A. On the 12th all that was taken was the
19 photograph of her breast. There were no
20 supplement.

21 Q. So you took pictures on the 12th and
22 didn't make any notes or anything else?

23 A. No.

24 Q. And the photographs that you have
25 provided, I think you told us that you took

1 some on one day and some on a different day.

2 A. Correct.

3 Q. On either of these days, do you note that

4 the pictures do not accurately depict how bad

5 the bruise or the cut or whatever it is that

6 you're talking about -- anywhere in your

7 report do you say anything about 'well, you

8 know, the picture doesn't really show us how

9 bad the bruise is.' It's really a lot worse,

10 which is what you're testified to today.

11 A. Correct. It's not in my report.

12 Q. And you haven't done any other

13 supplemental reports that tell us that the

14 picture is -- that it is a lot worse than the

15 picture looks?

16 A. No, sir.

17 Q. And you would agree that it's been, what,

18 approximately right at a year since you've

19 seen these pictures and you don't have any

20 notes to refresh your memory about it. How do

21 you know that those are not accurate

22 depictions of the bruise?

23 A. I remember the injuries on Ms. Blanche

24 because I don't take that many photographs.

25 She was an adult and I usually deal with

1 children that are photographed by another
2 agency. I remember that because I don't
3 interview a lot of people for my fellow
4 investigators.

5 Q. So what you're saying is that something --
6 'I do recall this case and I do recall that
7 the bruising was a lot worse than the pictures
8 that I took, but I didn't make any notes about
9 it.'

10 A. Right.

11 Q. Without having notes or having reports to
12 refresh your memory, are you ever wrong about
13 -- let me rephrase that. Earlier you told us
14 that she, she being LeAnn Blanche, arrived
15 home at 3:00 o'clock in the morning. Do you
16 know where you got that information from?

17 A. I believe that it was Mr. Andes that
18 arrived at 3:00 o'clock in the morning.

19 Q. Would you have perhaps misspoke earlier if
20 you said that Ms. Blanche arrived home at
21 around 3:00 o'clock?

22 A. I may have made a mistake. It was Mr.
23 Andes that arrived at 3:00 o'clock in the
24 morning.

25 Q. And I see that you're looking at your

1 notes to doublecheck.

2 A. (Affirmative nod).

3 Q. Isn't that the whole point of writing this
4 down, so that a year later you know and
5 everyone else knows about whether or not what
6 you're saying is accurate?

7 A. Correct.

8 Q. So a year later, we are now being told
9 that those pictures that you said are an
10 accurate depiction of what you saw -- they're
11 not accurate in the sense that it was a lot
12 worse than the pictures showed.

13 A. I'm sorry?

14 Q. What you're telling everybody is -- a year
15 later you're saying that the bruises are
16 actually a lot worse than what the pictures
17 that you took show?

18 A. I am.

19 Q. Did you have any other history of Ms.
20 Blanche other than when you talked to her on
21 Tuesday the 9th. Did you look at her witness
22 statement that she wrote?

23 A. All I did was interviewed her. That is
24 all that I was asked to do.

25 Q. So you did not look at her witness

1 statement?

2 A. I don't think so.

3 Q. How about the incident reports of either
4 Investigator Powell, Ms. Gainey or -- I
5 believe that there was another officer that
6 had been out there. Did you look at any of
7 those reports?

8 SOLICITOR BEN SHELTON: Objection.
9 Relevance, Your Honor.

10 THE COURT: I am going to allow it.
11 You may answer.

12 THE WITNESS: I probably read it,
13 yes.

14 CROSS EXAMINATION CONTINUED

15 BY MR. SEATON:

16 Q. Did you note in here that you had reviewed
17 any other documents?

18 A. I did not.

19 Q. So everything in your supplemental report
20 is based on your discussion that you had with
21 Ms. Blanche?

22 A. Correct.

23 Q. All right. And you tell us that Ms.
24 Blanche said that he did not make any threats
25 when he left the bedroom?

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1 A. Right.

2 SOLICITOR BEN SHELTON: Objection.

3 That's hearsay.

4 THE COURT: Sustained.

5 MR. SEATON: May we approach, Your
6 Honor?

7 THE COURT: You may.

8 (OFF RECORD BENCH CONFERENCE)

9 THE COURT: Overruled.

10 MR. SEATON: Thank you, Your Honor.

11 CROSS EXAMINATION CONTINUED

12 BY MR. SEATON:

13 Q. Detective Carver, did LeAnn Blanche state
14 that Michael Andes did not make any threats to
15 her and left her bedroom?

16 A. Right.

17 Q. I'm sorry?

18 A. Yes.

19 Q. Okay. Did you take any sort of history
20 from her -- do you know anything -- did you
21 know her before this date?

22 A. I did not.

23 Q. Do you know whether -- you talked about her
24 emotional state, do you know what her
25 emotional state normally is?

1 A. I do not.

2 Q. Do you know anything about her when you
3 say she was 'upset, had to gather herself'?
4 Do you know whether she has to do that lot or
5 whether she's ever done that before or whether
6 this is the first time she's ever been upset?

7 A. I don't.

8 Q. When you took the picture of the bruises,
9 did you observe her from head to toe?

10 A. I did.

11 Q. You had her remove all of her clothing?

12 A. Not all of her clothing at once.

13 Q. So when you say that you observed her from
14 head to toe, what you really mean is that you
15 saw places that she wanted you to see?

16 A. She pulled her sweatpants down and I took
17 the pictures of her thighs that have the
18 injuries on them. Of course, her forearm.
19 Then on the 12th, she came in and I took a
20 photograph of her breast which had an injury
21 on it. At that time she only exposed the
22 breast that had the injury on it.

23 Q. But you didn't look at her whole body --
24 what they sometimes refer to as a whole body
25 scan or a whole body observation, where you

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1 look at her from head to toe without any
2 clothes on so that you can see are there other
3 places on her -- other marks, other bruises,
4 other cuts, other anythings -- redness,
5 anything like that. You didn't do that, did
6 you?

7 A. No, I did not.

8 THE COURT: Mr. Shelton, I can hear
9 you all. Thank you.

10 SOLICITOR BEN SHELTON: I apologize,
11 Your Honor.

12 MR. SEATON: Thank you, Detective.

13 SOLICITOR BEN SHELTON: May it
14 please the Court?

15 THE COURT: Yes, sir.

16 REDIRECT EXAMINATION

17 BY SOLICITOR BEN SHELTON:

18 Q. Mr. Seaton just inquired about how Ms.
19 Blanche didn't say that he made any threats to
20 her as he left -- as he left the bedroom?

21 A. Right.

22 Q. In your notes, does he say anything --
23 does he tell you anything about threats to her
24 as he first came into the bedroom?

25 A. (Reviewing notes).

1 Q. Please review it in its entirety.

2 A. (Upon review), when he came into her
3 bedroom he was completely naked ---

4 Q. Don't read the whole thing. Just go down
5 and talk about -- look and see if there are
6 any notes in there where she indicated to you
7 that he made have threatened her sometime.

8 A. (Upon review), he did say to Ms. Blanche
9 that she was acting like he was going to force
10 her to have sex with him, then stated to her
11 that he could show her what it's like to be
12 forced.

13 Q. Did he say that he was tired of her not
14 showing him affection and having sex with him?

15 A. Correct.

16 Q. Did she said that he leaned over, grabbed
17 her breast very hard and forcibly removed her
18 pajama pants?

19 A. Yes.

20 Q. She was holding them on in an effort to
21 keep them on?

22 A. Yes.

23 Q. Did she say that he was able to remove her
24 pajama pants but that they weren't torn during
25 the struggle?

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- 1 A. Correct.
- 2 Q. Did she say that she screamed?
- 3 A. (Upon review), she did scream, sir.
- 4 Q. However, Mr. Andes put his hand over her
- 5 mouth?
- 6 A. Correct.
- 7 Q. Then began rubbing his penis over her
- 8 vagina?
- 9 A. He did.
- 10 Q. Digitally penetrating her in a very
- 11 forceful manner?
- 12 A. Correct.
- 13 Q. Causing pain to her vagina?
- 14 A. Yes.
- 15 Q. She told you all these things, didn't she?
- 16 A. She told me all those. Yes, sir.
- 17 Q. That he held her down by her wrists?
- 18 A. Right.
- 19 Q. Held down by her hand?
- 20 A. Held her hands down by her head.
- 21 Q. She attempted to turn her body over?
- 22 A. Correct.
- 23 Q. So that he would not be able to penetrate
- 24 her vagina ---
- 25 A. Yes, sir.

1 Q. --- with his penis?

2 A. Yes, sir.

3 Q. However, he held her down by holding her
4 down by her mid-thighs?

5 A. Correct.

6 Q. Her mid thigh?

7 A. Yes, sir.

8 Q. This area of her thigh?

9 A. Yes, sir.

10 SOLICITOR BEN SHELTON: May I
11 approach, Your Honor?

12 THE COURT: You may.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR BEN SHELTON:

15 Q. Would that be this area of her thigh?

16 A. That would be.

17 Q. And as he was grabbing her breasts --
18 forcibly?

19 A. Yes, sir.

20 SOLICITOR BEN SHELTON: Beg the
21 Court's indulgence.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR BEN SHELTON:

24 Q. She didn't specify which breast, she just
25 said her breast?

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1 A. Yes.

2 Q. He was holding her down by her wrist?

3 A. Correct.

4 MR. SEATON: Your Honor, I am going
5 to object. I think the form ---

6 THE COURT: What's the basis?

7 MR. SEATON: Not following the
8 protocol of the courtroom and you don't -- he
9 is not to publish it by walking in front of
10 the jury holding the picture. If he wants
11 to publish it, I ask that he ask that he be
12 published and then you publish it.

13 THE COURT: All right. Mr.
14 Shelton, let's do it that way next time. But
15 next time also refer to the exact exhibit
16 number so that the record is abundantly clear.

17 SOLICITOR BEN SHELTON: Yes, Your
18 Honor.

19 THE COURT: Thank you.

20 SOLICITOR BEN SHELTON: I
21 apologize to the Court. I will correct the
22 record. The first picture that I showed was
23 Exhibit 62, the next picture that I showed was
24 State's Exhibit 60, and the next picture that
25 I showed was State's Exhibit 61.

1 THE COURT: Thank you, Mr. Shelton.

2 SOLICITOR BEN SHELTON: Thank
3 you, Your Honor. I apologize.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR BEN SHELTON:

6 Q. Did she say that she cried during and
7 after the incident?

8 A. Yes, she did.

9 Q. And then she says that he did not make any
10 threats after he was done raping her?

11 A. Correct.

12 Q. Did she say that when she got out of her
13 bed that "felt some stuff running down her
14 leg."

15 A. Yes, she did.

16 Q. And when she urinated that there was a
17 small amount of blood?

18 A. Correct.

19 Q. Her vagina was sore and her stomach area
20 hurt?

21 A. Yes, sir.

22 Q. That when she got up on Saturday that he
23 had already left the residence?

24 A. Yes, sir.

25 Q. That he texted her, saying that he was

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1 truly sorry?

2 A. Yes, sir.

3 Q. That she had to keep her composure as
4 she had to have the birthday party for her
5 daughter?

6 A. Yes.

7 MR. SEATON: Your Honor, I am going
8 to object.

9 THE COURT: What is the basis?
10 Sustained as to leading, Mr. Shelton. Please
11 rephrase your question.

12 SOLICITOR BEN SHELTON: Thank
13 you.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR BEN SHELTON:

16 Q. Then if you review the notes in your
17 report, what is the next thing that you recall
18 her saying to you?

19 A. That Mr. Andes had called her and stated
20 that he was with Mr. Deweese (phonetic) and
21 that they were at a bar in Summerville.

22 Q. The previous statement, the previous set?

23 A. That she kept her composure in order to
24 have the birthday party for her daughter that
25 she had at Music In Motion.

1 Q. Did she say whether he showed any remorse
2 or regard?

3 A. No, sir. Ms. Blanche said that he acted
4 as if nothing was wrong.

5 Q. Did she say anything about being at her
6 mother's house?

7 A. Yes, she did.

8 Q. Please tell the jury what she said about
9 that.

10 A. Said that while she was at her mother's
11 house that her mother would sit on a chair by
12 the window to make sure that Mr. Andes would
13 not drive onto their property without them
14 knowing.

15 Q. Did she say why she did that?

16 A. That she and her daughter are very afraid
17 of Mr. Andes.

18 Q. Did she say anything else about her
19 daughter?

20 A. Yes, she did. Ms. Blanche stated that
21 when her daughter returned that she would ask
22 her if Mr. Andes had hurt her.

23 Q. Returned from what?

24 A. From the weekend with her father.

25 Q. Did she say the last time that she had had

1 consensual sex with Mr. Andes?

2 A. The last time that she had consensual sex
3 with Mr. Andes, Ms. Blanche stated, may have
4 been in January or February of 2010.

5 Q. Did she say where she slept?

6 A. She started sleeping on the couch.

7 Q. And then after that?

8 A. Then she began sharing her bedroom with
9 her daughter.

10 Q. Did she say that she had contacted Mr.
11 Andes in any way after the sexual assault?

12 A. She did text Mr. Andes and -- but it was
13 in response to one of the texts that he had
14 sent her.

15 Q. And, again, you know all of this because
16 this is a long conversation; correct?

17 A. Yes, it was.

18 Q. Did you commit that to your memory to help
19 her situation with the judge?

20 A. I remember some of it and then I refer to
21 my report.

22 Q. Are the pictures different?

23 A. The pictures are different in that the are
24 lighter, the injuries look lighter.

25 Q. I apologize, I didn't phrase the question

1 very well. Are the pictures different in
2 regards to your memory, for the purposes of
3 being able to remember the pictures as opposed
4 to being able to remember every inch of the
5 conversation that you had with LeAnn Blanche?

6 A. The conversation was a long conversation.
7 I believe that it was probably about an hour
8 long. However, the photographs, I remember,
9 because she called and -- she came in for her
10 interview, I took the photographs. I remember
11 because -- first of all, I'm not a good
12 picture taker. I used my departmental-issued
13 camera and there's things that I -- you know,
14 you see an injury on the person, you take a
15 picture, you look at the picture and you go
16 'that's not really what it looks like, the
17 injury on the person is darker but I can't
18 correct that.'

19 Q. Did that impress on your memory?

20 A. Absolutely.

21 SOLICITOR BEN SHELTON: Thank
22 you. That's all the questions that we have.
23 Please answer any questions that Mr. Seaton
24 has.

25 THE COURT: Recross?

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1 MR. SEATON: Thank you, Your Honor.

2 RECROSS EXAMINATION

3 BY MR. SEATON:

4 Q. Let's look at State's Exhibit 19. I show
5 you what's State's Exhibit 19. That is the
6 State Law Enforcement Division protocol that
7 shows that the -- the bruises that you said
8 you took pictures of.

9 A. Right.

10 Q. Do you recognize the points on that
11 photograph or that diagram as being accurate
12 to the pictures that you took?

13 A. Yes.

14 Q. Okay.

15 MR. SEATON: If I could get you
16 (technician) to put up number nineteen.

17 RECROSS EXAMINATION CONTINUED

18 BY MR. SEATON:

19 Q. Is that the same diagram that you have in
20 your hands?

21 A. It is.

22 Q. Does it show the marks on the wrists and
23 outer thighs?

24 A. It does.

25 Q. With exception of the bruise on the

1 breast, is that any accurate picture of where
2 you took the photographs on her body?

3 A. Correct.

4 Q. Okay. Have you had any training in
5 forensic examination?

6 A. No, sir.

7 Q. Have you taken any classes on bruising,
8 looking at bruises, telling us were the
9 bruise, the age of the bruise or anything like
10 that?

11 A. I have been to a couple of classes, yes.

12 Q. Tell us how old the bruises are on these
13 pictures?

14 A. I can't do that.

15 Q. Why not?

16 A. I don't know how old they are.

17 Q. And you mentioned -- in that, they don't
18 mention the bruise on the breast, do they?

19 A. No.

20 Q. The solicitor asked you the whole story
21 that she tells you. Let me ask you look at
22 your supplemental report and ask you to
23 explain to the jury how he is covering her
24 mouth, holding down and marking both of her
25 wrists and her outer thighs at the same time?

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1 SOLICITOR BEN SHELTON: Objection.

2 Misstating facts in evidence.

3 THE COURT: Rephrase it, Mr.

4 Seaton.

5 MR. SEATON: Certainly.

6 CROSS EXAMINATION CONTINUED

7 BY MR. SEATON:

8 Q. You agree that she says that he held down

9 her wrists?

10 A. Right.

11 Q. You agree that she says "he covered my

12 mouth"?

13 A. Right.

14 Q. You agree that she says "he held my

15 thighs", "held my legs"?

16 A. Right.

17 Q. How can you do all of that, how is that

18 possible?

19 A. I can't answer. I wasn't there.

20 Q. You're the expert. You tell us. How can

21 you do all of those things. If you've got two

22 hands, you hold somebody's mouth, you hold

23 their wrists, you hold their thighs.

24 A. I believe that it could have happened

25 during the struggle.

1 Q. Well, didn't you tell us also that in the
2 struggle that she is holding onto her pajama
3 pants and they are not torn?

4 A. Right.

5 Q. So what kind of struggle is it if her
6 pajama pants aren't torn, he's able to get her
7 pants off without tearing them? He's able to
8 mark up both of her wrists. He's able to hold
9 her mouth. He's able to bruise the outside of
10 her thighs.

11 A. Correct.

12 Q. That's possible, in your mind?

13 A. I believe that it is possible.

14 Q. And explain again why, if he's trying to
15 rape her, why the bruises are on the outside
16 of the legs. If he's trying to get between
17 her legs to rape her, how is it that the
18 bruise is on the outside?

19 A. I can't explain that.

20 Q. She told you that she'd been roller
21 skating that day, too, didn't she?

22 A. She had the party for her daughter at
23 Music In Motion.

24 Q. Isn't that a roller skating rink?

25 A. Correct.

1 Q. Any way that would explain the bruises?

2 A. I did not ask her if she roller skated
3 herself.

4 Q. How about the scratch on her wrist?

5 A. (No verbal response).

6 Q. The scratch on her wrist?

7 A. That is a condition that Ms. Blanch has on
8 her skin. That's not part of the injury.

9 Q. How about the other scratch on her wrist,
10 or did you not see that?

11 A. In the photo?

12 Q. For the record, we're looking at State's
13 Exhibit 64, does that show the scratches or
14 bruises on her wrist?

15 A. It shows that she has a skin condition.
16 I believe the one closer to her wrist is part
17 of the skin condition and not an actual
18 bruise.

19 Q. So other than the fact that she comes in
20 and she tells you that 'I've got this bruise
21 that I want you to take pictures of', you
22 really didn't do any other investigation --
23 other than her telling you her version of what
24 happened?

25 A. Correct.

1 Q. And is it your job to try and figure out
2 whether or not any of the physical evidence
3 matches the history of what she tells you?

4 A. The only thing I was asked by Investigator
5 Powell was to interview, so I interviewed her
6 and photographed her injuries.

7 Q. You haven't thought about whether or not
8 what she says matches up with what's up on
9 that picture, have you?

10 A. I'm sorry?

11 Q. You haven't thought about or -- it's not
12 your job to figure out how all that happens,
13 with this description of what happened; is it?

14 A. It is my job to interview her and to take
15 the photographs of her injuries.

16 Q. And you would agree with me that all of
17 this stuff that we're talking about, from the
18 minute that you met LeAnn Blanche, it all
19 happened after the arrest warrant had already
20 been issued for Mr. Andes; hadn't it?

21 A. I believe so.

22 Q. So when we told about her being in fear of
23 Mr. Andes, they'd already had a warrant for
24 him, didn't they?

25 A. I believe so.

1 Q. And when she tells you that she is in fear
2 of him, did she tell you that she had moved in
3 and out of the house a couple of times?

4 A. Yes, she did.

5 Q. And when she said that she was in fear of
6 him, did she tell you about him having to call
7 the police on her before?

8 A. No.

9 Q. And when she says that she is in fear of
10 him, did she tell you about the times that she
11 had the young ten-year-old children in the car
12 and drove to the house and confronted him?

13 A. No.

14 Q. And when she told you that she was in fear
15 of him, did she tell you about the fact that
16 she had other places to go, that she could
17 live, besides his house?

18 A. That she stayed with her grandmother.

19 Q. Did she tell you that after she was in
20 fear of him that she went back to the house
21 and -- the same day that she says that she was
22 raped, that she went back to the house?

23 SOLICITOR BEN SHELTON: Objection,
24 Your Honor. This is outside the scope of
25 redirect.

1 THE COURT: Sustained.

2 THE COURT: Solicitors, I can hear
3 you. Thank you.

4 RECROSS EXAMINATION CONTINUED

5 BY SOLICITOR WILLIAMS:

6 Q. When she tells you that she and her child
7 were in fear, did she tell you that she spent
8 the rest of the night in the house, in the
9 next bedroom from the guy she says who raped
10 her?

11 SOLICITOR SHELTON: Objection,
12 Your Honor. Outside the scope of redirect.

13 MR. SEATON: May we approach, Your
14 Honor.

15 THE COURT: You may.

16 (OFF RECORD BENCH CONFERENCE)

17 THE COURT: Overruled. So, unless
18 Investigator Carver remembers your last
19 question, you may need to repeat your last
20 question.

21 MR. SEATON: Thank you.

22 RECROSS EXAMINATION CONTINUED

23 BY MR. SEATON:

24 Q. She told you that she was in fear of
25 Michael Andes, did she also tell you that she

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1 spent the night -- after she says that she was
2 raped -- in the next room?

3 A. Yes, she stayed.

4 Q. She did tell you that?

5 A. Yes, she stayed.

6 Q. If I could get you to look at your report
7 and tell me where she told you that. Where
8 does she say that she spent the night at the
9 house?

10 A. (Upon review), I do see where she stated
11 it but I see that when she got up on Saturday
12 that she said that he was already gone.

13 Q. So how do you know that stayed the night
14 in the house?

15 A. Because she got up from her bed.

16 Q. Is that what you just said?

17 A. No, I just said that "when she got up" the
18 next day, on Saturday.

19 Q. So now you're simply assuming that what
20 she said was that she stayed in the house?

21 A. I believe that she ---

22 Q. Or did you have some other source of this
23 information that you're telling us about?

24 A. (No verbal response).

25 Q. Is there any other source that you have,

1 that you're now telling us that you know about
2 things that aren't in your report, Detective?

3 A. (No verbal response).

4 Q. If it is not in your report, how do you
5 know that she spent the night in the house?

6 A. Because she told me that she woke up from
7 her bedroom in the morning.

8 Q. And where is that in your report -- or is
9 that something that you remember a year later?
10 Is it in your report or not, Detective?

11 A. It's not in my report.

12 Q. Is this something that you now remember a
13 year later?

14 A. I've just going by what I put on my notes,
15 that she work up the next morning and he was
16 already gone from the residence.

17 Q. I thought you said that you destroyed your
18 notes?

19 A. From my report.

20 Q. Then tell me where it is in your report
21 that it says that?

22 A. It's not.

23 Q. So is it that -- I'm very confused, and I
24 am not trying to trick you here but I'm trying
25 to understand it. You're saying that it is

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1 not in your report but she told you, but you
2 don't remember her telling you that. Correct?

3 A. I put in my report that she woke up the
4 next morning and he was already gone from the
5 residence.

6 Q. Where does it say any of that in your
7 record? Read from your report.

8 A. That she woke up the next morning?

9 Q. Read from your report and tell us what
10 your report says about her bedroom, about him
11 being gone. Please read that directly from
12 your report.

13 A. (Upon review), what I have in my report
14 is, (reading): "Ms. Blanche stated that when
15 she got up the next morning, which was
16 Saturday, that Michael Andes had already left
17 the residence."

18 Q. Where is that?

19 A. (Indicating).

20 Q. "Stated that when she got up on Saturday
21 that Michael Andes has already left the
22 residence."

23 A. Yes, sir.

24 Q. Does it say anything about her staying in
25 the house?

1 A. It does not.

2 Q. Does it say anything about her coming back
3 to the house?

4 SOLICITOR SHELTON: Objection,
5 Your Honor. Asked and answered.

6 THE COURT: Sustained.

7 CROSS EXAMINATION CONTINUED

8 BY MR. SEATON:

9 Q. So she was in fear for her life and she
10 spent the night in the house, is what your
11 understanding is?

12 SOLICITOR SHELTON: Objection.
13 Asked and answered, Your Honor.

14 THE COURT: Sustained as to asked
15 and answered.

16 SOLICITOR SHELTON: Thank you,
17 Your Honor.

18 CROSS EXAMINATION CONTINUED

19 BY MR. SEATON:

20 Q. She told you that Mr. Andes called and
21 said that he was at La Hacienda drinking?

22 A. Right.

23 Q. Have you reviewed the telephone logs?

24 A. No, sir. If I could go back ---

25 SOLICITOR SHELTON: Objection.

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1 Outside the scope of cross examination and
2 outside the purview of this witness.

3 THE COURT: I am going to sustain
4 it as outside redirect.

5 CROSS EXAMINATION CONTINUED

6 BY MR. SEATON:

7 Q. You said that Ms. Blanche stated that her
8 daughter visited her father for the weekend?

9 Second paragraph, page two, last sentence.

10 A. I'm sorry. I don't see it.

11 Q. It says, (reading): "LeAnn Blanche stated
12 that when her daughter visits her father for a
13 weekend, on her return she will ask if Michael
14 Mr. Andes has hurt her." Do you see that?

15 A. (Upon review), I see it. Yes, sir.

16 Q. Did she tell you that she and the father
17 have week-on week-off custody?

18 A. She did not.

19 Q. Thank you.

20 MR. SEATON: No further questions.

21 THE COURT: Thank you, you may step
22 down.

23 (WITNESS STEPS DOWN)

24 THE COURT: You are free to remain
25 with us but you are also free to go. Thank

1 you.

2 Ladies and Gentlemen, this is an
3 appropriate time for us to take out midmorning
4 break. Do not begin your deliberations, do
5 not discuss this case amongst yourselves. We
6 are going to take about ten minutes. Please
7 rise for the jury.

8 (JURY OUT @ 10:59 A.M.)

9 THE COURT: Thank you. Be seated.
10 I figured that we would go ahead and take out
11 break because I anticipate that the next
12 investigator will take us to lunch if not past
13 lunch, correct?

14 SOLICITOR WILLIAMS: That's
15 correct, Your Honor.

16 THE COURT: That will be your last
17 witness, is that correct?

18 SOLICITOR WILLIAMS: Yes, Your
19 Honor.

20 THE COURT: Thank you. Has your
21 client made a decision yet?

22 MR. SEATON: No, Your Honor.

23 THE COURT: Thank you. We're at-
24 ease. Ten minutes.

25 (BRIEF RECESS)