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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOBY KHAN ARMSTRONG,

APPELLANT

APPELLATE CASE NO. 2025-000718

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STATE OF SOUTH CAROLINA * GENERAL SESSIONS
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 STATE OF SOUTH CAROLINA *
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 vs. * Case No. 2023-GS-23-07116
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 TOBY KHAN ARMSTRONG, *
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April 7-9, 2025

TRIAL

B E F O R E:

The Honorable Edward W. Miller, Presiding Judge

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

Christy K. Sustakovitch, Esq.

John Gregory, Esq.

Assistant Solicitor for the State

Rachel A. Kepley, Esq.

Attorney for the Defendant

Recorded by: Court Reporter April Herron

Court Transcriber: Bobbi Fisher, RPR
 SC Official Court Reporter III

1 courtroom should it become necessary.

2 If you-all can't decide, I can help you out with it, but
3 I always like to give you-all the chance to do that. All
4 right?

5 I can't think of anything else. I'm going to ask you-all
6 to stand and take the oath.

7 THE CLERK: Please raise your right hand. The correct
8 response will be, "I will."

9 You shall well and truly try the case, 2023-GS-23-7116,
10 the State versus Toby Khan Armstrong, indicted for criminal
11 sexual conduct with a minor first degree, and a true verdict
12 rendered according to the law and the evidence so help you
13 God.

14 I will?

15 JURORS: I will.

16 THE CLERK: Thank you.

17 THE COURT: Great. Y'all don't have to sit down again.
18 I'm going to let y'all go to lunch. I'd ask you to be back at
19 2:30. I hope that -- that's an hour and 20 minutes. I hope
20 that will give you enough time to have lunch and take care of
21 business. Now you go get to see the dark secret passages in
22 the back of the courthouse. Thank you-all.

23 (The jury exited the courtroom at 1:37 PM.)

24 MOTION/MATTER OF LAW

25 THE COURT: Okay. Anything before we break?

1 MS. SUSTAKOVICH: Nothing from the State.

2 MS. KEPLEY: Your Honor, there is one pre-trial issue I
3 think I meant to bring up, but it slipped my mind with the
4 other ones, is Ms. Sustakovitch had mentioned kind of a
5 roadmap of what we're going to get into and not get into.

6 From looking at our witness list and the discovery and
7 from talking to Ms. Sustakovitch, it looks like a few of these
8 witnesses are going to be called for hearsay under
9 801.1(d)(1), needing a time and place for corroboration. And
10 I just want to be very clear that, if we get into even the
11 identity of the perpetrator, the details of the allegation, or
12 anything other than that, I would certainly have to object and
13 probably put on the record objections as to hearsay and
14 relevancy, and I just want to make everyone aware of that.

15 THE COURT: Okay. Thank you for doing that. Make sure
16 you do. All right?

17 MS. KEPLEY: Thank you, Your Honor.

18 THE COURT: Okay. Good. We'll see you-all at 2:30.

19 (A lunch recess was taken from 1:39 PM to 2:55 PM.)

20 THE COURT: Juror No. 158 is our foreperson.

21 Anything else before we start?

22 MS. SUSTAKOVITCH: May it please the Court. Your Honor,
23 there's one brief item that I did not think of earlier, but
24 there will be testimony from the victim and also her sister,
25 Sheridan, about their abuse in the home, alcohol and drug use

1 in the home.

2 The victim believes that the defendant was under the
3 influence of alcohol or drugs at the time that she was
4 assaulted based on his demeanor and how he looked and that he
5 appeared out of it; the sister is going to testify to that as
6 well. I just wanted to let the Court know that that's the
7 anticipated testimony and bring up issues with that.

8 MS. KEPLEY: Your Honor, if people are going to testify
9 to certain what they saw and perceived as to his intoxication,
10 I don't think I would have any objection to that, but if we're
11 going to elicit testimony about prior drug use or his
12 proclivity for drug use, I think that would fall into
13 relevancy in 403.

14 MS. SUSTAKOVITCH: Well, there will be testimony that
15 there was -- these kids were on their own in this house. The
16 mother was a drug addict. She was not caring for these
17 children. And it is the circumstances of res gestae, the
18 deplorable conditions in which these children were living,
19 that this circumstance even happened.

20 So we certainly are not going to try to roll the bus over
21 this defendant, but we have to paint a picture of what reality
22 was like for these children and how a circumstance could
23 happen like this to a ten-year-old girl.

24 There is going to be some testimony that, between the
25 mother's room and the children's room, the doors were off.

1 Okay? All of this goes into understanding how, in that kind
2 of a circumstance, where people are drunk and using drugs and
3 out of it, that that still is what happened in this
4 circumstance.

5 So, again, we're not going to make it a big issue in the
6 trial, but we did want you to know that that's going to be in
7 at least two of the witnesses' testimony about their abuse and
8 alcohol use.

9 THE COURT: Did they observe the defendant using it?

10 MS. SUSTAKOVITCH: Yes.

11 THE COURT: They can testify to what they saw.

12 MS. SUSTAKOVITCH: Their mother and the defendant, yes.

13 THE COURT: Is the mother a witness?

14 MS. SUSTAKOVITCH: I don't anticipate calling her. She's
15 on the witness list, if we have to. She's got significant
16 mental health issues and could be a very difficult witness in
17 this trial.

18 THE COURT: Well -- yes?

19 MS. KEPLEY: Your Honor, I would just certainly object to
20 any -- certainly, if we're talking about the facts of this
21 case and what happened at the time that the assault was
22 alleged to have happened, I don't think that's objectionable.

23 But if we're talking about prior drug use, that would
24 fall under 404(b). I think we would need to do a full
25 analysis of whether that's relevant and whether that would be

1 prejudicial under 403.

2 MS. SUSTAKOVITCH: Well, perhaps we need to do that
3 analysis, because I do believe that there's going to be
4 testimony that in this -- that the mother -- from both of
5 these children, the mother was not present. She was a drug
6 user. She -- these kids were on their own in that house, and
7 there was alcohol and drug use aplenty. That's going to be
8 the basis of setting the scene for what these girls were up
9 against.

10 They're going to say their mother wasn't present and she
11 had men in and out of the house. There's going to be
12 testimony that this defendant came into the mother's life.
13 Both of those girls are going to testify about it.

14 We're not going to test- -- we're not going to have
15 testimony about how this defendant began having sex with the
16 13-year-old child, sister of our victim at trial, but we will
17 talk about he and the sister did start dating, I guess, when
18 she was 16. And all of this comes about with some of the
19 disclosure in this, Your Honor.

20 The incident happened to the ten-year-old victim, who is
21 present in the courtroom, **Minor**. And the next
22 morning, she told her 14-year-old sister what had happened.
23 She told her sister that she thought this defendant was either
24 drunk or impaired. That is nothing unusual for what those
25 girls had seen, and they both would testify to that.

1 We would ask, at the end of this trial, for a jury
2 instruction that voluntary intoxication is no defense to a
3 crime. But that would be the circumstances that that
4 testimony would come out at trial. We do not believe that
5 it's excluded under a Rule 403 analysis because it's the res
6 gestae of what's happened here. It's painting a picture that
7 is true.

8 THE COURT: Okay. All right. Well, anything?

9 MS. KEPLEY: I mean, I would just reiterate that I don't
10 think anything Ms. Sustakovitch has described would fall under
11 the 404(b) exception like a common plan or scheme or something
12 like that where it might be admissible.

13 But I think 404(b) would pretty clearly exclude any
14 evidence of prior drug use or history on the part of
15 Mr. Armstrong at this trial.

16 MS. SUSTAKOVITCH: And there's five exceptions to Rule
17 404(b): motive, intent. It's not just common scheme or plan,
18 which falls into sex cases. This goes to the general
19 circumstances of the home, and this goes to the actual night
20 that this defendant is alleged to have committed the crime and
21 his mental state. His motive is --

22 THE COURT: Well, I think, it -- going to have to hear
23 the testimony. You're just going to have to be on your toes.
24 You're just going to have to keep it -- you know, he's not
25 getting tried because he was a drug addict.

1 MS. KEPLEY: No.

2 THE COURT: Okay. All right.

3 You ready?

4 MS. SUSTAKOVITCH: Yes, sir.

5 THE COURT: Ready for your brief and non-argumentative
6 opening statements?

7 MS. SUSTAKOVITCH: Yes, sir.

8 THE COURT: Yes, okay.

9 MS. SUSTAKOVITCH: Mr. Gregory will be doing the opening.

10 THE COURT: Oh, God. [Laughter]

11 All right.

12 (The jury entered the courtroom.)

13 THE COURT: All right, ladies and gentlemen. Welcome
14 back. Hope you had a pleasant lunch. We are ready to
15 proceed.

16 Mr. Morgan, appreciate you agreeing to serve as
17 foreperson.

18 All right. Opening statements from the State.

19 MR. MORGAN: May it please the Court.

20 THE COURT: Yes, sir.

21 MR. MORGAN: Ms. Kepley...

22 OPENING STATEMENT ON BEHALF OF THE STATE

23 MR. MORGAN: Good afternoon, ladies and gentlemen of the
24 jury. The evidence that you're about to hear is going to show
25 that, when **Minor** was ten years old, she was a fifth

1 grader at Fork Shoals Elementary School.

2 During that time, she was living in a three-bedroom
3 trailer with her sisters, Courtney and Sheridan, along with
4 her grandmother and her grandmother's boyfriend, along with
5 her mother and this defendant, Toby Armstrong.

6 The evidence is going to show that, during that time that
7 they were living together, one night around 11:00 or 12:00,
8 late at night, the victim was sexually assaulted in her
9 mother's room on her mother's bed by this defendant.

10 That's why we're here, ladies and gentlemen. The
11 defendant, Toby Armstrong, is being charged with criminal
12 sexual conduct with a minor in the first degree.

13 In South Carolina, in criminal cases, the State bears the
14 burden of proof. In criminal cases, it's the highest burden
15 of proof. It's beyond a reasonable doubt. That burden lies
16 with the State, and we embrace that.

17 No doubt you've already heard this morning Judge Miller
18 say "beyond a reasonable doubt." You've heard it on TV shows.
19 You've heard it in other places in your life. But what is
20 "beyond a reasonable doubt"? What we should start is what's
21 it not? It's not 100 percent certainty. The law does not
22 require us to prove, with 100 percent certainty, that this
23 defendant committed this crime.

24 Our courts have said if you are firmly convinced --
25 beyond a reasonable doubt, firmly convinced. Are you firmly

1 convinced of his guilt? Another way to put it is the doubt
2 that would cause a reasonable person to hesitate to act.

3 So as we go through this trial, keep in mind it's not
4 100 percent certainty. It's firmly convinced.

5 So what do we have to prove to make you firmly convinced?
6 Well, as I said, he's charged with criminal sexual conduct
7 with a minor in the first degree. And what that is, is sexual
8 assault and the victim's a minor, or under 11 years of age.

9 The law defines sexual assault as sexual intercourse. It
10 can be anal intercourse, vaginal intercourse, oral sex. It
11 can also be accomplished by any intrusion, no matter how
12 slight, the victim's genitals, with a finger or an object.
13 That's the definition of sexual assault.

14 So how is the State going to prove this case? The
15 majority of the evidence you'll receive is going to come
16 straight from that seat. It's going to be testimony in
17 nature. There will be very few exhibits, nothing to hold,
18 nothing to see. It's all going to be oral testimony.

19 You're going to hear from the victim. You're going to
20 hear what happened that night. You're going to hear from law
21 enforcement that investigated the case. You're also going to
22 hear from family members and a friend of the victim.

23 Ladies and gentlemen, you were selected, as Judge Miller
24 previously said, because we believe you can give us a fair
25 trial. No doubt this is a very important day for Toby

1 Armstrong, but it's also just an important day for Minor

2 [REDACTED]

3 You weren't selected because of your vast knowledge of
4 the law, but you do have two things that you will bring with
5 you in the deliberation room: your common sense and your
6 personal experiences in life. Don't check those at the door.
7 Draw on those, your personal experience and your common sense.

8 As the finders of the fact, you will answer the ultimate
9 question of: What are the facts in this case? Has the State
10 met its burden of proof beyond a reasonable doubt? Are you
11 firmly convinced that this defendant is guilty of criminal
12 sexual conduct?

13 After you hear the evidence, we believe you will return a
14 verdict of guilty.

15 Thank you for your time, and thank you for your patience.

16 THE COURT: Ms. Kepley.

17 MS. KEPLEY: Thank you, Your Honor. May it please the
18 Court.

19 THE COURT: Yes, ma'am.

20 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

21 MS. KEPLEY: Any charge that involves sexual contact with
22 minors should evoke very, very negative feelings to you. I
23 know it does to me. Okay? But I'm going to ask you-all to --
24 caution you against any sort of emotional reaction to the
25 charges themselves.

1 The truth is, you're going to be required to listen to
2 all the evidence presented by the State before making any
3 determinations. And the reality is that, if you follow the
4 evidence, you're going to see that this case is allegation
5 (indiscernible). It's not an investigation.

6 And as to that allegation, you're going to hear, she's
7 going to tell you that Toby Armstrong sexually assaulted her
8 one time over a decade ago. And there's going to be some
9 problems with it. Some pretty big problems.

10 The criminal case is a lot like a puzzle; right? And the
11 State's goal is to give you a clear, complete picture of what
12 happened as their burden.

13 My challenge to you is, as you listen, constantly ask
14 yourself what evidence you would need to see to be firmly
15 convinced beyond a reasonable doubt, because that's
16 (indiscernible).

17 You're going to hear there's nothing. There's no
18 physical evidence that supports her story.

19 And please do not let the State sell you this
20 preposterous notion that there just isn't physical evidence in
21 these types of cases when there most certainly is. There's
22 DNA, blood and hair, bruises, injuries. All of it measurable.
23 All of it collectible. None of it here does not exist. And
24 you're going to hear no medical exam was ever performed that
25 might have backed this story up, even though they could have

1 easily done so.

2 We also live in a world filled with forensic technology.
3 Camera phones, Ring door cameras, devices. All potential
4 proof. Even 11 years ago. You won't see any of that here
5 either.

6 The allegations and the story just isn't enough. The law
7 requires more than (indiscernible). Someone just saying
8 something happened should never be enough to convict someone
9 of a crime. It's not enough for the State to overcome their
10 burden with evidence.

11 And you're going to hear that -- that Toby actually spoke
12 to police without a lawyer. He wasn't afraid because he
13 didn't do anything wrong. He denied ever touching **Minor**

14 **[REDACTED]**

15 I know what you're already thinking: It sounds like
16 there might be more to this story. Why on earth would someone
17 make this up? There's going to be a lot of moving pieces.
18 There's going to be some potential answers to that question.
19 And I'm going to encourage you at all times to keep an open
20 mind.

21 If you keep an eye on all these issues, not just on the
22 evidence presented but the evidence that's going to be
23 missing, you will find, at the end of this story, that Toby
24 Armstrong is innocent of these charges, but the State will not
25 be able to prove their case beyond a reasonable doubt, and

1 that the only fair thing, the only right thing to do is to
2 come back with a verdict of not guilty.

3 Thank you.

4 THE COURT: Okay. Call your first witness.

5 MR. GREGORY: May it please the Court, Your Honor. The
6 State calls Angie Carter.

7 THE CLERK: Please raise your right hand.

8 ANGELA CARTER,
9 after having been duly sworn, was examined and testified
10 to as follows:

11 THE CLERK: Please have a seat and state your name for
12 the record.

13 MS. CARTER: Angela Carter.

14 DIRECT EXAMINATION

15 BY MR. GREGORY:

16 Q Ms. Carter, how old are you?

17 A I'm 69.

18 Q You live in Greenville?

19 A I live in Simpsonville.

20 Q How long have you lived in Simpsonville?

21 A For almost 18 years.

22 Q Are you employed?

23 A I'm retired.

24 Q Who are you retired from?

25 A Sealed Air CRYOVAC Corporation.

- 1 Q And what did you do there?
- 2 A I was a machine operator.
- 3 Q When did you retire?
- 4 A It was eight years ago. October the 3rd.
- 5 Q Are you married?
- 6 A I am.
- 7 Q Who are you married to?
- 8 A Richard Carter.
- 9 Q And how long have the two of you been married?
- 10 A It'll be 19 years in October. The 14th.
- 11 Q Do you know Minor ?
- 12 A Yes, I do.
- 13 Q How do you know her?
- 14 A She's my great niece.
- 15 Q So she's your great niece. Tell us how that works.
- 16 A Okay. My sister is Shelby Hines, and Minor -- well,
- 17 Shelby had a daughter named Andrea. Then Andrea had Minor .
- 18 Q So you're sisters with Minor's grandmother?
- 19 A Yes.
- 20 Q And how long have you known Minor ?
- 21 A All her life.
- 22 Q Do you know the defendant in the courtroom today?
- 23 A Yes.
- 24 Q And who is that?
- 25 A It's Toby Armstrong.

1 Q Have you ever met him before?

2 A Only once. I saw him at my mother's -- it was a
3 Christmas gathering -- but I've never talked to him.

4 Q What was your relationship like with **Minor's** family?

5 A Strained and distant. I loved my sister because she was
6 sick. She had stage four renal failure, so, naturally, I love
7 her. She was sick. But our lives were different.

8 Q And your sister, is she still with us today, or did she
9 pass away?

10 A She passed away May the 21st of last year.

11 Q What was your relationship like with your sister's
12 daughter?

13 A It was good when she was a little girl and when she was a
14 teenager, but it became strained as time went on.

15 Q And you said -- so that would be -- remind me of her name
16 again. I'm sorry.

17 A Andrea.

18 Q And she had three girls; correct?

19 A Yes.

20 Q What was your relationship like with the three girls?

21 A It was fairly good, especially when they were small. Of
22 course, when they grow older, you don't see them as much. And
23 then I married and moved off from close to them, so...

24 Q So when they were growing up, you lived close to them?

25 A I wasn't living close to them, but I lived close to my

1 mom. And then my sister lived out next to my mom.

2 Q Was that some family land?

3 A Yes.

4 Q And where was that family land located?

5 A It was -- it was beside my mama's. Just a little piece
6 from her.

7 Q And where -- is it in Greenville?

8 A It's in Greenville County, yes. In Belton, S.C.

9 Q And was your sister's daughter ever married?

10 A She was.

11 Q When was she married?

12 A I don't recall the year that she was married.

13 Q At that time, how often would you see **Minor**, Sheridan,
14 and Courtney?

15 A All the holidays, any kind of gatherings. If we had
16 gatherings at my mom's, I would see them out there. But that
17 was about it.

18 Q And your mom was living with them; is that correct?

19 A No. She lives in a big farmhouse out on the land next to
20 my sister.

21 Q At any time, did they actually live together that you
22 knew about?

23 A No. My mom never lived with them.

24 Q I'm sorry, not your mom. I apologize. Your sister, did
25 she live with her?

1 A Yes, my sister lived with Andrea.

2 Q I apologize. That was my confusion.

3 And about when was that; do you recall?

4 A My sister owned the place, but Andrea lived with my
5 sister.

6 Q And the three girls as well?

7 A Yes.

8 Q At any time, did you do anything to help out **Minor** ?

9 A I have, yes.

10 Q What did you do?

11 A I'd buy her clothes at Christmas. I started out helping
12 her, as time went on, with bringing her to our house when she
13 got older for tutoring because she was having -- struggling in
14 school. So I felt like that she needed help, and my sister
15 wasn't able to give her the help.

16 So I would take her back and forth two days a week to
17 that. And then I would email and talk to her school teachers
18 to make sure she was where she needed to be so she could
19 graduate.

20 Q So you took a role as a mother for her for a while;
21 correct?

22 A Yes, I did.

23 Q And why is that?

24 A Because her mother is mentally ill, and she wouldn't take
25 her medicine and she wouldn't go to her doctor appointments

1 like she should, and she was to the point of just being
2 psychotic. And it was just not a home environment for
3 **Minor**, and I felt like that I wanted **Minor** to have better.

4 Q And you said you bought Christmas presents for her as
5 well; is that correct?

6 A Yes.

7 Q Did you do that often?

8 A Yes.

9 Q You say that she was getting tutoring at school. What
10 school did she go to?

11 A Woodmont High.

12 Q And what did she need help tutoring in?

13 A Math, especially.

14 Q So how old was **Minor** when you would take her to and
15 from tutoring?

16 A It started out when she was 14 years old.

17 Q Remember what grade she would have been in then?

18 A The ninth.

19 Q At that time period, where was **Minor** living?

20 A She was still living with my sister in that -- in the
21 trailer.

22 Q Did you ever go inside the trailer?

23 A Periodically, but not a lot.

24 Q Would she ever spend the night at your house?

25 A She would. She started out two days a week, Tuesdays and

1 Thursdays, and then she would get back on the bus and go back
2 home on Fridays.

3 Q And why would she spend the night at your house?

4 A Because it was so hard for her to get back on the bus and
5 go back home. And so we just let her spend the night, and
6 then I'd get back up and take her back to school the next day.

7 Q What was **Minor** like when she was staying with you?

8 A Started out she was really sweet, quiet, reserved, but
9 then things changed.

10 Q How so?

11 A She started acting kind of odd, like something was wrong
12 with her. Something was bothering her. And I just didn't
13 know what it was. The things that she was doing just didn't
14 seem right to me. Because I have a daughter myself, and it
15 just didn't seem right.

16 Q Let's talk about your daughter for a second. How old is
17 your daughter?

18 A My daughter is 52.

19 Q So older than **Minor**; is that correct?

20 A Yes, she is.

21 Q Was your daughter living in the house with you when
22 **Minor** was there?

23 A No.

24 Q Was there anyone else living in the house with you when
25 **Minor** was there?

1 A Yes, my husband.

2 Q And you said she started acting different, things were
3 off. What did you notice?

4 A Yes. Well, I noticed that, when she'd take a shower,
5 she'd stay in there, just running the shower water. And I
6 knew that that just wasn't normal, to keep running the water
7 that long. And so I questioned her about it. And at first I
8 thought, well, maybe it's an eating disorder, because I had
9 read where kids do that, that they would run the water to try
10 to -- so that you wouldn't hear what they're doing.

11 And the bathroom was kind of close to our living room to
12 where it just -- you know, you could kind of hear the water
13 running. But I just felt like she's hiding something.

14 Q And is that about the same time when she was about 14
15 years old?

16 A Yes.

17 Q Did she ever live with you for a longer period of time?

18 A She moved in with me permanent on June the 30th in 2020
19 to work a job -- a summer job.

20 Q And where was she working that summer?

21 A Silver Bay.

22 Q And did you help her get that job?

23 A I did, yes.

24 Q And was she living with you full time at that time?

25 A That's when she moved in, the exact date of June 30th,

1 2020.

2 Q And how was **Minor** at that time?

3 A She still seemed a little off, a little odd. And she had
4 a problem with time management. I don't think that at home
5 she had too much time management, but living in our home, we
6 had to run it and teach her time management. So I had to make
7 her out a list, even when she got up and got dressed and that
8 type of thing and when to be waiting on us to carry her to
9 work and that type of thing.

10 Q What was **Minor's** demeanor like when she would have to
11 go back to her house?

12 A She would be sad, really sad. She loved staying with us.

13 Q You said she stayed with you for a full summer; is that
14 correct?

15 A Yes, she did.

16 Q And during that -- you said it was in 2020; correct?

17 A Yes.

18 Q During that time, without saying the name of the
19 perpetrator, but did **Minor** ever disclose to you as being a
20 victim of sexual assault?

21 A Yes, she did.

22 Q And was it around that time period?

23 A Yes. It was December the 10th of 2020.

24 Q And where were you when this disclosure took place?

25 A Sitting in the living room.

1 Q Who were you there with?

2 A My husband. We were sitting together.

3 Q And **Minor** was there?

4 A Yes. She was sitting across from in front of us.

5 Q And at that time -- again, not saying the name of the
6 perpetrator -- but did she say when this sexual assault
7 occurred?

8 A She did not at that time.

9 Q At that time she did not?

10 Did she say where it occurred?

11 A Not at that time, she didn't.

12 Q What did you do with the disclosure information that she
13 gave you?

14 A I took her to the Greenville County Police Department on
15 December the 11th, the next day, to file a report. I really
16 didn't know what to do, but I went up there to just tell them
17 what happened, and that's what they told me to do, to file a
18 report.

19 Q The next day; correct?

20 A Yes, the next day.

21 Q Did you speak with **Minor** after that time period about
22 the disclosure?

23 A Yes.

24 Q And did she tell you at that time when it occurred?

25 A Yes, I knew then.

1 Q When did it occur?

2 A It was when she lived with my sister. I don't know the
3 exact date, but it was when she lived with my sister.

4 Q Did she tell you how old she was?

5 A She did, because the police officer there, he asked,
6 "Well, how old was **Minor**?" And I turned around -- I
7 remember, I turned around and asked **Minor**. And she told me
8 she was ten years old. And I could not believe it. I just
9 stood there in shock. I still can't believe it.

10 Q And did she say where it occurred?

11 A She said it was at Mimi's. She called my sister "Mimi".

12 Q Now, the day before when she initially disclosed to you,
13 prior to going to the police, what was **Minor's** demeanor like
14 when she said it?

15 A She screamed the loudest scream I've ever heard her
16 scream. And she said, "He raped me."

17 MS. KEPLEY: Objection, Your Honor.

18 THE COURT: Sustained.

19 BY MR. GREGORY:

20 Q Without saying what she said -- again, my question is
21 demeanor. You said she was crying; is that correct?

22 A She was crying. She was --

23 MS. KEPLEY: Objection. Same objection as to demeanor as
24 well, Your Honor, under hearsay.

25 THE COURT: She can observe [verbatim] what she saw.

1 BY MR. GREGORY:

2 Q You can answer that question.

3 A She was crying. And it was a cry that came from the very
4 core of her being. It was so loud. I knew something was
5 wrong.

6 Q And the following day, what was her demeanor like when
7 she was with law enforcement?

8 A Shock. She was acting like somebody in shock.

9 Q Please answer any questions the defense has for you.

10 CROSS-EXAMINATION

11 BY MS. KEPLEY:

12 Q Good afternoon, Ms. Carter.

13 A Good afternoon.

14 Q You say you've only ever met Mr. Armstrong once; is that
15 correct?

16 A Yes.

17 Q And it was your testimony that -- if I'm not correct,
18 tell me -- that you really came into **Minor's** life when she
19 was around 14 years old in more of a regular way; is that
20 correct?

21 A More of a regular way, yes.

22 Q So when she would have been ten years old, you weren't in
23 her life in a very -- in the same kind of way. Is that fair
24 to say?

25 A Right, yes.

1 Q So you weren't in her life, and you also didn't really go
2 to that trailer when she was ten or when she was 14; right?

3 A I visited my mother, and at times, we would be back and
4 forth, but mostly the visiting was at my house. Or my mama's
5 house. Excuse me.

6 Q When **Minor** was ten, that would have been in 2014 or
7 2015; correct?

8 A Yes.

9 Q Did you go to your sister's trailer -- how often would
10 you go to her trailer around 2014-2015?

11 A Not often. She was at dialysis three days a week.

12 Q Were you with her at dialysis?

13 A No.

14 Q So you weren't a regular visitor and you weren't a
15 regular in **Minor's** life back in 2014 or 2015; correct?

16 A I wasn't a regular visitor down there, no. But I was a
17 part of **Minor's** life through phone conversations or coming
18 out to my mama's, and she would walk up to my mama's.

19 MS. KEPLEY: No further questions, Your Honor.

20 THE COURT: All right. Any redirect?

21 MR. GREGORY: No, Your Honor.

22 THE COURT: Thank you, ma'am. You may step down.

23 MR. GREGORY: We'd ask her to be excused from her
24 subpoena.

25 MS. KEPLEY: No objection.

1 MS. SUSTAKOVITCH: Your Honor, we'd call Minor .

2 THE CLERK: Please place your left hand on the Bible and
3 raise your right hand.

4 Minor ,

5 after having been duly sworn, was examined and testified
6 to as follows:

7 THE CLERK: Thank you. Please take a seat. And state
8 your name for the record.

9 THE WITNESS: My name is Minor .

10 DIRECT EXAMINATION

11 BY MS. SUSTAKOVITCH:

12 Q Good afternoon, Minor . Are you a little nervous?

13 A Yes.

14 Q Okay. If you could just scoot further because everybody
15 in the jury box has to hear you. Okay?

16 A Okay.

17 Q So how old are you, Minor ?

18 A I'm 21.

19 Q Is today hard for you?

20 A Yes. Very.

21 Q What's your birth date?

22 A .

23 Q Did you just have a birthday recently?

24 A Yes.

25 Q And do you have a job now, Minor ?

- 1 A Yes.
- 2 Q Where are you working?
- 3 A I work at BMW.
- 4 Q And what's your job at BMW, **Minor** ?
- 5 A I'm a production associate on the engine line.
- 6 Q Now, explain to us what that means. What do you do?
- 7 A I put parts on engines.
- 8 Q Okay. Tell us a little bit more. That's pretty cool.
- 9 A So basically the engine, you know, will just start as a
- 10 bare engine, and then we connect the transmission and then
- 11 other bits and pieces, such as the oil pan and the all-wheel
- 12 drive brackets and things like that.
- 13 Q Is it like a conveyor belt kind of thing, or do you have
- 14 a certain amount of time to get it done?
- 15 A Yes, it's a conveyor, and we have a certain amount of
- 16 time to get it done.
- 17 Q Is it stressful?
- 18 A At times.
- 19 Q Okay. How long have you been doing that job?
- 20 A A year and about four months.
- 21 Q All right. Where did you work before that?
- 22 A Before that, I worked at Target.
- 23 Q Okay. And what was your job at Target?
- 24 A I was a guest advocate.
- 25 Q And what's a guest advocate?

1 A So we just help check customers out, or we work at
2 customer service, or we work in drive-up where we take out
3 items to customers.

4 Q How long did you work for Target?

5 A I want to say about a year.

6 Q Okay. And where did you go to high school, **Minor** ?

7 A I went to Woodmont High School.

8 Q Did you graduate and go to college, or did you just start
9 working right out of high school?

10 A I started to go to college for a couple months, but it
11 didn't exactly work out for me, so then I ended up at BMW.

12 Q Okay. I want to take you back in time and tell the jury
13 a little bit about you. Where did you grow up, **Minor** ?

14 A I grew up in Belton, South Carolina.

15 Q And what county is Belton in?

16 A Belton is in Greenville County.

17 Q And do you --

18 A Well --

19 Q Oh, good ahead. I'm sorry.

20 A Part of it is in Greenville County.

21 Q All right. And that's very good. If I ask you a
22 question you don't understand, you say you don't understand
23 it; correct?

24 A Correct.

25 Q Okay. Do you have any siblings?

1 A Yes.

2 Q And what are their names?

3 A Sheridan and Courtney.

4 Q Who's the older of those two?

5 A Courtney's the oldest.

6 Q How old is Courtney?

7 A She's about 28.

8 Q And how old is Sheridan?

9 A She's 25.

10 Q I want to take you back in time. As a little girl, where
11 did you live?

12 A I lived with my grandma and my mom in a trailer in
13 Belton.

14 (STATE'S EXHIBIT NO. 1, Photograph of the Sisters, was
15 marked.)

16 BY MS. SUSTAKOVITCH:

17 Q All right. **Minor**, I'm showing you what's marked as
18 State's Exhibit 1. Do you recognize that item?

19 A Yes.

20 Q And how do you recognize that?

21 A I recognize this as me and my two older sisters, Sheridan
22 and Courtney, sitting on the front porch of the trailer that
23 we grew up in.

24 Q And does that appear to be a fair and accurate picture of
25 the trailer that you grew up in?

1 A Yes.

2 Q If you had to guess, about how old would you be in this
3 photograph?

4 A I would be about nine.

5 MS. SUSTAKOVITCH: Your Honor, at this time, the State
6 moves to admit State's Exhibit 1.

7 MS. KEPLEY: No objection.

8 THE COURT: Okay.

9 (STATE'S EXHIBIT NO. 1 was admitted.)

10 BY MS. SUSTAKOVITCH:

11 Q All right, **Minor**. So there's your home; right?

12 A Yes.

13 Q All right. Now, I want to help the jury understand. I
14 know this is just the front door of the trailer, but they've
15 never been there and they've never gotten to see it. So could
16 you kind of help them understand? You walk in that door, and
17 what are we seeing?

18 A So when you walk into the door, the first thing that you
19 enter is into the living room. And then, to the right, it
20 would be my grandma's room. And it's kind of an open space
21 where the living room is connected to the dining room. And
22 then there's kind of a long area you can see to the right, and
23 that's where the kitchen is, but you have to walk all the way
24 back to see the whole kitchen.

25 Q I want to -- we were hearing a lot of different testimony

1 from your Great-aunt Angie, right -

2 A Yes.

3 Q - just a minute ago. I want to make sure the jury is
4 clear on this. What's your mama's name?

5 A Andrea.

6 Q And Andrea is still alive?

7 A Yes.

8 Q Can you talk to the jury a little bit about your mother?
9 Growing up, was -- did your mom have some issues with mental
10 health problems?

11 A She had a lot of issues with mental health problems. She
12 wasn't really in the picture. She was more so in and out of
13 the house. And, personally, I felt like she put a lot of
14 other things, you know, such as men, drugs, and other issues
15 above me and my sisters. We basically raised ourselves.

16 Q So you're out in this trailer. What's the street address
17 for that trailer?

18 A [REDACTED] Southern Road.

19 Q I'm sorry. [REDACTED]?

20 A [REDACTED] Southern Road.

21 Q What county is that in?

22 A Belton, South Carolina.

23 Q So when you're going to your house, was it a paved road
24 leading up to the trailer or was it a gravel road or what was
25 it?

1 A It was a gravel road. It was actually a really long
2 gravel road. And the trailer was surrounded by woods. There
3 was nothing around except woods.

4 Q So you walked down this gravel road. Did you take a bus
5 to get to school, or how did you get to school?

6 A Yes, I took a bus.

7 Q And when you got off the bus, you walked down the long
8 gravel road?

9 A Yes.

10 Q And then when you walk in that door, would you be by
11 yourself sometimes?

12 A Yes.

13 Q As a little girl, where did you go to -- well, first with
14 your mom and we'll move on from this. Your mom Andrea, you
15 said that she put other things above you?

16 A Yes.

17 Q Did she have a drug problem?

18 A Yes.

19 Q What kind of drugs did she do?

20 A I'm not 100 percent sure. You know, I've heard from my
21 sister that she's done methamphetamines and things like that,
22 but that is the only thing, to my knowledge, that I know of.

23 Q Alcohol -- did she drink alcohol in the house?

24 A Sometimes.

25 Q Okay. So you, as a little kid, you're -- where did you

1 go to kindergarten?

2 A I went to Fork Shoals Elementary School.

3 Q And your sister Sheridan, which -- on that picture, which
4 one is Sheridan?

5 A She's the one in the zebra t-shirt.

6 Q Right here?

7 A Yes.

8 Q All right. And then is this you, sweetie?

9 A Yes.

10 Q All right. Who's this?

11 A That's my oldest sister, Courtney.

12 Q So you went to Fork Shoals Elementary, and you said that
13 when you -- so you started kindergarten at what age?

14 A I started kindergarten around five.

15 Q Okay. And anything stand out about kindergarten? Your
16 teacher or anything like that?

17 A I would say my teacher.

18 Q What was her name?

19 A Well, actually, I had two teachers. Ms. Micheletti was
20 our main teacher, and then they had an aide, and her name was
21 Ms. Dill (ph).

22 Q Did you like them?

23 A Yes. They were really sweet.

24 Q Some kids don't like going to school. Did you like going
25 to school?

1 A I loved to go to school.

2 Q Why did you like going to school?

3 A I would say school was my safe haven.

4 Q And when you say school was your safe haven, why do you
5 say that?

6 A Because I felt like it was just a place where I could get
7 away from all the things that were going on at home.

8 Q Do you know who your father is?

9 A Yes.

10 Q What's your dad's name?

11 A My biological dad is Travis Reeves.

12 Q Have you ever met him?

13 A Yes.

14 Q Okay. When did you meet him?

15 A I don't exactly recall.

16 Q Was Travis Reeves in your life as a biological dad?

17 A No, he was not.

18 Q Do you know a man by the name of Jonathan Gantt?

19 A Yes.

20 Q And how do you know Jonathan?

21 A He was my sisters' dad, and he is actually on the birth
22 certificate. And for a while, I thought he was my biological
23 dad, but I didn't find out until a little bit later on that he
24 wasn't my biological dad.

25 Q Okay. So we're going back and, in this trailer -- going

1 back in time, your mom lived there, Andrea Hines?

2 A Yes.

3 Q And then what was your grandma's name?

4 A Shelby Hines.

5 Q Shelby Hines.

6 And then was there a time that Jonathan Gantt lived in
7 the trailer with y'all?

8 A No.

9 Q Okay. With your mom, when she had Courtney -- I see
10 Courtney has the "love" shirt. How old was your mom when she
11 had Courtney?

12 A I don't exactly know off the top of my head.

13 Q Was she a teenager or grown up?

14 A She's probably about 40.

15 Q I want to talk about growing up. Did you have money
16 growing up, or were you poor growing up?

17 A No, we were poor growing up.

18 Q And when you say "poor," how do you describe that?

19 A We really didn't have the money for things that we needed
20 or really resources that we needed. People always sent us
21 money for school supplies and things like that. It was hard
22 for us to get clothes.

23 Q Did teachers ever help you with any clothing or things
24 like that?

25 A Yes.

1 Q Tell me about that.

2 A I had a first grade teacher. Her name was Ms. Grant. I
3 needed a winter jacket because I had lost my other one, and
4 she brought me a winter jacket from home.

5 Q I want to talk to you about Toby Armstrong. Did you ever
6 meet a man named Toby Armstrong?

7 A Yes.

8 Q What can you remember about meeting Toby Armstrong the
9 first time you met him?

10 A The first time I met him, we were on the way back from
11 the beach. Actually, my mom introduced us to him. And I
12 didn't exactly get a great feeling about him.

13 Q What was the relationship between your mother and Toby
14 Armstrong?

15 A They were in a romantic relationship.

16 Q All right. And prior to Toby Armstrong, did your mother
17 have other boyfriends in and out of the house?

18 A Yes.

19 Q **Minor**, did Toby Armstrong ever touch you in a way that
20 you did not like?

21 A Yes.

22 Q How old were you when Toby Armstrong touched you in a way
23 that you did not like?

24 A I was ten.

25 Q Do you see Toby Armstrong in the courtroom today?

1 A Yes.

2 Q Can you tell the jury where he's seated?

3 A Yes. He's seated right there.

4 Q **Minor**, we have to go back in time and talk to the jury
5 about what happened, so I want to take you back to that --
6 that time.

7 A Okay.

8 Q Was it daytime or was it nighttime?

9 A It was nighttime.

10 Q Are you inside this trailer or are you somewhere else?

11 A Yes, I was inside the trailer.

12 Q Talk to me about what was going on inside the trailer
13 that night.

14 A It was around probably 11:30, 12:00. And my sister, she
15 was asleep on the couch. My mom, during the time, she was a
16 nurse, but she did struggle with keeping (indiscernible). But
17 she worked night shift, so she wouldn't come home until about
18 6:00 AM or 7:00 AM.

19 My grandma, she was asleep in her room. The room is to
20 the right when you walk in the trailer, but I believe, during
21 the time, she was on oxygen, so it was really loud. And she
22 had a boyfriend, too, during the time.

23 But everyone was asleep.

24 Q Before we talk about what Toby did to you, tell me about
25 -- you said your grandmother was in there. Her name is

1 Shelby; right?

2 A Yes.

3 Q Did she have a door on her room?

4 A Yes.

5 Q I believe -- oh, go ahead. I'm sorry.

6 A I didn't (indiscernible). I just said yes, she did.

7 Q Were there doors on your room and on your mom's room?

8 A No, there was not.

9 Q Okay. Why were there not doors on those two rooms?

10 A Well, me and my sisters -- well, me and my sister, I
11 would say -- me and Sheridan -- we were having a fight, and we
12 accidentally knocked into one of the hinges, because we were
13 just having a typical sister fight. I wanted to come into the
14 room and she didn't want me in there. So the doors were very
15 thin, so they were easy to get off.

16 Q Okay. I want to take you back. So you said Sheridan was
17 asleep on the couch; is that correct?

18 A Yes.

19 Q What did Toby do at that point while you were in the
20 living room?

21 A I was on my stomach. I was laying down, and I had my
22 head on this pillow, and I told him my back was hurting, so he
23 told me --

24 Q Could you scoot up just a little bit?

25 A Yes.

1 So he told me he was going to rub my back, and he rubbed
2 -- he was rubbing my back.

3 Q All right. So Sheridan's asleep. Was she facing towards
4 you or away from you?

5 A Away from me.

6 Q Was there anybody else in the room?

7 A No.

8 Q He says he wants to rub your back?

9 A Yes.

10 Q What happened then?

11 A So he proceeded to rub my back. He got some IcyHot and
12 he put it on my back.

13 Q After he rubbed your back, then what happened?

14 A After he rubbed my back, after I'd say probably -- I'd
15 say just a little while, he asked me to come to the room with
16 him. And we went into the bedroom that him and my mom shared.

17 Q Okay. When you went into the bedroom that he and your
18 mom shared, what happened then?

19 A So he took me in there and we were just laying there.
20 And I was on my side, and I had -- I had taken my shirt off,
21 and he was still rubbing my back.

22 Q Minor , can you scoot up just a little bit?

23 A Yes.

24 Q We have to make sure they can hear.

25 So you're in your mom's room that she shared with Toby?

1 A Yes.

2 Q Are the lights on or are they off or something else?

3 A They're off.

4 Q Can you see any light in the room at this point?

5 A A little bit. The only light that shone through is from
6 the alarm clock. And then you could see a little bit of the
7 light from the TV that was on in the living room, but that was
8 the only light that was on.

9 Q What color was the light from the alarm clock?

10 A It was red.

11 Q So then your shirt's off. What happens next?

12 A So after my shirt was off, he flipped me over and he
13 pulled down my pants.

14 Q When he flipped you over and pulled your pants down, did
15 you have any idea what he was doing?

16 A Not at first, but...

17 Q When he pulled your pants down, did you -- did he pull
18 them all the way off?

19 A Yes.

20 Q What did he do at that point?

21 A He pulled my shorts all the way down, and he proceeded to
22 tell me that -- well, I asked him what he was doing. And then
23 he proceeded to tell me that he was going to do to me what he
24 does to my sister.

25 Q When -- when you -- are you facing up or down --

1 MS. KEPLEY: Objection, Your Honor. May we approach?

2 THE COURT: Yeah.

3 BENCH CONFERENCE

4 (A bench conference was held off the record.)

5 [Open court resumes:]

6 THE COURT: All right. You may proceed.

7 BY MS. SUSTAKOVITCH:

8 Q Minor, if you'll just talk a little bit louder. I want
9 to make sure --

10 A Okay.

11 Q It's okay.

12 So your shirt's off. Are you -- your pants are off now?

13 A Yes.

14 Q Are you laying face-down on the bed, or are you looking
15 up at the ceiling at this point?

16 A I was looking up at the ceiling at this point.

17 Q Does he have clothes on or no?

18 A He had boxers on.

19 Q Okay. Then what happened?

20 A Then, from there, he proceeded to try to put his fingers
21 in me.

22 Q Did you have any panties or any shorts or anything on at
23 this point?

24 A No. But the -- the shorts that he took down, they were
25 black and they had a pink stripe on the side.

1 Q Okay. When he tried to put his fingers inside you, how
2 did that feel?

3 A It hurt really bad.

4 Q Did you say anything to him when this hurt?

5 A I asked him what he was doing, and I was crying, and I
6 asked him to stop. And he told me that, if I screamed or
7 yelled, that he would kill my whole family.

8 Q When he was putting his fingers in, could you tell if it
9 was one finger or more than that?

10 A It felt like it was two fingers.

11 Q And when you say "it hurt," was he moving his hand or was
12 it staying still or something else?

13 A He was trying to move it back and forth.

14 Q Okay. Besides putting his fingers -- and where exactly
15 were they going in?

16 A My vagina.

17 Q Okay. How did that stop?

18 A He -- well, he told me to shut up. And then he -- he
19 tried to put his penis inside of me but it wouldn't go in.

20 Q When he tried to put his penis inside of you, were you
21 still looking up?

22 A Yes.

23 Q And, again, how old were you at this time?

24 A I was ten.

25 Q Was he on top of you with his body weight?

1 A He was a -- his body weight wasn't completely on me, but
2 he was hovering over me.

3 Q Okay. And with his penis -- was his penis -- not to be
4 too private, but was it soft or was it hard or something else
5 when he was doing this?

6 A It felt like it was soft at first, but then it got hard
7 as he rubbed it against my vagina.

8 Q While he's doing this, did he have any kind of lotion or
9 lubrication or anything while he was trying to put his penis
10 into you?

11 A Yes.

12 Q And what was that?

13 A He used his spit.

14 And I do remember feeling some type of lubrication that
15 felt different from his spit.

16 Q Okay. Did he ever -- when you say he tried to put it in
17 your vagina, did it hurt when he did that?

18 A Yes. Tremendously.

19 Q Did you tell him anything when he tried to do that?

20 A I begged him to stop, but he -- he tried to put a pillow
21 over my face because I tried to yell.

22 Q Okay. And when he tried to put the pillow over your
23 face, did he cover your face so you couldn't yell?

24 A Yes.

25 Q How did this end, **Minor**?

1 A Well, for a while, I just laid there because I was
2 scared. And, you know, he did threaten to hurt my family.
3 So, in my mind, I was like, I guess I'll just take this. And
4 I was hoping that my mom would come home. But it -- I knew
5 she wasn't going to come home for a couple of hours, and I was
6 just praying to God in my head that it would stop. And I
7 tried -- and, finally, I just told myself that, you know, how
8 I should fight for myself.

9 Q You did what?

10 A I told -- in my head, I was telling myself, like, I have
11 to try to negotiate with him to get him off of me.

12 Q What did you say?

13 A I told him that he's not a bad person and that, you know,
14 I wouldn't tell anyone and that God will forgive him for this.

15 Q Did he finally get off of you?

16 A Yes, he did.

17 Q And to be clear, your grandmother was in her room,
18 asleep?

19 A Yes.

20 Q And Sheridan was on the couch, asleep?

21 A Yes.

22 Q And your mother was where?

23 A She was at work.

24 Q So when you negotiated -- when you said those things,
25 that God would forgive him, did he finally stop?

1 A Yes.

2 Q After this happened, where did you go?

3 A I went straight to the bathroom.

4 Q Why did you go straight to the bathroom?

5 A Because I didn't know where else to go, and I just felt
6 dirty so I wanted to take a bath.

7 Q When you went to the bathroom, what did you do?

8 A Well, honestly, I just sat on the floor in a ball, and I
9 cried and I cried -- and I -- and I begged God to kill me.

10 Q Why did you beg God to kill you?

11 A Because I couldn't -- I couldn't deal with what happened.

12 Q Did you end up taking a bath?

13 A Yes.

14 Q And why did you feel like you needed to take a bath?

15 A Because I felt very dirty, and I just felt disgusted with
16 myself.

17 Q When Toby was on top of you, did you see what -- did he
18 appear to be under the influence of anything?

19 MS. KEPLEY: Objection. Leading.

20 A Yes.

21 THE COURT: All right. Don't lead. Go ahead.

22 BY MS. SUSTAKOVITCH:

23 Q Can you just tell -- describe what that means?

24 A Well, he just looked like he was intoxicated and maybe on
25 some type of substance. It just seemed as if he was out of

1 it. And when he did talk to me, his words didn't sound like
2 they came out properly.

3 Q When you say that, what do you mean?

4 A He was kind of slurring his words.

5 Q Okay. Had you ever known him to do drugs or drink?

6 A Yes.

7 Q So this wasn't surprising to you?

8 A No.

9 Q So after you leave the bathroom and you take this bath
10 and you beg for God to make it stop, what do you do then?

11 A So -- well, while I was in the bath, he knocked on the
12 door, and he told me he was sorry. And I just told him that
13 it was fine and just to leave me alone and let me be.

14 Q Okay. Your sister, **Minor**, that was asleep on the
15 couch, how many years apart is she from you?

16 A My sister Sheridan.

17 Q Sheridan. I'm sorry. I apologize.

18 A She's four years apart from me.

19 Q Did you end up telling Sheridan what happened?

20 A I did.

21 Q When did you tell Sheridan what happened to you?

22 A The next morning.

23 Q What do you -- oh, go ahead.

24 A This happened about, I would say, 1:00 or 2:00 AM in the
25 morning. So when it got probably to be about 6:00 -- around

1 6:00 -- I believe 5:00 or 6:00, I took her outside to talk to
2 her.

3 Q When you took her outside to talk to her, what did you
4 tell her?

5 A I told her that something -- I had to tell her something,
6 and I didn't know how to tell her because I was scared to tell
7 her about it.

8 Q Okay. Did you tell Sheridan at that point, though, that
9 you had been sexually assaulted?

10 A Yes. I told her that he raped me.

11 Q Okay. After this, what does Sheridan do?

12 A After this, Sheridan asked me if I was sure and --

13 Q Okay. And we can't go into what Sheridan said because --

14 A Okay.

15 Q -- we're going to talk -- that'd be hearsay, but we're
16 going to talk about --

17 A Okay.

18 Q You did tell her you were sexually abused?

19 A Yes.

20 Q And did you tell her when that had occurred?

21 A Yes.

22 Q What did you tell her?

23 A I told her that he had done it last night.

24 Q All right. What did Sheridan do with this information at
25 this point?

1 A She got on the phone and she called him.

2 Q And were you there when she called him?

3 A She had walked to the side of the house to get some
4 privacy, so I don't know what was said.

5 Q Okay. Did he end up coming home from -- after Sheridan
6 called him and confronted him with this? Did he end up coming
7 home?

8 A He did.

9 Q What, if anything, did he say to you?

10 A Well, I was laying on the couch, and I was really sick.
11 I was running a fever, and I just didn't feel good. So I was
12 just laying there, and I felt like I couldn't move. And he
13 came up to me and told me that he was sorry.

14 Q Okay. I want to move forward a couple of years. This
15 would have been -- you were ten that this happened; is that
16 correct?

17 A Yes, that's correct.

18 Q So where did you go to high school?

19 A I went to Woodlawn High School.

20 Q And during high school, did you go -- leave this home,
21 the trailer at [REDACTED] road [verbatim]?

22 A Yes.

23 Q And where did you go live at that point?

24 A I went to go live with my Great-aunt Angie.

25 Q Did you like living with your Great-aunt Angie?

1 A Yes, I did.

2 Q And who else was in her house?

3 A Oh, Richard Carter, her husband.

4 Q Do you know someone named Gavin Sias?

5 A Yes.

6 Q Who is Gavin?

7 A Gavin would be my ex-boyfriend. We dated in high school.

8 Q Would you -- how would you classify Gavin? Was he your
9 first love or first boyfriend?

10 A Yes, he was my first love.

11 Q Were you his first love?

12 A Yes.

13 Q How old were you guys when you started dating?

14 A I was 16.

15 Q And how long did y'all date?

16 A We dated for about a year. Almost a year.

17 Q Did you ever tell Gavin about what had happened to you?

18 A Yes, I did.

19 Q And why did you feel like you wanted to tell Gavin what
20 had happened?

21 A Because, whenever we had sex, I struggled with panic
22 attacks, and -- I struggled with panic attacks and, you know,
23 I struggled with intimacy and trusting when it came to male
24 figures, so I felt like I had to tell him.

25 Q Did you feel like this made you strange in a physical way

1 or reacting differently or something because of what had
2 happened?

3 A Yes.

4 Q How did Gavin react when you told him?

5 A Gavin, he cried about it, and he told me that he was
6 extremely -

7 MS. KEPLEY: Objection.

8 A - extremely sorry.

9 THE COURT: (Indiscernible).

10 BY MS. SUSTAKOVITCH:

11 Q Did you ever take Gavin out to where this trailer was?

12 A No.

13 Q I want to go back to Richard and Aunt Angie. Did you
14 call Richard "Uncle Richard" or what did you call him?

15 A Yes, I called him "Uncle Richard."

16 Q Did you end up telling them what had happened to you?

17 A Yes.

18 Q I want to go back in time -- and you may not remember the
19 exact date, but do you remember when you told them?

20 A Well, it was in December.

21 Q Can you remember how that came about that you told your
22 Aunt Angie and Uncle Richard about what happened?

23 A Yes. I was in my room, and they called me into the
24 living room. They told me they had something to discuss with
25 me, and they just kept questioning me and questioning me

1 because they thought I had an eating disorder.

2 Q When you were at their house, did you ever run the shower
3 and the bathtub for a long time?

4 A Yes.

5 Q And why did you do that?

6 A I did it because taking showers and baths are -- are kind
7 of like my safe place. And I feel like, a lot of the time, I
8 would disassociate.

9 Q And when you say it was your safe place, a safe place
10 from what?

11 A Just -- basically just from the outside world.

12 Q Did it make you feel clean or--

13 A Yes, it made me feel clean.

14 Q So going back to when you told Angie and Richard, you
15 told them about the abuse?

16 A Yes.

17 Q And then what happened after that? Did you end up going
18 to the police at some point?

19 A Yes. My great-aunt, she took me right the next day to
20 the police station.

21 Q Did you want to go to the police or did you know what was
22 happening?

23 A Yes.

24 Q **Minor**, do you feel it's important for this jury to know
25 what happened to you when you were ten years old?

1 A Yes, I do.

2 Q Why do you feel it's important for them to know?

3 A I feel that it's important because, you know, some people
4 have kids of their own, and they need to know the risks of
5 letting people, you know, in and out of their house. And I
6 also feel like it's important to stand up for people who don't
7 have a voice or victims who haven't come forward. And I
8 believe that, by doing this, I'm protecting other people from
9 getting hurt.

10 MS. SUSTAKOVITCH: Please answer any questions defense
11 counsel has.

12 CROSS-EXAMINATION

13 BY MS. KEPLEY:

14 Q Okay. Good morning, Minor .

15 A Good morning.

16 Q Well, it's afternoon. Excuse me.

17 A Good afternoon.

18 Q I'm going to have to ask you some tough questions. Okay?
19 But if at any point you need a break, you just let me know and
20 I'll let the Court know. Okay?

21 A Okay.

22 Q I want to start off by talking about your family a little
23 bit. What's your relationship like with your mother today?

24 A It's very strained. We don't really talk at all.

25 Q And what was it like back in 2014?

1 A Back in 2014, it was really strained as well. She wasn't
2 really around much.

3 Q Was DSS ever involved with you and your mother and
4 custody?

5 A Yes.

6 Q Can you describe that a little bit?

7 A Younger -- when we were kids, when we were living with
8 Sheridan and Courtney's dad, Jonathan Gantt, DSS got involved
9 there because he was an alcoholic, and then we ended up moving
10 in with her and my grandma, Shelby.

11 Q And when did that move happen?

12 A I would say I was probably around three or four.

13 Q And when you say "DSS was involved," did you have a DSS
14 caseworker talk to you?

15 A Yes.

16 Q So when did you eventually move into your grandmother --
17 I'm talking about Shelby -- when did you move into her trailer
18 exactly?

19 A Around three or four.

20 Q And you said this trailer had three bedrooms?

21 A Yes.

22 Q Would you agree with me it was -- this is a pretty small
23 trailer we're talking about; right?

24 A Yes.

25 Q And you said it was open between the living room and the

1 dining room; correct?

2 A Yes.

3 Q And you said your grandmother's room was right off the
4 living room?

5 A Yes.

6 Q And you and your sisters would take one of the bedrooms?

7 A Yes.

8 Q And, in 2014, when we're talking about who's all living
9 there, that would be you, Courtney, and Sheridan; correct?

10 A No. Courtney was no longer in the home then.

11 Q At what point did Courtney leave the home?

12 A She was around 16 when she left the home.

13 Q And do you know what year that would have been?

14 A I want to say...

15 I don't recall the year.

16 Q And so you shared a bedroom typically with Sheridan?

17 A Yes.

18 Q And it had no door on it; correct?

19 A Yes.

20 Q And then your mother also had a bedroom. Were those two
21 bedrooms next to each other?

22 A Yes. They were across from each other.

23 Q Those two bedrooms were next to each other. And your
24 mom's bedroom, it also didn't have a door?

25 A Correct.

1 Q And was it your testimony that this happened sometime
2 when you were ten?

3 A Yes.

4 Q But you don't know kind of when exactly that might have
5 been?

6 A It was, I would say, a couple months before my birthday
7 because I remembered asking myself, "Why is this happening?" a
8 couple of months before my birthday.

9 Q Before your 10th birthday or your 11th birthday?

10 A My 11th.

11 Q And the night this happened, you said your grandmother
12 was home; correct?

13 A Yes.

14 Q And you said your grandmother's boyfriend was also home?

15 A Yes.

16 Q Who was your grandmother's boyfriend?

17 A His name was Tim Wall.

18 Q So just so we have a clear picture, the night you say
19 this happened, Tim Wall is there, Grandma Shelby is there, and
20 Sheridan is there, and Toby is there; correct?

21 A Correct.

22 Q And did you typically sleep in the living room or did you
23 sleep in the bedroom?

24 A I typically slept in the bedroom.

25 Q I think you testified on direct that, at some point, you

1 tried to yell; correct?

2 A Yes.

3 Q What do you mean when you say you "tried to yell"? Can
4 you describe that a little bit more?

5 A I tried to scream for help.

6 Q So you were screaming at some point; correct?

7 A Yes, but I didn't get much out because he put the pillow
8 over my face.

9 Q Were you screaming before he put the pillow on your face?

10 A I tried to scream, and he put the pillow over my face.

11 Q What happened when the pillow went away?

12 A I just stayed quiet.

13 Q And you didn't go to your grandmother's room after this
14 happened; correct?

15 A Correct.

16 Q And you didn't go to Sheridan right after this happened;
17 correct?

18 A Correct, not until the morning.

19 Q And did you talk to your mother the next morning, too?

20 A No.

21 Q And did you go -- you would have been in fifth grade;
22 correct?

23 A Yes.

24 Q Did you go to school the next day?

25 A No. It was a weekend and I was off from school.

1 Q The next day you went to school -- that Monday -- did you
2 tell anyone at school?

3 A No.

4 Q You've talked about this case with police and the
5 prosecutor before today; correct?

6 A Correct.

7 Q How many times do you think you discussed the details of
8 this case with the prosecutor?

9 A I don't know.

10 Q More than one? More than a couple?

11 A More than a couple times.

12 Q Let's talk about Sheridan a little bit. She's your older
13 sister; correct?

14 A Yes.

15 Q How close were you to Sheridan growing up?

16 A We were really close. I felt like she tried to take care
17 of me and be the mom for me, but I felt like she hid a lot of
18 secrets from me.

19 Q Did you typically spend a lot of time together?

20 A No.

21 Q You were just off doing different things than Sheridan a
22 lot of time?

23 A Yes. I was at home a lot, and she was either -- she was
24 kind of doing her own thing.

25 Q At some point after 2014 -- and I'm going to fast-forward

1 to 2017 -- Sheridan had a baby; correct?

2 A Correct.

3 Q The father of that baby is Toby Armstrong; correct?

4 A Correct.

5 Q And if we even fast-forward to around 2019 or 2020,
6 Sheridan was having problems raising that baby; correct?

7 A To my knowledge, yes. But we did not have a good
8 relationship then.

9 Q In fact, she was having such a hard time with raising
10 that child in 2020, the child she shares with Toby Armstrong,
11 that -- is it -- to your knowledge, were you aware that DSS
12 became involved?

13 A I had heard that DSS was involved, through the grapevine,
14 but I have little knowledge on the situation.

15 Q And you have some experience with DSS, as we talked about
16 earlier, being removed from your mom's care; correct?

17 A It was their dad's care.

18 Q When you were going through DSS yourself as a child, you
19 said that you talked to some caseworkers. Did you ever have
20 any guardians appointed to you or to your case?

21 A I did, but I don't remember many.

22 Q And do you have any knowledge of, in 2020, when DSS
23 becomes involved with the baby that Sheridan and Toby share,
24 that baby was removed in 2020 from Sheridan's care; correct?

25 Were you aware of that in 2020?

1 A To my knowledge, she was removed.

2 Q And that, again, the baby we're talking about, that's
3 your niece; correct?

4 A Correct.

5 Q And a few months before you went to the police
6 department, that's when Sheridan's losing custody of that
7 baby; correct?

8 A I didn't exactly know the timeline. We had no contact
9 with each other then.

10 MS. KEPLEY: I don't have any more questions at this
11 time, Your Honor.

12 THE COURT: Any redirect?

13 MS. SUSTAKOVITCH: Very brief, Judge.

14 THE COURT: Okay.

15 REDIRECT EXAMINATION

16 BY MS. SUSTAKOVITCH:

17 Q Just to be clear about this, since we just discussed your
18 sister, she has a child with Toby Armstrong; correct?

19 A Correct.

20 Q How old was Sheridan when she got pregnant with his
21 child?

22 A I want to say 16, she was pregnant, and then she had her
23 when she was 17.

24 Q Okay. So your mom was no longer dating this defendant at
25 that point?

1 A No.

2 Q And he started, I guess, dating your sister at that
3 point?

4 A Yes.

5 Q And she got pregnant and had his baby?

6 A Yes.

7 Q All right. And as far as -- you were asked questions
8 about DSS and things like that. You did tell Sheridan right
9 after this happened; correct?

10 A Yes. I told her in the morning.

11 Q Right after it happened?

12 A Yes.

13 Q And you did tell Gavin when you were dating him when you
14 were 16?

15 A Yes.

16 Q And then back to the night that this happened, your
17 grandmother, she was in her bedroom with her boyfriend?

18 A Yes.

19 Q And they had the door shut?

20 A They had the door open.

21 Q Okay. When this defendant told you that he would kill
22 your family, did you believe him?

23 A Yes.

24 Q And when he put the pillow over your face, what was going
25 through your mind?

1 A It was going through my mind that I had to protect my
2 family at all costs, because if he's willing to try to put the
3 pillow over my face to keep me from screaming, then he would
4 definitely be willing to try and do something to my family.

5 Q And you said you and Sheridan, your relationship -- I
6 guess after she had her baby, you two didn't have really much
7 of a relationship; is that correct?

8 A Correct.

9 Q And why did y'all grow distant?

10 A It was very strained over the simple fact that she had a
11 baby with Toby. And after what had happened to me, I just --
12 I didn't really want anything to do with her or with that
13 situation.

14 MS. SUSTAKOVITCH: Okay. Nothing further.

15 THE COURT: Okay. Thank you, ma'am. You may step down.

16 Why don't we just take a short afternoon break, ten
17 minutes or so, and we'll get right back with you.

18 (The jury exited the courtroom at 4:00 PM.)

19 MOTION/MATTER OF LAW

20 THE COURT: All right, Ms. Kepley.

21 MS. KEPLEY: Your Honor, at this time, I would move for a
22 mistrial for two grounds. During Ms. Carter's testimony, as I
23 suspected a little bit with the 801(d)(1) witness, she
24 testified that she heard **Minor** screaming, "He raped me."
25 That would be prohibited under 801. The jury clearly heard

1 that. I would ask for a mistrial based on that.

2 And for the second grounds for a mistrial is that **Minor**
3 testified to the defendant saying something to the effect of,
4 "I'm going to do what I do to your sister." I think that
5 would be prohibited by 404(b), and I would move for a mistrial
6 on that ground as well.

7 THE COURT: Okay. And just for the record, we had a
8 bench conference in which you enunciated those grounds for a
9 mistrial. We did not, at that time, send the jury out. I
10 told you I would give you an opportunity to present them now,
11 and I am going to deny your motions at this time. But, again,
12 I caution the State to prepare your witnesses not to violate
13 what we talked about at the beginning of the trial.

14 THE COURT: Okay. This should take about five or ten
15 minutes.

16 MS. SUSTAKOVITCH: Sir --

17 THE COURT: Yeah, wait a minute.

18 MS. SUSTAKOVITCH: For planning purposes, Your Honor, I
19 just wanted to see if this works for Your Honor. We have
20 Richard Carter up next. I think he would probably take us to
21 about quarter of 5:00, and then perhaps we could stop for the
22 day. We have five more witnesses tomorrow.

23 But the one issue we're running into is our expert is not
24 going to be available until Wednesday morning. So I didn't
25 know if you wanted to stop after Mr. Carter, and then we could

1 start back up with the other ones we have.

2 THE COURT: I've got a little issue with this
3 unavailability of the expert.

4 MS. SUSTAKOVITCH: Yes, sir.

5 THE COURT: It's not like she's a surgeon going into
6 surgery.

7 MS. SUSTAKOVITCH: I got you.

8 And if Your Honor -- whatever Your Honor rules on that,
9 we understand.

10 THE COURT: Well, okay. All right. We'll just take a
11 short break.

12 (A recess was taken from 4:07 PM to 4:28 PM.)

13 THE COURT: Next witness?

14 MR. GREGORY: May it please the Court. The State calls
15 Richard Carter.

16 THE CLERK: Mr. Carter, if you'll come to the Bible.
17 Please place your left hand on the Bible and raise your right
18 hand.

19 RICHARD CARTER,
20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE WITNESS: Yes, I do.

23 THE CLERK: Thank you. Please take a seat, and state
24 your name for the record.

25 THE WITNESS: Richard D. Carter.

1 DIRECT EXAMINATION

2 BY MR. GREGORY:

3 Q Richard, how old are you?

4 A 64.

5 Q And are you currently married?

6 A Yes.

7 Q And who are you married to?

8 A Angie Carter.

9 Q Are you employed?

10 A No.

11 Q What was your previous employment?

12 A Sealed Air CRYOVAC.

13 Q Are you retired from there?

14 A Yes, sir.

15 Q What did you do for Sealed Air CRYOVAC?

16 A I was a mechanic.

17 Q And how long did you work there?

18 A Forty-one years.

19 Q Do you live in Greenville?

20 A I live in Simpsonville.

21 Q How long have you lived in Simpsonville?

22 A About forty-five years.

23 Q I'm sorry; did you say how long you've been married to
24 Angie?

25 A I think that's going on nineteen years.

1 Q Do you have any children together?

2 A No.

3 Q Did you have any children prior to Angie?

4 A Yes.

5 Q Do you know Minor ?

6 A Yes.

7 Q When did you first meet Minor ?

8 A Probably back when she was just a little girl.

9 Q Is that when you first met Angie as well?

10 A Yes.

11 Q At that time?

12 A Yes. I mean, I met Angie before I met Minor .

13 Q Sure.

14 What was your relationship like with Angie's side of the
15 family?

16 A It wasn't estranged, but it was distant.

17 Q Why was that?

18 A Well, their side of the family did things that they liked
19 to do, like fish, and also, they lived so far away. We lived
20 up in Simpsonville. It was kind of -- the only time we really
21 got together was on holidays.

22 Q Do you know the defendant, Toby Armstrong?

23 A I met him at a Christmas party at her mother's house.

24 And maybe saw him come in. He got some food, and then he went
25 back out. Maybe a total of three minutes.

1 Q Did you ever have any conversation with him or anything?

2 A No, sir.

3 Q When **Minor** was younger and she was in high school, did
4 you do things for her?

5 A Mainly with the school that she went to. Taking her to
6 tutoring, picking her up from school. That's about all.

7 Q What school did she go to?

8 A Woodmont High School.

9 Q And when she was going to tutoring, would she stay with
10 you and Angie?

11 A She would stay those nights that we picked her up for
12 tutoring because it was starting to get late and had to get
13 fed, and Angie made it to where she would stay the nights.

14 Q And how did those nights go?

15 A Fairly well. I mean, nothing different.

16 Q Let's go to 2020. Did **Minor** live with you in 2020?

17 A Yes.

18 Q And was that full-time living with you at that time?

19 A Yes.

20 Q Why was she living with you full time in 2020?

21 A Basically because of the tutoring, mainly. And she
22 started working during that time, too.

23 Q And where was she working at that time?

24 A Silver Bay.

25 Q Was there anybody else living in the house with you and

1 **Minor** and Angie at that time?

2 A No.

3 Q Did you lay down any house rules for **Minor** at that
4 time?

5 A Yes.

6 Q And what were your house rules?

7 A Basically, you have to go to school. No drugs. No --
8 you know, pretty much get your life straightened out to where
9 -- well, mostly what a parent would expect out of a child.

10 Q And did she follow those rules?

11 A Oh, yeah.

12 Q What was she like to have around the house?

13 A She was quiet, but she didn't cause any trouble.

14 Q Did she do anything that raised concerns for you at all?

15 A Yes, some of her habits did put up a signal there to
16 where we were questioning.

17 Q And what kind of habits were those?

18 A A lot of them were her bathroom habits.

19 Q Describe her bathroom habits, please.

20 A Well, when it was time for her to take a shower, she
21 would go into the bathroom, and where we were at in the house,
22 you can hear pretty much everything. All the water would be
23 cut on in the bathroom, and then she -- you know, you would
24 hear the toilet flush, and then, all of a sudden, you would
25 hear the shower kick on. I mean, I'm talking about just the

1 sink, the bathtub, running water -- all the water was running.

2 And then about after maybe five or ten minutes, all of a
3 sudden, you'd hear the shower kick on and know that she's
4 taking a shower.

5 Q And did you ever speak with her about these habits that
6 she had?

7 A Yes.

8 Q Without naming any perpetrator, did **Minor** ever indicate
9 to you that she had been the victim of sexual assault?

10 A Yes.

11 Q Do you remember when that was?

12 A That was December 10th, 2020.

13 Q Where were you when that conversation took place?

14 A In the living room.

15 Q Who was there with you?

16 A Angie and **Minor**.

17 Q What was **Minor's** demeanor when she told you this?

18 A She was mostly scared. I don't think she wanted to tell
19 us.

20 Q Did she tell you the time the incident occurred?

21 A No.

22 Q Did she tell you the place where it occurred at that
23 time?

24 A No.

25 Q After she told -- she disclosed this to you, what did you

1 do?

2 A I just got up, and I really didn't know what to do. I'm
3 not familiar with trying to console somebody with that.

4 Q Did you go with them to the police department?

5 A No.

6 Q Please answer any questions the defense has for you.

7 MS. KEPLEY: No questions.

8 THE COURT: Thank you, sir. You may step down. Thank
9 you very much.

10 THE COURT: Let me talk to the lawyers up here.

11 BENCH CONFERENCE

12 (A bench conference was held off the record.)

13 [Open court resumes:]

14 MS. SUSTAKOVITCH: The State calls Gavin Sias.

15 THE CLERK: Please place your left hand on the Bible and
16 raise your right hand.

17 GAVIN SIAS

18 after having been duly sworn, was examined and testified
19 to as follows:

20 THE CLERK: Thank you. Please take a seat and state your
21 name for the record.

22 THE WITNESS: Gavin Sias.

23 DIRECT EXAMINATION

24 BY MS. SUSTAKOVITCH:

25 Q Good afternoon, Gavin.

1 A Good afternoon.

2 Q How old are you, sir?

3 A Twenty-one.

4 Q And do you work?

5 A I do.

6 Q What's your job?

7 A I'm a salesman at Carter Lumber in Easley, and I'm in the
8 National Guard.

9 Q All right. Take me back. Where are you from originally?

10 A I was born in Ohio and moved down here with my family for
11 my dad's job.

12 Q When did you move down here for your dad's job?

13 A We lived in North Carolina when I was a year old and
14 moved to South Carolina when I was seven.

15 Q And what was your dad's job or is your dad's job?

16 A He works at 84 Lumber.

17 Q Okay. And so how long have you been a salesman for -- I
18 think you said -- what was the company?

19 A Carter Lumber in Easley. I've been there for a year now.

20 Q How -- oh, I'm sorry. Go ahead.

21 A A little over a year now.

22 Q Where did you go to high school?

23 A Woodmont High School.

24 Q And once you graduated high school, what did you do?

25 A I joined the military, joined the National Guard, and

1 then came back. That's when I started at Carter a few months
2 later.

3 Q What do you do in the National Guard? What's your
4 position?

5 A I'm a scout sniper. So I just do reconnaissance missions
6 and stuff like that. With the National Guard, you do a lot of
7 statewide stuff, so for things like the hurricane, we were
8 sent out to assist with that.

9 Q When you say "the hurricane," which one are you talking
10 about?

11 A Helene.

12 Q All right. I want to talk to you about Minor .
13 Do you know a lady named Minor ?

14 A Yes.

15 Q And how old were you when you met Minor ?

16 A I was sixteen.

17 Q How old was Minor when you met Minor ?

18 A Fifteen.

19 Q Where did y'all meet?

20 A We met on -- we went to the same school, obviously, and
21 then we met on Snapchat. And, later after COVID, we met in
22 person.

23 Q Okay. With Minor , did you guys date?

24 A We did.

25 Q And how would you characterize her? Was she your first

1 love? Did you have many girlfriends before her?

2 A No. First love.

3 Q All right. Did you ever become aware that **Minor** had
4 been the victim of sexual assault?

5 A Yes.

6 Q And were you made aware by **Minor** of the time frame, the
7 age she was when she was sexually assaulted?

8 A Yes.

9 Q What did she tell you?

10 A Ten years old.

11 Q And did she tell you the place or places where it
12 occurred?

13 A Yes, she did.

14 Q What did she say?

15 A It was a trailer that she was in when she was a child,
16 when she was ten.

17 Q As far as that trailer -- standby.

18 MS. SUSTAKOVITCH: This has previously been entered into
19 evidence, State's Exhibit 1. There we go. Sorry. Let me
20 zoom it out.

21 BY MS. SUSTAKOVITCH:

22 Q Gavin, have you ever been inside this trailer?

23 A I have not.

24 Q Never went to dinner or anything like that when you were
25 dating **Minor**?

1 A I did not.

2 Q So you never visited this home as a guest or anything
3 like that?

4 A No.

5 Q Did you ever go see that from the outside with **Minor** ?

6 A I did.

7 Q Tell me about that.

8 A We were actually going to meet her mom, if I remember
9 correctly. And she kind of said she was going to show me, and
10 we walked through a path in the woods. And we just kind of
11 stood at a distance from it. We didn't walk up to it, walk in
12 it, or anything like that.

13 Q And (indiscernible) of time and place, but you testified
14 to what she told you was the time and place.

15 You and **Minor** , were each other's first loves. How long
16 did you date?

17 A A little over a year. Knew each other for two-plus
18 years.

19 Q And what years of high school did you date?

20 A It was my end of sophomore year through most of senior
21 year, about halfway through senior year.

22 Q Did you play any sports or anything in high school?

23 A I played football.

24 Q Did **Minor** play any sports in high school?

25 A No, she did not.

1 Q All right. Not to be too personal, but did you guys
2 become intimate?

3 A Yes.

4 Q Did -- when you were intimate with Minor, did the fact
5 that she was a victim of sexual abuse ever -

6 MS. KEPLEY: Objection. Leading.

7 BY MS. SUSTAKOVITCH:

8 Q Did anything --

9 THE COURT: Don't lead. Just don't lead.

10 BY MS. SUSTAKOVITCH:

11 Q When you were intimate with Minor, did the fact that
12 she was sexually abused ever come into your intimacy at any
13 point?

14 MS. KEPLEY: Objection. It's still leading, Your Honor.

15 A Yes.

16 THE COURT: Yeah, just -

17 MS. SUSTAKOVITCH: Okay.

18 THE COURT: - ask him to describe it without --

19 BY MS. SUSTAKOVITCH:

20 Q Can you describe, when you were intimate with Minor,
21 what would happen?

22 A Yes. To be honest, when -- when I would be on top of
23 her, that's when she would panic most of the time. That would
24 -- that would cause the panic almost every time, so...

25 Q And can you describe it a little bit more? Was it a

1 panic attack? Or when you say "panic" --

2 A It was a full-on panic attack for sure.

3 Q Had you ever seen her be like that in any other setting?

4 A No.

5 Q Okay. What did you tell her when she would have this
6 panic attack when you were trying to be intimate?

7 A We would stop what we were doing and we'd talk about it.
8 I'd just tell her to tell me how she was feeling, and that was
9 -- kind of left it there. But we would just stop completely
10 and we would talk about it.

11 Q Was this hard for you to watch?

12 A Yes.

13 Q Can you describe a little bit more about that?

14 A She would just kind of change her look during intimacy.
15 She would just start breathing really heavy and her eyes would
16 get really wide, and she would just tell me to get off of her.
17 And I did. And that's -- that's really what I remember.
18 That's the main pieces for sure.

19 Q Did you feel like it was a triggering event for her, from
20 what you observed?

21 A Absolutely.

22 Q Did you and **Minor** end up breaking up at some point?

23 A We did.

24 Q And why did y'all break up?

25 MS. KEPLEY: Objection. Relevancy, Your Honor.

1 MS. SUSTAKOVITCH: I'm just curious.

2 THE COURT: Well...

3 BY MS. SUSTAKOVITCH:

4 Q Are you dating anymore?

5 A Not right now.

6 Q Okay. Do you have a decent relationship still?

7 A Yes.

8 Q Please answer any questions defense counsel has.

9 CROSS-EXAMINATION

10 BY MS. KEPLEY:

11 Q Good afternoon. You testified on direct just now that
12 she did take you through the woods and said, "This is the
13 trailer"?

14 A Correct.

15 Q And you also testified on direct that she disclosed to
16 you in the year of 2020; is that correct?

17 A Yes. Summer. I don't remember -- I don't have an exact
18 date.

19 Q Did you talk to the police in 2020?

20 A I did not.

21 Q Did you talk to police in 2021?

22 A I did not.

23 Q Did you talk to them in 2022?

24 A No.

25 Q Did you talk to police in 2023?

1 A No.

2 Q Did you talk to police in 2024?

3 A No.

4 Q Have you ever talked to police about this case?

5 A No.

6 MS. KEPLEY: No other questions, Your Honor.

7 MS. SUSTAKOVITCH: Just very briefly on redirect.

8 REDIRECT EXAMINATION

9 BY MS. SUSTAKOVITCH:

10 Q Gavin, to be clear, how old were you when **Minor** told
11 you that she had been sexually assaulted?

12 A I was also sixteen.

13 Q You were still in high school?

14 A We were still in high school, correct.

15 MS. SUSTAKOVITCH: No further questions. Thank you.

16 THE COURT: All right. Thank you, sir. You may step
17 down.

18 MS. SUSTAKOVITCH: Your Honor, may this witness be
19 excused from his subpoena?

20 MS. KEPLEY: No objection, Your Honor.

21 THE COURT: Okay. Mr. Foreman, ladies and gentlemen of
22 the jury, I told you we didn't punch a time clock. You can't
23 predict. So we're going to break for the day. Okay?

24 And it was easy when I made my first comments to you
25 because you didn't know anything about the case. Now, you do.

1 When you go home, and whoever you see after you leave
2 here, they're going to be curious about it because they've
3 probably never sat on a jury. And you have to stay strong,
4 and your word has to be your bond. Don't talk about it.
5 Don't do independent research. Do not get on social media.
6 And with that, in my opinion, I'm doing you a favor. Just
7 stay off of social media.

8 But don't talk about it. And y'all have a good night,
9 and we'll look for you back at 9:30 in the morning. Okay?

10 Thank you.

11 (The jury exits the courtroom at 4:48 PM.)

12 THE COURT: Anything?

13 MS. SUSTAKOVITCH: Nothing from the State.

14 MS. KEPLEY: Nothing, Your Honor.

15 THE COURT: Okay. Let me ask -- y'all come up for just
16 one second.

17 MS. SUSTAKOVITCH: Yes, sir.

18 THE COURT: I don't need the whole army, but y'all come
19 up.

20 (The trial adjourned for the day at 4:49 PM.)

21 * * * * *

22 TUESDAY, APRIL 8, 2025

23 [9:59 AM]

24 MOTION/MATTER OF LAW

25

1 MS. SUSTAKOVITCH: We have three witnesses left. The
2 next one is Sheridan Gantt. We are trying very much to not
3 have any evidence come out through her that could be
4 objectionable, but there are a lot of pitfalls with her
5 testimony.

6 She was sexually assaulted by this defendant at 13, and
7 there will be -- we're not bringing that out. She knows she
8 can't talk about it, but it's going to be a tight rope for
9 defense counsel not to.

10 She's going to talk about how she got pregnant at 16.
11 She believed she was in a relationship with this defendant,
12 and she had the baby at 17.

13 One thing we need to address is the fact that this
14 defendant, he has been incarcerated -- he went in June 17th,
15 2019, on trafficking charges. And so I felt -- and I don't
16 know; defense counsel doesn't have to tell me, but I've got
17 this wafting of maybe there's a custody dispute or something
18 going on here.

19 And so, depending on where we go with this witness, there
20 is no custody dispute here. This gentleman is incarcerated,
21 has no rights to the child, was never going to see this child.
22 He's just in prison for trafficking.

23 So if we go too far into that, the State is going to ask
24 to bring in those facts, because I think it's very
25 disingenuous and it's a fraud on this whole Court and

1 proceeding to try to make it act like he's some caring, you
2 know, loving father who is out here just trying to help out
3 his baby, when he's, in fact, incarcerated and does not have a
4 snowball's chance of that ever happening. So I don't know how
5 to address it, and I wanted to find out from Ms. Kepley where
6 she intends to go with Sheridan on that because Sheridan has a
7 good many things that could pop out of her mouth at the wrong
8 time related to him and her baby with him.

9 THE COURT: Okay. We're not shifting the burden, do you
10 -- you hear the concerns of the State; right?

11 MS. KEPLEY: Yes, certainly the fact that a DSS case was
12 opened and Mr. Armstrong participated in that DSS case against
13 Sheridan and was a party to that case, and that happened a
14 couple of months before this disclosure. I think it's
15 relevant to credibility and bias, and I certainly intend to
16 get into the existence of the DSS case. I don't plan to get
17 into a whole lot of details about it other than that.

18 MS. SUSTAKOVITCH: Your Honor, I just believe you can't
19 leave it lingering out there as this big question mark that
20 they don't know about. The State intended to say, "Sheridan,
21 has this defendant" -- she's going to say, from the age of
22 four months, this defendant has had no real contact in
23 Nevaeh's life. And then the State is going to say, "Has this
24 defendant ever tried to be a part of her life after that
25 point? Was there ever any custody dispute between you and

1 this defendant over the child?" No.

2 MS. KEPLEY: I mean, there is a family court case that
3 they both are parties to. That was opened a couple of months
4 before the disclosure.

5 MS. SUSTAKOVITCH: But he's never --

6 MS. KEPLEY: So whether or not he's incarcerated, there
7 is a family court case that did exist at the time the
8 disclosure was made. They are both parties to it.

9 MS. SUSTAKOVITCH: Correct. And there's no way he can
10 assert any rights as the father, as an incarcerated inmate for
11 16 years.

12 THE COURT: So you're going to try to imply to the jury
13 that she's lying to benefit herself in the DSS case?

14 MS. KEPLEY: Whether it's to benefit her or whether it's
15 retaliation for the fact that this DSS case was initiation
16 against her, I'm not sure. I think the jury can read it
17 either way, Your Honor.

18 THE COURT: Who initiated the case? DSS?

19 MS. KEPLEY: Toby Armstrong, the defendant, contacted DSS
20 about concern about Sheridan's parenting, and that's the
21 reason DSS was out to investigate, Your Honor.

22 MS. SUSTAKOVITCH: That is correct. He called from
23 prison and said he had concerns about Sheridan.

24 MS. KEPLEY: So whether or not custody is an issue, I
25 think retaliation for initiating a DSS case that ultimately

1 did result in her losing custody of that child, can certainly
2 be a defense, Your Honor.

3 THE COURT: Well, you better be very careful about that
4 because that is a slippery slope.

5 MS. SUSTAKOVITCH: And it just --

6 THE COURT: You keep it -- I mean, if that door comes
7 open, it will be a flood gate.

8 MS. KEPLEY: I don't intend to ask about, you know, their
9 relationship other than the fact that they have a child and
10 other than the fact that this DSS case was initiated against
11 her and that she did lose custody. I don't intend to ask
12 about the details of their romantic --

13 THE COURT: She lost custody?

14 MS. KEPLEY: She did, Your Honor, yes.

15 MS. SUSTAKOVITCH: It just feels like we're leaving this
16 big, gaping hole that everybody in this courtroom knows is a
17 lie. This defendant cannot have any rights to this child.
18 He's incarcerated on trafficking.

19 So, yes, Sheridan is going to testify. She doesn't have
20 rights, and neither does he. There's another lady that has
21 Neveah. Neither one of these guys are good parents. Sheridan
22 is not either, and she's going to say that.

23 But I just think leaving it open and lingering is leaving
24 the jury to infer or think about things that just aren't
25 really -- they're just fantasy defenses based on what the

1 facts on the ground are that defense counsel makes.

2 THE COURT: Well, I would just -- you know,
3 cross-examination is very broad, but that door -- I mean, you
4 are on a tightrope. If it comes open -- so I don't know how
5 you're going to couch it. I'll just have to -- I mean, I
6 can't -- since this is all new to me, I have to hear it.

7 MS. SUSTAKOVITCH: Could we profer her testimony very
8 quickly, this portion, because I -- I believe that it's going
9 to come out, and then I'm going to have to stop everything. I
10 would be fine to have defense counsel ask --

11 THE COURT: That's fine. If you want to profer, put her
12 up. Let's go.

13 MS. SUSTAKOVITCH: Okay. The State calls Sheridan Gantt.

14 THE CLERK: Please raise your right hand, and place your
15 left hand on the Bible and raise your right hand.

16 SHERIDAN GANTT

17 after having been duly sworn, was examined and testified
18 to as follows outside the presence of the jury:

19 THE CLERK: Thank you. Please take a seat and state your
20 name for the record.

21 THE WITNESS: Sheridan.

22 THE COURT: Full name.

23 THE WITNESS: Sheridan Gantt.

24 PROFFERED DIRECT EXAMINATION

25 BY MS. SUSTAKOVITCH:

1 Q Good morning, Ms. Gantt. For purposes of this brief
2 hearing, I'm just going to ask you a brief set of questions.

3 Did you, in fact, have a baby with this defendant, Toby
4 Armstrong?

5 A Yes.

6 Q How old were you when you got pregnant?

7 A Sixteen.

8 Q Did you believe that you were in a relationship with Toby
9 Armstrong?

10 A Yes.

11 Q How long had your mother quit dating him when you got
12 pregnant?

13 A I'm not sure, honestly.

14 Q When did you have a baby?

15 A 2017.

16 Q And what's her name?

17 A Neveah.

18 Q Was this defendant involved in Neveah's life?

19 A He went to prison when she was a couple months old.

20 THE COURT: All right. You cannot -- that cannot -- you
21 cannot say that, even though it's true. You can just say he
22 has not been involved since she was a couple of months old.
23 You can't say he's in prison.

24 THE WITNESS: Okay.

25 THE COURT: Okay.

1 THE WITNESS: I'm sorry.

2 BY MS. SUSTAKOVITCH:

3 Q That's okay. So how many months -- so did Mr. Armstrong
4 end up not -- no longer being involved in Neveah's life?

5 A Yes.

6 Q And how old was she when he no longer was involved in her
7 life?

8 A About four to five months.

9 Q And since -- I'm sorry, you said she was born when?

10 A [REDACTED].

11 Q And do you have custody of Neveah?

12 A No.

13 Q Does he have custody of Neveah?

14 A No.

15 Q Who has custody of Neveah?

16 A My -- she's not my real aunt, but my Aunt Jennifer.

17 Q And is Neveah doing well?

18 A She is.

19 Q Is there any big dispute custody-wise with this defendant
20 related to Neveah?

21 A Me or him?

22 Q Him.

23 A He's -- he's not involved.

24 Q Okay. And then with you, is there any dispute with
25 Neveah related to you?

1 A I get to see her. I did everything I needed to, to get
2 her back. So I get to see her when I want to.

3 Q Please answer any questions defense counsel has.

4 (PROFFERED) CROSS-EXAMINATION

5 BY MS. KEPLEY:

6 Q You had a child with Toby in 2017; correct?

7 A Yes.

8 Q Did you list Toby Armstrong on the birth certificate?

9 A Not at first, no.

10 Q But eventually?

11 A Eventually, yes.

12 Q In 2019, did you still have custody of that child?

13 A I'm not sure, honestly.

14 Q Do you remember -- in June of 2020, do you remember DSS
15 becoming involved with that child?

16 A Yes.

17 Q And you had custody at that time?

18 A I did.

19 Q And were you aware that DSS had spoken to Toby as part of
20 that case?

21 A Yes.

22 Q And you're aware that that's why that case was open,
23 because of what Toby told them?

24 A Yes.

25 Q Did you ultimately lose custody of that child in August

1 of 2020?

2 A I don't remember the exact date, like time period.

3 Q Do you remember about when it would be?

4 A She was about two, so it would maybe be around 2019,
5 2020.

6 Q And, to date, you've never regained full custody of that
7 daughter?

8 A I've done everything I needed to, to get her back, but
9 the person that has her, we kind of co-parent together.

10 Q And when you gave birth in 2017 to the baby you share
11 with Toby, did you tell anyone about this incident with
12 **Minor** at that time?

13 A No.

14 MS. KEPLEY: Your Honor, I think that's all the questions
15 I would have related to the baby.

16 THE COURT: When was the disclosure made?

17 MS. KEPLEY: The disclosure to --

18 THE COURT: In this case.

19 MS. KEPLEY: Okay. In 2014, '15, the night after it
20 happened, that is when the victim told her sister, and that --
21 and there's going to be testimony of how they confronted him.
22 **Minor** testified to that and so with Sheridan, about how that
23 went down.

24 These two girls didn't do anything about it, didn't tell
25 any adults. The disclosure was made, as Angie testified to,

1 in December 2020. And she took the child to the police or the
2 child -- she took **Minor** to the police the very next day, and
3 that's been previously testified to.

4 What the fear here is, it looks like we're boot-strapping
5 a defense on something that's a non-reality. He is in prison,
6 and we're trying to -- you know, we can't shut the door on
7 that and say the reality of -- this is not about a custody
8 dispute with him. He's an incarcerated defendant in the
9 Department of Corrections.

10 THE COURT: Well, that's -- unless the defense messes up,
11 the fact that he's incarcerated is not coming out.

12 MS. KEPLEY: Correct. Yes, sir.

13 THE COURT: So it is a tight rope. But what I've heard
14 up to this point -- and the defense can argue to the jury --
15 the disclosure was made in December but she lost custody in
16 October or something. You must have the documents.

17 So when you examine her, why don't you go, "Isn't it true
18 that, in this year, at this time, you lost custody?" That's
19 all you got to do. And then you can argue to the jury about
20 her credibility. So I'd just be very careful about all of
21 that.

22 MS. KEPLEY: Is the State allowed to say that there was
23 no custody between her and this defendant related to Neveah,
24 because there was not? She can at least testify to that. And
25 that he was not seeking custody -- there was no issue with

1 custody.

2 THE COURT: Oh, there was. She lost custody. But
3 between the two of them?

4 MS. KEPLEY: Between the two of them. He was not seeking
5 custody.

6 THE COURT: When she asks did they initiate -- did DSS --
7 he called DSS, they initiated this action; am I right about
8 that?

9 MS. KEPLEY: They investigated, yeah.

10 THE COURT: Okay. And you can certainly get up and go,
11 "He wasn't seeking custody, was he?"

12 I mean, you can come back and -- I mean, you are dancing
13 on a fine line, so...

14 MS. SUSTAKOVITCH: And the State does intend to ask her
15 that.

16 THE COURT: Okay.

17 MS. SUSTAKOVITCH: Was he in a position to seek custody?
18 Did he seek custody?

19 THE COURT: She's got every right to try and impeach this
20 witness's credibility.

21 MS. SUSTAKOVITCH: Yes, sir. Yes, sir.

22 THE COURT: And she can do it by going much farther. But
23 if she does go much farther, boom, out it comes.

24 So she -- we'll see. All right.

25 [To the witness:] Doesn't make sense to you, does it?

1 Okay. Well, don't worry about it. You just don't mention
2 anything about him being in prison. Okay? All right. Okay.
3 I'll get you to go back.

4 MOTION/MATTER OF LAW

5 MR. GREGORY: Judge, before we bring the jury, we do have
6 one other issue. Our second witness is Matthew Anderson. I
7 noticed during the opening statement that Ms. Kepley was
8 talking about what the defendant said to the investigator.
9 Obviously, we would object to any -- that would be hearsay.
10 My investigator is going to stay in, and I just want to put
11 the Court on notice that we -- we think that's inappropriate
12 and it's hearsay.

13 THE COURT: Wait a minute. Let me read --

14 MR. GREGORY: You see what I'm saying? During the
15 opening, Ms. Kepley mentioned that the investigator contacted
16 the defendant via his phone during the investigation, and she
17 said the defendant denied any involvement in this case. And
18 it's self-serving hearsay, and that's what we would object to,
19 to make sure that doesn't come out on our -- he's the second
20 witness this morning.

21 MS. KEPLEY: Just to briefly respond. Whether he
22 admitted or denied the allegations, I think it's part of the
23 investigation. I don't -- I think that would be an exception
24 to the hearsay. I don't intend to ask details about what he
25 said or didn't say to the investigator, but whether or not he

1 denied or admitted the allegations is certainly part of his
2 investigation.

3 THE COURT: This is a statement by the defendant?

4 MR. GREGORY: Yes, sir, to the law enforcement officer.

5 THE COURT: How does that qualify as hearsay?

6 MR. GREGORY: It's self-serving here. It's an
7 out-of-court statement used for the truth of the matter
8 asserted, and he's not the party opponent.

9 THE COURT: The defendant is not the party opponent?

10 MR. GREGORY: It -- correct. So it would be
11 self-serving. He's using that to try to get his statement in
12 through a witness, instead of giving up his Fifth Amendment
13 right and taking the stand to give his statement.

14 THE COURT: So you're going to -- you want me to limit
15 the cross-examination of the defense as to what was said to
16 the officer.

17 MR. GREGORY: What the defendant said to the officer,
18 yes, sir. And we will be on, obviously, pins and needles
19 waiting for that, and we'd object to hearsay as well at that
20 time if that question is asked.

21 THE COURT: Okay. Was he the focus of the investigation
22 at that time?

23 MR. GREGORY: Yes, sir.

24 THE COURT: Was he read any rights?

25 MR. GREGORY: Well, he was incarcerated. It was over the

1 cell -- it was over a phone, from prison to his office -- to
2 Matthew Anderson's office. And it's not a statement that we
3 intended to introduce at trial.

4 MS. KEPLEY: It sounds like, Your Honor, they would like
5 to hide the fact from the jury that the defendant denied these
6 allegations. I don't think that's hearsay. I think that's
7 pretty clear and part of a normal investigative process,
8 whether or not a defendant admitted or denied the allegations.

9 I do not intend to ask any details about it. Certainly
10 Mr. Armstrong is free to testify about all those details, but
11 that is a fact that a lead investigator should be able to
12 testify to.

13 THE COURT: Well, don't ask what he said. You can ask
14 what he did. What -- just don't get in -- don't ask what he
15 said. Okay?

16 MS. KEPLEY: Yes, Your Honor.

17 MR. GREGORY: Thank you, Judge.

18 THE COURT: All right. Anything else?

19 Oh, just one more thing.

20 MS. SUSTAKOVITCH: No, sir. I was just moving this whole
21 thing. Sorry. I was just going to move it. Okay.

22 (The jury entered the courtroom at 9:59 AM.)

23 THE COURT: Okay, ladies and gentlemen. Welcome back.
24 And we are ready to proceed. All right?

25 MS. SUSTAKOVITCH: Thank you, Your Honor. May it please

1 the Court.

2 The State calls Sheridan Gantt.

3 THE CLERK: Please place your left hand on the Bible and
4 raise your right hand.

5 SHERIDAN GANTT

6 after having been duly sworn, was examined and testified
7 to as follows:

8 THE CLERK: Thank you. Please take a seat, and state
9 your name for the record.

10 THE WITNESS: Sheridan Gantt.

11 DIRECT EXAMINATION

12 BY MS. SUSTAKOVITCH:

13 Q Good morning, Sheridan. Are you nervous?

14 A Yes.

15 Q Could you scoot up a little bit? The person on the very
16 back of the jury has to be able to hear you. Okay?

17 A Okay.

18 Q How old are you, Sheridan?

19 A Twenty-four.

20 Q And when's your birthday?

21 A [REDACTED].

22 Q Do you have siblings?

23 A I do. I have two.

24 Q What are your siblings' names?

25 A Courtney and Minor [REDACTED].

1 Q Tell me about Courtney. How old is Courtney?

2 A About 27, I think.

3 Q And I'm sorry. I'm just having a little trouble --

4 A 27, I think.

5 Q You can just scoot up.

6 And how old is **Minor** ?

7 A She's 21.

8 Q I want to go back in time a little bit. Where are you
9 from originally?

10 A Originally Anderson, but I've kind of lived a little bit
11 everywhere.

12 Q As a little girl, where did you live?

13 A When I moved in with my mom, we moved to Belton. But at
14 first, I lived in Anderson.

15 Q And when you lived in Anderson, who did you live with?

16 A My dad.

17 Q What's your dad's name?

18 A John Gantt.

19 Q John Gantt?

20 When you lived in Anderson with your dad, John Gantt, who
21 else lived with you?

22 A My two sisters.

23 Q And that's **Minor** and Courtney?

24 A Mm-hmm.

25 Q So you're in the middle of them; right?

- 1 A Yep.
- 2 Q Four years apart?
- 3 A Yep.
- 4 Q How old were you guys when you moved in with your mom?
- 5 A I was about eight.
- 6 Q And **Minor** would have been how old?
- 7 A Four.
- 8 Q Okay. Four years apart; right? All right.
- 9 What's your mother's name?
- 10 A Andrea.
- 11 Q Andrea who?
- 12 A Hines.
- 13 Q Tell the jury a little bit about your mom.
- 14 A She is, like, mentally unstable. She was on drugs for a
- 15 long time. And -- yeah.
- 16 Q Okay. You said you moved into Belton. Was that in
- 17 Greenville County?
- 18 A It is.
- 19 Q What is the name of the house or the street address of
- 20 the house you lived at?
- 21 A **████** Southern Road.
- 22 Q In which county?
- 23 A Greenville County.
- 24 Q All right. I'm showing you what's previously been
- 25 introduced as State's Exhibit 1 and it's been entered into

1 evidence.

2 Looking at that picture, Sheridan, do you see yourself in
3 that picture?

4 A Yes.

5 Q Can you describe which one you are?

6 A The one on the left, in the zebra shirt.

7 Q Is this you right here?

8 A Yes.

9 Q All right. And who's back here?

10 A Courtney.

11 Q All right. And who is this?

12 A **Minor**.

13 Q How old were you, roughly, in this picture?

14 A About 13 or 14.

15 Q All right. And I'm looking at the store and then -- is
16 that a trailer?

17 A It is.

18 Q Was that where you lived?

19 A Mm-hmm.

20 Q What's the address of that?

21 A **████** Southern Road.

22 Q So going back in time, you said **Minor** was four and you
23 were eight when you moved into **████** Southern Road; is that
24 right?

25 A Yes.

1 Q What was life like for you? You're eight years old. You
2 move into that trailer. You said your mom was on drugs, she
3 was mentally unstable. Tell the jury a little bit about what
4 life was like for you guys.

5 A It -- when we first moved in with our mom, it was all
6 right, but then she got on drugs, and she had, like, lots of
7 boyfriends, and we kind of raised ourselves.

8 Q What kind of drugs did your mom do?

9 A She did crack and meth.

10 Q Did your mom drink as well?

11 A She did.

12 Q What did she drink?

13 A Liquor.

14 Q Liquor?

15 Did they ever make their own liquor sometimes?

16 A Yeah.

17 Q How did they do that?

18 A They just poured stuff together, and it made some kind of
19 wine.

20 Q What would they pour it in to make it?

21 A Like a cooler.

22 Q Like a cooler?

23 A Yeah.

24 Q What kind of cooler?

25 A I don't know. Like just the one that you would take,

1 like, to the lake or something.

2 Q Okay. And then they would make their own alcohol?

3 A Sometimes, yes.

4 Q Did this defendant ever make alcohol with your -- with
5 them?

6 A Yeah.

7 Q Yeah?

8 Do you know Toby Armstrong? Do you know this defendant?

9 A Yes.

10 Q How old were you when you met this defendant?

11 A I'm not sure the exact number of how old I was because we
12 were living with our mom and then we went to stay with our
13 grandma for the summer. And when we came back, she had a new
14 boyfriend.

15 Q She had a new boyfriend?

16 A Yeah.

17 Q All right. Well, would you be like eight years old, or
18 are you more like 12, 13, like a teenybopper or teenager?

19 A I was maybe 10 or 11. I'm not sure.

20 Q Okay. Did your mom end up breaking up with this
21 defendant?

22 A Oh, yeah. They ended up splitting up.

23 Q Do you know why they split up?

24 A He went to jail and then --

25 MS. KEPLEY: Objection, Your Honor.

1 THE COURT: Sustained.

2 MS. KEPLEY: May we approach?

3 THE COURT: Yeah, come on up.

4 BENCH CONFERENCE

5 (A bench conference was held off the record.)

6 [Open court resumes:]

7 THE COURT: Okay, ladies and gentlemen. I just want to
8 instruct you-all to disregard the last statement made by this
9 witness about the location of the defendant in this case.
10 Okay? Just disregard it. Put it out of your minds.

11 Okay. Go ahead.

12 MS. SUSTAKOVITCH: Yes, sir.

13 BY MS. SUSTAKOVITCH:

14 Q Okay. I'm going to fast-forward a little bit, Sheridan.
15 When you were 16 years old, did you end up getting pregnant?

16 A Yes.

17 Q And who was the father of your baby?

18 A Toby.

19 Q Did you believe you were in a relationship with Toby?

20 A Yes.

21 Q And did you think you loved Toby?

22 A Yes.

23 Q What was your baby's name?

24 A Neveah.

25 Q What does Neveah mean?

1 A It's supposed to be "heaven" backwards, but I spelt it
2 differently.

3 Q Okay.

4 COURT REPORTER: Can you spell it, please.

5 THE WITNESS: N-a-v-e-a-h.

6 BY MS. SUSTAKOVITCH:

7 Q So you got pregnant at 16. Was that hard when you got
8 pregnant at 16?

9 A Yeah.

10 Q Okay. When you had Naveah -- what's her date of birth?

11 A [REDACTED].

12 Q And was this defendant, when Naveah was born, was he in
13 her life very long?

14 A No.

15 Q Okay. About how many months was he in her life?

16 A About four, five months.

17 Q That's fine. Okay.

18 I want to take you back in time with **Minor**. Growing
19 up -- do you see your sister in the courtroom?

20 A Mm-hmm.

21 Q Okay. How did you and your sister get along growing up?

22 A We was close.

23 Q And I want to talk about the trailer that you guys lived
24 in. Can you help the jury see what you saw when you would
25 walk into this trailer right here? What were the rooms like?

1 A You walk in, and it's the living room. And then, as you
2 go through the hall, to the left, it's the bathroom. In the
3 back, it was my mom's room, and to the left was our room.

4 Q All right. And when you say "our room," who slept in
5 your room?

6 A Me and all my sisters.

7 Q And when you say "all your sisters," can you clarify who
8 that was again?

9 A Courtney and **Minor**.

10 Q Do you remember a time that **Minor** -- without stating
11 the name of the perpetrator, if she gave you one -- do you
12 remember a time that **Minor** disclosed to you that she was the
13 victim of sexual assault?

14 A Yes.

15 Q And did she tell you the place or places where that
16 sexual assault occurred?

17 A Yes.

18 Q What did she say?

19 A In my mom's room.

20 Q And did she tell you the time frame, like, of when it
21 happened when she gave you that disclosure?

22 A When it happened? She told me the next day.

23 Q Okay. So you get this information. Then what do you do?

24 A I called him.

25 Q And "him" being who?

1 A Toby.

2 Q When you called him, what did you say to him?

3 A I was mad. I was like, you know, "What happened?"

4 Q And where was Toby when you called him?

5 A He wasn't there. I think he was at work, but I'm not
6 sure where he was.

7 Q All right. How old were you at this -- at this point
8 when you're calling him to confront him?

9 A I don't know.

10 Q Do you remember how old **Minor** was when she -- when she
11 was telling you about this?

12 A About nine. Ten, maybe.

13 Q Okay. Before we go further into what Toby said to you,
14 so **Minor** is -- it's the next morning, and she's telling you
15 she's been sexually assaulted; correct?

16 A (No audible response.)

17 Q Do you remember the night before? Were you in that
18 trailer?

19 A I was asleep.

20 Q And where were you asleep?

21 A In the living room. I fell asleep in the living room.

22 Q Okay. Where had you fallen asleep in the living room?

23 A I think on the couch.

24 Q All right. So, you weren't back in your mom's and Toby's
25 room when this happened?

1 A No.

2 Q So let's go back. You are calling Toby, and you're mad.
3 What do you remember saying to him?

4 A I was like, you know, "What happened?" Because she's not
5 going to lie.

6 Q Okay. So -- and I didn't mean to cut you off. Go ahead.
7 So you say what to him?

8 A I asked him, like, "What happened?" I was like, "She's
9 saying" --

10 MS. KEPLEY: Objection. Hearsay.

11 THE COURT: Sustained.

12 BY MS. SUSTAKOVITCH:

13 Q All right. Let's fast-forward. Toby, at this point,
14 you're confronting him. What is -- what, if anything, does
15 Toby say?

16 A He said he didn't remember.

17 Q He didn't remember whether he did it?

18 A Mm-mmm.

19 Q Okay. Then what happens? Does Toby come home or does he
20 stay somewhere else or what happens?

21 A We kind of argued about it and then, like, he apologized
22 to her. And she was crying.

23 Q Okay. And I'm missing a step. You're on the phone with
24 Toby. You're mad. You confront him. Then does Toby come
25 back to the house?

1 A Yes.

2 Q Okay. How does Toby get back to the house?

3 A He drove back.

4 Q And did he come back quickly, or did it take hours for
5 him to get home, or what?

6 A He came back fast.

7 Q He came back fast.

8 And when he pulled in, what happened then?

9 A I asked him what happened.

10 Q Okay. And just so the jury's clear, it's you, **Minor**,
11 and this defendant; right?

12 A Right.

13 Q All right. So now it's the three of you.

14 Tell the jury what happened in that conversation. What
15 was Toby saying then?

16 A He was just upset. He was like that he didn't remember.
17 And he acted like he didn't know it happened.

18 Q Okay. And when you said he didn't remember, did he give
19 any reason why he might not remember doing this to **Minor**?

20 A He said he must have been drunk.

21 Q Said he must have been drunk.

22 I believe you just testified that he said -- he
23 apologized?

24 A Mm-hmm.

25 Q And during this moment, **Minor**, what's her demeanor,

1 meaning what's she acting like? Is she calm? Is she crying?
2 Is she something else?

3 A She was crying.

4 Q What does Toby do while she's crying?

5 A He just gave her a hug and apologized.

6 Q At this point, did you guys think, "Oh, God, let's run
7 inside and go tell" -- tell your mom?

8 A No, because our mom, like, was mentally unstable. You
9 can't even talk to her.

10 Q Did you guys think, "Oh, God. Let's run down and go find
11 a police officer and go tell police officers about all this"?

12 A No, because we kind of were taught to keep everything to
13 ourselves.

14 Q And when you say you were taught to keep everything to
15 yourself, what does that mean?

16 A We were kind of tossed around and -- like, if we spoke
17 about everything that we was going through, like, we knew we
18 would be in foster care.

19 Q You're talking about just the conditions in your home and
20 things like that?

21 A (No audible response.)

22 Q Were you afraid you would get put in foster care?

23 A (No audible response.)

24 Q Did you want to go to foster care?

25 A No.

1 Q So fast-forward. Life goes on. You have Naveah. Again,
2 tell me her date of birth.

3 A [REDACTED].

4 Q Okay. And have you put this allegation that [REDACTED] is
5 saying Toby sexually assaulted her, have you put that out of
6 your mind?

7 A Yeah. We didn't really talk about it after that.

8 Q And with the baby you had with this defendant, did you
9 believe you two were, like, a couple or something?

10 A I would say yes, I guess.

11 Q Okay. Did you end up moving out of the house?

12 A I did.

13 Q Where did you go move?

14 A I went -- when I was 16, I moved out, and I went and
15 lived with him.

16 Q You did what?

17 A I went to live with him.

18 Q Okay. And then you had Naveah, and you testified he was
19 in her life for about four months; correct?

20 A Yes.

21 Q All right.

22 MS. SUSTAKOVITCH: Beg the Court's indulgence. One
23 second.

24 BY MS. SUSTAKOVITCH:

25 Q When -- are you aware of when [REDACTED] finally did go to

1 the police in December 2020/January 2021?

2 A I wasn't aware of when it happened, but I found out later
3 when I had got a phone call.

4 Q Okay. So you weren't aware when she went to the police
5 initially?

6 A No.

7 Q Okay. Please answer any questions defense counsel has.

8 CROSS-EXAMINATION

9 BY MS. KEPLEY:

10 Q Good morning, Ms. Gantt.

11 Did you have a child in 2017?

12 A Yes.

13 Q That's Naveah; right?

14 A (No audible response.)

15 Q And that's a child you share with Toby Armstrong; right?

16 A Yes.

17 Q In 2019, did you still have custody of Naveah?

18 A Yes.

19 Q Do you remember DSS becoming involved with Naveah in
20 2020?

21 A Yes.

22 Q What happened?

23 A He called DSS on me, and she went and stayed with my
24 grandma for a little bit.

25 Q And when you say he called DSS on you, you're talking

1 about Toby Armstrong?

2 A Yep.

3 Q In 2020, Toby Armstrong called DSS to report there were
4 some problems with your parenting; right?

5 A Well, I think more or less he was just calling because he
6 was mad at me because I didn't want to talk to him no more.

7 Q And did DSS investigate that case?

8 A They did.

9 Q And did they find grounds to remove Neveah from your
10 care?

11 A They did.

12 Q To this day, have you ever regained custody of Naveah?

13 A I don't have custody, but I did everything to get
14 custody. So me and the guardian of her, we basically share
15 custody. We don't have a custody agreement, but we are
16 working towards it.

17 Q So there's a guardian, and she lets you see her
18 sometimes?

19 A Yes, I get to see, like, her every week.

20 Q And you said that **Minor** disclosed to you back when she
21 would have been 9 or 10; correct?

22 A (No audible response.)

23 Q And that would have made you around 14 or 15, by my math;
24 is that right?

25 A Maybe 14, 13. I'm not sure. I don't remember the exact

1 ages.

2 Q And you also testified you didn't contact police at that
3 time?

4 A No.

5 Q And you didn't tell anyone at school; right?

6 A No.

7 Q And you didn't tell anyone else in the family; right?

8 A No.

9 Q Anyone at all?

10 A No.

11 Q What about in 2016? So fast-forward about a couple years
12 later. Did you tell anyone about what happened with **Minor**
13 during that year?

14 A No.

15 Q What about in 2017? And that would have been the year
16 you gave birth to the child you shared with Toby. In 2017,
17 did you tell anyone during that time period about this
18 incident with **Minor** ?

19 A No.

20 Q What about in 2020 when you're meeting with DSS, when
21 you're talking to DSS about Naveah and they were pretty
22 heavily involved in your life? Did you tell DSS about this
23 incident with **Minor** then?

24 A No.

25 Q And after the DSS case was opened in 2020, you were aware

1 **Minor** had disclosed something to police; right?

2 A Yeah.

3 Q And you became aware about that because police called
4 you?

5 A Right.

6 Q And I think that would have been Investigator Anderson;
7 correct?

8 A I'm not sure of the name, but it was an investigator.

9 Q And he made an appointment with you to come talk about
10 the case; right?

11 A Well, yeah. He had called me and asked me if we could
12 talk.

13 Q But you didn't go to any appointments with Investigator
14 Anderson in 2020?

15 A No.

16 Q In fact, you stopped returning his calls altogether;
17 right?

18 A Yes.

19 Q Have you ever talked to Investigator Anderson, the lead
20 investigator in this case?

21 A I'm not sure, honestly, which one he is.

22 MS. SUSTAKOVITCH: Your Honor, may we approach briefly?

23 THE COURT: Okay.

24 BENCH CONFERENCE

25 (A bench conference was held off the record.)

1 [Open court resumes:]

2 BY MS. KEPLEY:

3 Q On direct, you testified that **Minor** disclosed to you
4 that she had been raped back in 2014; correct?

5 A Yes.

6 Q And you disclosed that that happened in 2014.

7 A I'm not sure the exact year.

8 Q But your testimony was that she told you the day after
9 this happened?

10 A Yep.

11 Q Do you remember, in 2020, when Investigator Anderson was
12 calling you? You remember getting his calls; right?

13 A I remember I spoke to him once, yes.

14 Q Do you remember texting with **Minor** after you got those
15 calls from Investigator Anderson?

16 A Yes.

17 Q Do you remember texting **Minor** -- after you got the call
18 from Detective Anderson, do you remember saying to **Minor** in
19 a private text message, "You never told me you were raped"?

20 A I said -- in the text message, we didn't go into what
21 actually happened. She told me that he tried to rape her, but
22 we didn't talk about details. Like, when it happened,
23 I called him, and we spoke about it. It was the heat of the
24 moment, and then we didn't talk about it.

25 Q My question was, did you text **Minor** in 2021 -- after

1 investigators are trying to call you and get you to come in,
2 did you text her, "Minor", you never told me you were raped"?

3 A That's not exactly what I said. Like there was more than
4 just that.

5 Q If I showed you that text, would that help you remember
6 exactly what you said?

7 A Yeah.

8 MS. KEPLEY: Your Honor, may I approach the witness?

9 THE COURT: Yes.

10 BY MS. KEPLEY:

11 Q I want you to take a look at that text message right
12 there. I want you to look at the top where it says the
13 participants. Your name is below one of those numbers.

14 Is that a number you remember using back in 2021?

15 A Yeah.

16 Q And the number below that, it doesn't have a name, but
17 does that look like it was Minor's number?

18 A I'm not sure what her number would have been.

19 Q I want you to take a minute, just silently, and read that
20 to yourself silently and let me know when you're done.

21 A (Witness complies.) Okay.

22 Q Is it true that you texted Minor in 2021 privately
23 after investigators are calling you, "I know that it is still
24 wrong, he shouldn't have done that, but are you saying he
25 tried to rape you that night? Because you didn't tell me

1 nothing about that."

2 A So she did tell me that he tried to rape her. In the
3 message I was asking, did he, like, finish what he was doing?
4 Like, did he do it all the way? That's what I was asking.

5 Q You care about your sister very much; right?

6 A I do.

7 Q If she needed help, you'd help her out, wouldn't you?

8 A I would.

9 MS. KEPLEY: No further questions at this time, Your
10 Honor.

11 MS. SUSTAKOVITCH: Just briefly on redirect.

12 THE COURT: Okay. Go ahead.

13 REDIRECT EXAMINATION

14 BY MS. SUSTAKOVITCH:

15 Q Sheridan, we've talked about -- you said this defendant
16 called DSS on you because he was mad at you. Why do you think
17 he was mad at you?

18 A Because I didn't want to talk to him no more.

19 Q And when you didn't want to talk to him no more or
20 anymore, why was that?

21 A Because I was trying to move on with my life.

22 Q Okay. Was Toby ever -- is custody a dispute in this
23 case? Meaning this defendant trying to get custody of Naveah
24 or anything like that?

25 A No.

1 Q And is he in any position to get custody in this case?

2 A No.

3 MS. SUSTAKOVITCH: I have no further questions.

4 THE COURT: Okay. Step down. Thank you.

5 MS. SUSTAKOVITCH: Your Honor, may this witness be
6 excused from her subpoena?

7 MS. KEPLEY: No objection, Your Honor.

8 THE COURT: All right.

9 MS. KEPLEY: Your Honor, I do have a motion I need to
10 make outside the presence of the jury.

11 THE COURT: Okay. Ladies and gentlemen, we'll just take
12 a short break. Don't discuss the case. We'll get back with
13 you in just a minute.

14 (The jury exited the courtroom at 10:27 AM.)

15 MS. KEPLEY: Your Honor, at this time, I certainly want
16 to put on the record my objection to the curative instruction
17 and move for a mistrial based on testimony that came out
18 during direct.

19 THE COURT: Anything you want to say?

20 MS. SUSTAKOVITCH: Your Honor, that was completely
21 unintentional. The State did direct that witness multiple
22 times not to mention that. I did want that to be on the
23 record. I think she was very scared, and she testified to
24 that. And we believe that Your Honor's curative instruction
25 fixed any prejudice that might have occurred. Thank you.

1 THE COURT: Okay. Well, thank you. I'm going to deny
2 your motion.

3 MS. KEPLEY: Thank you, Your Honor.

4 THE COURT: All right. Well, we'll just take a short
5 break.

6 (A recess was taken from 10:28 AM to 10:40 AM.)

7 [Recording resumes as follows:]

8 MS. SUSTAKOVITCH: No, sir.

9 MS. KEPLEY: Nothing from the defense, Your Honor.

10 THE COURT: Okay. All right. The statement cannot come
11 out. You got that?

12 MS. KEPLEY: To be clear, I will ask if the defendant
13 admitted or denied the allegation.

14 MR. GREGORY: Judge, that's going to be hearsay.

15 MS. KEPLEY: That's not -- Your Honor, that's a fact that
16 he investigated, whether or not someone admitted or denied.
17 Whether someone confessed or denied the allegation is a fact
18 that he investigated as part of this case.

19 THE COURT: It is a -- it's pretty clearly not
20 admissible. So, I mean, you could ask, is there -- I mean,
21 you can maybe get into it in some indirect way, but you can't
22 get him to -- you just can't do that.

23 MS. KEPLEY: I can't ask him whether or not he spoke to
24 the defendant, Your Honor?

25 THE COURT: Oh, you can ask if he had a conversation,

1 yeah.

2 MS. KEPLEY: But, to be clear, I'm not going to ask him
3 whether or not he admitted or denied anything.

4 THE COURT: Yeah. Okay?

5 All right. Okay.

6 THE COURT REPORTER: Who is your next witness, please?

7 THE COURT: Who's the next witness?

8 MR. GREGORY: It's Sergeant Matthew Anderson. I
9 apologize.

10 THE COURT REPORTER: Thank you.

11 THE BAILIFF: Judge, the jury's at the door.

12 THE COURT: Thank you.

13 (The jury entered the courtroom at 10:44 AM.)

14 THE COURT: Okay. Call your next witness.

15 MR. GREGORY: May it please the Court. The State calls
16 Sergeant Matthew Anderson.

17 Please place your left hand on the Bible and raise your
18 right hand.

19 SGT. MATTHEW ANDERSON

20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE CLERK: Please take a seat, and state your name for
23 the record.

24 THE CLERK: Matthew Anderson.

25 DIRECT EXAMINATION

1 BY MR. GREGORY:

2 Q Sergeant Anderson, where are you currently employed?

3 A I'm currently at Charleston County Sheriff's Office.

4 Q And how long have you been there?

5 A I've been in Charleston County about a year and a half.

6 Q And what is your current position currently?

7 A Currently, I'm the sergeant over the K-9 program. So I
8 train the dogs, find new dogs, and pretty much play with dogs
9 all day.

10 Q And how long have you held that particular position?

11 A Since I moved to Charleston County. So they brought me
12 down as a sergeant in the K-9 unit in Charleston County.

13 Q What kind of training and education have you received in
14 becoming a law enforcement officer?

15 A Oh, since I started about 16 years ago.

16 And I'll back up. I started about 16 years ago with
17 Greenville County Sheriff's Office. I've received training
18 for Child's First, children disclosure, K-9 training,
19 continuing education training through the sheriff's office. I
20 could list it, but it would be pages.

21 Q Sure. Do you receive any ongoing training?

22 A Yes, sir. Yearly.

23 Q All right. And you said, previously, you worked in the
24 Greenville County Sheriff's Office?

25 A That's correct, yes, sir.

1 Q How many years did you work in the Greenville County
2 Sheriff's Office?

3 A Roughly about 15.

4 Q What roles did you have at the Greenville County
5 Sheriff's Office?

6 A Well, I start off with the road, uniform patrol. Worked
7 there for several years until you learn the basics of that.

8 I then went into K-9. I love working with dogs. I got
9 promoted to an investigator, and I did special investigations,
10 focusing on Crimes Against Children. And then I went back to
11 K-9 and Crimes Against Children for about three years. And
12 then the rest of my career was working on the road or with
13 K-9.

14 Q Now, specifically Crimes Against Children, did you have
15 any specific training for that investigation?

16 A Yes, we had quite a bit. We would go to child disclosure
17 classes, child trauma classes. I went to forensic interview
18 classes, quite a few classes that are very specific to dealing
19 with children.

20 Q And you said you did that for three years?

21 A Yes, sir. That's correct.

22 Q About how many cases did you investigate during that
23 three-year period?

24 A I couldn't even begin to count. I think, as a unit, we
25 probably have roughly 30 to 40 a month. So five to six a

1 month for three years. So, if you do the math, it's maybe 180
2 to 200 cases at minimum, I would guess.

3 Q And that's just in Greenville County; correct?

4 A Yes, sir, that's correct.

5 Q So back -- let's go back to December of 2020. Where were
6 you employed at that time?

7 A I was employed at Charleston County Sheriff's Office in
8 Special Investigations working in Crimes Against Children.

9 Q Oh, I'm sorry. Charleston or Greenville?

10 A Greenville, I apologize.

11 Q That's all right.

12 A We say it all the time. I apologize. Thank you for
13 correcting me.

14 Q So you were in Greenville County, investigating crimes
15 against children. Did you have an opportunity to become
16 involved in this case?

17 A I did, yes, sir.

18 Q How did you become involved in this case?

19 A On December 11th, we had a walk-in. It used to be over
20 at the old county square where we used to pay our property
21 taxes. We had an office there.

22 The victim and her aunt walked in the office. I walked
23 down and met them, and an investigation ensued.

24 Q You said the victim and her aunt?

25 A I believe it was her aunt at the time, yes.

1 Q And was that a common way for you to receive referrals,
2 investigations?

3 A Yes, sir. We pretty much got them from a referral off
4 the road, like somebody would take a report and not be trained
5 enough to do the investigation, or they would refer them
6 from -- like, if they went to the law enforcement center, they
7 would refer them over to our office so they could talk to
8 somebody who's trained to speak with children or trained about
9 crimes, sex crimes, and things like that.

10 Q So when she walked into the office, what did you do with
11 **Minor** that day?

12 A Initially, I walked out to the front office and made sure
13 it was okay -- if she was comfortable -- **Minor** -- to come
14 speak with me, because a lot of people aren't super
15 comfortable speaking with law enforcement in a private
16 setting.

17 She was great. She was a little bashful. I brought her
18 back into my office, talked for a few minutes to establish
19 rapport. I'll talk to them about, you know, what's your
20 favorite thing in school, what's your favorite TV series, you
21 know, just want to jump right into what you're doing.

22 So we spoke. She ultimately did make a disclosure about
23 the incident. Continued to talk to her a little bit more just
24 so that wasn't the only thing we spoke about.

25 Spoke to her aunt about the following proceedings that

1 would happen from there on out, and then I did my -- took
2 notes and started my initial investigation.

3 Q And did she at any time indicate to you that she had been
4 a victim of sexual assault?

5 A Yes, sir, she did.

6 Q Without telling me the name of the perpetrator, did she
7 tell you when that sexual assault occurred?

8 A Yes, she did. She said she was about nine. I think it
9 came out later through the investigation she was actually ten,
10 but she said she was about nine.

11 Q And, again, this was December --

12 A December 11th of 2020.

13 Q Did she say -- so she was not -- how old was she at the
14 time she came into your office?

15 A I can check. I think she was 16 at the time. It was --
16 Sorry, I'm doing my math real quick. I think she was 16.

17 Q So it happened well before she came to your office.

18 A That's correct, yes, sir.

19 Q Does that change the way you investigate a case?

20 A Absolutely.

21 Q And how so?

22 A A lot of your evidence that you'll see on TV -- and I use
23 TV because everybody thinks we can get everything -- you lose
24 a lot of your evidence. So that time frame really dilutes
25 what you can construct from physical evidence.

1 And then it's also kind of -- people move around, so it's
2 harder to get in touch with people. It just -- it makes the
3 whole investigation a lot more complicated when you have a
4 large time frame.

5 Q During your conversation with **Minor**, did she tell you
6 where the incident occurred?

7 A She did, yes, sir.

8 Q And did she give you an address?

9 A She did. And I think it was on Southern Road, which is
10 in Greenville County, South Carolina.

11 Q What was **Minor's** demeanor like at that time when she
12 was telling you this?

13 A The first thing I noticed about her, she was real -- real
14 secluded, always downtrodden, eyes looking down. She didn't
15 want to make eye contact. Very somber. It was very difficult
16 to get an initial disclosure, but I think once we got it, she
17 was comfortable that she said something. But I would say very
18 reclusive, or very self-withdrawn would be a better word.

19 Q And after getting the initial statement from **Minor**,
20 what did you do for the investigation?

21 A Just trying to -- once I get the initial statement, I
22 don't remember if I had her give me a written statement that
23 day or -- I do know I memorialized it in a written document,
24 and I started trying to reach out to people that she mentioned
25 within the report, whether it's defendant, whether it's

1 witnesses. I'm trying to figure out to confirm that it is
2 actually in Greenville County, things like that.

3 Q And did you have an opportunity to speak to her sister,
4 Sheridan?

5 A I spoke with Sheridan briefly over the phone. I tried to
6 make an appointment with her to come in and speak with me, and
7 she just never showed up. I tried a couple more times, and I
8 couldn't get in touch with her.

9 Q What about **Minor's** mother? Do you attempt to contact
10 her?

11 A I don't recall her. I'm drifting here. I do recall
12 there being issues with her mother, but I don't believe I ever
13 spoke with her. I don't recall.

14 Q Did you speak to **Minor's** boyfriend at the time?

15 A No, I wasn't -- I wasn't familiar with him at the time.

16 Q Were you aware of him at all?

17 A No, sir. I don't recall him being mentioned.

18 Q Did you do -- did you recommend her go to a forensic
19 examination?

20 A No, mainly due to the time frame and the age. So
21 typically to (indiscernible) forensic examination,
22 (indiscernible) forensic interview.

23 Q Yeah, that's right. I'm sorry. It's the examination.

24 A I did not, due to the time frame. We're talking four
25 years here. There's not going to be enough forensics data on

1 that.

2 Q Same with DNA. Did you take any swabs for DNA?

3 A We did not. The same thing. The time frame was so -- so
4 far. He has every right to be in that trailer. His DNA, his
5 fingerprints are going to be in that trailer.

6 Q And did you go to the trailer to --

7 A I think I drove by just to confirm where it was and
8 confirm the location, but I never went into the trailer or
9 went to the trailer, no, sir.

10 Q Please answer any questions the defense has for you.

11 CROSS-EXAMINATION

12 BY MS. KEPLEY:

13 Q Good morning.

14 A Good morning.

15 Q Excuse me. You mentioned you had some training
16 investigating crimes of sexual violence; is that correct?

17 A Yes, ma'am, that's correct.

18 Q Can you describe that a little bit?

19 A Which -- which training, ma'am?

20 Q The one specifically about sexual violence.

21 A Well, Child's First -- I'm sure you're familiar -- does
22 forensic interviews, and they talk about how not to talk to --
23 how to get disclosures and talk about how to speak with
24 children. Took some other classes which were trauma due to
25 sexual violence. And it talks about indicators that people

1 have when they come to the office. They indicate why they are
2 sexually assaulted or maybe that they could have been sexually
3 assaulted.

4 I don't really know how detailed -- would you like me to
5 get into those classes?

6 Q Do you have any training about interviewing,
7 specifically?

8 A Yes, ma'am. I've done several interview classes. Some
9 were Child's First, some forensic interview. I've been
10 (indiscernible) certified forensic interviewer. What that is,
11 it's a different way to speak with them so you don't lead
12 them. I will say, "Hey, did it happen here or here, or maybe
13 something else?"

14 You also request that they tell you the truth. And so if
15 I say, "Do you promise to tell me the truth?" amongst
16 children, there's a much higher probability that they will.

17 So it's things like that that they talk to you about in
18 those classes.

19 Q In an investigation, would you agree with me that it's
20 important to be thorough and accurate?

21 A Yes, ma'am, with the information given at the time, yes.

22 Q And what does that mean to you, to be thorough and
23 accurate?

24 A To investigate the information you're given at the time
25 would probably be the best -- the best way to -- it's very

1 difficult to describe each case.

2 Q And you talked about that a little bit, but according to
3 some of those trainings you went to, interviewing can be very
4 important in these types of cases; right?

5 A Yes, ma'am.

6 Q Do interviews need to be done carefully?

7 A Yes, ma'am.

8 Q They need to be done carefully, especially when you're
9 dealing with adolescents; correct?

10 Q And one of the reasons these interviews need to be done
11 carefully when you're dealing with adolescents is because they
12 can be very susceptible to leading questions. You mentioned
13 that; right?

14 A Yes, ma'am.

15 Q They can also be influenced by family members, authority
16 figures more so than adults might be; correct?

17 A Yes, ma'am, so the studies show.

18 Q And family members and guardians, they can even influence
19 some kids to make false disclosures; correct?

20 A Yes, ma'am. Absolutely.

21 Q And someone might make a false disclosure for, I mean, a
22 lot of different reasons; right?

23 A Yes, ma'am.

24 Q And you interviewed **Minor** in 2020; right?

25 A Yes, ma'am. December 11th of 2020, that's correct.

1 Q And you said she was 16 years old and she came in with
2 her aunt; right?

3 A Correct.

4 Q Was that interview recorded?

5 A I don't believe so. I believe I did not record it due to
6 her age. Very often, I found that they would get
7 uncomfortable with that, and they would want to give a written
8 statement or something like that instead. Or I will type it
9 as they speak to me.

10 Q Did you have the ability to record interviews?

11 A Absolutely, yes.

12 Q Would you agree, it's probably a pretty good idea to
13 record an interview when someone generally reports a crime?

14 A Yes, ma'am.

15 Q Would you believe -- we talked a lot about forensic
16 interviewing. Would you believe it's pretty important to
17 record when a minor discloses a crime?

18 A Yes. For a forensics interview, they're all recorded,
19 but forensics are typically done on 11 and under.

20 Q You can do a forensic interview with someone at any age;
21 right?

22 A You can, yes, ma'am. I was talking about our policy
23 within Greenville County. We typically do not do one above
24 the age of 12.

25 Q What time of day did you start the interview?

1 A I don't have the timing here, ma'am.

2 Q Do you remember about how long it lasted?

3 A I do not. I would say probably anywhere between 20 and
4 30 minutes, because I'm not just going to jump right in and
5 ask, "Can you tell me what happened?" I'll establish some
6 rapport first. Typically I'll say, "Do you know why we are
7 here?" or "What brought you here?"

8 I ask a very non-leading question, and very often that
9 will elicit, "Hey, I know why I'm here: Because you're the
10 police."

11 Q And we talked about how you didn't record the interview,
12 but you also didn't have her write out any kind of statement;
13 right?

14 A I don't believe so. I think, if I remember correctly, I
15 memorialized it in my document as she was saying it.

16 Q Having her write a statement in her own words or
17 recording the interview in some way, audio/visual, that would
18 have been a good way to preserve the exact details of the
19 allegation; right?

20 A Correct. That's why I memorialized it in my statement.

21 Q But that statement is not in her words, is it?

22 A If I have it in quotes it is. I don't know if there's
23 quotes in it. I haven't looked at it. But there are certain
24 things that I put quotes in my reports, so I can do that, so I
25 can memorialize the statement.

1 Q When you say it's in quotes, that's not you pulling it
2 from a recording; correct?

3 A No, that would be pulling her directly from her mouth.

4 Q But we don't -- we don't have any way to know whether or
5 not your quotes are accurate because it wasn't recorded;
6 right?

7 A That's very true.

8 Q But having her write it out in her own words, either in a
9 statement or just recording that interview, that would have
10 been a good way to preserve that; correct?

11 A Sure, yes, ma'am.

12 Q And we don't have any way, over four years later now, to
13 know really exactly what she disclosed to you in 2020;
14 correct?

15 A Other than her being (indiscernible).

16 Q Therefore, we have no idea if what she disclosed to you
17 in 2020, if that conflicts or that matches with what she's
18 testified here in 2025. We can't know that; right?

19 A Only (indiscernible) the report.

20 Q Well, that thing you're referencing, that's not
21 admissible; right?

22 A I don't know. That's -- that's not my job.

23 Q This isn't a statement in her words; correct?

24 A I think it's admissible because I have it here.

25 Q Is that a statement in her words?

1 A I don't -- I can look at it again to see if there's
2 quotes, but, no, it would not be her exact words unless I
3 quoted it, as you said before, yes.

4 Q And you could have given her a piece of paper and say,
5 "Can you write down, you know, this allegation?" That
6 wouldn't have been difficult to do; correct?

7 A It would not.

8 Q And you also said you didn't refer her for any kind of
9 medical exam; correct?

10 A Yes, ma'am.

11 Q And if there was any medical evidence that would prove or
12 disprove this allegation, it wasn't collected either; right?

13 A No, ma'am. But I explained why I did not do that.

14 Q Is that an option you have, though? You can refer people
15 for a medical exam?

16 A Absolutely.

17 Q It's certainly something you can do; right?

18 A Absolutely could but I'm not, four years later.

19 Q As part of your investigation, you learned **Minor** had an
20 older sister; correct?

21 A Yes. Two.

22 Q Two older sisters.

23 One of those sisters is named Sheridan; correct?

24 A Yes.

25 Q Did you learn that Sheridan also happens to have a child

1 in common with Toby Armstrong?

2 A Absolutely, yes, ma'am.

3 Q You were able to verify that as part of your
4 investigation?

5 A Yes, ma'am.

6 Q Did you attempt to talk to Sheridan?

7 A I did, yes.

8 Q You made an appointment for her to come in; right?

9 A Yes, ma'am.

10 Q She didn't come into that appointment?

11 A Correct.

12 Q She stopped responding altogether; right?

13 A Yes, ma'am.

14 Q She never came in for an interview?

15 A She did not. After that first phone conversation we had,
16 she just never showed up, never talked with anyone.

17 Q She didn't come in in 2020; right?

18 A No, ma'am.

19 Q She didn't come in 2021?

20 A Correct.

21 Q She didn't come in in 2022.

22 A (No audible response.)

23 Q She didn't come in in 2023 or 2024 to speak with you;
24 correct?

25 A Correct, yes, ma'am.

1 Q Have you ever met with Sheridan Gantt as part of this
2 case?

3 A No, ma'am. The first time I met her was today.

4 Q And what about -- what about Andrea, **Minor's** mom? Did
5 she ever agree to talk to you?

6 A No, ma'am. Not to the best of my recollection, no.

7 Q What about **Minor's** grandmother? This is her trailer;
8 correct?

9 A Yes. If I remember, she had some pretty substantial
10 health issues, but no one ever spoke with her.

11 Q Did you ever try and talk to her?

12 A I think we did try to go over and speak with her, but we
13 never made contact with her.

14 Q What about her boyfriend?

15 A Was not aware of her boyfriend at the time.

16 Q So never talked to the boyfriend living in the house?
17 Never talked to him either?

18 A No. I don't recall her ever telling me that he lived in
19 the house.

20 Oh, wait. Are you talking about **Minor's** boyfriend
21 or --

22 Q I'm talking about the grandmother's boyfriend.

23 A No, no.

24 Q Andrea and Sheridan and Grandma and Grandma's boyfriend,
25 they wouldn't talk to you, but Toby did; right?

1 A Yes.

2 Q He spoke to you without a lawyer; correct?

3 A Yes.

4 Q He waived all of his rights and agreed to talk to you
5 about this case; correct?

6 A I didn't (indiscernible) him. So it was just over the
7 telephone. And, as you know, it's a misconception where, if
8 you have the right to walk away or you don't feel like you can
9 leave, I don't have to read you your rights. You're just
10 speaking casually pretty much at that point. So he did speak
11 with me, but I did explain that he didn't have to, and he
12 didn't have to have a lawyer unless he wanted one. So I
13 guess, yes, he spoke to me without a lawyer.

14 Q Did he cooperate with you in every way you asked him to?

15 A Yes.

16 Q And you also collected **Minor's** phone as part of this
17 case; correct?

18 A That's correct.

19 Q She agreed to let you search it?

20 A Yes.

21 Q Did you ever review the contents of that phone?

22 A I am certain I did, but like I said, that was a while
23 ago. We typically turn that in to our Internet Crimes Against
24 Children, which they specifically do data collection on that.

25 If you'd like me to tell you what was on there, I'd have

1 to take a second and review everything. But I don't know if
2 anything was located on that phone off the top of my head.

3 Q If there were texts on that phone that would indicate if
4 **Minor's** story wasn't true in whole or in part, would that
5 have affected your decision to pursue a warrant in this case?

6 A Well, I can't say what might have happened at that time.

7 Q You said you did go to the trailer; correct?

8 A We drove out to the trailer to confirm its jurisdiction,
9 yes.

10 Q But you --

11 A (Indiscernible) match anything, but I didn't go inside.

12 Q Didn't go inside and take a look?

13 A No.

14 Q So we didn't try to collect any sort of physical --
15 excuse me -- any sort of physical evidence from the home
16 itself?

17 A It was four years after the fact. I wasn't -- I don't
18 even know if I could have got a search warrant to go in that
19 much later, no.

20 Q What did try [verbatim]? Yeah.

21 A It wasn't necessary, based on studies that I had
22 received.

23 Q Did you ever speak to neighbors around the trailer from
24 around this time period?

25 A From what I remember correctly, there were not many

1 around there, but no, the answer would be no.

2 Q Did you ever speak to any teachers of **Minor's** from
3 around this time period?

4 A No.

5 Q Did you ever -- did you ever pull **Minor's** DSS records
6 from around this time period?

7 A I can't get the DSS records, to my knowledge.

8 Q Is it something you tried to do?

9 A I have a pretty good working relationship with DSS, and I
10 can't get the files.

11 Q My question was: Did you even attempt to do it?

12 A No.

13 Q Okay. Did you ever try and get any of her medical
14 records from around that time period that might back her story
15 up?

16 A No, ma'am.

17 Q You don't know if she ever had any trips to the doctor,
18 you know, anything that might match with that story?

19 A No, ma'am.

20 Q The same day that **Minor** initially came in, in December
21 of 2020, you did reach out to DSS; correct?

22 A I believe so.

23 Q And DSS got back to you about the case with Sheridan and
24 Toby's daughter; correct?

25 A Correct? Yes. I believe **Minor** is listed in there as a

1 sibling, so they're kind of tied together.

2 Q And you learned that DSS had been investigating Sheridan?

3 A That's correct, yes, ma'am.

4 Q And that Toby is the reason that DSS case was initiated?

5 A I don't think I was privy to the -- typically, it's an
6 anonymous person. I don't think I was privy to the
7 information that Toby was the one who disclosed or started
8 that investigation.

9 Q Are you privy to when that investigation began?

10 A They would have told me we have an investigation, yes.

11 Q Okay. Were you privy to when the daughter was removed
12 from Sheridan's custody? About when that might have been?

13 A I didn't ask.

14 Q Didn't ask?

15 A No, ma'am.

16 Q Did you learn that Sheridan had lost custody? Is that
17 something --

18 A Not until recently.

19 Q So we don't have any witness statements from anyone;
20 correct?

21 A Correct.

22 Q Didn't get any of those.

23 Didn't really talk to, it sounds like, anyone about the
24 facts in this case other than **Minor** and her aunt; correct?

25 A Correct.

1 Q And Toby; right?

2 A Yes, ma'am.

3 Q Didn't get any medical records, school records, DSS
4 records that could match any part of her story?

5 A Correct.

6 MS. KEPLEY: That's all the questions I have, Your Honor.

7 MR. GREGORY: Briefly, Your Honor.

8 THE COURT: Okay.

9 REDIRECT EXAMINATION

10 BY MR. GREGORY:

11 Q You referenced your report up there?

12 A Yes, sir.

13 Q How many pages is your report, the initial report?

14 A Four, I believe, sir.

15 Q And was that the way in which you memorialized your
16 conversation with Minor ?

17 A Yes, sir.

18 Q And did you do that accurately?

19 A Yes, sir.

20 Q Was it contemporaneously?

21 A Yes, sir.

22 Q Also, Minor's cell phone, it was dumped; correct?

23 A Yes. That's the word we used when we turned it in to our
24 investigator to download it. Yes, sir.

25 Q So downloaded.

1 And that investigator works for Greenville County
2 Sheriff's Office?

3 A That's correct, yes, sir.

4 Q And as the lead investigator of this case, would you have
5 received that download of the cell phone?

6 A Sometimes I do. Sometimes I just put it in Property &
7 Evidence. If I want to review it, I have to go pull out the
8 disk. But, typically, yes, they will let me know that it was
9 put into Property & Evidence.

10 Q And did you review anything?

11 A I'm certain I did, yes. Typically, in these types of
12 cases, typically I'll look for photos or videos and things
13 like that.

14 Q And did you find anything that changed the complexion of
15 this case?

16 A No, sir.

17 MR. GREGORY: I have no further questions, Your Honor.

18 THE COURT: Okay. Thank you, sir. You may step down.

19 THE WITNESS: Thank you, Judge.

20 THE COURT: Okay.

21 MS. SUSTAKOVITCH: Your Honor, may we briefly approach?

22 THE COURT: Okay.

23 BENCH CONFERENCE

24 (A bench conference was held off the record.)

25 [Open court resumes:]

1 THE COURT: All right. Mr. Foreman, ladies and gentlemen
2 of the jury, I've been told that the State has one more
3 witness, but is not -- the witness is not scheduled to be here
4 until noon. So I wish I had a big jigsaw puzzle for you.

5 I'll tell you what we could do is we could break early
6 for a lunch hour. Ask y'all to be back at 12:30.

7 Will that work for everybody?

8 JUROR: Yes, sir.

9 JUROR: Yes, sir.

10 THE COURT: Okay.

11 And as you -- you know, again, remember what I told you
12 last evening: Do not discuss the case. All right?

13 We'll see you at 12:30. Thank you.

14 (The jury exited the courtroom at 11:08 AM.)

15 THE BAILIFF: Judge, the jury is out of the room.

16 THE COURT: Thank you.

17 All right. Anything before we break? Do y'all have any
18 requests to charge? Anything you want to talk about here?

19 MS. KEPLEY: Your Honor, I -- maybe since we do have the
20 time, it's a good time to talk about settling the record for,
21 if Mr. Armstrong is to testify, what would come in and not
22 come in. I don't know what the State would plan to use as far
23 as his record.

24 Because I would also ask -- maybe it's a good time to do
25 it --

1 THE COURT: Yeah.

2 MS. KEPLEY: -- to put on the record his --

3 THE COURT: Yeah, I intend to do that.

4 Do you have anything, any impeachable offenses?

5 MS. SUSTAKOVITCH: Yes, sir. We have a trafficking.

6 We've got some drug convictions. One from 2005, possession of
7 meth. Also, the one that he's serving right now, trafficking
8 in crack or meth, that he's serving the 16 on.

9 THE COURT: Okay.

10 MS. KEPLEY: I don't think drug offenses would fall under
11 the impeachability, Your Honor.

12 THE COURT: Why not?

13 MS. KEPLEY: Well, I'd certainly have to go over the
14 rule, but I think it would have to go to certain category of
15 crimes, yeah, that express their character for truthfulness. I
16 don't think drug charges would fall under that.

17 MS. SUSTAKOVITCH: It's not just truthfulness, but it's a
18 ten-year time limit as far as under Rule 608 or 609. But,
19 these charges would be covered under that.

20 And then the charges for truth and veracity could be less
21 than ten years. We have shopliftings or other things like
22 that, but those could be brought in to impeach him if they
23 were a year old or two years old, but I don't see any of those
24 right now.

25 THE COURT: They can use the current drug charge.

1 MS. KEPLEY: The current drug shortage? Well, I would
2 just certainly object under 608 and 609.

3 THE COURT: Okay. Noted for the record.

4 MS. KEPLEY: Is there anything else they could, other
5 than the current drug charge?

6 MS. SUSTAKOVITCH: I mean, certainly if he -- is he going
7 to testify?

8 THE COURT: Well, we're going to -- you can't ask that.

9 MS. SUSTAKOVITCH: Okay. Your Honor, then certainly the
10 situation with Sheridan could be opened if they open the door
11 to that.

12 THE COURT: Okay. All right.

13 All right. Mr. Armstrong, would you stand for me and
14 raise your right hand.

15 TOBY ARMSTRONG

16 after having been duly sworn, was examined and testified
17 to as follows:

18 DEFENDANT'S RIGHTS

19 THE COURT: Okay. I want you to understand, you have an
20 absolute constitutional right to testify in your own defense.
21 You have an equal absolute constitutional right not to
22 testify, and it cannot be held against you.

23 Whether or not -- and you've heard what, if you testify,
24 they're going to be able to bring up to the jury the fact that
25 you have this conviction, okay, solely for the purpose of

1 credibility or believability.

2 Now, whether or not you testify is -- there are a lot of
3 factors that go into that and strategic -- theory of defense
4 has a lot to do with it and all that. And I suggest that you
5 -- and I'm sure you have -- counseled with your attorney to
6 determine the pros and cons of it. And I recommend that you
7 give great weight to what your attorney suggests.

8 But, in the end, it is your right -- your constitutional
9 right and no one else's. So it's your decision to make.

10 Okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You got any questions you want to ask me
13 about that?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Well, I'm going to let you think
16 about it. I mean, obviously, you're going to get a chance to
17 think about it, and we'll need to know, though, early this
18 afternoon what you're going to do. Okay?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right.

21 MS. SUSTAKOVITCH: Your Honor -- oh, I apologize.

22 There are a few other convictions that will qualify under
23 Rule 609 that my intrepid investigator has gotten.

24 It would be from 2016, possession of a weapon by a person
25 convicted of a crime of violence.

1 We've got April 2015, grand larceny.

2 We've got breaking into an automobile. That was a
3 conviction, April 7th, 2015.

4 And then contributing to the delinquency of a minor is
5 April 2015, the conviction; along with the possession of meth
6 that I mentioned earlier.

7 THE COURT: When is that?

8 MS. SUSTAKOVITCH: January 2016. These are all
9 certified.

10 And then trafficking methamphetamine, and that would be
11 June 12th, 2019.

12 THE COURT: Okay.

13 MS. KEPLEY: Your Honor, may I be heard on that?

14 THE COURT: Yeah. Go ahead.

15 MS. KEPLEY: I mean, 609 requires a balance under 403 of
16 whether it's probative versus whether it's prejudicial. I
17 would certainly ask the Court to consider -- almost all of
18 these seem very remote in time, about a decade ago, most of
19 them, except for, I guess, the most recent trafficking,
20 although trafficking charge, I'm not sure what bearing that
21 has as far as probative value in this case at all. And
22 certainly 609 would require some sort of 403 analysis from
23 Your Honor.

24 And I would say, under 403, these are all prejudicial and
25 offer really no probative value.

1 Oh, yeah, they're definitely prejudicial.

2 MS. SUSTAKOVITCH: Your Honor, my understanding is
3 Rule 609 is just that these would fall well within it and it
4 goes back ten years and these should be allowed to impeach
5 him.

6 THE COURT: Yeah, I think they're all qualified under the
7 rules. I do -- I am concerned about the contributing to the
8 delinquency of a minor. That may be a little too --

9 MS. SUSTAKOVITCH: The State's fine withdrawing that one.
10 I believe that Sheridan was actually the subject of a
11 minor in that case, so he wants -- yeah.

12 THE COURT: All right. You got the list. Okay?

13 All right. See y'all at 12:30.

14 MS. SUSTAKOVITCH: Your Honor, do you anticipate us going
15 into closings after -- or are we going to take a break or...

16 THE COURT: Well, I don't know what Mr. Armstrong's going
17 to do.

18 MS. SUSTAKOVITCH: Okay.

19 THE COURT: I mean, what, do you want to take a break --
20 if he does not testify, do you want to take a break? Is that
21 what you're asking?

22 MS. SUSTAKOVITCH: Just a short one would be --

23 THE COURT: Yeah, that's fine. Okay.

24 (A lunch recess was taken.)

25 THE COURT: How about it?

1 MS. SUSTAKOVITCH: Your Honor, one housekeeping note we
2 wanted to share. The date of conviction on three of these
3 prior convictions is one day off. It says April 7th, 2015,
4 and today is April 8th, 2025. So we are not going to do that.

5 For the grand larceny, the breaking into an automobile,
6 or the naturally contributing that we already decided. But I
7 did notice that one-day disparity, and we told Ms. Kepley
8 we're not going to try to use those to impeach.

9 THE COURT: You're right on top of it. Good.
10 Anything from the defense?

11 MS. KEPLEY: Nothing, Your Honor.

12 MS. SUSTAKOVITCH: Nothing from the State.

13 THE COURT: All right. You ready to roll?

14 MS. SUSTAKOVITCH: Yes, sir.

15 THE COURT: Okay. All right.

16 MS. KEPLEY: Oh, Your Honor --

17 THE COURT: See, never can --

18 MS. KEPLEY: Sorry. I'm sorry.

19 [Laughter in the courtroom.]

20 MOTION/MATTER OF LAW

21 MS. KEPLEY: One thing is, I believe the next witness is
22 Ms. Shauna Galloway-Williams. We would be doing a proffer.
23 We would ask for a proffer of her as an expert first.

24 THE COURT: Based on?

25 MS. KEPLEY: We would be objecting to her being qualified

1 as an expert.

2 MS. SUSTAKOVITCH: Do you want anything from me, Your
3 Honor? The State would just state that this is settled law in
4 South Carolina; that under State v. Jones and State v. Brown,
5 Ms. Galloway-Williams has been allowed to testify numerous
6 times.

7 The holding in State v. Brown is that the testimony of
8 the State's expert on child abuse dynamics and delayed
9 disclosures was not inadmissible because it was -- it was
10 outside the ordinary knowledge of the jury, and she didn't
11 improperly bolster. It goes on to basically say those two
12 cases -- one which is ten years old, State v. Brown -- that
13 it's settled law that, as a blind expert, she can come in and
14 testify as to the hallmarks of child sexual abuse.

15 She's never met with the victim. She's never read the
16 case, doesn't know anything about it. It's going to be very
17 brief and tight. Maybe, you know, a short six or seven
18 questions related to the hallmarks, and that's all the State's
19 doing, so...

20 THE COURT: She said she was going to object to her being
21 qualified as an expert.

22 MS. SUSTAKOVITCH: She's been qualified as an expert -- I
23 don't -- Ms. Kepley knows how many times she's been qualified
24 as an expert. I would ask --

25 THE COURT: She does?

1 You know that?

2 MS. KEPLEY: I am aware that she has been qualified as an
3 expert in the past, and I would certainly reserve the right to
4 challenge her qualifications as an expert.

5 THE COURT: Well, do you want to do it in the presence of
6 the jury or out of the presence of the jury?

7 MS. KEPLEY: I would like to do a proffer outside the
8 presence of the jury, and it will just be about her
9 qualifications as an expert, a brief proffer.

10 THE COURT: Okay.

11 THE BAILIFF: The jury is ready to go.

12 THE COURT: Well, send them back. Tell them we'll get
13 with them in a minute.

14 MS. SUSTAKOVITCH: Your Honor, the State calls Shauna
15 Galloway-Williams.

16 THE COURT: Okay.

17 THE CLERK: Please place your left hand on the Bible and
18 raise your right hand.

19 SHAUNA GALLOWAY-WILLIAMS

20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE CLERK: Thank you. Please take a seat. And state
23 your name for the record.

24 THE WITNESS: Shauna Galloway-Williams.

25 (PROFFERED) DIRECT EXAMINATION

1 BY MS. SUSTAKOVITCH:

2 Q Good afternoon, Ms. Galloway-Williams.

3 Where are you employed, ma'am?

4 A I'm the CEO of the Julie Valentine Center.

5 Q And how long have you been at the Julie Valentine Center?

6 A I've been an employee there since 2007. I've been in my
7 current role for going on 17 years now.

8 Q As the CEO?

9 A As the CEO, yes.

10 Q What is the Julie Valentine Center?

11 A We are the child abuse and sexual assault recovery center
12 that serves Greenville and Pickens County.

13 Q And what types of services does the Julie Valentine
14 Center provide?

15 A We provide 24-hour crisis intervention services through
16 our crisis program. We provide -- we're a nationally
17 accredited children's advocacy center so we provide forensic
18 interviews, medical exams, as well as counseling and family
19 advocacy. We also provide prevention and education services
20 in the community.

21 Q I want to spend a little time on your background,
22 education, and experience. Can you tell the Court where you
23 went to school, college, and --

24 A Sure. I have a bachelor's degree in psychology from
25 Winthrop University, and a master's degree in counseling from

1 Clemson University.

2 Q And when did you graduate?

3 A I graduated from Clemson University in 2000, so 25 years
4 ago.

5 Q Okay. And when did you get your master's?

6 A At Clemson. I graduated from Winthrop in 1996.

7 Q Okay. Tell the Court a bit about your training and
8 experience in the field of child sexual assault and abuse.

9 A So, in addition to having my master's, I also am licensed
10 as a professional counselor in the state of South Carolina,
11 which requires that I have continuing education each year.
12 Most of the continuing education and experience that I've had
13 since my master's degree has been in the area of child abuse
14 and sexual assault. I have well over 150 skills-based hours
15 of training specifically in responding to allegations of child
16 abuse and assault.

17 I'm also a faculty member on the South Carolina Child
18 First training team, and that's the team that trains forensic
19 interviews in South Carolina.

20 Q I believe you -- we had to work around your schedule
21 today. Are you teaching today?

22 A I am. I'm actually teaching. I'm also an adjunct
23 faculty member at USC Upstate in the Child Advocacy Studies
24 program. I teach one undergraduate course each semester.

25 Q And you're teaching that today?

1 A I am.

2 Q All right. What did you do prior to working for the
3 Julie Valentine Center?

4 A I worked for the Department of Mental Health, as well as
5 having my own private practice as a child and adolescent
6 therapist.

7 Q What are your formal licenses in?

8 A I'm a Licensed Professional Counselor in the state of
9 South Carolina.

10 Q Are you a member of any professional organizations or
11 affiliations?

12 A No, not currently.

13 Q Okay. You did talk about training classes and seminars.
14 Can you expound a little bit on that in the last, I don't
15 know, ten years. Have you attended many of those trainings
16 and taught many of those trainings?

17 A Yes. So given my license, I'm required to obtain I think
18 it's 29 hours each year, which I do obtain and usually exceed
19 that amount of training. And, again, I generally attend
20 trainings that are in the area of child abuse and sexual
21 assault.

22 I also teach, like I said, two undergraduate courses each
23 year, so one each semester, in the Child Advocacy Studies
24 program at USC Upstate. Currently, I'm teaching a course on
25 systems response to child maltreatment, and that's the course

1 I've been teaching for the past couple of years.

2 But, prior to that, I've taught Intro to Child
3 Maltreatment as well as a course on gender violence in
4 society. I've been on the faculty of South Carolina Child
5 First for over ten years. We train -- in South Carolina, we
6 train forensic interviewers through that program. And I also
7 provide state and local trainings as well.

8 Q How many years of experience do you have counseling
9 children where there's a concern of sexual assault or abuse?

10 A Over 25 years.

11 Q And how many children would you estimate or guesstimate
12 that you've seen over those 25 years where there's a concern
13 of sexual abuse or assault?

14 A Well over 1500.

15 Q How many children who are -- there's a concern of sexual
16 abuse does the Julie Valentine Center help every year?

17 A We serve 2200 individuals or more each year, and about
18 800 to 950 of those on average are children.

19 Q And are you trained in conducting forensic interviews?

20 A I am.

21 Q How many of those have you, over your 25 years,
22 conducted?

23 A I don't have an exact number, but I've conducted over
24 1500 forensic interviews.

25 Q As part of your duties as the CEO of the Julie Valentine

1 Center, do you stay current on issues where sexual abuse is
2 the concern and children being sexually abused is a concern?

3 A Yes.

4 Q And who do you provide these services for?

5 A We provide services to Greenville and Pickens County
6 residents.

7 Q All right. Are they schools, churches, organizations,
8 things like that?

9 A The -- the interviews that are conducted?

10 Q Yes.

11 A So those are children and families that reside in
12 Greenville or Pickens County. Most of those cases are
13 referred to us through law enforcement and/or Department of
14 Social Services if there's an investigation.

15 Q Are you involved in statewide initiatives that help South
16 Carolina better respond to situations where children are
17 sexually abused?

18 A Yes.

19 Q And have you presented at conferences related to that?

20 A Yes.

21 Q Are you familiar with the current research in the field
22 of child sexual abuse and dynamics?

23 A Yes.

24 Q Do you require your employees at the Julie Valentine
25 Center to be up to date on current research and best practices

1 and evidence-based approaches and methods dealing with
2 children who have been sexually abused?

3 A Yes.

4 Q Have you been qualified as an expert in child sexual
5 abuse dynamics?

6 A Yes.

7 Q Have you been qualified in the courts of this state?

8 A I have.

9 Q Which courts have you been qualified in?

10 A I've been qualified in this court, in the 13th Circuit.
11 I've also been qualified in other circuits across the state.
12 Do you need to know which ones?

13 Q No. Can you -- can you estimate how many times? Is it,
14 like, one time, two times, or --

15 A Oh, over 60 times I've been qualified.

16 Q In the area of child sexual abuse dynamics?

17 A Yes.

18 MS. SUSTAKOVICH: Your Honor, do we need more?

19 THE COURT: Of?

20 MS. SUSTAKOVICH: Does the Court need any more voir dire
21 on this witness?

22 THE COURT: Let's hear the cross-examination.

23 MS. SUSTAKOVICH: I can tell you, I'll put a little bit
24 more on the record.

25 BY MS. SUSTAKOVICH:

1 Q Have you testified regarding child sexual abuse dynamics?

2 A Yes.

3 Q And have you researched and have you read published
4 journals, trade publications, and the like in that topic?

5 A Yes.

6 Q And have the articles and principles in those
7 publications been subject to peer review?

8 A Yes.

9 Q Are the principles uniformly accepted and recognized in
10 the field of child sexual abuse professionals?

11 A Yes.

12 Q Are they reasonably relied on by professionals in the
13 field of child sexual abuse assessment and treatment?

14 A Yes.

15 Q And are counselors that you are supervisors -- or
16 supervisor over, do they rely on these principles when they're
17 treating children who have been sexually abused?

18 A Yes.

19 Q Does the Julie Valentine Center apply these principles
20 regarding children who have been sexually abused?

21 A Yes.

22 MS. SUSTAKOVICH: Your Honor, at this time, the State
23 would move to admit Ms. Galloway-Williams as an expert in
24 child sexual abuse dynamics.

25 MS. WIENCKE: Your Honor, I believe that Ms. Kepley

1 misspoke earlier. We were actually planning to object under
2 more grounds than just her qualifications, and so I would
3 prefer to hear a little more proffer of the substance of her
4 testimony before I cross-examine her.

5 THE COURT: Well, do you want to stipulate that she's
6 qualified as an expert?

7 MS. WIENCKE: I do not, Your Honor.

8 THE COURT: Well, do you want to voir dire her on her
9 qualifications? Because the motion has been made that I rule
10 that she is an expert.

11 MS. WIENCKE: I can voir dire her on her qualifications
12 and then we can --

13 THE COURT: Well, we haven't gotten into the substance of
14 her testimony. So you want to voir dire her on her
15 qualifications?

16 MS. WIENCKE: I do. I was --

17 THE COURT: Okay. Have at it. Go.

18 (VOIR DIRE) PROFFERED CROSS-EXAMINATION

19 BY MS. WIENCKE:

20 Q You mentioned that you have a bachelor's degree in
21 psychology; right?

22 A That's correct.

23 Q Bachelor's of Arts degree.

24 And you have a master's of education in counseling?

25 A Yes.

1 Q So you did take, presumably, classes in counseling as a
2 master's student?

3 A Yes.

4 Q Did you take any courses on research methods when you
5 were a master's student? Or statistics or something like
6 that?

7 A I think so. Again, I graduated 25 years ago. I'm sure I
8 had to take a course on maybe research methods or statistics,
9 but I'm certainly not an expert in research, and I don't -- I
10 don't do research.

11 Q Now, you have talked about -- or she mentioned child
12 abuse dynamics.

13 A Yes.

14 Q Will you define "child abuse dynamics"?

15 A Sure. They are the characteristics or -- associated with
16 child maltreatment. The child maltreatment can include
17 physical abuse, sexual abuse, neglect, witnessing domestic
18 violence. When we talk about dynamics, we talk about how
19 children might disclose or share information about abuse. We
20 talk about the definitions of those types of abuse, really
21 looking at the unique differences between how children respond
22 when they've been maltreated versus how -- how individuals
23 might believe children might respond because those tend to be
24 sort of incongruent ideas. So it really is something that,
25 unless someone has experienced it, sought out information

1 about it, there may be things about it that are misunderstood,
2 so it requires that explanation.

3 Q And when you speak about those dynamics, are you speaking
4 from a place of experience as someone who has worked with
5 these children, or are you speaking as someone who is familiar
6 with the published research in the field?

7 A (Indiscernible) that.

8 Q And the published research in the field, that's typically
9 going to be research studies; right?

10 A Yes. So there are studies that are provided -- different
11 types of studies in this area.

12 Q And what criteria do you use when you read a research
13 study to evaluate whether or not it's a valid study?

14 A I mean, generally when a study is peer-reviewed, that
15 sort of gives it a mark of distinction. If it's been
16 peer-reviewed, that means that it's gone through a process of
17 having been reviewed by others in the field.

18 Generally, if I -- as part of my education and training
19 as a faculty member of South Carolina Child First, we're
20 presented with up-to-date research and articles so that we
21 stay up to date as we are teaching other professionals.

22 And that program is part of a national organization, the
23 Zero Abuse Project. And so the articles that they share with
24 us are generally peer-reviewed articles.

25 Q And when you say "peer-reviewed," will you describe what

1 that means?

2 A Yes. So an article that's peer-reviewed would be one
3 that is presented as a piece of research. It's then -- before
4 it can be published, it's then read by others in the field who
5 are also experts in that particular area. And this is not
6 specific just to child abuse. I mean, they peer-review
7 articles in a variety of different fields.

8 And so when those articles are reviewed by those peers,
9 then, again, it's sort of giving it a stamp of approval or
10 going through a process of saying that this meets that
11 particular criteria for publication.

12 Q So when you read these studies, you are not actually
13 assessing whether or not they're valid yourself. If it's
14 peer-reviewed, it's valid to you; is that fair?

15 A Not necessarily, I mean, because there can be
16 peer-reviewed articles that might dispute a particular dynamic
17 of child abuse, or it may speak to a different opinion of
18 something than another peer-reviewed article might.

19 Q So research studies are performed, and then someone
20 writes an article. Research is typically only as valid as the
21 methodology behind it; would you agree with that?

22 A You know, I'm not a researcher, so I'm not really sure
23 what -- if you can restate that question and let me...

24 Q Well, you're not able to read an article and read --
25 there's always going to be a section on methodology -- read

1 that section and decide if the substance of that article is
2 valid or not based on the methodology used in performing the
3 study.

4 A And so your question to me is...

5 Q Is, are you able to read an article, with the methodology
6 section, and decide -- after you read the article and absorb
7 the methodology section -- whether or not the substance of
8 that article is valid?

9 A I am able to read an article and read the methodology
10 section and determine whether the substance of the article is
11 valid?

12 Q Yes.

13 A Okay. Yes.

14 Q Okay. So you do have some knowledge of research methods
15 and statistics?

16 A Yes.

17 Q Okay.

18 A I probably have more of that in my undergraduate program
19 than I did my graduate program.

20 Q Okay. Could you explain what a meta-analysis is?

21 A No, I'm not prepared to do that. Again, I'm not a
22 researcher. That's not really what I'm here to testify about.

23 Q So do you have any opinion on the difference between
24 statistical significance and practical significance?

25 A I don't have an opinion on that, no.

1 Q And you're not able to define effect size?

2 A I'm not here to testify about effect size for research.
3 That's just not my area of expertise.

4 Q And just to -- you're not a psychologist; right?

5 A I'm not.

6 Q Or a sociologist?

7 A I'm not.

8 Q You don't have a Ph.D.?

9 A I don't.

10 MS. WIENCKE: That is all the questions I have on her
11 qualifications.

12 THE COURT: Okay. Well, I'm going to qualify her as --
13 pursuant to the motion made by the State.

14 MS. WIENCKE: Can I put my argument on the record?

15 THE COURT: What argument is that?

16 MS. WIENCKE: About her qualifications.

17 THE COURT: Yeah. Put it on the record.

18 MS. WIENCKE: Your Honor, I was going to object. I am
19 objecting to her qualifications under the second prong of the
20 Watson test, the first prong being that the subject matter for
21 expert testimony has to be outside the knowledge of the jury.

22 The second prong is that the witness must be qualified.

23 The third prong is about the reliability of the substance
24 of the testimony.

25 Ms. Sustakovich mentioned earlier that State v. Brown has

1 found that she is qualified as an expert. I would argue with
2 that a little bit. State v. Brown found that the substance of
3 her testimony has been reliable. There was no argument about
4 her qualifications before the Court in State v. Brown. That
5 is mentioned briefly in the first footnote there, if I may
6 approach. It's Footnote 1.

7 And I would say that, if she's speaking just from her
8 experience as someone who has treated a lot of children, as
9 someone who has worked with a lot of children who have made
10 allegations of abuse, then that's one thing, but she says that
11 she is familiar with the research. She says that she is
12 familiar and keeps up to date with published research in the
13 field.

14 And I believe if that is how that's she's -- how she is
15 going to testify, then the Court should make an inquiry into
16 whether she actually knows and understands the research. The
17 studies are only as valid as the methodology behind them;
18 however, she has testified that she doesn't really understand
19 the methodology, she doesn't remember anything that she might
20 have learned in a statistics class or any methodology course
21 that she may have taken as an undergrad or graduate student,
22 and so she's not qualified to read the research and evaluate
23 whether or not that research is valid.

24 And like I said, she does have professional experience
25 working with kids who have made allegations of abuse, but I

1 don't believe that she has the professional experience working
2 with research or the education in research to testify as
3 someone who is held up to the jury as being both experienced
4 and familiar with the research in the field.

5 I believe that gives her -- that cloaks her in an
6 additional degree of importance to the jury, and I don't think
7 that's appropriate under 702.

8 MS. SUSTAKOVICH: Your Honor, if I may, just briefly --

9 THE COURT: Yes.

10 MS. SUSTAKOVICH: -- briefly could address this. And I
11 may be misunderstanding Ms. -- Wiencke?

12 MS. WIENCKE: Wiencke.

13 MS. SUSTAKOVICH: But Shauna Galloway-Williams is not
14 just here -- she's not here as a researcher. She stays up to
15 date; she's testified to that. But she's also talking about
16 25 years of experience in the field of child sexual abuse
17 dynamics. She's been qualified over 60-some times in the
18 courts of this state.

19 Her knowledge in this area is vast. And I can put on the
20 record many other cases, if Your Honor needs them:

21 State v. Weaverly, blind expert is okay.

22 State v. Morgan, talking about behavioral evidence.

23 State v. Henry, where you have a delayed disclosure
24 expert.

25 Ms. Galloway-Williams is speaking from her experience in

1 the field from knowledge and articles, but she's also speaking
2 from her experience in dealing with children where there's
3 child sexual abuse and being a teacher of classes and being
4 one of the foremost leaders in our state, actually, in this
5 area. So I think to make, I guess, an assertion that she's
6 not qualified in that area I think is a lie.

7 MS. WIENCKE: Your Honor, if I may respond. I think that
8 she can speak as someone with experience working with these
9 children, and if she wants to say that, "In my experience,
10 I've noticed this, I've noticed that," then that's -- that's
11 one thing. But if she's going to speak about being
12 knowledgeable about the research -- I know she's not a
13 researcher, but I don't think she's proved that she actually
14 has that knowledge and is capable of evaluating that research
15 in order to have that knowledge.

16 THE COURT: Okay. Anything else you need to put on the
17 record for your argument?

18 MS. WIENCKE: Not -- not for this.

19 THE COURT: Okay.

20 MS. WIENCKE: Thank you.

21 THE COURT: Well, I've ruled on her. She's qualified as
22 an expert.

23 MS. WIENCKE: Thank you. Your Honor --

24 THE COURT: Yes?

25 MS. WIENCKE: -- I had an objection also that would

1 pertain to the substance of the testimony.

2 THE COURT: Put it on the record.

3 MS. WIENCKE: Okay. In order to do that, I have to talk
4 about the facts of the case. Could Mr. Galloway-Williams be
5 excused just briefly -- very briefly?

6 THE COURT: What now?

7 MS. WIENCKE: Well, in order to make that objection, I
8 have to speak to facts that are in the record. And, as a
9 blind expert, she's not supposed to know those.

10 MS. SUSTAKOVICH: Your Honor, I don't know if this could
11 help facilitate this and move it along, but I can tell Your
12 Honor what we plan to elicit from Ms. Galloway-Williams.
13 She's testifying as to the hallmarks of child sexual abuse,
14 and I can just list off those couple of questions if that
15 helps us. I don't know. Whatever Your Honor wants to do.

16 THE COURT: Go ahead.

17 MS. SUSTAKOVICH: We're talking about delayed disclosure.
18 We're talking about is that common or uncommon.

19 We're talking about familial link with the abuser, is
20 that common or uncommon, how that affects the child's ability
21 to disclose.

22 We're talking about is it common or uncommon for a
23 perpetrator to be a family member, how that can affect a
24 child.

25 We're talking about different time spans of delayed

1 disclosure that she has seen in her training and experience.

2 Talking about piecemeal disclosure; a non-supportive
3 caregiver, how that can affect a child; threats, how children
4 perceive those threats. Do they perceive them as real?

5 Is it common for a child to still love the abuser?

6 And triggering events, is it common after a child has
7 been abused for there to be triggering events later in life
8 that can impact them?

9 And then we plan to ask her, "Have you ever met the
10 victim?" and "Have you ever read the files?" And that's what
11 we will ask her.

12 MS. WIENCKE: I do have -- Your Honor, I do have an
13 objection under 702 about at least one of those areas, and I
14 do have to refer to facts that are in evidence in order to
15 make that objection. If she could just be excused for just --

16 THE COURT: Well, we're going to excuse her, and then
17 we're going to -- you can make your argument, and then we're
18 going to call the jury, and we're going to proceed.

19 Ms. Galloway-Williams, if you would...

20 MS. WIENCKE: Thank you, Your Honor.

21 (Ms. Galloway-Williams exits the courtroom.)

22 THE COURT: Okay.

23 MS. WIENCKE: Your Honor, under 702, the evidence has to
24 assist the trier of fact to determine the fact at issue.
25 Specifically with delayed disclosure, there has been testimony

1 from the victim that she disclosed to her sister a matter of
2 hours the next day. I believe she said something around
3 6:00 AM after this happened. There is no delayed disclosure
4 in that instance.

5 So I would argue that any testimony about delayed
6 disclosure is not relevant and is not going to assist the
7 trier of fact in making any decisions about this case.

8 MS. SUSTAKOVICH: What Ms. Galloway-Williams will testify
9 to is that delayed disclosure is a term most commonly used
10 when a child is disclosing to a trusted adult.

11 Ms. -- I apologize -- Wiencke. I apologize.
12 Ms. Wiencke, I think, is misunderstanding that term and what
13 it means, but Ms. Galloway-Williams is going to testify to
14 that. The facts in this case are that the child -- the
15 16-year-old did not disclose to a trusted adult, Angie, until
16 she was 16 years of age. She gave a partial little disclosure
17 that day, that next morning, which we heard her sister
18 Sheridan talk about when they had the confrontation with this
19 defendant.

20 But, Ms. Galloway-Williams is going to talk about how
21 that generally is a trusted grown-up or adult. And certainly
22 she can ask those questions of her.

23 THE COURT: Okay. All right.

24 MS. WIENCKE: And if I may briefly put on the record that
25 I do think that this meets the -- since the credibility of the

1 victim is the only thing at issue here, I do think that this
2 could be improper bolstering under Kromah.

3 Again, I'm just making a record here.

4 THE COURT: Sure.

5 MS. WIENCKE: And that -- also for the same --
6 essentially the same reasons that I wanted to exclude her
7 based on her qualifications. I think that that could make her
8 testimony unreliable under the third prong of the Watson test.

9 And, finally -- that I believe that a 403 (indiscernible)
10 under 702 that the substance of her testimony -- again,
11 because the credibility of the victim is the only thing at
12 issue here -- is far more prejudicial to the defendant than it
13 is probative to the case.

14 THE COURT: Okay. Thank you.

15 All right. Let's call this -- let's bring the jury.

16 THE BAILIFF: Jury's at the door.

17 (The jury entered the courtroom at 1:34 PM.)

18 THE COURT: Okay. All right, ladies and gentlemen.
19 Welcome back. Thank you for your patience. We have a couple
20 of issues we had to deal with, and we are ready to proceed.
21 All right.

22 MS. SUSTAKOVICH: Thank you, Your Honor. May it please
23 the Court.

24 The State calls Shauna Galloway-Williams.

25 THE CLERK: Please place your left hand on the Bible and

1 raise your right hand.

2 SHAUNA GALLOWAY-WILLIAMS,

3 after having been duly sworn, was examined and testified
4 to as follows:

5 THE CLERK: Please take a seat, and state your name for
6 the record.

7 THE WITNESS: Shauna Galloway-Williams.

8 DIRECT EXAMINATION

9 BY MS. SUSTAKOVICH:

10 Q Good afternoon, Ms. Galloway-Williams.

11 Where are you employed, ma'am?

12 A I'm the CEO of the Julie Valentine Center.

13 Q And how long have you been the CEO of the Julie Valentine
14 Center?

15 A I've been in that role going on 17 years, but I've been
16 employed by the Center since 2007.

17 Q Can you tell the jury a little bit about your experience
18 at the Julie Valentine Center, the different hats that you've
19 worn there.

20 A Sure. In 2007 -- well, prior to 2007, I was employed by
21 the Department of Mental Health and had a private practice,
22 and I provided contract forensic interviews for the Center
23 before coming on as their clinical director in 2007. I served
24 as clinical director until 2009, when I became the executive
25 director or now CEO of the Center.

1 Q Okay. And tell them a little bit more about what the
2 Julie Valentine Center is.

3 A We are the child abuse and sexual assault recovery center
4 that serves Greenville and Pickens County. We provide 24-hour
5 crisis intervention services through our rape crisis program.
6 That means we answer the hotline or go to the emergency room
7 if someone has been assaulted.

8 We also are a nationally accredited children's advocacy
9 center, so we provide forensic interviews, forensic medical
10 exams, and family advocacy for children and families that have
11 been involved in allegations of some type of child
12 maltreatment.

13 And we also provide prevention education programming in
14 the community as well as statewide and nationally.

15 Q And just briefly, since you mentioned it, forensic
16 interviews, are those normally for children under the age of
17 12?

18 A Yes.

19 Q Okay. And what is that anyway?

20 A A forensic interview? They are investigative interviews
21 that are conducted at children's advocacy centers like the
22 Julie Valentine Center. They are conducted by trained
23 interviewers who have, at a minimum, gone through at least a
24 40-hour nationally recognized training program.

25 Those interviews are really treated as evidence

1 collection, gathering the child's statement at the interview.

2 Q And over the age of 12, those are often done by officers
3 in the field, things like that?

4 A Yes. Often, with teenagers, they may not come in for
5 interviews.

6 Q All right. Going back to your training, can you tell the
7 jury about your background education-wise? Where did you go
8 to college?

9 A I have a bachelor's degree in psychology from Winthrop
10 University. I graduated in 1996. I have a master's degree in
11 counseling from Clemson University and graduated from there in
12 2000, so 25 years ago.

13 I also have a license as a professional counselor in the
14 state of South Carolina.

15 Q How long have you had that licensure?

16 A I completed my licensure in 2004.

17 Q And, again, that was -- what was the licensure in?

18 A I'm a Licensed Professional Counselor in the state of
19 South Carolina.

20 Q Do you attend -- excuse me.

21 Do you attend continuing education classes and courses
22 and seminars?

23 A Yes. As part of licensure, that's a requirement. At
24 minimum, 29 hours of continuing education each year. Most of
25 my postgraduate training has been specifically in the area of

1 child abuse and sexual assault.

2 Q Now, have you done personally the training yourself?

3 Have you taught some of these seminars and courses?

4 A Yes. I'm an adjunct faculty member at USC Upstate in
5 Child Advocacy Studies program. So I teach one undergraduate
6 course per semester in that program. Currently, I'm teaching
7 a course on systems responses to child maltreatment.

8 I also have been on the faculty of South Carolina Child
9 First, which is the forensic interview training program, for
10 over ten years.

11 In addition to that, I provide training locally,
12 statewide and nationally, at conferences.

13 Q Okay. And on this very day, are you teaching a class?

14 A I am. I'm scheduled to teach in Spartanburg this
15 afternoon.

16 Q All right. How many years have you been teaching
17 seminars?

18 A Gosh, I've been providing training probably as long as
19 I've been conducting interviews. So at least 20-plus years.
20 21 years or more.

21 Q How many years of experience do you have where you've
22 counseled child victims where there's a concern of sexual
23 abuse or assault?

24 A 25-plus years.

25 Q And if you had to estimate, how many children have you

1 seen where there's been an allegation of sexual abuse in your
2 25 years?

3 A Well over 1500.

4 Q How many children are seen by the Julie Valentine Center
5 each year?

6 A Somewhere between 850 to 950 is the annual -- or that's
7 been the average over the past five years or so.

8 Q Are you involved, Ms. Galloway-Williams, in any statewide
9 initiatives to help South Carolina better respond where
10 there's a concern of sexual abuse?

11 A Yes.

12 Q I'm a part of the South Carolina Coalition Against
13 Domestic Violence and Sexual Assault -- I'm a former board
14 member for that organization -- as well as the South Carolina
15 Network of Children's Advocacy Centers. And I was formerly
16 involved in Silent Tears, which was a statewide project to
17 support organizations in South Carolina.

18 Q And have you been involved in any national initiatives in
19 the area of child sexual abuse and assault?

20 A I provided training and have worked very closely with the
21 Zero Abuse Project, formerly the National Child Protection
22 Training Center, in different capacities of providing training
23 and education.

24 Q What state is that National Child Protection Agency?

25 A Well, now it's the Zero Abuse Project, and they're out of

1 Minnesota.

2 Q Are you familiar with current research in the field of
3 child sexual abuse and child abuse dynamics?

4 A Yes.

5 Q And are your employees up to date -- that you manage --
6 in the current research and best practices and best approaches
7 to dealing with children when there's a concern of sexual
8 abuse?

9 A Yes.

10 Q Have you, Ms. Galloway-Williams, been qualified as an
11 expert in the area of child sexual abuse dynamics?

12 A Yes.

13 Q And how many times have you been qualified as an expert
14 in that area?

15 A Over 60 times.

16 Q Which courts have you been qualified as an expert?

17 A In the circuit courts of South Carolina, all across the
18 state.

19 Q Have you been also qualified in the Family Courts of
20 South Carolina?

21 A I have.

22 Q Can you tell the jury what your understanding is, the
23 purpose of you being here today to testify?

24 A To provide education and information about the dynamics
25 of child maltreatment, specifically child sexual abuse.

1 Q And have you testified in the past as -- we call it a
2 blind expert -- in the area of child sexual abuse dynamics?

3 A I have.

4 Q And when we use the term "blind expert," what does that
5 mean?

6 A That means that I haven't reviewed any records or
7 reports. I really come into the courtroom today without any
8 information about this case other than the name of the
9 defendant and the name of the victim.

10 Q Okay. And have I spoken with you about the facts of this
11 case or anything related to it?

12 A No.

13 Q So, I want to go back to in the area of child sexual
14 abuse dynamics. Are there published professional journals and
15 trade publications and the like that you stay up to -- that
16 you are current on?

17 A Yes.

18 Q And are they subject to peer review?

19 A Yes.

20 Q And are the principals in those journals and publications
21 accepted and recognized in the field that you're in, child
22 sexual abuse dynamics?

23 A Yes.

24 MS. SUSTAKOVITCH: Your Honor, at this time, the State
25 moves to admit Ms. Galloway-Williams as an expert in the area

1 of child sexual abuse dynamics.

2 THE COURT: All right. Anything from the defense?

3 MS. KEPLEY: Other than to renew our previous objection,
4 Your Honor.

5 THE COURT: Okay. All right. Well, I am going to
6 qualify her in that field.

7 Go ahead.

8 BY MS. SUSTAKOVITCH:

9 Q All right. Ms. Galloway-Williams, I want to talk to you
10 about the term "delayed reporting." In your field, what does
11 "delayed reporting" mean?

12 A So delayed reporting or delayed disclosure refers to when
13 a child does not tell about an incident of abuse right away.
14 That can be days, weeks, years. Many adults live into their
15 adult life without ever having told anyone as a child.

16 The delay, there's not a specific time frame around that,
17 but, generally, we think about that in terms of the time delay
18 between the time that the incident may have occurred and the
19 first opportunity that a child might have to tell a safe adult
20 about what has happened.

21 Q And why is it important when you say "a safe adult" when
22 a child is disclosing that type of abuse? Why is it important
23 to tell a safe adult?

24 A Well, I mean, children may tell, you know, a safe friend
25 or a safe peer. We generally say "safe adult" or I think

1 about safe adults because the likelihood is maybe higher that
2 the adult might be able to do something about the disclosure
3 the child has made. The adult may report that. They may
4 respond appropriately to the disclosure that the child has
5 made.

6 Q Is it common or uncommon if children disclose to other
7 kids that they don't necessarily respond in the appropriate
8 way, meaning getting help from law enforcement and things like
9 that?

10 A Yes. Sometimes adults don't know what to do when a child
11 discloses to them. When children receive this kind of
12 information from their peers, they often don't know what to do
13 with that information either.

14 Children also often tell their peers. When they share
15 this information, they might say, "Don't tell someone" or
16 "Don't tell anybody that I told you this." And for many
17 children that -- that trust and that have loyalty to -- to
18 their peer really means something to them.

19 And so, you know, my experience, I've seen children share
20 information with each other and keep that to themselves just
21 because of that loyalty with each other.

22 Q And just a little bit more on delayed disclosure. In
23 your training and experience of 25 years, what are the
24 different intervals that you've seen with somebody waiting to
25 tell a trusted adult?

1 A Yeah. Again, sometimes children -- it's days, weeks,
2 years. Many of the adults that we treat at the Julie
3 Valentine Center are telling our counselors or our advocates
4 for the very first time about abuse that they may have
5 experienced as children. So we know that many adults live
6 into their adult lives without ever having told. So that time
7 frame can be, you know, as short as a couple of days, but it
8 also can be for many, many years.

9 Q I want to talk about the link -- the familial link with
10 the victim and the abuser. Is it common, in your experience,
11 or uncommon, for children to be abused by someone in a
12 position of authority or in a familial link to that victim?

13 A Most children are abused by someone they know, they love,
14 and they trust, which is one of the main reasons why children
15 don't report right away. They may -- that person that they
16 know, love, and trust may be a family member, it may be a
17 family friend. It could be a teacher, a coach, someone that
18 has developed a trusting relationship with this child. And
19 one of the reasons why children often don't tell is because of
20 the dynamics of that relationship.

21 A child can have a close and loving relationship to
22 someone that is also doing something to them that they don't
23 like, and that can be a family member. It can be a family
24 friend. It can be someone who is in a position of authority.

25 And when we're talking about adults and children, adults

1 always are in a higher position of power than the child is.

2 Q All right. Based on your training and experience, what
3 factors could ultimately encourage a child to report to a
4 trusted adult that they've been sexually abused?

5 A When we talk about disclosure, we talk about that being a
6 process, and there are different types of disclosures. So
7 sometimes children purposefully disclose. They make a
8 conscious decision that they want to tell someone about what's
9 happened. And that may be because sometimes children have
10 participated in educational programming that teaches them
11 about how to tell someone and who to tell if something like
12 this happens.

13 Sometimes children disclose because they have had some
14 time and distance away from the person that has done this to
15 them and they now may feel safe to disclose that.

16 Sometimes children disclose because they fear this
17 proximity or closer proximity to this person. They may fear
18 that they're going to see this person again or be around them,
19 and they don't want that to happen. So sometimes that may be
20 a reason for disclosing.

21 Children also may disclose sometimes to protect others.
22 They might find out or fear that the person that's done this
23 to them may also be doing this to someone else that they also
24 love and trust.

25 And when children make the purposeful effort to do that,

1 we call that a purposeful disclosure.

2 Then there are also accidental disclosures. Those are
3 disclosures where the child hasn't made an intentional effort
4 to tell someone, but maybe someone has overheard a
5 conversation, seen a text message, found a journal or a note,
6 and then the adults or others in their life inquire about that
7 and the child then discloses to them.

8 Q Does a child's home environment, whether it's chaotic or
9 whether it's healthy, those type of things, do those sometimes
10 impact whether a child will feel safe to disclose?

11 A Yes.

12 Q And can you elaborate on that why?

13 A Yeah. So, you know, if the abuse is happening within a
14 chaotic environment like that, their disclosure may be
15 dependent on that. Do they feel that, you know, by telling
16 that they in some way are going to impact that chaos and
17 create some kind of calm or safety or maybe they feel that
18 they can't say anything because they're in a chaotic
19 situation. It can really kind of go either way in those
20 particular scenarios.

21 Q And does a child being in a new environment that could be
22 healthier and safer change whether a child might disclose?

23 A So that would be kind of like what I was referring to
24 earlier, when a child maybe has some distance and time in a
25 safe space. And that may be some distance and time away from

1 the person that may have been doing this to them, and they may
2 feel safe enough to tell someone. They may be, you know,
3 around trusted individuals that they can tell.

4 Q Is it common or uncommon for a perpetrator to threaten a
5 child and -- with disclosing abuse once they've abused them?

6 A So when we talk about the other reasons why children may
7 delay disclosure or not tell, threats and fear are one of
8 those reasons why they wouldn't tell. They fear -- they may
9 fear consequences. They may fear what's going to happen to
10 them, what's going to happen to the person that's doing this
11 to them because they likely have a trusting, loving
12 relationship with that person as well.

13 They may have been threatened. They may have been told
14 that, if you tell, these things will happen. And those
15 threats can be threats -- threats of harm to the individual,
16 they can be threats of harm to other family members, they can
17 be threats of change.

18 You know, sometimes children are told, if you tell, you
19 won't be able to see so-and-so, or if you tell, you won't be
20 able to see me. The kind of threats that -- that are made are
21 those kind that would, you know, encourage a child not to tell
22 about what's happening would create fear around the
23 consequences of their telling.

24 Q How do children perceive threats like that? Do they
25 perceive them as real?

1 A Yes. They absolutely perceive these threats as real.
2 And sometimes, you know, these threats may have already been
3 realized. You know, the threat may have been made about one
4 of those things and the consequence or reality of one of those
5 threats may have already happened, and then they're going to
6 believe additional threats would also follow in that same
7 path.

8 Q Is it common or uncommon for a child that's suffered
9 abuse to have triggering events in their life that bring them
10 back to the abuse?

11 A Yes. Abuse -- sexual abuse in particular -- is a
12 traumatic event. And when we experience trauma, we -- there
13 are certain ways that we re-experience that after the
14 traumatic event is over.

15 And one of the ways or a couple of the ways that might
16 happen is through triggering events. And what that means is,
17 when you have been through a traumatic experience, you often
18 are going to remember sensory experiences about that: What
19 things smelled like, what things felt like. The way that you
20 remember it may not be in the exact sequence of events. You
21 may not remember every single detail, but there may be
22 specific sensory things that you do remember.

23 And so a triggering event might be -- an example might be
24 smelling a particular smell. In particular, cologne or a
25 particular type of alcohol or cigarette smoke may trigger a

1 memory. It may have absolutely -- you know, you may be in a
2 room, smelled the smell, you're not anywhere near the person
3 that is associated with this memory or the place, but you
4 smell that and it puts you back in that situation.

5 That can happen with good memories, too, but with trauma,
6 there are certain things like that that -- we remember things
7 in sort of what we call flashbulb moments. And so, again, you
8 may not remember the exact sequence of events and every single
9 detail, but there may be certain things that are impactful.

10 And sometimes those things are not conscious memories.
11 They're sensory memories. So you may not even be aware that
12 you've retained that as a memory until it comes up for you.

13 Q And is it common or uncommon to have a visceral reaction
14 when that triggering event can happen?

15 A Yeah. So the reaction to that can be quite stressful or
16 difficult, particularly if you're unaware that -- you know,
17 why or how you're responding to it, or if it's the first time
18 that's been experienced or, you know, if you're
19 re-experiencing it over and over again, it can be very
20 challenging.

21 Q Ms. Galloway-Williams, just to clarify, have you ever met
22 the victim in this case, Minor [REDACTED] ?

23 A I have not.

24 Q Do you know who she is?

25 A I do not.

1 Q Do you know this defendant, Toby Armstrong?

2 A I do not.

3 Q Do you know anything about this case?

4 A I do not.

5 Q Okay. Please answer any questions defense counsel has.

6 CROSS-EXAMINATION

7 BY MS. WIENCKE:

8 Q Good afternoon. You mentioned you testified in circuit
9 court how many times?

10 A Over 60 times.

11 Q Over 60 times.

12 Have you ever testified for the defense?

13 A I have not.

14 Q The Julie Valentine Center is a child advocacy center;
15 right?

16 A Rape crisis and child advocacy center.

17 Q And child advocacy centers exist all over the country at
18 this point; right?

19 A That's correct.

20 Q The first one, I believe, was founded in 1985; is that
21 right?

22 A Yes. Huntsville, Alabama.

23 Q And it was founded by a prosecutor, wasn't it?

24 A Bud Cramer, yes.

25 Q And the purpose of a child advocacy center is to address

1 abuse -- abuse of children with -- I believe you call it -- is
2 it a multidisciplinary team?

3 A Yes. To provide a coordinated response to allegations
4 and investigations of child maltreatment.

5 Q And that team, does that -- does that typically include a
6 forensic interviewer and DSS?

7 A Yeah. The multidisciplinary -- the core
8 multidisciplinary team includes child advocacy center team,
9 which would include forensic interviewers, forensic medical
10 team. That might also include Department of Social Services
11 or Child Protective Services; law enforcement, if law
12 enforcement is involved; prosecution, if prosecution is
13 involved; mental health providers, which could also include --
14 also could include school professionals, anyone who might be
15 involved with the investigation of a child maltreatment case.

16 Q And talking about forensic interviews very briefly, those
17 are typically recorded; right?

18 A They're always -- they're always recorded. At the Julie
19 Valentine Center, we're always recording.

20 Q Because the purpose is to -- kind of -- it's kind of a
21 fact-finding mission, right, for this team -- this
22 multidisciplinary team?

23 A I wouldn't describe it as a fact-finding mission. It's
24 an investigative interview.

25 Q It's important to record them so that you know if maybe

1 leading questions were asked or if any information might have
2 accidentally been put in the child's head or something?

3 A One of the main reasons for recording it is to preserve
4 it as evidence, because that's the child's statement. It's
5 just that. And to record it at the time the child is making
6 that statement because, when the child makes that statement,
7 there might be years that pass before that interview might
8 ever be seen in a courtroom or seen by anyone else.

9 Q So it is important to preserve that interview.

10 A Yes.

11 Q Now, your experience is in treating kids and working with
12 children who've made allegations of abuse; correct?

13 A My experience is in child abuse and sexual assault, yes,
14 with children and adults.

15 Q And performing forensic interviews?

16 A Yes.

17 Q And running the Julie Valentine Center?

18 A Yes.

19 Q But you're not -- you're not a psychologist, are you?

20 A I'm not a psychologist.

21 Q Or a psychiatrist?

22 A I'm not a psychiatrist.

23 Q Or a researcher?

24 A Not a researcher.

25 Q And when we see allegations of abuse -- you've spoken

1 about, I believe, a loving relationship that might exist
2 sometimes between an abuser and someone that's abused. Is
3 grooming sometimes part of that relationship?

4 A Yes.

5 Q Can you talk a little bit about grooming?

6 A Sure. Grooming is what we refer to as that process of
7 developing a trusting relationship with a child, with the
8 intent of encouraging that child to keep secrets or to not
9 tell. And grooming can look like giving a child gifts. That
10 can be gifts -- tangible gifts. It could be money, phones.
11 It could be the gift of time and attention. For some kids,
12 the grooming is just that: attention and time with that
13 individual.

14 Grooming can also be introducing a child or normalizing
15 sexual behavior with a child. So it might look like
16 introducing a child to sexual jokes, magazines, pictures,
17 even behaviors in what might appear as a normal situation in
18 an effort to really get that child comfortable with that type
19 of behavior.

20 Q And the factors that you spoke about on direct,
21 including delayed disclosure, triggering events, things like
22 that, are any of these factors -- does the presence of any of
23 these factors indicate that abuse definitely occurred?

24 A So child abuse dynamics are not diagnostic for abuse. So
25 what I mean by that is we're not going through a checklist and

1 saying, if the child has had this or this, or this happened,
2 then they've been abused. It's just not that simple.

3 So, no, the dynamics that I've described are not
4 diagnostic for abuse.

5 Q And false disclosures have happened before; right?

6 A Yes.

7 Q And you have no idea if any of the allegations made in
8 court today are true or not?

9 A I do not.

10 MS. WIENCKE: Okay. Just one moment, Your Honor.

11 No further questions.

12 MS. SUSTAKOVITCH: Very briefly.

13 REDIRECT EXAMINATION

14 BY MS. SUSTAKOVITCH:

15 Q Ms. Galloway-Williams, point of clarification: For the
16 forensic interview at the Julie Valentine Center, you only do
17 those for children under what age?

18 A So we will do interviews with children up to 18 -- from 3
19 to 18. Generally, the children that we see are under the age
20 of 12 or 13. It depends on who's referring the children to
21 us.

22 Q And I believe you testified earlier, but is it very
23 common, when you have a teenager -- a 16-year-old,
24 17-year-old, whatever age -- that the officer would take a
25 statement from them instead of having a forensic interview?

1 A Yes, that is common.

2 Q Okay. And so the forensic interviews tend to be for
3 younger children in a child-friendly environment where they
4 can open up more easily; correct?

5 A Yes.

6 Q Thank you. No further questions.

7 THE COURT: All right. Thank you, ma'am. You may step
8 down.

9 MS. SUSTAKOVITCH: Your Honor, may this witness be
10 excused?

11 MS. WIENCKE: No objection.

12 THE COURT: Okay.

13 Call your next witness.

14 MS. SUSTAKOVITCH: Your Honor, at this time, the State
15 rests.

16 THE COURT: Okay. Ladies and gentlemen, I forgot to tell
17 you-all that, from time to time during trials, we need to take
18 matters up outside of your presence. Not trying to hide
19 anything from you, but that's how this system works.

20 And this is one of those times. So we'll take a short
21 break. Please don't discuss the case. Get back with you very
22 shortly.

23 (The jury exited the courtroom at 1:34 PM.)

24 THE BAILIFF: The jury's out of the room.

25 THE COURT: Thank you.

1 Any motions?

2 MS. KEPLEY: Yes, Your Honor. At this time, the defense
3 would move for a Motion for a Directed Verdict on the grounds
4 of certainly a lack of any evidence other than the testimony
5 of Minor [REDACTED].

6 THE COURT: Okay. I'm going to deny that.

7 I know you're also going to move to renew all your prior
8 motions.

9 MS. KEPLEY: Yes. Yes, Your Honor, of course.

10 THE COURT: And the ruling remains the same on those.

11 MS. KEPLEY: Thank you.

12 THE COURT: Mr. Armstrong?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you made a decision, or do you need a
15 few more minutes to talk with your lawyer?

16 THE DEFENDANT: I made the decision.

17 THE COURT: I couldn't hear you.

18 THE DEFENDANT: I made the decision.

19 THE COURT: And that is?

20 THE DEFENDANT: I'm testifying.

21 THE COURT: What?

22 THE DEFENDANT: I'm testifying.

23 THE COURT: You're going to testify. Okay. Very good.

24 All right. Well, we will just -- since the jury's out,
25 they're going to need a few minutes. We'll take just a

1 ten-minute break or so. Okay?

2 (A recess was taken.)

3 THE COURT: Are you ready?

4 MS. KEPLEY: Ready, Your Honor.

5 THE COURT: All right.

6 MS. SUSTAKOVITCH: Yes, sir.

7 (The jury enters the courtroom.)

8 THE BAILIFF: Judge, jury is ready to come in.

9 THE COURT: Okay. All right. Welcome back.
10 From the defense?

11 MS. KEPLEY: The defense calls Toby Armstrong.

12 THE COURT: Please place your left hand on the Bible and
13 raise your right hand.

14 TOBY ARMSTRONG,

15 after having been duly sworn, was examined and testified
16 to as follows:

17 THE CLERK: Thank you. Please take a seat. And state
18 your name for the record.

19 THE DEFENDANT: Toby Armstrong.

20 DIRECT EXAMINATION

21 BY MS. KEPLEY:

22 Q Good afternoon, Mr. Armstrong.

23 A Good afternoon.

24 Q Are you a little nervous?

25 A No, not really.

1 Q Make sure -- I know you're a little soft spoken. Make
2 sure you're speaking into that mic for me. Okay?

3 I'm going to start at the top. The big important
4 question here: Did you ever touch **Minor** sexually?

5 A No, ma'am.

6 Q I'm sorry. What was that?

7 A No, ma'am.

8 Q No?

9 Is there any way you were so drunk that you --

10 A No, ma'am.

11 Q -- may have misremembered touching her sexually?

12 A No, ma'am.

13 Q Did you ever apologize to anyone?

14 A No, I did not.

15 Q Were you ever really alone with **Minor** ever?

16 A Not like that, no.

17 Q Okay. Now, I want to -- just to get that out of the way.

18 I want to go back, and I want to talk about your
19 relationship with Ms. Andrea Hines. Do you remember when you
20 started dating her?

21 A Roughly around 2013 maybe.

22 Q And how did you meet Andrea?

23 A I lived right up the street from her at the time.

24 Q At what point when you were dating did you ever move in
25 together?

1 A I think it was in maybe '14, 2015. It was only like
2 maybe six to eight months or something like that.

3 Q Six to eight months when you were dating or when you --
4 or how long you were living together?

5 A How long we were living together.

6 Q Okay. And during those six to eight months, where were
7 you living?

8 A I think we stayed there at the house at [REDACTED], the mobile
9 home. I think we stayed there for maybe six months.

10 Q And whose home was that?

11 A That was Shelby. Andrea's mother.

12 Q And who else lived there during that time period?

13 A Shelby, her boyfriend. Andrea. Sheridan. **Minor**.
14 Courtney was there for a short time.

15 Q And what was your relationship with Andrea like during
16 this time?

17 A It was kind of rough and rocky.

18 Q Is that why it didn't last very long?

19 A (No audible response.)

20 Q When did you first meet **Minor** ?

21 A It was when they came back from where they were from the
22 summer. Grandparents or something.

23 Q What was your first meeting with her like?

24 A You know, I wasn't really paying that much attention.

25 You know what I'm saying? I mean, she introduced me -- you

1 know, introduction to the family or whatever -- you know what
2 I'm saying -- to her kids or whatever, you know, at the time.
3 That was about it.

4 Q Did you really ever spend time with Andrea's kids?

5 A Not really. You know what I'm saying? Not other than
6 anything unusual. You know what I'm saying? Like...

7 Q And what -- what kind of kid was **Minor**? What was
8 her --

9 A **Minor** was a good kid. Very good kid. She loved
10 school. She loved church every Sunday and went to church on
11 Sunday and didn't lie. Always tell the truth.

12 Q How did you -- how did you get along with **Minor**?

13 A I got along with **Minor** good. I got along with her as
14 long as -- as well as the rest of the kids.

15 Q You said this was Shelby's trailer; correct?

16 A Yes.

17 Q Was Shelby typically always there? Was she out and
18 about?

19 A She was always there. She hardly ever left home. She
20 slept most days and stayed up most nights -- almost every
21 night watching QVC, ordering stuff off of QVC. She had
22 packages coming there all the time. That's her thing.

23 Q And was she alone at night staying up or --

24 A No. No. Not always. You know, when a boyfriend stayed,
25 he was there, but he was sort of bouncing back and forth a

1 little, I guess you'd say.

2 Q Did the girls ever have people over to the trailer?

3 A Every once in a while they had friends over there every
4 once in a while.

5 Q And I know you sat here and heard --

6 A Mostly Sheridan, though. **Minor** never really had
7 friends come over.

8 Q I know you've heard a lot of testimony about this
9 trailer, but I want to talk about it a little bit. About how
10 big was it?

11 A Very small trailer. And, like, the hallway's only like
12 three -- three foot long maybe from the living room to the
13 first bedroom door. You know what I'm saying? And the second
14 bedroom door is right across from it.

15 And like they said earlier, there's no doors on none of
16 the -- you know what I'm saying? There's nothing but door
17 frames. There's no doors hanging up.

18 And -- and the grandmother's room is maybe, what, eight
19 foot away from the hallway and from where the kids are -- the
20 kids' bedroom and Andrea's bedroom. You know what I'm saying?

21 So it's not a lot. It's very short trans-mobile -- it's
22 a double-wide mobile home, but it's, like, the shortest. You
23 know what I'm saying? It's the short style. I don't know if
24 y'all know exactly what I mean, but it's something very, very
25 small.

1 Q And what kind of condition was it in?

2 A Not the best of condition, no.

3 Q You know, did it have doors on the bedrooms?

4 A No. For some reason, somebody took all the doors off. I
5 don't know why (indiscernible) came in the kitchen
6 (indiscernible).

7 Q And during that six- to eight-month time period that you
8 were living there, how often were you there? Were you out
9 working? What were you doing?

10 A I was in and out all the time.

11 Q When did you and Andrea break up? About when did that
12 happen?

13 A I would say somewhere around '14 -- I think '14 or early
14 '15, maybe.

15 Q Did you move out at that point?

16 A Yes, I moved out.

17 Q And, eventually -- where did you live after that?

18 A I stayed at Woodruff (ph) Road in Turtle Creek Apartments
19 with a female named Salseen (ph) Callahan.

20 Q Was there ever a time period after that that Sheridan
21 came to live with you?

22 A Yes. You mean, me and the female from -- from Turtle
23 Creek Apartments? She visits her about seven or eight months
24 later, and yes, Sheridan came to stay with me after that
25 sometime.

1 Q Was that an awkward situation, having dated Andrea's mom
2 previously?

3 A Yeah, it was kind of awkward, yeah. And how we had
4 gotten back in touch with each other or whatever, we was at
5 the store -- we was at a store somewhere close to where I was
6 working at the time, and Sheridan and Andrea was in the store.
7 They asked me for my phone number. You know? And Sheridan is
8 the one that called me. I was thinking Andrea was going to
9 try to call me. You know what I'm saying? But it was
10 Sheridan.

11 And she started messaging me. And I felt kind of weird
12 at first. You know what I'm saying? But then Andrea was,
13 like, kind of influencing it. You know what I'm saying? It
14 seemed kind of weird.

15 Q What was -- did -- were you aware of **Minor** having any
16 reaction to you living with Sheridan?

17 A Yes. She -- she actually told Sheridan one time that --

18 Q Excuse me. Without telling us exactly what she said.
19 Certainly --

20 A So how should I say that then?

21 Q Was she -- was she happy about it? Was she upset about
22 it?

23 A She was -- she was kind of upset about it.

24 Q Thank you.

25 You and Sheridan had a baby when?

1 A It was [REDACTED].

2 Q And that was your daughter?

3 A Yes.

4 Q And did you guys stay together after the birth of the
5 baby? Did you break up?

6 A We stayed together for, like, five months.

7 Q After you broke up, who had custody of the baby?

8 A She did.

9 Q Was there a point when Sheridan had custody of the baby
10 that you became concerned?

11 A Yes. The next-door neighbor had gotten in touch with me
12 and said -- told me that Naveah had been out in the road in
13 the little -- in the little neighborhood that we lived in at
14 7:00 in the morning. And one of the neighbors had picked her
15 up out of the road, and, you know, she knew where -- she knew
16 whose daughter she was at the time.

17 So she went and knocked on the door and got her. So I
18 got in -- when I got in touch with Sheridan, I told her, I
19 said, you know, buy child safety locks or whatever to put on
20 the doors.

21 So three months go by and then another neighbor calls me.

22 MS. SUSTAKOVITCH: Your Honor, I'm going to object as to
23 hearsay with these neighbors.

24 THE COURT: Yeah, can't say what someone else said.

25 A Well, anyway, the same thing happened again. And I

1 called DSS.

2 BY MS. KEPLEY:

3 Q Let me ask you -- let me ask you this way. Did you
4 develop concerns about Sheridan's parenting?

5 A Yes, I did.

6 Q Did you talk to DSS?

7 A Yes.

8 Q And you talked to DSS about those concerns?

9 A Yes.

10 Q Do you remember when about you were talking to DSS?

11 A It was in 2020, I think. I think it was 2020. I don't
12 know exactly which month it was.

13 Q And your daughter would have been how old about then?

14 A She was two and a half. Two and a half.

15 Q Why did you talk to DSS?

16 A Because I had concerns of -- of my daughter's safety, you
17 know.

18 Q After you talked to DSS, was a family court case opened?

19 A Yes.

20 Q Were you a party to it?

21 A Yes.

22 Q What happened to your daughter as part of that case?

23 A She was taken away from her mother because of drugs in
24 the system.

25 Q Do you know when about your daughter was removed from

1 Sheridan's custody?

2 A I know it was in 2020. It was right after I had called
3 her -- one or two weeks after I called her. Or within --
4 matter of fact, it was within about a week after I called. I
5 don't know the exact date right now.

6 Q When did you first learn **Minor** had accused you of
7 something?

8 A Like maybe three weeks to a month, maybe a month and a
9 half after that, after I called DSS.

10 Q And how did you learn that **Minor** had accused you of
11 something?

12 A An officer had called me and (indiscernible) or whatever,
13 and then I agreed to talk with him.

14 Q And you talked to that officer without a lawyer; right?

15 A Yes.

16 Q What did you tell that officer?

17 A Everything that he asked of me, I answered. You know?
18 Basically -- he asked basically did I do it or how it was, me
19 and **Minor** as far as, like, how was she around me. You know
20 what I'm saying? Different -- different things like that. I
21 answered everything, and he didn't have no problem with it or
22 anything. You know? Everything seemed normal. And that was
23 basically it.

24 Q Did you tell him you did this, or you told him you didn't
25 do it?

1 A I told him I didn't do it.

2 Q And what was your reaction to Minor having accused you
3 of this?

4 A I was stunned at first. Matter of fact, I didn't -- you
5 know, it wasn't -- when he said it, I -- I kind of stuttered.
6 You know, I didn't know what to say. You know what I'm
7 saying? I was kind of lost for words.

8 Q Did police ever follow back up with you after that
9 conversation?

10 A Not other than serving a warrant on me, no.

11 Q And to go back to these allegations, to be clear, you
12 never -- did you ever touch Minor sexually?

13 A No.

14 Q Would you ever give Minor a back rub?

15 A No.

16 Q Would you ever give any of the daughters a back rub?

17 A No.

18 Q Would you ever ask Minor to take her shirt off and give
19 her a back rub?

20 A No, definitely not.

21 Q Would Minor ever come back to the bedroom you shared
22 with Andrea?

23 A Only time she ever came back -- there was a time one of
24 the other kids were with her.

25 Q Do you remember Sheridan ever confronting you about --

1 about this -- about this accusation back in 2014?

2 A No.

3 Q Do you remember ever apologizing to Sheridan or **Minor** ?

4 A Definitely not.

5 Q Did Sheridan contact you after you spoke to police in
6 2020?

7 A Yes.

8 Q What was her demeanor?

9 A She actually got in touch with me, like, two different
10 times. One time, she was needing money --

11 MS. SUSTAKOVITCH: Your Honor, I'm going to object as to
12 hearsay that we're about to go into here.

13 THE COURT: You know, you can't say what somebody else
14 said.

15 BY MS. KEPLEY:

16 Q Are you a perfect person, Mr. Armstrong?

17 A Definitely not.

18 Q Have you ever been convicted of a drug crime?

19 A Yes.

20 Q Were you convicted of possession of meth back in 2016?

21 A Yes.

22 Q Were you convicted of trafficking of meth in 2019?

23 A Yes.

24 Q Were those convictions -- were those pleas or were those
25 trials?

1 A Those were pleas.

2 Q Why did you plead to those?

3 A Because I was guilty.

4 Q Why do you want a trial here today?

5 A Because I'm not guilty.

6 MS. KEPLEY: No further questions at this time, Your
7 Honor.

8 THE COURT: Cross-examination.

9 MS. SUSTAKOVITCH: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MS. SUSTAKOVITCH:

12 Q Good afternoon, Mr. Armstrong.

13 A Good afternoon.

14 Q What's your date of birth, sir?

15 A [REDACTED].

16 Q I'm sorry?

17 A [REDACTED].

18 Q How old does that make you?

19 A 49.

20 Q 49. Got a big birthday coming up.

21 You testified, the first thing out of your mouth was
22 you're not -- you're not nervous.

23 A No, not really, no.

24 Q You feel good up there?

25 A No, I don't think I feel good up here. I don't like

1 talking in front of a lot of people.

2 Q Okay. I want to talk about Andrea Hines. How did you
3 meet Andrea Hines?

4 A I lived, like, maybe three houses up from them at the
5 time that I met her.

6 Q Would it -- would it be fair to say Andrea Hines had a
7 lot of problems; right?

8 A Yes. At first, I didn't realize that, but, you know, the
9 longer I go with her, the -- I started noticing that she had
10 mental health issues.

11 Q She had -- I'm sorry. Go ahead.

12 A She had mental health issues very bad.

13 Q Yeah. She had mental health issues. She was also a drug
14 addict; right?

15 A (No audible response.)

16 Q She also drank alcohol; correct?

17 A Yes.

18 Q You also did drugs with her; correct?

19 A Yes.

20 Q And we just talked -- we touched a little bit on your
21 possession of meth. That's from -- let you look at it. Do
22 you recognize that?

23 A Yes.

24 Q Okay. That's from September 21st, 2015?

25 A Yes.

1 Q So you and Andrea, you did drugs together?

2 This house -- we've seen pictures of this house several
3 times; right?

4 A Yes.

5 Q Just take a look at it.

6 And I know you've said you didn't do this. This is a
7 small trailer; right?

8 A Very small.

9 Q And these girls -- this is **Minor**; correct?

10 A Yes.

11 Q This is Sheridan?

12 A Yes.

13 Q This is Courtney?

14 A Yes.

15 Q Would it be fair to say these girls had a really rough
16 childhood; right?

17 A They definitely did.

18 Q They didn't have any breaks, did they?

19 A No, not really.

20 Q Their mom didn't look out for them?

21 A You're right.

22 Q Their dad wasn't in the picture.

23 A Right.

24 Q But then you show up; correct?

25 A Right.

1 Q You're the dad figure that shows up in their life to help
2 them out.

3 Inside that home, would you say it was a happy home with
4 Andrea as the mom?

5 A It was sort of sad.

6 Q Mm-hmm. And as far as the bedrooms, I believe you
7 testified you and Andrea had one; correct? And across the
8 hall from that is where the girl slept.

9 A Yeah.

10 Q Courtney, Sheridan and **Minor** ; right?

11 And then down the hall was where Andrea's mom slept;
12 right?

13 A You said down the hall? The hall is only, like, three
14 feet long, so it's not really down the hall.

15 Q This is a trailer that had three bedrooms; correct?

16 A Yes.

17 Q So it's yours, the girls, and then -- I don't know how
18 you want to characterize it, but down the other corner of the
19 trailer is Andrea's mother's.

20 A Yes.

21 Q All right. Tell me about the alcohol y'all used to make
22 at that trailer. What was -- what was Andrea's mom's first
23 name?

24 A Shelby.

25 Q Shelby. And who was Shelby's boyfriend?

1 A I can't even think of his name right at this time.

2 Q Isn't it a fact you and that guy -- can't remember his
3 name -- but y'all would make some homemade alcohol; correct?

4 A Yeah. He -- he was -- he wanted to know how to make it.
5 You know what I'm saying?

6 Q Yeah. How do you do it?

7 A I had been locked up before, so I knew how to make it.

8 Q You had been what now?

9 A I had been locked up before, so I knew how to make it.

10 Q Okay.

11 A So I just showed him -- showed him how to make it with
12 the little ingredients that everybody made with in prison.
13 You know what I'm saying? So that's what he did. He did talk
14 about making alcohol. He did.

15 Q When you say you've been locked up before and that's
16 where you learned it, tell us -- I don't think a lot of us
17 know -- how do you do it? How do you make it?

18 A Put some juice -- juice, sugar, and -- and -- and some
19 yeast and something -- in the cooler. You know what I'm
20 saying? So let it sit for few days, and that's it.

21 Q Okay.

22 A But it wasn't like he was making no big amounts of it. I
23 don't even know what that is -- what it has to do with what
24 we're talking about.

25 Q Okay. I'm just talking about the home and how the home

1 operated.

2 So we've already talked about how you would do meth
3 sometimes; correct?

4 A Mm-hmm.

5 Q When you would do meth, how did that affect you?

6 A How did it affect me?

7 Q Yeah.

8 A Most of the time, I was paranoid -- too paranoid to be
9 around people. I needed to get off by myself.

10 Q Yeah. And when you would drink your homemade alcohol,
11 how did --

12 A I didn't drink that.

13 Q Oh, you didn't. Okay.

14 A That was -- that was Shelby's boyfriend.

15 Q Okay.

16 A I didn't really --

17 Q You just showed him what you learned when you were locked
18 up.

19 A Yeah.

20 Q Okay. When was that, you learned all that?

21 A It was in the 2000s. Somewhere in the 2000s. Early
22 2000s.

23 Q Okay. With your trafficking meth charge, that is from
24 2018; correct?

25 A Yes. March of 2018.

1 Q I want to talk again about -- for people that don't do
2 meth, how does it affect somebody? You said it makes you
3 paranoid. What would we observe? If you're tweaked out on
4 meth, what does that look like to somebody that doesn't do
5 meth?

6 A What does that have to do with what --

7 Q I'm just asking you what that is for you.

8 A I'm asking you, what does that --

9 Q I'm sorry, but I ask the questions.

10 A No, no, no, no, no. I mean, what does that have to do --

11 THE COURT: Woah, woah, woah. You answer the questions.
12 Okay?

13 BY MS. SUSTAKOVITCH:

14 Q How did methamphetamine affect you when you did it?

15 A I just told you, it would get me paranoid, and most
16 times, I would get away from everybody.

17 Q Okay. I know that you've testified you didn't do this.
18 You did just testify that **Minor** was, quote, "a very good
19 kid."

20 A Yes, she was.

21 Q And she went to church?

22 A Almost every Sunday.

23 Q And then you brought it up; you said she would not lie.

24 A Would not lie.

25 Q So this must be stunning to you.

- 1 A It is stunning.
- 2 Q Confounding?
- 3 A It is.
- 4 Q I want to take you back to -- there's nothing illegal
- 5 about a back rub. You know that; right?
- 6 A I agree.
- 7 Q IcyHot, there's nothing wrong with putting IcyHot on
- 8 somebody; would we agree?
- 9 A I agree.
- 10 Q So when you put IcyHot on **Minor**, that's not a crime;
- 11 right?
- 12 A But I never did that.
- 13 Q You never put IcyHot?
- 14 A No, I did not.
- 15 Q Okay.
- 16 A That's a kid. Why would she need IcyHot on her back for?
- 17 Q All right. And I want to talk to you about Andrea's and
- 18 your bedroom.
- 19 A Mm-hmm.
- 20 Q In that bedroom, was there one bed? More than one bed?
- 21 What was back there?
- 22 A One bed.
- 23 Q Whose alarm clock was it? Was it your alarm clock, or
- 24 was it her alarm clock, the one that was back in that bedroom?
- 25 A I don't even remember an alarm clock back there.

1 Q Don't remember? Okay.

2 When you went back into that bedroom with Minor , why
3 were you spitting on your hands, sir?

4 A I was never spitting on my hands, and I never went in the
5 room with Minor .

6 Q You never went in the room with Minor ?

7 A No.

8 Q And when you put your hands inside Minor , did you spit
9 on your hands for lubrication?

10 A No, I did not. I did not do this.

11 Q Okay. Let me ask you this: After that was over, do you
12 recall Minor going in the bathroom?

13 A No, I do not.

14 Q Do you recall you going to the bathroom door and
15 apologizing?

16 A No. This did not happen.

17 Q This did not happen.

18 A No, this did not happen.

19 Q All right. I want to fast forward to the next day. Do
20 you recall Sheridan calling you on your job?

21 I know you didn't do this; I'm just saying can you recall
22 Sheridan calling you with this crazy allegation on the phone?

23 A She did call me.

24 Q Okay. So she calls you with this crazy allegation. And
25 what is your initial response? Like, "Oh, my God?"

1 A I was like, "What are you talking about?"

2 Q Right. "What are you talking about?"

3 A Yeah, "What are you talking about?"

4 Q Were you mad?

5 A No, I was more or less like, you know, didn't understand
6 what she was talking about.

7 And also, you said earlier or what someone said earlier
8 that I rushed home. I was at work. I did not rush home. I
9 came home when I got off work.

10 Q Gotcha.

11 But you do recall her calling you up and confronting you
12 with this. And you don't know what she's talking about;
13 correct?

14 A Exactly.

15 Q And then when you come home from work and you see **Minor**
16 and you see Sheridan, do you tell them again, "I didn't do
17 this"? Is that fair?

18 A No, I didn't -- it was not like that, no.

19 Q What was it?

20 A We had a conversation about it, and I said, "Are you sure
21 she wasn't dreaming or something?"

22 Q Oh, okay. But you remember **Minor** being outside with
23 Sheridan --

24 A No, I don't remember that exactly, no.

25 Q But you do remember -- you just testified -- when

1 Sheridan called you, you had no idea, when she confronted you
2 about this, why she was saying that she had touched **Minor** .

3 A Yeah.

4 Q And when you came home, you said, "Oh, well, maybe she's
5 dreaming it"; right?

6 A I took it as no big deal because I thought it was like a
7 dream. And, you know, like, I don't know, maybe something
8 triggered something or something, I don't know.

9 Q Sir, you said you're 49 years old; is that correct?

10 A Yes.

11 Q Date of birth: ?

12 A Yes.

13 Q I want to go back to you and Andrea for a second. Why'd
14 you break up?

15 A Why did we break up? Because of her mental issues.

16 Q Did you think for a second that it might be a good idea
17 to find a different person to date than her 16-year-old
18 daughter?

19 A Like I said, I didn't pursue that.

20 Q You didn't pursue that?

21 A No, I didn't pursue that.

22 Q Who pursued it?

23 A Sheridan did at the time. And her mother was in --
24 pretty much influenced it.

25 Q Sir, that's actually not the truth, is it?

1 A Yes, it is the truth.

2 MS. SUSTAKOVITCH: Your Honor, can we approach?

3 THE COURT: All right.

4 BENCH CONFERENCE

5 (A bench conference was held off the record.)

6 [Open court resumes:]

7 BY MS. SUSTAKOVITCH:

8 Q You testified that Sheridan pursued you.

9 A Yes.

10 Q That is not correct, is it?

11 A That is correct.

12 I moved away from there and everything. I was nowhere --

13 I was nowhere living --

14 Q When you met Sheridan, how old was she?

15 A I'm not for sure. She was -- she was young. In 2012 --

16 Q About 12, 13?

17 A Somewhere around there.

18 Q And isn't it a fact -- did you, in fact, have sex with

19 Sheridan as well?

20 A I did, at a later date when she got -- whenever she got
21 pregnant.

22 Q Didn't have sex with her underage?

23 A No.

24 Q So when Sheridan got pregnant at 16 years of age, did you
25 consider her to be a girlfriend?

1 A At the time, we was in a relationship.

2 Q And you were how old?

3 A 36 maybe. 37. Somewhere around that area.

4 Q Do you think that was a good age for her to get pregnant?

5 A No, I did not.

6 Q Okay. And when she got pregnant and had that baby, how
7 did you think that would affect her?

8 A Didn't really think about it at that time.

9 Q Didn't care about it at that time, did you?

10 A No, I didn't think about it. And, actually, I told her I
11 didn't really want another kid.

12 Q Okay. So we've heard some questions about Naveah. Isn't
13 it a fact that, after Naveah was born in 2017, there was no
14 custody dispute between you and Sheridan because you were not
15 seeking custody in your current position; is that correct?

16 A Exactly.

17 And so why don't you tell everybody what my current
18 position was.

19 Q What was that?

20 A If you want to bring that -- I was in prison.

21 Q Okay. So there was no custody dispute --

22 A You're acting like you're trying to hide the fact that I
23 was in prison. That's what you're saying. You're trying to
24 say I'm not a good dad, when my daughter was five months old
25 and I got locked up. Of course I was selling drugs.

1 Q Sir --

2 A I was not the best of fathers that I should have been,
3 but that doesn't mean I did not love my daughter and care
4 about her and want the best for her.

5 Q I understand that.

6 My question for you is: Isn't it a fact there -- you
7 just brought up the fact that you're in prison; correct?

8 A Yes.

9 Q You were in prison when she was born?

10 A No.

11 Q Okay.

12 A I was there for the first five months of her life. She
13 had clothes to last her two years. She had enough diapers to
14 last her for almost a year. She had enough formula to last
15 her almost a year. While I was incarcerated, she didn't want
16 for nothing.

17 Q Okay.

18 A So, earlier, you made it out like I was a deadbeat dad or
19 something. I was --

20 Q Sir, I'm not --

21 A I was a drug dealer. Yes, I was. I was.

22 Q Okay.

23 A But I do love my daughter and do care about my daughter
24 and want the best for her.

25 Q Okay. And --

1 A And that's the reason why I called DSS on her.

2 Q Okay. My point to you is this: your daughter, you were
3 around her for five months, and then you went to prison;
4 correct?

5 A Yes.

6 Q You are currently still in prison; correct?

7 A Yes.

8 Q There is no way you're ever getting custody of your
9 daughter; correct?

10 A I didn't say it was.

11 Q Okay. So we've heard some testimony in this courtroom
12 alluding to the fact that this could be about custody. And,
13 in fact, that is not true; isn't that a fact?

14 A I think it is. I think it is.

15 Q You think it is?

16 A Yes, I do.

17 Q How can you get custody when you're in prison?

18 A I don't want -- I would love to have custody, but I can't
19 have custody because I'm in prison.

20 Q All right. I want to go back to **Minor** and this life
21 that she lived in that trailer, sir.

22 When **Minor** was ten years old -- you said that she's a
23 good girl.

24 A She's a very good girl.

25 Q She would not lie?

1 A No, she wouldn't.

2 MS. SUSTAKOVITCH: Beg the Court's indulgence.

3 BY MS. SUSTAKOVITCH:

4 Q Mr. Armstrong, do you have any idea how a ten-year-old
5 would know what a penis against her vagina would feel like?

6 A No, I have no idea how a ten-year-old would even think of
7 anything like that.

8 Q Would you have any idea how a ten-year-old would know
9 that a penis is soft and then, as you rub it against a vagina,
10 it gets hard?

11 A I have no idea. I would not have no idea, no, I
12 wouldn't. And a ten-year-old should not know that.

13 MS. SUSTAKOVITCH: No further questions. Thank you.

14 THE COURT: Any redirect?

15 MS. KEPLEY: Briefly, Judge.

16 REDIRECT EXAMINATION

17 BY MS. KEPLEY:

18 Q Mr. Armstrong --

19 A Yes, ma'am.

20 Q -- you mentioned that you're in prison right now; correct?

21 A Yes, ma'am.

22 Q And you're in prison for -- was it for dealing drugs?

23 A Trafficking four grams or more.

24 Q And we discussed on direct that you're not -- you don't
25 consider yourself to be a perfect person.

1 A Definitely not.

2 Q Did you ever sexually assault Minor ?

3 A No, I did not.

4 Q And the reason you're in prison, that conviction, did you
5 plead to that?

6 A Yes, I did.

7 Q Why did you plead?

8 A Because I was guilty.

9 Q And why do you want a trial today?

10 A Because I'm not guilty.

11 MS. KEPLEY: That's all the questions I have, Your Honor.

12 THE COURT: Okay. Thank you. You may step down.

13 MS. KEPLEY: Your Honor, the defense rests.

14 THE COURT: Okay.

15 MS. SUSTAKOVITCH: Your Honor --

16 THE COURT: Just a second.

17 This is another time when I have to have a legal
18 discussion with the attorneys, so we'll take another short
19 break. Won't be -- won't be long. Thank you.

20 (The jury exited the courtroom at 2:32 PM.)

21 MOTION/MATTER OF LAW

22 THE COURT: Any motions.

23 MS. KEPLEY: I would -- at this time, Your Honor, I would
24 renew all my previous objections and a motion for a directed
25 verdict in this case on the same grounds.

1 THE COURT: Okay. Denied.

2 You-all got any -- going to have any reply?

3 MS. SUSTAKOVITCH: Your Honor, could we have a brief
4 recess to consider a --

5 THE COURT: We're on a brief recess. Y'all go ahead and
6 talk.

7 MS. SUSTAKOVITCH: Okay. Thanks.

8 (A recess was taken.)

9 (The jury entered the courtroom at 2:42 PM.)

10 THE COURT: It's about a quarter of 3:00. We are closing
11 in on the end of the case, but we're not going to do it today.
12 Okay? So -- and we do have a couple other matters that we
13 need to deal with.

14 So what we're going to do is break for the evening. Ask
15 y'all to be back at 9:30 in the morning, and we'll get started
16 right away and get through to the third, fourth, and fifth
17 stages.

18 All right? Great. Thank you.

19 Please don't discuss the case.

20 (The jury exited the courtroom at 2:43 PM.)

21 THE BAILIFF: The jury is out of the room.

22 THE COURT: All right. Thank you.

23 Okay. Let's have a little charge conference. Anything
24 y'all want in particular?

25 MS. SUSTAKOVITCH: Your Honor, the State would just ask

1 for "penetration, however slight," which I believe is in your
2 general charge.

3 THE COURT: Yeah.

4 MS. SUSTAKOVITCH: And then "voluntary intoxication is no
5 defense to a crime."

6 THE COURT: Okay.

7 MS. KEPLEY: I would object to voluntary intoxication. I
8 don't know that there's been any testimony that --

9 THE COURT: The girl.

10 MS. KEPLEY: Well, it's certainly not a defense that's
11 been made. I'll say that. It's not defense we intend to
12 make, Your Honor.

13 THE COURT: Okay. Well, I'm -- it's in there, so I'm
14 going to charge it.

15 Here's what I got: I got the duties of the judge and
16 jury.

17 The indictment is not evidence.

18 Credibility of the witnesses.

19 Expert witness.

20 Presumption of innocence.

21 Reasonable doubt.

22 Voluntary intoxication.

23 First degree criminal sexual conduct.

24 Anything else that you can think of?

25 MS. KEPLEY: Do you use the Logan charge on

1 circumstantial evidence?

2 THE COURT: Circumstantial? What circumstantial
3 evidence? There is none.

4 MS. KEPLEY: That's a good point, Your Honor. Perhaps I
5 don't need that one.

6 THE COURT: I mean, if you can point it to me, I don't
7 mind charging it, but I don't think this is -- this is not a
8 circumstantial evidence case. This is credibility. Right?

9 And the State, overnight, is going to make a decision
10 about your -- any reply; correct?

11 MS. SUSTAKOVITCH: Yes, sir.

12 THE COURT: Okay. So we'll see y'all at 9:30.

13 Okay. All right. Thank you.

14 THE COURT REPORTER: Do you want to do that real quick?
15 It just needs to be on the record.

16 MS. SUSTAKOVITCH: Our court reporter brought this to my
17 attention. Could we withdraw State's Exhibit 2? We never
18 entered it, and we'll give it back to the victim. It's her
19 fifth grade picture.

20 THE COURT: It's never been entered. I never heard about
21 it.

22 MS. SUSTAKOVITCH: Just wanted that on the record for
23 April.

24 (The trial adjourned for the day at 2:45 PM.)

25 * * * * *

1 WEDNESDAY, APRIL 9, 2025

2 [9:40 AM]

3 THE COURT: Okay. What's the State's position?

4 MS. SUSTAKOVITCH: The State is not going to call anybody
5 in rebuttal.

6 THE COURT: Okay. Do you want to rest formerly in front
7 of the --

8 MS. SUSTAKOVITCH: Yes, sir. The State is resting at
9 this point.

10 THE COURT: Do you want to do it formally in front of the
11 jury?

12 MS. SUSTAKOVITCH: Oh, sure.

13 THE COURT: You do?

14 MS. SUSTAKOVITCH: No, I mean, I'm fine doing it now.

15 THE COURT: Whatever you want.

16 MS. SUSTAKOVITCH: We can rest now.

17 THE COURT: Okay. Anything from the defense?

18 MS. KEPLEY: Nothing, Your Honor. I will say we spoke to
19 Teresa. We do have a PowerPoint slide we would like to put up
20 on the TVs during closing. We can do that; right?

21 THE COURT: All right. Let's get them.

22 THE BAILIFF: Judge, the jury is ready to enter the
23 courtroom.

24 THE COURT: All right, great.

25 (The jury entered the courtroom at 9:44 AM.)

1 THE COURT: All right, ladies and gentlemen. Welcome
2 back. Hope you-all had a good night.

3 If you remember, my opening comments to you a couple of
4 days ago, I told you there were five parts to a trial. The
5 first part will be opening statements. The second part is the
6 presentation of the evidence. All of the evidence that's
7 going to be admitted in this case is before you, and we're
8 finished with that second part and we're about to move to the
9 third part of the trial, which are the closing arguments of
10 the attorneys.

11 So you-all have paid great attention up to this point.
12 We deeply appreciate that, and now I ask you to continue to do
13 so as these attorneys present their closing arguments. Okay?
14 All right.

15 MS. SUSTAKOVITCH: Thank you, Your Honor. May it please
16 the Court.

17 THE COURT: Yes, ma'am.

18 CLOSING ARGUMENT ON BEHALF OF THE STATE

19 MS. SUSTAKOVITCH: Good morning.

20 "I went to the bathroom and I cried. I begged for God to
21 forgive me. I felt disgusted with myself." Do you remember
22 those words? Do you remember the young lady who sat right
23 here several days ago when those words came out of her mouth?
24 Yet, the evidence in this case will show that the only disgust
25 lays at the feet of this defendant for sexually abusing

1 Minor .

2 Ladies and gentlemen, I'm going to have notes with me for
3 some of this because much of what the evidence in this case
4 is, is formal testimony, and as you heard at the beginning of
5 the trial, no testimony is better than any other kind.

6 Murder cases, often you have bullets, you have forensics,
7 you have fingerprints, you have all of these things, but in
8 these cases, because of the nature of these cases, most of
9 your evidence comes right from that witness stand. So I'm
10 going to refer to these to make sure I get -- try to get right
11 what we heard.

12 And I would also tell you this: If there is anything
13 that I say or even defense counsel -- I think she would
14 agree -- that is different from what you remember, you are the
15 finders of fact. You're the people that listened to this
16 whole trial. And it's not intentional; it's just you are
17 going to be the arbiters of fact and decide this dispute for
18 us.

19 Who is this case about? It's about a young girl who was
20 sexually abused by her mother's boyfriend.

21 What is this case about? It's a search for the truth,
22 for justice. These four walls matter so much. Without these
23 four walls, our society is chaos. Everybody -- every one of
24 us is entitled -- it is demanded by our Constitution to have a
25 fair trial, to have the evidence put up before them; that, at

1 the end of the day, in the chaos of this world, when the State
2 has met its burden, that's where your jobs come in. And your
3 jobs are so important and you decide when does the chaos stop
4 or when does the justice start?

5 I want to talk to you a little bit about the burden of
6 proof in this case, and I know defense counsel and I both
7 touched on that -- or actually, Mr. Gregory at the beginning
8 of this case.

9 Proof beyond a reasonable doubt. You hear it all the
10 time. You hear it on TV. You hear that phrase lots of times.
11 And I will tell you I've been in trial with Ms. Kepley before;
12 I am planning on her putting up a full screen or a slide. A
13 lot of defense attorneys like to do this. They like to --
14 they're just zealously defending their client, that they go to
15 trainings and they get these slides. And the purpose of the
16 slide is this: to make it seem like it is this unattainable
17 goal. It is just way out there, like nobody could reach that.

18 The fact of the matter is, ladies and gentlemen, every
19 day across courtrooms in the United States of America, people
20 that sexually abuse children are convicted when the State has
21 met its burden.

22 And so what is proof beyond a reasonable doubt? It's not
23 an unreasonable doubt. It's not whether you can go back in
24 that jury room and go, "Okay, let me conjure up this and
25 this." No, it's not. It's beyond a reasonable doubt.

1 And the judge is going to tell you it's proof that leaves
2 you, in your core, firmly convinced.

3 There are very few things in life that any of us know
4 with all certainty, whether it's in our marriages, whether
5 it's with our kids. There are just very few things we know
6 the law does not require that you know every single thing with
7 certainty. It requires you to be firmly convinced, and the
8 judge is going to charge you to that.

9 Another way to put it is, hesitating to act. Would a
10 reasonable person, given what you have listened to for the
11 past three days, hesitate and go, "Eh, I think she's lying."
12 Nah. Nope, I've got it.

13 Or did you listen to this and hear corroboration after
14 corroboration after corroboration not, just an allegation but
15 a corroboration and say, "Yeah, this is awful, sad. This poor
16 girl was sexually assaulted when she was ten by Toby
17 Armstrong."

18 Judge Miller is going to talk to you about the law in
19 this case in just a little bit, but again, as to what CSC with
20 a minor is, that is a terrible crime in our society. Legally
21 what it means is, when you have a child under the age of 11 --
22 a child under the age of 11, which is what we have here --

23 **Minor** was nine or ten -- and a sexual battery is
24 committed on that child -- a sexual battery is defined one of
25 several different ways.

1 And I will say this: These cases are hard to listen to,
2 guys. I've been doing it a long time, and they're still hard
3 for me to say. It is hard. And here you guys are, you're
4 just getting brought in here. You don't know if it's a
5 parking ticket. You don't know what you have to listen to,
6 and bam, this is being put on your head, in your mind.

7 So we appreciate it. The defense counsel appreciates it.
8 The judge does, too. These are hard concepts. They're
9 upsetting concepts. But **Minor** had to live it, and we
10 can hear it. If she had to live it as a child, we can listen
11 to it as an adult.

12 So, as to the law, it is when you have a child under 11
13 and there is a sexual battery. A sexual battery is anal sex,
14 oral sex. When the judge reads out the law, sometimes they
15 talk about cunnilingus, fellatio, digital penetration, vaginal
16 intercourse, or anything -- it could be attempted vaginal
17 intercourse where there is penetration however slight of the
18 vagina.

19 In this case, the sexual batteries that are at issue
20 would be the digital penetration or the fingers in **Minor's**
21 vagina, and when he tried to put his penis into her vagina,
22 causing that extreme pain to her. That would be the sexual
23 batteries that we are alleging.

24 Briefly as to time in a sexual assault case, children are
25 horrible -- or I guess a lot of us are -- historians of time.

1 If somebody asks you to go tell them -- it's Wednesday now --
2 "What did you eat for dinner on Sunday?" well, some of us
3 might blank out and just not be able to dial that up.

4 The law understands that children, they can't go back in
5 time and say, "Yeah, I was generally speaking." Most of these
6 cases are delayed disclosure cases, which you heard expert
7 testimony about that. It's the most common time. And
8 children are not able generally, with a delayed disclosure,
9 because the abuse is in secret, they can't tell you what the
10 time frame is. And so the law does not require it. The State
11 gets a broader time frame.

12 So you're going to hear that I believe the investigator
13 said she was nine or ten. **Minor** said she was ten.

14 So the bottom line is that that indictment covers when
15 she was nine or ten. And so the only question you have to ask
16 yourself is, was she telling the truth? Was she telling the
17 truth?

18 On that night between 11:30 and midnight, when it started
19 out with IcyHot in the living room and ended in that bedroom,
20 do you believe that she was telling the truth, and does the
21 other corroborating evidence tell you that? That's basically
22 the essential question. Was **Minor** abused by this defendant?

23 And sadly, the evidence in this case shows us yes.
24 The starting point before we go through the evidence in this
25 case is to talk to you about sex crimes. These cases are just

1 different. They don't happen at 12:00 noon in a church
2 parking lot. People don't generally invite guy friends over
3 and say, "Hey, guys, look. Let's all watch me sexually
4 assault so-and-so."

5 Oh, and by the way, there's not a SWAT team, guys, that
6 comes in when a child is sexually assaulted. I've always
7 wished there were. When little **Minor** was sexually assaulted
8 in that bedroom, I don't know what the defense attorney thinks
9 should happen. Maybe at that point the SWAT team comes down
10 and they just take that child and say, "Okay, now, we're going
11 to the hospital. Let's swab you up and let's go get an
12 excited utterance and let's go get" -- and that is not the
13 reality of sex crimes. That doesn't mean we don't prosecute
14 them. It just means they're hard. But that doesn't mean we
15 don't care. We just try harder. We give you more evidence.
16 We put in more nuggets. We paint a better picture for you.

17 We're prosecuting lots of cases. Drug cases are a lot
18 easier to prove most of the time. You've got the drugs,
19 you've got all this other evidence, but these cases are just
20 special because they happen in secret. And the reason they
21 happen in secret is power. Nobody is going to believe
22 **Minor**. That is what this defendant is counting on.

23 He wasn't nervous yesterday. That's a little odd, wasn't
24 it? I mean, this courtroom is a little nerve-wracking for
25 most people. Perhaps some of you, when you had to stand up

1 and say what your name and your occupation was, maybe a little
2 -- a little quiver of something came across you. It is
3 stressful. Not for him.

4 Well, it was stressful for Minor . You saw her
5 demeanor. You saw her, genuine tears on that stand as she
6 told you the most embarrassing time of her life.

7 I want to go back. We're going to talk through the
8 evidence, but I want to talk about this defendant too. This
9 case, at the end of the day, is credibility. It's
10 credibility. Do you find Minor credible? Do you find
11 the witnesses that testified to all the corroborating evidence
12 in this case credible? Did you find Angie credible? Did you
13 find Richard credible? Did you find Gabby credible? Did you
14 find the officer credible? Did you find Shauna
15 Galloway-Williams credible? Did you find --

16 It wasn't -- defense counsel in their opening said this
17 is just an allegation. Well, that's not what you saw this
18 week. You saw brick by brick by brick being laid. Just an
19 allegation would have been Minor walking in here,
20 telling you what she said, walking out, and then the State
21 going, "That's it, guys. Good luck back there."

22 That's not what the State is giving you. The State is
23 giving you all of these different pieces of corroboration to
24 take you back in time so you can see what happened to Minor
25 in 2010. You can see -- or when she was ten, rather. You can

1 go back to that moment the day after it happened when she told
2 her sister.

3 You saw Sheridan. She didn't want to be here. She was
4 scared to death. She was scared. She got up there. She had
5 to talk about her relationship with this defendant. We're
6 going to talk about that more in a minute.

7 But as to credibility, that's what this case comes down
8 to, and let's talk about that. This defendant testified in
9 this case. And what I have to say about this is a fundamental
10 tenet of our criminal justice system is that a defendant has
11 nothing to prove ever. The burden of proof rests solely on
12 the State. That never changes. We welcome the burden. And
13 that's one of the most fundamental and critical tenants of our
14 system.

15 The one thing that changed when this defendant did decide
16 to testify is you get to assess his credibility like anybody
17 else. What is his motive to be truthful to you? What's he
18 getting out of this? Did you find him credible?

19 So I want to take you back briefly into his testimony.
20 He said -- and we'll briefly touch on it, but some of his
21 testimony was just a little bizarre to any of us with kids.

22 Putting IcyHot on a child? That's not weird. I mean,
23 any of us that are parents or -- that's not -- that doesn't
24 mean you're a sex offender. So your child plays baseball or
25 volleyball or whatever. Putting a little IcyHot on a sore

1 back, that's okay. We do that to help our kids out.

2 The fact that he's testified, "I would never put IcyHot"
3 -- oh, "And I would never be in a room alone with a child."
4 Why not? Anybody that's either been a parent in a home or
5 maybe even a boyfriend or girlfriend in a home, most people
6 aren't walking around the whole time going, "Hold on, I need
7 to have a witness because somebody might say I'm sexually
8 abusing my daughter." Most of us aren't worried about that
9 because we aren't. That was strange.

10 He did say, with Minor -- I think his quote was,
11 "Minor is a good kid. She would never tell a lie. She
12 always went to church. She just wouldn't lie."

13 He comes in with the honest criminal defense. Now, let
14 me first tell you: That's not the first time that defense has
15 come up, y'all. When somebody has convictions they can get
16 impeached with, one way you attack that is to say, "You know
17 what? I pled to those because I did those, but I want a trial
18 on this because I didn't do this."

19 Well, anyway, that's the honest criminal defense. And
20 what I will say to you is I don't know about his drug charges.
21 Those cases are a lot -- like I said earlier -- easier to
22 prove.

23 And he's counting -- he's counting on you, just one of
24 you, to take a sex case that is hard, that takes extra effort,
25 and not believe the victim, not believe all the nuggets, all

1 the bricks, all the corroborating evidence, throw it all to
2 the side and believe his honest criminal defense.

3 Credibility, who has it? Who doesn't? He doesn't. He
4 sits over there and does not have it, credibility.

5 I have often said, in prosecuting cases, the best lie is
6 one that has a little kernel of truth in it. You know?
7 Because it's hard when somebody believes something -- and they
8 have this little nugget down here. It's like this part was
9 true but then they glom all around this stuff that's not true.
10 Right?

11 So they can say -- they can be -- there was one point
12 where he actually was going back and forth with me, and he may
13 have sounded a little convincing there when he said -- he
14 said, "I am not a deadbeat dad. I'm a drug dealer." I mean,
15 he was very passionate about his drug dealing because he knows
16 he's good at that. Well, I don't know if he's good; he's been
17 convicted of trafficking and he's got a possession and he's in
18 prison for that. But my point is, he seemed committed to
19 that, and he was passionate about that.

20 And so, with that, he gave a pretty passionate telling of
21 that, that he's a drug dealer. But what I did want to tell
22 you is this is not about custody of Sheridan's child. This is
23 not about child support. Wrong case, wrong courtroom.

24 He wants to make it be about that, and what I would say
25 in these cases is, it's a rabbit trail, guys. He's coming

1 around, it's like a Ferris wheel of defenses. And you watch
2 them -- from my side, you watch them -- like if you're at the
3 beach and you see a thunderstorm coming in the distance, and
4 the clouds are way off in the distance. Right? You know
5 that's coming in. Well, you can kind of see it forming,
6 coming.

7 And in this one, one that's really, really common is "the
8 bad mom made her lie" defense. That dog doesn't hunt here.
9 Bad mom is a crackhead, a meth-head. Everybody agrees. Bad
10 mom? That doesn't work.

11 So what are we going to do? What's the next thing?

12 Okay. So Sheridan, who had a baby in 2017 when she
13 turned 17 and started dating him at 16, we'll just throw
14 something in about that. Ladies and gentlemen, this case
15 isn't about that.

16 He gave a tell when he was testifying, and he tried so
17 dang hard not to. Do you remember when he was up there and
18 his attorney was going through all the questions and said,
19 "Did you ever get drunk enough to black out?"

20 "No."

21 "Did you ever apologize for anything?"

22 "Nope, didn't do that."

23 "Do you remember this time when you were confronted?"

24 "No."

25 And then, when I was talking to him, he did remember --

1 he did remember back -- and I'm going to go back in my notes
2 -- Sheridan called him. So this is the night after the abuse.
3 Anybody remember this? And he's like dangit. He just gave
4 you that much. I didn't think he would. I was just throwing
5 it out there, seeing if he would bite, and he did on that.

6 Sheridan called him with a crazy allegation. I didn't
7 know what she was talking about. Came home, we had a
8 conversation, and I said, "Are you sure she wasn't dreaming or
9 something?"

10 Okay, right there, what he's done is he has corroborated
11 the entire thing going back to 2014 or '15. He messed up.
12 Not that it -- I don't know if that's going to matter to any
13 of y'all, but if anyone here has a moment of doubt, go back to
14 that. He himself -- so think about this -- this crazy defense
15 that I feel is being cobbled together. How does it work out?
16 How does this defense go?

17 In 2014, for a moment in time that he himself says
18 happened, he remembers getting a phone call from Sheridan.
19 Remember, Sheridan was mad; right? In our case, we didn't ask
20 him about sex with Sheridan -- with Sheridan earlier than 16,
21 but he brought it into play when he testified.

22 I submit to you, Sheridan thought she had a relationship
23 with him. She was mad. You know why? Because she's upset
24 for her sister but she's also finding out that she's not the
25 only one. You know? They had a thing. And then that thing

1 went into having a baby.

2 I asked him, do you think it's bizarre or strange to date
3 this woman, and then, by his testimony, nothing illegal
4 happened. 16, they start having sex. That's not normal for a
5 38-year-old man or whatever age he was.

6 But, anyway, you go back to this. He is taking all that
7 time, corroborating that moment. And for this crazy defense
8 to work, think about what they're asking you to -- in your
9 mind -- do. So somehow Sheridan woke up that morning and said
10 "Hey, Hey, listen, what I'm going to do is make up a false
11 allegation, Sheridan. I'm going to make it up, and then
12 you're going to call Toby up. Okay? You're going to call
13 Toby at work, and then Toby is going to come here, and he's
14 going to say, 'Gosh, maybe she's just dreaming that.' And
15 then we're just going to sit on that for a couple of years.

16 "And then, when I start dating my first love, Gavin, then
17 I'm really going to put on some acting. Then I'm going to go
18 into panic attacks, but I'm not going to tell anybody about
19 it. Just when we're trying to have our first love" -- and I
20 hated to have to go here with her, but you know what? You're
21 the jury, and I trust juries, and I believe if we give you
22 guys the evidence and the nuggets you need, you can sort this
23 out.

24 But under their crazy defense, what was she to admit?
25 Okay. So now she's putting on a fake panic attack? Did

1 anybody think that was happening with what Gavin testified to?
2 Nope, Nope. Gavin was testifying about how her face changed,
3 how she locked up, they would have to stop.

4 Shauna Galloway-Williams testified to you about how
5 triggering events take people back some of these flashbulb
6 moments. That child was having a visceral reaction to being
7 sexually abused when she was ten.

8 And I'm sorry that that's how she has to think about sex
9 the first time she has it, but you heard not just **Minor** tell
10 you, you heard Gavin. I believe he said he's a sniper and he
11 works at a -- with the National Guard. And you got to see his
12 demeanor, his credibility. Did anybody think he was making
13 that up? No.

14 So then back to this crazy defense, the baby is not born
15 until 2017, guys. So, what, these guys are mind readers, back
16 in 2014, when we had the whole incident, the first disclosure
17 at the house, for a baby that's not even born yet? I'm going
18 to go away from that because it makes no sense, but that's
19 what they want you to believe. That's what they want to talk
20 about, and they don't want you to put this on all the rest.
21 They want you to follow a rabbit trail.

22 I want to go back to the other pieces of corroborating
23 evidence in this case briefly through the different witnesses.

24 Angie. Angie is her great-aunt. She talks about how the
25 mom had been in and out of her life. She talks about how,

1 when she brought **Minor** in, it was because **Minor** had no
2 home life at home.

3 I submit these children had a hell of a home life. They
4 were out there on their own, living in squalor, depravity,
5 didn't have food. And the one thing they should not have to
6 worry about is being sexually assaulted by their mother's
7 boyfriend or them becoming the subject of desire by their
8 mother's boyfriend, as in Sheridan's case.

9 Angie testified to you about these strange things **Minor**
10 did. Do you-all remember that? The water. Remember what
11 **Minor** testified? She talked about what did she do right
12 after this defendant abused her? She went to the shower. She
13 prayed to God that he would kill her because she felt unclean.
14 She felt dirty. She felt responsible. And that carried
15 through with her. She had this hang-up with water, and she
16 told you how that made her feel safe, and she would go in
17 there and turn on all the water while Angie and Richard --
18 Aunt Angie and Richard, they're like, "This is really bizarre
19 behavior. We don't turn on all the water. We've got to get
20 to the bottom of this. Something has happened to this child."

21 And do you remember Monday when Angie testified to you?
22 The scream that **Minor** let out -- they're saying, "What is
23 the deal? What's going on? We know something is going on."
24 And then she says, "Toby raped me."

25 And her Great-aunt Angie said it came straight from her

1 core. Are we to believe that was part of this whole whatever
2 they think has been contrived here? No. What that was is
3 corroboration of sexual abuse by another witness -- another
4 two witnesses. Independent evidence. Not just an allegation,
5 another brick-by-brick painting this whole picture together
6 for you.

7 And she talked about how she was sad when she had to go
8 home. Richard corroborated what happened when she disclosed.

9 **Minor**, briefly going back through what she said, she
10 told you about that night. She told you about how, if you can
11 imagine a trailer about like this, her room is here, her mom
12 is here, grandma is over there, and Sheridan is asleep on the
13 couch. Mom's at work. And she talks about how he starts
14 rubbing her back -- this defendant rubs her back, starts
15 putting IcyHot on it, and then tells her to come back to the
16 bedroom.

17 You heard about when she went back in that bedroom, how
18 he flipped her over, took her pants off. She talked about how
19 he put his fingers -- and these are the concepts -- and I'm
20 sorry; you know, in mixed company, none of these concepts are
21 good, but we have to talk about them.

22 She described how it felt for his fingers to go inside
23 her. She said it really hurt. "He kept moving them. I was
24 crying." He said, "If you scream, I'll kill your family."

25 Ladies and gentlemen, what those are, are sensory

1 details, describing sexual abuse.

2 "He moved his fingers back and forth. He told me to shut
3 up. He tried to put his penis in. I was looking at the
4 ceiling. He covered my face with a pillow." Sensory details
5 here.

6 "He was rubbing his" -- not to be too graphic, but "his
7 penis that was soft and it got harder. He was spitting on his
8 hand." Details. Rich, sensory details.

9 She said -- I believe the quote was, "I tried to
10 negotiate with him." She tells him he's not a bad person. Do
11 y'all remember that?

12 And then she goes to the bathroom and she begs God to
13 kill her.

14 She also said that he seemed, quote, "out of it," that he
15 was slurring his words. Some of you, like the defendant, was
16 asking me, "Well, what is -- I do meth and Andrea does meth.
17 We do crack, meth. We do all this. What does that have to do
18 with this case?" What that has to do with this case is that
19 **Minor** said he was out of it. He was slurring his words.

20 So the fact that the mom does crack and meth and he does
21 meth and they make their own hooch at home is all extremely
22 important evidence -- corroborating evidence to the fact of
23 him being impaired. We don't have to prove that he was
24 impaired. That is nothing we have to prove. But that's how
25 she described him. And that's another piece of corroboration

1 in this case.

2 Because what if they said, you know, there was never a
3 bottle of alcohol in that house? Nobody's ever touched drugs.
4 Nobody ever did that. That's not reality.

5 We talked about Gavin briefly. Normally, I wouldn't put
6 up somebody's sex partner. That was not -- it was hard to
7 decide to do that. But the flashbacks when he was on top of
8 her were very important, triggering events going back to an
9 abuse that you guys need as corroboration to do your job, to
10 take you back in time.

11 **Minor** was born in 2004. So in 2018 when she's with her
12 first boyfriend at the age of 17, that's how she experiencing
13 it. And it's told not just by her but through the eyes of
14 him.

15 Then we go to Sheridan. Let's just deal with Sheridan.
16 This case is not about Sheridan. It is not about whether he
17 had sex with Sheridan at 13. You'll notice in -- you'll
18 notice in the State's case, none of that was mentioned about
19 that. The judge is the arbiter of what evidence comes in, and
20 when this defendant testified and started talking about how
21 Sheridan was pursuing him, texting him, going after him, a
22 door was open to at least just ask the question, but that's
23 it. That's for a different day, a different time.

24 This is about sexual abuse that happened to **Minor**. We
25 have one case to prove today, and it is not Sheridan's case.

1 That's a different time, a different place if it ever happens.

2 But what you do know is that this man, who is turning 50,
3 I believe he said very soon was in a home. Suddenly, he just
4 magically starts dating Sheridan once she turns 16, which is
5 legal. A lot of people don't know that a 50-year-old man can
6 date a 16-year-old in South Carolina. Sounds creepy but
7 that's the law.

8 So in going back to Sheridan, she didn't want to be here.
9 This case is not about child support. She actually thought --
10 she told you she thought she was having a relationship with
11 him. She left. **Minor** told you, once Sheridan got pregnant
12 and had Neveah, that messed up their relationship. I mean,
13 here's the person that sexually abused you, getting your
14 sister pregnant. And there were years where they were -- they
15 were distant.

16 She asked -- we go back to the disclosure where Sheridan
17 testified to you about that next morning. She was asleep on
18 the couch. And this is so critical. Sheridan says, "I called
19 him up. I asked him what happened that night. I tell him,
20 **Minor** is not going to lie to me. What happened?"

21 She told you why they didn't tell their mother. I asked
22 her. I said, "Why didn't you tell your mom?"

23 "Well, my mom is a meth-head and a crackhead."

24 I said, "Why didn't y'all tell the police back then?"

25 And, you know, she said they were told to keep their

1 mouth shut. They didn't want to go to family -- they didn't
2 want to get thrown into the DSS world and be taken away.

3 I believe that she even testified she wasn't even aware
4 in December of 2020 when **Minor** disclosed finally to Aunt
5 Angie. Sheridan didn't even know that, she testified.

6 She testified this has nothing to do with custody. It is
7 a shiny object. You know why? Because they can't let you
8 focus on what you heard. They can't let you see all the
9 evidence that is before you. They need you to go over here,
10 follow that shiny object, and it just takes one of you.

11 We talked about -- well, we'll talk about Matt Anderson.
12 All in all, he's a good officer. I talked about his training.

13 I will tell you, in every single one of these cases, law
14 enforcement should have done more. Really, as a prosecutor, I
15 don't think I've ever opened a file and said, "Yep, that one
16 is nailed." That's why we go and we find people. We get the
17 Gavins. We get the other people. We get the nuggets. And we
18 present them to you. But he should have done more. Every
19 officer could have done more. But what you have here is
20 plenty of evidence to convict.

21 Statements, I wanted to briefly touch on this. A
22 statement is generally not admissible in a criminal court.
23 And I don't know if y'all know that, but a statement generally
24 is not.

25 The way this works, people will give -- you know, it will

1 be sometimes written in an officer's report or it will be
2 written down in a statement, and then when somebody testifies,
3 if they testify differently from that, a defense attorney will
4 impeach them with that.

5 So when somebody testifies -- did you see **Minor** getting
6 impeached with a lot of stuff? No. That would have been the
7 time that, if she was testifying differently than what she
8 told Matt Anderson, this defense attorney, who is very
9 skilled, would have come up to her and said, "Oh, wait a
10 minute, Matt Anderson in this court said this and this and
11 this and that didn't happen, ladies and gentlemen." A lot of
12 jurors don't know that. They think that we can just go and
13 "here's a statement, put it into evidence." We can't. That's
14 why the people have to testify.

15 The last thing I will mention is some of you may be
16 familiar with what a forensic interview is. A forensic
17 interview is done at the Julie Valentine Center. You heard
18 expert testimony about that from Shauna Galloway-Williams.
19 Those are recorded interviews, and generally, they're
20 admissible when children are under the age of 12, not over 12.

21 And as the officer and Shauna testified to, they
22 generally don't do those for kids that are 16 years old. So I
23 just wanted you to understand those facts and the rules of the
24 road that we as prosecutors deal with in prosecuting these
25 cases. It all boils down to credibility and this victim

1 telling you the truth.

2 And, ladies and gentlemen, I want to briefly talk to you
3 about intent. The judge is going to talk to you about intent.
4 We can't crawl inside this defendant's mind and know what he
5 was thinking on that day. The law does not require us to do
6 that.

7 But if you believe what **Minor** says he did, his criminal
8 intent is that: it is malevolent, it is malicious, it is child
9 abuse.

10 Finally, we put up a blind expert in this case, Shauna
11 Galloway-Williams. And she testified as to the hallmarks of
12 child sexual abuse. She talked about delayed reporting, how
13 common it is, how that's -- how the majority of these cases
14 come. She talked about the familial link, how most of you
15 have (indiscernible). She talked about how these children
16 perceive threats and how they believe them to be real.

17 She talked about triggering events and how those can be
18 very real to a victim of child sexual abuse. That just added
19 other corroboration to this case to add nuggets to give you
20 what you need to convict.

21 Ladies and gentlemen, in the end, the State has no
22 interest in convicting innocent people, but the State does
23 have an interest in protecting victims. When the State has
24 met its burden, the State asks you to return a verdict of
25 guilty in this case, and that is what I'm asking you to do

1 here. Thank you.

2 THE COURT: Okay.

3 MS. KEPLEY: May it please the Court?

4 THE COURT: Yes, ma'am.

5 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

6 MS. KEPLEY: An allegation isn't enough. Okay? The case
7 law upholds contradictions, convincing evidence, convincing
8 witnesses, and the Government, a couple of weeks, says, you
9 know, we're going to charge him and then we're going to
10 investigate further.

11 What this case boils down to is an allegation and not an
12 investigation. And I'm going to implore you -- I'm going to
13 beg all of you to not let your feelings about sexual assault
14 really override your duty to hold the State to their burden,
15 demanding to prove their case with factual evidence. And that
16 could be in stories, an allegation, and a firm, consistent
17 denial.

18 Credibility is a core issue we believe matters, but I
19 mean, we can't overlook the fact that there's -- there's no
20 physical evidence whatsoever. We can't overlook the
21 circumstances surrounding this allegation and the huge role it
22 plays in deciding whether or not (indiscernible).

23 You heard **Minor** tell you she was assaulted once in
24 the back of a tiny, dilapidated trailer with no doors, with
25 her family close by, feet away. Not only did she fight back,

1 not only did she scream, but she was too scared to simply tell
2 anyone what was going on, other than Sheridan; that her family
3 in the house never woke up, never heard a thing, saw her leave
4 her room, nothing. And that pillow was enough to muffle, I
5 mean, a full scream and that she never attempted to make it
6 again.

7 I attempted to cover my mouth right now and give you-all
8 a full scream to illustrate that that's something you would
9 hear if you were going to (indiscernible) over. I don't think
10 I need to do that. You're welcome.

11 But, I mean, this is not a movie. If this happened
12 exactly as she described it, it would have been perceived by
13 Grandma, who is up late, watching QVC. It would have been
14 perceived by somebody a few feet away in the living room.

15 And, also, you heard **Minor** tell you that, even after
16 Toby left this house, she still didn't tell anyone for another
17 six years, even though she had no reason to still be in fear,
18 even though she -- ever after he began living with her older
19 sister and even after they had a child together.

20 And the State would have you believe that Toby went into
21 the space with **Minor**, I guess she was sharing with her
22 sister, and asked her to leave and sexually assaulted her with
23 no concern with the fact that there's no doors, that there's
24 people all around.

25 They want you to believe that no one noticed anything.

1 No one ever noticed anything off around this time. No bloody
2 clothes, no sheets, no Grandma, no Grandma's boyfriend, him,
3 not Sheridan, not Andrea. I mean, that's just not possible
4 when you really sit down and think about the mechanics of
5 this.

6 If a child is assaulted sexually, forcefully -- and that
7 what's she described, a 10-year-old, there would likely be
8 some blood, there would likely be some noise.

9 And they would also have you believe that her sister just
10 didn't report that she was told until years later after
11 Mr. Armstrong was arrested; that I guess she knew Toby had
12 molested her own sister. She knew that but chose to have a
13 relationship and a child with him years later; that I guess
14 she knew all of that and decided to have a child with him
15 anyway.

16 And that doesn't make a whole lot of sense, and I would
17 ask you to consider that doesn't make a whole lot of sense
18 because it's not true.

19 There's a reason Sheridan didn't want to talk to the
20 police in 2020 when they tried to verify **Minor's** story with
21 her. One possible reason is she didn't want to have to lie to
22 the police.

23 There's also a reason her own mother didn't want to talk
24 to police when they tried to talk to her in 2020. There's a
25 reason **Minor's** mother isn't here to verify any of this

1 story. I guess they want you to believe that she has mental
2 health issues and that's why she's not here. It's also
3 possible she's not here because she knows the story isn't
4 true.

5 They want you to believe that it's just a coincidence
6 that **Minor** discloses an assault she says happened years ago
7 only a couple of months after Sheridan loses custody of her
8 child because of Toby.

9 I don't tend to believe in coincidences in cases like
10 this. I hope you don't either. This is usually the part in
11 the trial where I stand up at this table right here. This is
12 the table where we lay out all the evidence in a trial. Okay?
13 And this is the part in the trial where I go through each
14 piece of evidence. Maybe I pick up some clothing. Maybe I
15 talk about a DNA report. Maybe there would be some body cam
16 footage. And I would go through each piece with you right
17 now. This table is empty. Well, it's not completely empty.
18 There's a picture of a trailer.

19 So I guess we know for sure that the trailer exists and
20 that people lived in it. But other than that, this table is
21 completely empty. Okay? This empty table should be all the
22 reasonable doubt.

23 And what do they give you instead of evidence? What do
24 they give you instead of putting stuff on this table? They
25 call three witnesses. I hesitate to call them witnesses

1 because they didn't actually say anything. But three people
2 testified. I wasn't there in 2014. I have no evidence
3 whatsoever that suggests this happened, but three people say,
4 "Well, she told this story, too, in 2020." And she acted like
5 a girl who had a troubled childhood.

6 And the State is hoping you will overlook the complete
7 lack of evidence because three people said, "She told me --
8 she told me that, too." I mean -- and the stories don't even
9 match. Right?

10 Aunt Angie testifies she was literally screaming,
11 hysterical, and Uncle Richard testified she was scared and
12 reluctant. I don't think he used the word "scream" once. You
13 can't really be both of those. Not that it matters because
14 they aren't actual witnesses to anything.

15 They even called her high school boyfriend to say, "Well,
16 she told me a story, too."

17 There was a great moment -- I hope you were paying
18 attention. There was a great moment during his testimony
19 where the State asked him and I asked him, "Did you -- did
20 **Minor** ever take you through the woods to look at this
21 trailer?" Why did that happen? Why did that happen? Because
22 **Minor** said the opposite; right?

23 She was asked by the State, "Did you ever take your
24 boyfriend through the woods to see the trailer?" And what did
25 she answer? "No, I didn't do that."

1 And then you have Gavin testifying and describing in
2 detail this thing which she says doesn't happen. Not that
3 going through the woods and pointing out a trailer proves
4 anything or disproves anything, it doesn't. It doesn't really
5 matter. But I think it's a good example of how the stories
6 they practiced don't match.

7 And I didn't get that Gavin ever talked to the police for
8 the last five years. Not once. I'm going to guess that it's
9 because suddenly, in 2025, where we sit now, this case is up
10 for trial. And don't you know, there is no physical evidence,
11 there's no actual witnesses, even though it allegedly occurred
12 in a trailer full of people. "Let's try and see if some of
13 her friends and family will testify enough and see if that's
14 enough to convince you that there's a case." Please don't
15 fall for it.

16 I should talk about Ms. Galloway-Williams, their expert.
17 She didn't have a lot to actually say other than the fact that
18 sometimes children delay, sometimes they don't. Sometimes
19 they disclose right away. Sometimes they make a false
20 disclosure. Sometimes they disclose some of it or all of it
21 or none of it.

22 I think her bias as a CEO of an organization that helps
23 prosecute these crimes and gather evidence for these crimes
24 was very much on display. Her agenda is to help get
25 convictions, even when she doesn't know literally anything

1 about the case, even when there is no evidence that happened,
2 even when a person is innocent.

3 The truth is, if it's happened exactly as this aunt said
4 it did, there would be some medical evidence of it, how big or
5 how small, and you have no (indiscernible); right?

6 But not only that, there would most certainly be some
7 outward physical indication of assault that someone would have
8 realized -- a parent, a doctor might have picked up on it or
9 physical; right?

10 The lack of any piece of independent evidence that we can
11 point to and say, "Well, this matches her story," that's what
12 reasonable doubt is. And it's also your first indication that
13 she's not telling the truth.

14 If they even attempted to perform a medical exam in 2020,
15 would there have been evidence of some healed internal scar?
16 We don't know because they didn't even bother.

17 Your second big indication that she's not telling the
18 truth is that a lot of this detail had to be pulled out of her
19 here today. There was a lot of leading questions in her
20 testimony. She had to be reminded to mention the spit. She
21 had to be reminded to mention whether the penis was hard or
22 soft. She had to be reminded to mention how many fingers it
23 was.

24 The truth is usually much more fleshed out. It didn't
25 need to be pulled out. The truth makes sense. It's

1 consistent, it's clear.

2 Also, we know she was sexually active by the time she
3 discloses in 2020, by her own testimony. She can probably
4 cover some basic details. She's not a 5-year-old; right? But
5 the story itself is -- gosh, a lot of it's very strange, isn't
6 it? But it's unusual for a sexual assault to occur with a
7 10-year-old. A 10-year-old would know this is wrong. A
8 10-year-old would probably call police. A 10-year-old would
9 be unlikely to kind of go along with anything.

10 Not only that, typically, as you heard from
11 Ms. Galloway-Williams herself, this type of assault can build
12 overtime. Right? It starts with grooming, it starts with
13 getting comfortable, and it can kind of build up to more
14 intense physical acts. It doesn't normally occur out of the
15 blue. And that's not what she described at all; right?

16 Another big indication when the story isn't true is when
17 there's inconsistencies. You know, the truth doesn't change
18 over time; the stories sometimes do. Unfortunately, We have
19 no idea if her statement here before you this week was
20 consistent with what she disclosed in 2020.

21 Now, why is that? Because the Government didn't think it
22 was important enough to record it. Not with video, not with
23 audio, not with any kind of written statements. And whether
24 or not it's admissible I think ignores the point that we just
25 don't know whether or not it's consistent. We have no idea.

1 And that lack of knowledge about whether or not this story has
2 changed, has it moved around, we really have no idea, because
3 none of it was recorded. That lack of knowledge, that's a big
4 piece of reasonable doubt, and that's also an indication that
5 it can't be trusted; right?

6 The fourth communication someone is not telling the truth
7 is timing. Okay? I'm going to spend a lot of time talking
8 about this one. **Minor** seems to be a very smart girl.
9 Okay? She seems to have a good understanding of what would
10 happen if she reports. She knew he would be quickly charged
11 with a crime.

12 She also seemed to understand it's very likely her aunt
13 and uncle, they're not going to make her go back to the
14 trailer after she discloses. This idea that she was just too
15 afraid to report for years and years and years doesn't make a
16 whole lot of sense. The State wants you to believe she's not
17 afraid when she's physically fighting back, she's not afraid
18 when she is trying to scream, and she's not afraid when she
19 tells her sister but she just is afraid -- doesn't tell anyone
20 for six years afterward, even when she's not around him, even
21 when she hasn't been around him in years. It's not making
22 sense because it's not true.

23 And there are significant pieces of evidence missing
24 because of that timing. Okay? If a sexual assault like this
25 happens, there is physical evidence collected, swabs for semen

1 and saliva, pubic hair collection. You know, we don't have a
2 scrap of DNA or physical evidence for you to consider. It
3 couldn't be collected if it did ever exist because of that
4 delay of reporting. And that lack of evidence, that delay is
5 something you have to hold against the State, not Toby. Okay?
6 They have the burden of proof, and that lack of evidence
7 should count against them when weighing the evidence.

8 And what else is missing? Well, there are at least three
9 eyewitnesses. Okay? At least three that have not testified
10 or even ever interviewed as part of this case.

11 The grandmother, she would have been present in the home.
12 Again, a small trailer. Would have possibly heard the
13 yelling. Would have noticed someone leaving the bedroom.
14 Would have -- her door is open. She's up late coming,
15 watching TV. She would have absolutely seen this.

16 Tim Wall, Grandma's boyfriend, would know Toby was there,
17 would know if something strange was going on.

18 The mother also lived there, would have noticed strange
19 behavior, would have noticed bruises, would have noticed
20 medical issues probably. I guess they want you to think that
21 her mental issues were so extreme, she's some kind of invalid
22 who couldn't possibly speak to police or testify at trial.
23 But we also heard testimony she was a nurse, working at this
24 time. There's potentially some other reasons she wants
25 nothing to do with this case; right?

1 All these witnesses were present for the assault, and we
2 have no idea -- we have no idea what they'd say to you. Would
3 they contradict this story? Would they tell you this did not
4 happen? You know, we don't know. And all that missing
5 evidence goes to reasonable doubt.

6 The timing is also a big flag when it comes to Sheridan's
7 testimony. Let's talk about what she testified to. She
8 testified **Minor** told her in 2014, 2015 -- not sure of the
9 date or the year -- but there was some sort of apology and a
10 hug, and she didn't think it was worth mentioning to anyone
11 ever again.

12 And let's remember that's in direct contradiction to what
13 she texted to **Minor**, days after **Minor** talks to police. "You
14 never told me you were raped. We need to talk." Right?
15 That's the reason she didn't want to sit down with the police
16 in 2020 and 2021, because she didn't want to lie to the
17 police. She needs to get their story straight; right?
18 Because **Minor** never told her she was sexually assaulted.

19 And, yet, she ignores police in 2021 all the way up until
20 recently. Why is that? Why is that? Well, because this case
21 is up for trial; right? The case has no evidence. And
22 whatever thoughts you may have, we can agree Sheridan loves
23 and wants to help her sister at the end of the day.

24 What do you think is more truthful: the panic text she
25 sends her sister days after the police are blowing up her

1 phone, or her testimony here in front of you at trial? If
2 she's willing to lie to you about that, what else is she
3 willing to lie to you about?

4 The timing is also suspicious in another significant way.
5 Okay? Not only is it long enough for any DNA evidence that
6 might exist be beyond collectible, but the report also
7 coincides with a pretty significant event, doesn't it? Only a
8 couple of months before **Minor** walks into the police station
9 to make a report, only a couple of months before that, her
10 niece, the child that is Toby's, with her sister Sheridan, was
11 removed from the home, taken from Sheridan's custody by DSS.

12 And why was that child removed? Well, because Toby, as
13 you heard, in caring for his daughter, for the safety of his
14 daughter, he voiced his concerns of abuse and neglect directly
15 to DSS. DSS investigated those concerns, and they removed
16 that child altogether. And, in fact, it's only a couple of
17 months after Sheridan loses custody of **Minor's** niece that
18 **Minor** walked into the law enforcement center and says,
19 "Well, I have something to report myself."

20 And there are only certain crimes you can report where
21 you're automatically believed. Okay? Evidence or no.

22 You know, I do wonder sometimes if we would all be here
23 today if the allegation was literally anything else. Okay?
24 If **Minor** walked in that law enforcement center a couple of
25 months after her sister loses custody because of Toby and

1 says, "Well, actually, six years ago, that guy Toby, he stole
2 my bike and then he pawned it," without evidence that bike
3 existed, without evidence it was ever pawned, without any
4 other piece of evidence at all, wouldn't they have charged him
5 with that crime? I don't think they would have. And that's
6 wrong. Okay?

7 The nature of the allegation should never change the
8 justice you get. You should require the same levels of proof,
9 the same burdens of the Government.

10 And I can't begin imagine the anger, the panic that
11 **Minor** and her family were feeling in 2020, wondering where
12 this child is going to go, if she's going to be okay. So you
13 make an allegation serious enough that there won't be too many
14 questions.

15 And wouldn't you know it, there aren't too many
16 questions. A warrant is prepared a couple of weeks after
17 disclosure. No need to talk to any eyewitnesses or review any
18 medical exam. No need to verify any records from the school,
19 DSS, pediatric records. There's no investigation. It's
20 nothing but her allegation.

21 And, to be clear, I know this is hard. I don't think
22 **Minor** or any member of her family are bad people. I think
23 she's in a terrible situation. I think she probably did have
24 an awful childhood, from the sounds of it. And, again -- and
25 she's making terrible choices. She thought it was the best

1 thing.

2 You know, Toby didn't have to testify. He wanted to. He
3 wanted to tell you he didn't do this. He wanted to tell you
4 he only lived in this trailer for about six months. He wasn't
5 always there. He didn't have much interaction at all with
6 **Minor**. He was shocked to be called up in 2020 and told
7 "this girl is making this allegation against you."

8 He gets the call, again, only a couple of months after he
9 gets off the phone with DSS, worried about his daughter. He
10 loves his daughter. You heard him talk about how much he
11 wishes he could be in her life, about how it was unusual; he
12 started dating Sheridan sometime after separating from Andrea.
13 And that he loves his daughter.

14 And he'll be the first one to tell you, he's not perfect.
15 Him selling drugs to make ends meet does not make him a child
16 rapist. He wanted a trial. He wanted to look -- he wanted
17 you-all to take a look at this case. He's been waiting for
18 this day.

19 Now is the time for you-all to make it right, to state
20 firmly that we do not convict people on allegations; that the
21 law requires proof, and that's not clear; and that sometimes
22 doing the right thing means doing the hard thing. I know I'm
23 asking you to do something very hard, to be very critical, to
24 hold the Government to their burden.

25 And the judge is going to talk to you-all about

1 reasonable doubt, and I encourage you to listen carefully.
2 What I want you to know is that reasonable doubt is the
3 highest standard of proof in any court in this country. If
4 you are not firmly convinced beyond a reasonable doubt that
5 Toby committed this crime based solely on the evidence the
6 State has shown you, you must find him not guilty.

7 And the State is right; I do have a chart. A
8 (indiscernible) chart, I confess. And the reason I'm going to
9 put this chart up is not to mislead you. Okay? The reason
10 I'm going to put this chart up is because reasonable doubt,
11 it's kind of a legal term. What does it mean; right? What
12 does it really mean? It can be kind of confusing. And I
13 think the chart sets reasonable doubt in the context of the
14 other burdens of proof. And I give it to you to help you to
15 kind of understand where does reasonable doubt really fit in
16 all of this. What does it really mean? And I hope it does
17 help you. Sometimes the chart helps me, certainly.

18 I'm going to walk through this chart with you. What this
19 chart is -- welcome to law school. We're going to go over the
20 levels of proof in different courtrooms. Different courtrooms
21 have different levels of proof. And what happens is you start
22 at the bottom here when you're deliberating the evidence in a
23 case. If there's no evidence at all, you don't waste your
24 time with that one; right?

25 We go up a little bit here, one of those is scintilla.

1 That's a fun word. That means a little bit of evidence. Is
2 there a little bit of evidence? If there's a little bit of
3 evidence this happened, you would still have to find him not
4 guilty. Okay?

5 If you go up to the next step there, and the next step is
6 reasonable suspicion. That says it should be based upon
7 specific particular facts, reasons, not based on a hunch or a
8 guess.

9 If police wanted to stop you on the street -- "What's
10 your name? Let me pat you down." If they wanted to do that,
11 they would need reasonable suspicion to do that. Okay?
12 That's the standard you would need to do that.

13 I like to hear reasonable suspicion as a maybe. If this
14 maybe happened, got to find him not guilty. Okay?

15 The next step is probable cause; reasonable, trustworthy
16 information that a particular person has committed a
17 particular crime. Probable cause -- say the police want to
18 get a search warrant. They want to come in your house. Okay?
19 They want to come into your house, and they want to search it
20 for whatever purpose they have. They would need probable
21 cause to do that; reasonable, trustworthy information of a
22 particular person and a particular crime. Probably; right?
23 If you think this probably happened, you've got to find him
24 not guilty.

25 The next step there is preponderance of the evidence.

1 That's the greater weight. Okay? Preponderance of the
2 evidence is the standard they might use in civil court. Say
3 someone is trying to sue you for your money, they would need
4 to prove their case by a preponderance of the evidence.

5 The greater weight -- more likely than not is another way
6 to (indiscernible) that one too.

7 The next step there would be clear and convincing. And
8 clear and convincing, that's a standard we might use in Family
9 Court. Say if someone wants to come in and they want to take
10 your kid away from you. Okay? We're in Family Court. They
11 need to prove that case by clear and convincing, and that's a
12 firm belief -- firm belief that the allegations are true.
13 Some people like to think of that as highly probable. Okay?

14 If you have a firm belief that the allegations are true,
15 you have to find him not guilty. It's only when you get to
16 that top step there, it's only when you get to reasonable
17 doubt that you should come back with a guilty verdict. Okay?

18 You can go ahead and turn the chart off.

19 I like to use the chart to give that context of what
20 reasonable doubt actually means because I -- there was some
21 part in the closing, too -- and I think you're going to be
22 tempted to think, "Well, my duty is to just weigh who we
23 believe more. You know, do we believe this more, do we
24 believe that more? But that's not the standard at all.
25 Right? That's a lower standard.

1 Your duty is not to sit there and say who -- you know,
2 let's weigh which one we believe -- tend to believe a little
3 bit more than the other. That would put you on one of those
4 lower stairs. Okay?

5 Reasonable doubt is higher than that. Reasonable doubt
6 is the missing evidence, the missing witnesses. Reasonable
7 doubt is the evidence that doesn't make sense. There's a lot
8 of it here and a lot of it doesn't make sense.

9 And when you get back to deliberate and you find you have
10 questions -- okay? You have concerns. Maybe you're even
11 confused about some very important things. That's what
12 reasonable doubt is going to feel like. That's what it
13 actually feels like.

14 Toby sits there today as an innocent man, waiting for you
15 as a jury, the most powerful group of people in this building
16 -- that's what you are -- to do the right thing. You hold
17 immense power where you sit: the power to lock Toby in a cage,
18 or the power to set things right.

19 People lie. Physical evidence doesn't. There is no
20 physical evidence, not so much as a scratch that indicates
21 Toby ever laid a finger on **Minor**. Without credible
22 witnesses, without DNA or any physical sign of any sexual
23 trauma whatsoever, can you be firmly convinced that this
24 allegation happened? Can you believe the word of **Minor**
25 knowing, to a huge extent of it, she has lied? Her little

1 girl, her niece, was just taken away because of Toby. There
2 aren't too many bigger incentives to lie than that.

3 What would someone be looking at? People lie. Evidence
4 doesn't. Now is the time to make it right.

5 The power is in your hands and yours alone. And I'm
6 going to ask you to go back there and send a message to the
7 State that doing the right thing matters no matter how hard it
8 is, no matter the type of allegations.

9 Find Toby Armstrong not guilty.

10 THE COURT: Okay, briefly.

11 MS. SUSTAKOVITCH: Very briefly, Your Honor.

12 FINAL CLOSING STATEMENT ON BEHALF OF THE STATE

13 MS. SUSTAKOVITCH: Thank you, ladies and gentlemen, very
14 briefly.

15 Judge Miller is the sole instructor about the law in this
16 case, and he will be instructing you on reasonable doubt. I
17 would rely on that and not the chart we just saw, but it is
18 really: Are you going to be firmly convinced of this
19 defendant's guilt?

20 Defense counsel said there's no evidence on this table.
21 What I do have to remind you and what Judge Miller will remind
22 you, there are different types of evidence. There's lay
23 testimony that comes right from this witness stand. There's
24 physical evidence. There's DNA evidence. All of that --
25 circumstantial evidence -- it all reads the same. One is not

1 better than the other. And you'll get an instruction on that.
2 So there's plenty of evidence in this case that is being given
3 to you.

4 Briefly on the statement, it was documented. It was
5 written in his report. It's not like he just talked to her
6 and didn't put it and commit it down to a document that he had
7 with him. As I stated before, if she had been telling
8 something different than what was stated, she would have been
9 impeached.

10 Defense counsel said, "Delayed reporting, use that
11 against the State." Ladies and gentlemen, the majority of
12 these cases are delayed reported. Do we just not prosecute
13 them? What we do is we give you all the evidence, all the
14 bricks that show to you beyond a reasonable doubt that **Minor**
15 **██████████** is not just making up some allegation to help her niece
16 out. You heard the testimony that Sheridan didn't even know
17 about **Minor** talking to Richard and talking to Angie that
18 day.

19 And the final thing I will say is this: Think about
20 Richard. If there's one of you having a moment of doubt,
21 think about his testimony. Do you remember what he said? You
22 can go play it back if you want to. He said, "It's like she
23 didn't want to tell us." Remember that? She didn't want to
24 tell us.

25 So they would have you believe this is all some contrived

1 conspiracy, and here is **Minor** viscerally crying out to Aunt
2 Angie, "Toby raped me," and she doesn't even want to tell
3 them.

4 Ladies and gentlemen, what you heard was very graphic
5 child sexual abuse, and the State asks you to hold him
6 responsible. Thank you.

7 JURY CHARGE

8 THE COURT: All right. Ladies and gentlemen of the jury,
9 during this trial, you and I have certain duties to perform,
10 and as the trial judge, it is my responsibility to preside
11 over the trial of the case and to rule on the admissibility of
12 the evidence that's offered during the trial. It is also my
13 duty to charge you the law applicable to the case, and it is
14 your duty as jurors to accept and apply the law as I now state
15 it to you.

16 If you think you have any idea as to what the law is or
17 what the law ought to be and it does not agree with what I now
18 tell you the law is, you must forget that idea because you are
19 sworn to accept the law and apply the law exactly as I state
20 it to you.

21 I would remind you that, in every case tried in this
22 court before a jury, the jury is the sole and exclusive judge
23 of the facts, and a trial judge cannot comment on or make any
24 statement about the facts in a case. So please don't think
25 about anything I may have said or done during the trial that I

1 have such an opinion. That is up to you-all to decide.

2 I again instruct you that the fact that the defendant was
3 arrested, charged, and indicted in the case is not evidence of
4 guilt nor does it create any presumption or inference of
5 guilt. These documents are simply the formal written
6 instruments which contain the charge made against this
7 defendant, and they serve as the formal documents by which the
8 case is processed and brought into court for resolution.

9 Now, necessarily, you must determine the credibility or
10 believability of the witnesses who have testified, and it
11 becomes your duty as jurors to evaluate the evidence and
12 determine which evidence convinces you it is true. And in
13 determining the believability of the witnesses, you may
14 believe one witness over several or several over one. You may
15 believe a part of the testimony of a witness and reject the
16 remaining part. You may believe the testimony of a witness in
17 its entirety or reject that same testimony in its entirety,
18 and you may consider whether the witness has an interest in
19 the result of the trial, whether the witness is prejudiced
20 towards either the State or the defendant, the opportunity for
21 the witness to have seen the matters and things about which
22 the witness has testified, and the way the witness acts on the
23 witness stand or what we call a witness's demeanor.

24 Now, the rules of evidence normally and ordinarily do not
25 permit witnesses to testify to opinions or conclusions. An

1 exception to this rule exists for witnesses we call experts, a
2 witness who, by education and experience, has become expert in
3 some art, science, or profession may give an opinion as to the
4 subject a witness has been qualified as an expert in and may
5 also give the reasons for the opinion, and you should consider
6 any expert opinion given by a witness and like all of the
7 other evidence in the case, give it the weight that you think
8 it deserves.

9 Now, the defendant has pled not guilty to the indictment,
10 and that plea puts the burden on the State to prove the
11 defendant guilty. A person charged with committing a crime in
12 South Carolina is never required to prove themselves innocent,
13 and I charge you that it is a cardinal and a signal rule of
14 the law that the defendant in a criminal trial will always be
15 presumed to be innocent of the crime for which the indictment
16 has been issued unless guilt has been proven by evidence
17 satisfying you of guilt beyond a reasonable doubt.

18 A reasonable doubt is the kind of doubt which would cause
19 a reasonable person to hesitate to act, and reasonable doubt
20 may arise from the evidence which is in the case or from the
21 lack or absence of evidence in the case, and you, the jury,
22 must determine whether or not reasonable doubt exists as to
23 the guilt of this defendant. The State has the burden of
24 proving each element of a crime beyond a reasonable doubt.

25 I would also tell you that voluntary intoxication, where

1 it has not produced permanent insanity, is never an excuse or
2 a defense to a crime. A person who voluntarily renders
3 themselves intoxicated is just as responsible for their
4 actions committed while intoxicated as when the person is not
5 intoxicated.

6 The defendant is charged with and indicted for criminal
7 -- first degree criminal sexual conduct with a minor, and the
8 State must prove beyond a reasonable doubt that the defendant
9 engaged in a sexual battery with the victim.

10 A sexual battery is sexual intercourse, cunnilingus,
11 fellatio, anal intercourse, or any intrusion, however slight,
12 of any part of a person's body or of any object into the
13 genital or anal openings of another person's body except of
14 course when the intrusion is accomplished for medically
15 recognized treatment or diagnostic purposes.

16 The State must then prove beyond a reasonable doubt that
17 the victim was less than 11 years old at the time of the
18 sexual battery. Consent, willingness, indifference, or
19 ignorance on the part of the minor, if any, as to what was
20 taking place does not in any way affect the charge of criminal
21 sexual conduct with a minor because an unmarried woman, under
22 the age of 14, cannot legally consent to sexual intercourse.

23 Now, ladies and gentlemen, there are two possible
24 verdicts which you may reach in this case. There's no
25 significance to the order in which I state them. It is either

1 guilty or not guilty.

2 And I must tell you that your verdict must be unanimous.
3 All 12 of you must agree on the verdict. And I prepared a
4 verdict form, which I think is very simple and
5 straightforward, for you to -- when you have reached your
6 unanimous decision, you could check the box and sign it -- I'd
7 ask the foreperson to sign it. If you have any questions
8 about that, let me know. But I would tell you that your
9 verdict cannot be based on sympathy, passion, prejudice,
10 emotion, or any other consideration not in evidence in this
11 case.

12 So, ladies and gentlemen, at this time, I'm going to
13 excuse all 12 of you -- I have to ask the alternates to remain
14 -- into your jury room. Don't start deliberating just yet. I
15 need to go over my charge on the law and make sure I didn't
16 misstate something or omit something. And when the evidence
17 comes back to you with a verdict form, you may begin your
18 deliberations. Okay? Thank you.

19 (The jury exited the jury room at 10:53 AM.)

20 THE COURT: Ms. Geiger and Mr. McElroy, this is always
21 the hardest part for me. I made y'all sit up here for 2-1/2
22 days and you don't get to go back in there and do your job.
23 You're just as qualified as they are.

24 As you can imagine, there are times during a trial when
25 someone has taken ill or some other event occurs, and we have

1 to have alternates to step in. If we didn't, we'd have to go
2 back and retry the whole case again.

3 So I appreciate your attention and the sacrifices you
4 have made. I'm happy to tell you that your service is
5 completed for the week, and you-all are welcome to stay, go,
6 whatever you would prefer to do. Okay. Thank you.

7 All right. Any exception or objection to the charge from
8 the State?

9 MS. SUSTAKOVITCH: No, sir.

10 THE COURT: From the defense?

11 MS. KEPLEY: No, Your Honor.

12 THE COURT: Okay. Here's the verdict form if you want to
13 look at it and send it all back.

14 All right. We will take a short break.

15 (A recess was taken while the jury deliberates from 10:53
16 to 10:55AM.)

17 JURY QUESTION

18 THE COURT: Got some questions.

19 One: Review investigator's report.

20 Two: Review text messages between Sister and **Minor**.

21 MS. SUSTAKOVITCH: They have all the evidence that is
22 admissible.

23 THE COURT: Do you want me to charge them orally?

24 MS. SUSTAKOVITCH: Yes, sir.

25 MS. KEPLEY: Yeah, yeah.

1 THE COURT: Okay. Let's bring them back.

2 THE BAILIFF: The jury is ready to enter.

3 THE COURT: Okay. Bring them in.

4 (The jury enters the courtroom at 11:56 AM.)

5 THE COURT: Okay. Ladies and gentlemen, I got your note.

6 You have questions. The first one, "Review investigator's
7 report," and the second one, "Review text messages between the
8 sister and **Minor**."

9 As I told you and as I will emphasize and reiterate, all
10 of the evidence that's been presented is before you. You are
11 in possession with everything that there is. Okay? The one
12 physical piece of evidence and all of the testimony. Okay?
13 Great. Thank you very much.

14 (The jury exited the courtroom and continued
15 deliberations at 11:58 AM.)

16 THE COURT: Okay. Anything from the State?

17 MS. SUSTAKOVITCH: No, sir.

18 THE COURT: Defense?

19 MS. KEPLEY: No, Your Honor.

20 THE COURT: Okay.

21 (A recess was taken from 11:58 AM to 11:24 AM.)

22 THE BAILIFF: Judge, the jury is ready to come in.

23 THE COURT: Okay.

24 (The jury entered the courtroom at 11:25 AM.)

25 VERDICT

1 THE COURT: All right. Mr. Foreman, I understand you
2 have reached a verdict.

3 MS. SUSTAKOVITCH: Yes, sir, we have.

4 THE COURT: All right. If you would please hand it to
5 the bailiff for me.

6 Madam Clerk, you can publish.

7 THE CLERK: Your Honor, in the case of 2023-GS-23-7116,
8 the State versus Toby Kahn Armstrong, as to the charge of
9 criminal sexual conduct with a minor first degree, we, the
10 jury, find the defendant guilty.

11 Ladies and gentlemen, if this is the verdict you reached
12 in your deliberation room, please raise your right hand.

13 (Jurors raise hands.)

14 THE CLERK: Thank you.

15 THE COURT: All right. Anything further from the jury,
16 from the State?

17 MS. SUSTAKOVITCH: No, sir, Your Honor.

18 THE COURT: From the defense?

19 MS. KEPLEY: No, Your Honor.

20 THE COURT: Okay. Mr Foreman, ladies and gentlemen of
21 the jury, I want to thank you for your service. I hope that
22 it turns out that you will look back on this as a really good
23 experience. I can't tell you how much we appreciate all the
24 sacrifices that you have made for you to participate in our
25 justice system.

1 THE COURT: 49.

2 There's nothing you want to say? Now is your chance.

3 THE DEFENDANT: No, sir.

4 THE COURT: No? I thought your lawyers did a good job
5 for you.

6 THE DEFENDANT: They did a great job. A wonderful job.

7 THE COURT: Yeah. Okay.

8 Well, look at this, on the -- the legislature has deemed
9 that this conviction for this type of offense is from 25 years
10 to life. And on the -- from my experience with these type of
11 cases, this is not the highest end of the spectrum in the
12 sentencing. That's one factor to consider.

13 The other factor, though, is you've been around. And
14 that's, you know...

15 I'm going to give you 35 years. Good luck.

16 MS. KEPLEY: Can you hold him for one second?

17 THE DEPUTY: What's that?

18 MS. KEPLEY: Can you hold him for one second?

19 THE COURT: Do you want me to tell him about his right to
20 appeal?

21 MS. KEPLEY: Yeah, I was going to ask --

22 THE COURT: Hold on.

23 (Pause in the proceedings.)

24 THE COURT: Defense counsel, in speaking privately with
25 the defendant, she has informed him of his right to appeal.

1 And I was able to hear that through the door.

2 Okay. All right. Thank you very much.

3 (The trial adjourned at approximately 11:45 AM.)

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Madeline Hest *1567/612

WITNESSES

Greenville County Sheriff's Office

7/1/2021

ARREST WARRANT NUMBER

2021A2310100017

ACTION OF GRAND JURY

TRUE BILL

Joel Barker

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023-GS-23-
CLK

007116

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November

TERM 2023

THE STATE

vs.

TOBY KHAN ARMSTRONG

Indictment for

0395

**CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE**

VIOLATION § 16-03-0655

ENTERED ACCT *en*

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

NOV 21 2023

the Grand Jurors of Greenville

County present upon their oath:

That TOBY KHAN ARMSTRONG did in Greenville County, on or about the 22nd day of March, 2013
and 22nd day of March, ²⁰¹⁵~~2014~~, commit a sexual battery on **Minor**, who was less than eleven years of age.
This is in violation of § 16-3-655(A)(1) [formerly § 16-3-655(1)] of the South Carolina Code of Laws
(1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR BAR #70325

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GreenvilleINDICTMENT/CASE#: 2023 - GS - 23 - 07146²⁷⁹

STATE VS.

A/W#: 2021A2310100017

Date of Offense: 6/12/2013

S.C. Code § 16-03-0655(A)(1)

Toby Khan Armstrong

AKA: SSN: [REDACTED]

CDR Code #: 0385

RACE: WHITE SEX: M DOB: [REDACTED]

Range of Offense:

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADS

TO: Sex / Crim Sex Cond, 1st Deg W/Min <1

Range of Offense Pled

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

Sustakovitch, Christy 70325 SC Bar #

KERLEY, RACHEL 101957 SC Bar #

The Defendant is committed to the ☐ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 35 days/months/years/Time Served ☐ YOA NTE years and/or shall pay a fineof \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; balance is suspended with probation for months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDC.
 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other:

Restitution \$

FINE: \$

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-190(B))

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Fine/Costs and Assessments are to be paid to the
Clerk of Court within days/months

\$100	\$ <u>100.00</u>
\$100	\$ <u> </u>
\$12	\$ <u> </u>
\$25	\$ <u> </u>
\$25	\$ <u>25.00</u>
\$150	\$ <u> </u>
\$41	\$ <u> </u>
\$50	\$ <u> </u>
\$40/ea	\$ <u> </u>
TBD	\$ <u>3.75</u>
\$500	\$ <u> </u>
\$40	\$ <u> </u>

TOTAL

\$ 128.75

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/ Deputy Clerk

Court Reporter

2130 Judge Code

4-9-25 Sentence Date

Presiding Judge

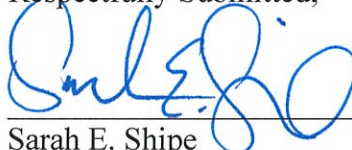
SCCA217B
01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Sep 11 2026****SC Court of Appeals**

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of September, 2026.