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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

The Honorable Michael G. Nettles

Appellate Case No. 2025-001023

The State of South Carolina,

Respondent,

v.

Rodolfo S. Moreno,

Appellant.

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THE
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1 State of South Carolina,) Court of General Sessions
2 Plaintiff,) Fifteenth Judicial Circuit
3 vs.) CASE NO. : 2022-GS-26-04226
4 Rodolfo S. Moreno,) Transcript of Record
5 Defendant.

6 -----

7 May 12, 2025 to May 16, 2025

8 Horry County, South Carolina

9 **B E F O R E:**

10 The Honorable, Presiding Michael G. Nettles

11 -----

12 **APPEARANCES:**

13 For the State:

14 George Henry Martin, Esquire

15 Leigh Andrew Waller, Esquire

16 For the Defendant:

17 Brad C. Richardson, Esquire

18 Interpreter (for Leyra Farinas): Maria J. Riveras

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20 Julie A. Kevish
21 Official Court Reporter

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(Whereupon proceedings convened Monday, May 12, 2025)

THE COURT: State, you recognize, you may call the case.

MR. MARTIN: Your Honor, the State of South Carolina versus Rodolfo Moreno.

THE COURT: Very good. Ladies and gentlemen of the jury pool, Mr. Moreno -- is a Marina Moreno?

MR. MARTIN: Moreno, Judge.

(Voir Dire)

THE COURT: All right. Mr. Moreno has been indicted for allegations of criminal sexual conduct which allegedly took place between 2019 and 2021 in Conway in the Forestbrook community of Conway. Having been armed with this basic information does anybody know anything about these allegations? Did you witness any events which gave rise to these allegations? If so, please stand. I emphasize that the fact that Mr. Moreno is indicted and this indictment itself has absolutely no evidentiary value, Mr. Moreno, just like every one of us, is presumed to be innocent, we start from that frame of reference. I'm going to ask Mr. Moreno if he would stand, face the jury pool, if you could. Very good. You may be seated. Is anyone related by blood or marriage, do you have a close social, business or personal relationship with the defendant? If so, please stand. No response. Potential

1 witnesses in this case are Kimberly Ann Sanchez; **Juvenile**
2 **[REDACTED]**; Alex Moreno, Private First Class, Casey Kaplan from
3 Horry County Police Department; Detective Dustin Small Horry
4 County Police Department; Detective Paul Johnson Horry County
5 Police Department; Carol "Ra-ter" or Rahter --

6 MR. RICHARDSON: Leyra, Your Honor.

7 THE COURT: La-ra (ph) --

8 MR. RICHARDSON: Farinas, Your Honor.

9 THE COURT: Say that again.

10 MR. RICHARDSON: Farinas.

11 THE COURT: Carol Rahter from the Children's Recovery
12 Center; Laura Farinas, Nicolle Farinas; Ricardo Farianos
13 (ph) --

14 MR. RICHARDSON: That should be Farina's, too, Your
15 Honor, I think there's a typo with that, sorry about that.

16 THE COURT: Sandra Aidar-McDermott; Sheila Martinez;
17 **Juvenile**; Heaven **P. [REDACTED]**; Kimberly Sanchez; Summer
18 Goodrum; Paul Johnson; Casey Kaplan; Dustin Small; Skylor
19 Weaver; Ray Olszewski. Is anyone related by blood or marriage?
20 Do you have a close social or business or personal relationship
21 with any of these potential witnesses? If so, please stand.
22 I'm going to ask the counsel for the state to stand and
23 identify yourself.

24 MR. MARTIN: May it please the Court, Your Honor?

25 THE COURT: Yes, sir.

1 MR. MARTIN: I'm George Henry Martin. I'm an
2 Assistant Solicitor here with the 15th Judicial Circuit. I
3 prosecute cases along with Ms. Waller in Horry and Georgetown
4 Counties.

5 MS. WALLER: I'm Leigh Andrew Waller. I'm a Senior
6 Assistant Solicitor here at the Solicitor's Office. We
7 represent the State.

8 THE COURT: Is anyone related by blood or marriage or
9 have a close social, business or personal relationship with
10 either of these lawyers? I'm not real sure whether they've
11 ever been engaged in the private practice of law, have they
12 ever represented you before? If so, please stand. No
13 response. Defense counsel, if you could you stand and identify
14 yourself?

15 MR. RICHARDSON: Yes, sir. My name is Brad
16 Richardson. My law office is Brad C. Richardson, LLC. I've
17 got offices here in Conway, Myrtle Beach and Marion, South
18 Carolina. This is my Paralegal, Alexis Deas who will be
19 working with me on this case.

20 THE COURT: Thank you very much.

21 MR. RICHARDSON: Thank you, Your Honor.

22 THE COURT: Is anyone related blood or marriage or
23 have a close social, business or personal relationship with Mr.
24 Richardson or his paralegal? If so, please stand. Have you
25 ever been represented by Mr. Richardson, or do you have an

1 ongoing case with him? If so, please stand. Yes, if you could
2 please come forward?

3 MR. MARTIN: What's the jury number?

4 THE COURT: Your jury number?

5 THE JUROR: 55.

6 MR. MARTIN: Thank you.

7 THE COURT: 55, she's qualified to serve.

8 MR. RICHARDSON: Thank you, Your Honor. Has any
9 member on the jury panel formed or expressed an opinion about
10 any issue or matter involved in this case? If so, please
11 stand. No response. Is any member of the jury panel aware of
12 any bias or prejudice towards either the state or the defendant
13 in this case? If so, please stand. No response. Has any
14 member of the jury panel has served as a member of the grand
15 jury that indicted this case? If so, please stand. No
16 response. Is any member of the jury panel a former law
17 enforcement officer? If so, please stand. If you could please
18 come forward?

19 THE COURT: Yes? Where were you an officer?

20 THE JUROR: I was a parole officer in Illinois. I
21 retired in 2005.

22 THE COURT: Okay. If called upon to serve on this
23 jury, the fact that your were a parole officer, would that
24 inhibit your ability to give both the State and the Defendant a
25 fair and impartial trial?

1 THE JUROR: Is that a question?

2 THE COURT: Yes.

3 THE JUROR: No.

4 THE COURT: Okay. And due to the fact that you were
5 a former law enforcement officer, would that cause you to give
6 greater weight to some of the law enforcement officers, or
7 could you evaluate their testimony just like you could any
8 other witness?

9 THE JUROR: I could evaluate the testimony.

10 THE COURT: You're qualified to serve. Thank you.

11 MR. RICHARDSON: Thank you, Your Honor.

12 MR. MARTIN: Number, Judge, I missed that?

13 THE COURT: Your name?

14 THE JUROR: 73, Theresa Cox.

15 THE COURT: Theresa Cox, 73.

16 MR. RICHARDSON: Thank you, Your Honor.

17 THE COURT: She'll stay with us. Has any member of
18 the jury panel been a victim of a violent crime? If so, please
19 stand. No response. Is there any member of the jury panel who
20 is a member or contributor to any group which has as its
21 primary concern the promotion of law enforcement? There are a
22 number of such organizations: Mothers Against Drunk Driving,
23 Students Against Drunk Driving; CAVE-Citizens Against Violent
24 Crime? Virtually every Sheriff's Department in the state has a
25 Sheriff's Association. Highway Patrol has a similar

1 organization. Is anyone a member of any of these groups or do
2 you contribute to them? If so, please stand. No response.
3 Does any member of the jury panel know of any reason,
4 whatsoever, why you should not serve as a juror on this case,
5 with particular emphasis being placed on your ability to be
6 fair and impartial to both the State and the defendant? If so,
7 please stand. If y'all could come forward.

8 THE JUROR: My granddaughter is five years old and
9 currently the Horry County Police is investigating an incident
10 related to her and a physical, possibly sexual assault.

11 THE COURT: Okay. Well, let me ask you this
12 question. If called upon to serve on this jury, all cases are
13 different, could you listen to the evidence or lack of evidence
14 in the law as I charge it to you and give both the state and
15 the defense a fair and impartial trial?

16 THE JUROR: I'm not sure.

17 THE COURT: Well, based on that I'll excuse you.
18 He'll be transferred to a civil term of court.

19 THE CLERK: His juror number?

20 THE JUROR: 161.

21 MR. RICHARDSON: 161?

22 THE COURT: Yes.

23 MR. RICHARDSON: Thank you.

24 THE COURT: You're excused. Yes, sir?

25 THE JUROR: I work in the local news, and while I'm

1 not sure exactly what this case is, Mr. Moreno looks somewhat
2 familiar and his name sounds somewhat familiar, so it's
3 possible that I've dug in this case heard about it, spoke about
4 it when it was prominent in news if that was the case, but I
5 just don't remember, that's why I didn't say nothing earlier --

6 THE COURT: The fact that you don't really recall
7 anything, could you set aside the fact that you investigate
8 these type things, listen to the evidence in this case, or the
9 lack of evidence, and the law as I charge it to you and give
10 both the State and the defense a fair and impartial trial?

11 THE JUROR: Yes, sir.

12 THE COURT: You're qualified to serve. Thank you.
13 He'll stay with us.

14 THE JUROR: I am a SANE nurse, I work with sexual
15 assault victims so I don't feel like I could not hold any kind
16 of certain feelings one being a juror for this case.

17 THE COURT: Okay. I will transfer you to a civil
18 term of court.

19 THE JUROR: Okay.

20 THE COURT: Transfer her to a civil term of court.

21 THE CLERK: What's her juror number?

22 THE JUROR: 280.

23 THE COURT: All right, you're free to leave.

24 THE JUROR: Thank you.

25 THE COURT: Yes, ma'am? Your name and number?

1 THE JUROR: Shannon Josephs, 189.

2 THE COURT: Okay.

3 THE JUROR: For a short period of time I just worked
4 the hotline at the Rape Crisis Center here in Horry County.

5 THE COURT: Okay. If called upon to serve on this
6 jury, could you set aside the fact that you worked in that
7 capacity to listen to the evidence in this case, or the lack of
8 evidence, listen to the law as I charge it to you, and give
9 both the State and the Defense a fair and impartial trial?

10 THE JUROR: Yes.

11 THE COURT: You're qualified to serve. Thank you.
12 Yes? How are you doing?

13 THE JUROR: Pretty good. I guess my issue is I
14 recently had a family friend in our state with some charges
15 that are pretty fabricated, so I don't have a high opinion of
16 not just the State of South Carolina, but prosecution in
17 general.

18 THE COURT: Let me ask you this question.

19 THE JUROR: Yes, sir.

20 THE COURT: If called upon to serve in this case,
21 could you listen to the evidence or the lack of evidence and
22 the law as I charge it to you and give both the state and the
23 defense a fair and impartial trial? Of course, all cases are
24 different so a lot of evidence --

25 THE JUROR: Right, no, I understand that.

1 THE COURT: But could you sit and listen and render a
2 fair verdict?

3 THE JUROR: Could I do that?

4 THE COURT: Yes.

5 THE JUROR: Right now, I -- I'm -- I don't know.

6 It's, yeah, with what I'm dealing with in another state, I
7 don't trust that the evidence being presented is going to be
8 actually truth. I'm pretty -- I mean, it's -- what I'm dealing
9 with is pretty severe --

10 THE COURT: Right.

11 THE JUROR: -- and yeah, I just right now I'm just --

12 THE COURT: We'll transfer him to a civil term of
13 court.

14 THE CLERK: What's your juror number?

15 THE JUROR: 166.

16 THE COURT: Very good. Thank you. Yes, sir, your
17 name and number?

18 THE JUROR: Charles Wagner, 398. I want to make it
19 known that me and my girlfriend were both sexually assaulted as
20 kids.

21 THE COURT: Okay. If called upon to serve on this
22 jury, do you understand that all the cases are different --

23 THE JUROR: Okay.

24 THE COURT: The evidence is different --

25 THE JUROR: Uh-huh.

1 THE COURT: The allegations are different, and if
2 called upon to serve on this jury you'll be called upon to
3 determine whether or not there's adequate evidence for a
4 conviction, so you'll be called upon to determine whether or
5 not you'll listen. My question is could you listen to the
6 evidence or the lack of evidence and listen to the law as I
7 charge it to you and give both the State and the Defense a fair
8 and impartial trial?

9 THE JUROR: Maybe not, it's hard not to have a
10 certain, like, idea already about it.

11 THE COURT: Okay. Well, I'm going to transfer you to
12 a civil term of court. We'll transfer you.

13 THE JUROR: Thank you.

14 THE COURT: Very good. Any additional questions from
15 the defense, from the state?

16 MR. RICHARDSON: I believe we've covered everything,
17 Your Honor.

18 THE COURT: We're ready for the jury. Kaitlyn
19 Bogenerger?

20 THE JUROR: Yes?

21 THE COURT: Would you come forward?

22 **(Discussion was held off the record by Court and**
23 **counsel)**

24 **(Jury Selection)**

25 THE COURT: We're ready to call the jury. Strikes

1 will be 5 and 10, 1 and 2 on each of you.

2 THE CLERK: When I call your name and juror number,
3 please come to the front of the courtroom, turn around and face
4 the back of the courtroom, and bring any of your personal
5 belongings with you. Juror Number 176, Nicholas Jarrett. What
6 say the State?

7 MR. MARTIN: Please present this juror.

8 THE CLERK: Defense?

9 MR. RICHARDSON: Please seat the juror.

10 THE CLERK: Please be seated in the jury box. Juror
11 Number 172, Jennifer Icenhour. What say the State?

12 MR. MARTIN: Please present this juror.

13 THE CLERK: Defense?

14 MR. RICHARDSON: Please seat Ms. Icenhour.

15 THE CLERK: Please be seated in the jury box. Juror
16 Number 392, Wanda Usenia. What say the State?

17 MR. MARTIN: Please present this juror.

18 THE CLERK: Defense?

19 MR. RICHARDSON: Court's indulgence. Please excuse
20 Ms. Usenia.

21 THE CLERK: You're excused from this particular case.
22 Juror Number 189, Shannon Josephs. What say the State?

23 MR. MARTIN: Please present this juror.

24 THE CLERK: Defense?

25 MR. RICHARDSON: Please excuse Ms. Josephs.

1 THE CLERK: You're excused from this particular case.

2 Juror Number 373, Scott Tamburri. What say the State?

3 MR. MARTIN: Please present this juror.

4 THE CLERK: Defense?

5 MR. RICHARDSON: Please seat Ms. Tamburri.

6 THE CLERK: Please be seated in the jury box. Juror

7 Number 55, Daniela Cantu. What say the State?

8 MR. MARTIN: Please excuse this juror.

9 THE CLERK: You're excused from this particular case.

10 Juror Number 213, Elyssa Lance. What say the State?

11 MR. MARTIN: Please present this juror.

12 THE CLERK: Defense?

13 MR. RICHARDSON: Please excuse Ms. Lance.

14 THE CLERK: You're excused from this particular case.

15 Juror Number 107, Johnathan Fay. What say the State?

16 MR. MARTIN: Please present this juror.

17 THE CLERK: Defense?

18 MR. RICHARDSON: Please seat Mr. Fay.

19 THE CLERK: Please be seated in the jury box. Juror

20 Number 173, Connor Ingalls. What say the State?

21 MR. MARTIN: Court's indulgence? Please excuse this

22 juror.

23 THE CLERK: You're excused from this particular case.

24 Juror Number 51, Dianne Callihan. What say the State?

25 MR. MARTIN: Please present this juror.

1 THE CLERK: Defense?

2 MR. RICHARDSON: Please seat Ms. Callihan.

3 THE CLERK: Please be seated in the jury box. Juror

4 Number 378, Jacob Thomas. What say the State?

5 MR. MARTIN: Please present this juror.

6 THE CLERK: Defense?

7 MR. RICHARDSON: Please seat Mr. Thomas.

8 THE CLERK: Please be seated in the jury box. Juror

9 Number 313, John Richardson. What say the State?

10 MR. MARTIN: Please present this juror.

11 THE CLERK: Defense?

12 MR. RICHARDSON: Please seat Mr. Richardson.

13 THE CLERK: Please be seated in the jury box. Juror

14 Number 127, Samangkat Georges. What say the State?

15 MR. MARTIN: Please present this juror.

16 THE CLERK: Defense?

17 MR. RICHARDSON: Please excuse Ms. Georges.

18 THE CLERK: You're excused from this particular case.

19 Juror Number 286, Rene Parks. What say the State?

20 MR. MARTIN: Court's indulgence? Please present this
21 juror.

22 THE CLERK: Defense?

23 MR. RICHARDSON: Please seat Ms. Parks.

24 THE CLERK: Please be seated in the jury box. Juror

25 Number 353, Robert Soles. What say the State?

1 MR. MARTIN: Please present this juror.

2 THE CLERK: Defense?

3 MR. RICHARDSON: Please seat Mr. Soles.

4 THE CLERK: Please be seated in the jury box. Juror

5 Number 301, Brandon Prince. What say the State?

6 MR. MARTIN: Court's indulgence? Please present this
7 juror.

8 THE CLERK: Defense?

9 MR. RICHARDSON: Please seat Mr. Prince.

10 THE CLERK: Please be seated in the jury box. Juror

11 Number 409, Ashley Williams. What say the State?

12 MR. MARTIN: Please present this juror.

13 THE CLERK: Defense?

14 MR. RICHARDSON: Please seat Ms. Williams.

15 THE CLERK: Please be seated in the jury box. Juror

16 Number 296, Peter Pirrello. What say the State?

17 MR. MARTIN: Please present this juror.

18 THE CLERK: Defense?

19 MR. RICHARDSON: Please seat Mr. Pirrello.

20 THE CLERK: Please be seated in the jury box. Juror

21 Number 261, Carl Mills?

22 THE COURT: Strikes 1 and 2.

23 THE CLERK: What say the State?

24 MR. MARTIN: Court's indulgence? Please present this
25 juror.

1 THE CLERK: Defense?

2 MR. RICHARDSON: Please excuse Mr. Mills from this
3 case.

4 THE CLERK: You're excused from this particular case.
5 Juror Number 76, Jenaysia Crane. What say the State?

6 MR. MARTIN: Please present this juror.

7 THE CLERK: Defense?

8 MR. RICHARDSON: Please seat Ms. Crane.

9 THE CLERK: Please be seated in the jury box. Juror
10 Number 36, Kaitlyn Bogenerger.

11 MR. MARTIN: Court's indulgence? Please present this
12 juror.

13 THE CLERK: Defense?

14 MR. RICHARDSON: Please excuse Ms. Bogenerger.

15 THE CLERK: You're excused from this particular case.
16 Juror Number 194, Kimberly Kelly. What say the State?

17 MR. MARTIN: Please present this juror.

18 THE CLERK: Defense?

19 MR. RICHARDSON: Please excuse Ms. Kelly from the
20 trial of this case.

21 THE CLERK: You're excused from this particular case.
22 Juror Number 54, Jeff Cannon. What say the State?

23 MR. MARTIN: Please present this juror.

24 THE CLERK: Defense?

25 MR. RICHARDSON: Please seat Mr. Cannon.

1 THE CLERK: Please be seated in the jury box.

2 THE COURT: Those of you who remain in the jury pool,
3 you're excused for the week. You've discharged your
4 responsibilities, you're free to leave, you've earned a
5 three-year exemption. Good luck to you.

6 Mr. Thomas, I'm going to ask you if you could serve as the
7 Foreperson of this jury and ask that you change chairs with
8 this gentleman in the blue T-shirt.

9 THE JUROR: Yes, sir.

10 THE COURT: Mr. Thomas, you like everyone else when
11 it comes time to deliberate, are going to have one vote, but
12 you're going to be given additional responsibilities throughout
13 the trial of this case. If there are questions and concerns
14 that develop amongst the jury I'm going to ask that the jurors
15 communicate that question of concern to you, you reduce it to
16 writing, give it to the bailiff, and if it's something we can
17 help you with we'd be happy to do so. In addition to that,
18 you're going to be charged with the responsibility of presiding
19 over the deliberation process, and that essentially means that
20 you are to ensure that everybody's voice is heard.
21 Additionally, there will be times throughout the trial where
22 you're in the jury room by yourself before we start, sometimes
23 we have to take up the legal matters outside of your presence.
24 You're charged with the responsibility of enforcing the rule.
25 There is to be no discussion about the case. You can't talk

1 about the lawyers, you can't talk about the subject matter, you
2 can't talk about anything having to do with this case. You can
3 talk about Carolina, Clemson, football, you can talk about
4 sports, fishing, anything you want to talk about, but you can't
5 talk about this case. Does anybody understand that?

6 THE JURY: Yes, Your Honor.

7 THE COURT: You're to enforce that rule. I'm going
8 to ask that each of you stand and raise your right hand as the
9 Clerk administers the oath.

10 (Jury sworn)

11 THE COURT: Ladies and gentlemen of the jury, I'm
12 absolutely one hundred percent positive when you go home, your
13 significant other or your coworkers and friends are going to
14 say, tell me what's going on with your jury service. This is
15 one time where you don't have to answer them, as a matter of
16 fact, I'm going to order that you not, because it might be that
17 they know something about these particular allegations. It
18 might be that they have an opinion about this type of
19 litigation. It would be inappropriate to have any discussions
20 like that, and you need to base your decision on what
21 transpires here in this courtroom. You'll hear straight from
22 the horse's mouth all of the witnesses that know anything about
23 this case, you need to base your decision on that. I've told
24 you, generally, where these allegations arose. Do not do any
25 independent investigation. You know, there's not anything that

1 you can't look up on the Google nowadays. You can look up
2 personalities, you can look up events, you can look up
3 virtually anything, you can do legal research. Do not do that.
4 Once again, base your decision on what transpires here in this
5 courtroom. Does everybody understand that?

6 THE JURY: Yes, sir.

7 THE COURT: All right. There's also a thing called
8 social media, which I would never participate in, but I hear it
9 tell there, it's a real thing. There's a thing called tweeter
10 or Twitter. There's no place for putting anything about your
11 jury service on Twitter, Facebook, Linked In, Instagram, and
12 all of those type things. Y'all know what I'm talking about.
13 Do not do that. Do not discuss the case amongst yourselves or
14 with anyone else, and after the trial of the case and the
15 rendering of a verdict, I will release you from that, and you
16 can Twitter or tweet, or however you want to, put anything on
17 Facebook, but it will be inappropriate to do that at this
18 junction. Does everybody understand that?

19 THE JURY: Yes, sir.

20 THE COURT: And I understand that we'll start this
21 trial in earnest on --

22 MR. RICHARDSON: Wednesday morning.

23 THE COURT: -- Wednesday morning. So we need you to
24 be back at 9:30, 9:30 sharp. Let's be here on time because
25 everybody, we can't start until everybody's here, so let's be

1 here just a little bit early and ready to roll. Can everybody
2 understand that?

3 THE JURY: Yes, sir.

4 THE COURT: You know, sometimes there's a temptation
5 when jurors serve on a jury to stay up and watch late night TV
6 because they don't have to go to work the next morning. These
7 are important matters. It's important to the State of South
8 Carolina, it's important to the defendant, so we need to be
9 alert so you can pay very close attention. I'm going to
10 release you today. You don't have to come back tomorrow.
11 We'll be back Wednesday at 9:30, 9:30 sharp. Does everybody
12 know when we're supposed to show back up?

13 THE JURY: 9:30 Wednesday morning.

14 THE COURT: There you go. Sometimes I get it mixed
15 up, 9:30 Wednesday morning, see you then. Very good. Thank
16 you.

17 **(Jury was excused until 9:30 a.m. Wednesday, May 14, 2025)**

18 THE COURT: Anything from the State before we recess?

19 MR. MARTIN: Judge, we don't have any challenges.

20 THE COURT: Anything from defense?

21 MR. RICHARDSON: No, sir, Your Honor. I don't know,
22 we talked about getting interpreter for one of my witnesses.

23 MR. MARTIN: Yeah, I haven't done that.

24 MR. RICHARDSON: Okay. Judge, one of my witnesses,
25 she speaks better English than I speak Spanish, but we may need

1 an interpreter. Do I need to prepare an order for you, Judge?

2 THE COURT: If that's necessary, I'll be happy to
3 sign it.

4 MR. RICHARDSON: Yes, sir, I'll prepare that this
5 afternoon. She will likely not be taking the stand until
6 Thursday.

7 THE COURT: Very good.

8 MR. RICHARDSON: Your Honor, with regard to my client
9 being remanded, I just could not remember what you typically
10 did. I have spoken with the bondsman, he has agreed. Mr.
11 Emerson Hunt who is the bail bondsman out of Marion has agreed
12 to stay on the bond.

13 THE COURT: All right.

14 MS. WALLER: Do you want him to stay out, is that
15 what you're saying?

16 MR. RICHARDSON: Yes.

17 MS. WALLER: For the pendency of the trial?

18 MR. RICHARDSON: Of course, I know even when that
19 happens, once the jury gets it, he's remanded into custody, or
20 that's been my experience.

21 MR. MARTIN: That particular issue, Judge, we'll
22 leave in your discretion.

23 THE COURT: And how long has he been out on bond?

24 MR. RICHARDSON: Since July 19th of 2022, I think,
25 Your Honor.

1 THE COURT: We will release him, however, you need to
2 understand that if you choose not to show up then the trial is
3 going to go on without your presence, and in the event you
4 don't show up the first thing we're going to do is call the
5 U.S. Marshals, and if there's anybody who can find somebody on
6 this earth, it's the U.S. Marshal's Office, so then you'd be
7 remanded into custody. I don't anticipate that's going to
8 happen.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Be back at 9:30 Wednesday morning.

11 THE DEFENDANT: Yes, sir.

12 MR. RICHARDSON: Thank you, Your Honor.

13 THE COURT: All right. And if you want me to sign
14 that order with regard to the interpreter, you might need to do
15 that now.

16 MR. RICHARDSON: Yes, sir.

17 THE COURT: You might want to do a Form 4. I'll be
18 in the office and I'll be happy to sign it.

19 MR. RICHARDSON: Yes, Your Honor. I'll snag a Form 4
20 from someone.

21 THE COURT: Okay. Very good.

22 MR. MARTIN: Your Honor, as far as the witnesses on
23 Mr. Richardson's witness list, as you know, we'll need their
24 dates of birth and socials, if you can get them, so we can run
25 background checks.

1 MR. RICHARDSON: Okay. I'll be happy to do that.

2 MR. MARTIN: And I do apologize about any mix up with
3 the interpreter. I did not --

4 MR. RICHARDSON: We just discussed it, I haven't been
5 in this position before, Your Honor.

6 MR. MARTIN: At least we have an extra day to make
7 that happen.

8 THE COURT: Okay.

9 MS. WALLER: Yeah, we just knew about it today.

10 THE COURT: Right.

11 MR. RICHARDSON: We discussed it.

12 THE COURT: We will stand as ease.

13 MR. RICHARDSON: Thank you, Your Honor.

14 **(Concluded for the day, Monday, May 12, 2025)**

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1 **(Whereupon proceedings reconvened Tuesday, May 13, 2025)**

2 THE COURT: State can recognize.

3 MR. MARTIN: Thank you, Your Honor, as a matter of
4 housekeeping, our first motion is going to be, I believe,
5 pretty quick. It's a motion to comply with the Rape Shield
6 Statute. We served a copy on Mr. Richardson. I don't believe
7 he has any issue. As Your Honor knows, the victim would be
8 protected under that statute from any questioning in regards to
9 prior history, but she's young, and in speaking with her, I
10 don't even think this is going to be an issue. We're just
11 filing it out of an abundance of caution.

12 MR. RICHARDSON: No issue with that, Your Honor.

13 THE COURT: Very good.

14 MR. MARTIN: The next matter, Judge, I don't know if
15 today is appropriate or more tomorrow, would be the issue of
16 sequestering witnesses. Once we get this case before a jury
17 we'd ask that witnesses on both sides be sequestered, and
18 obviously, once they've testified they can sit in to courtroom
19 as they wish.

20 THE COURT: What does the defense have to say about
21 that?

22 MR. RICHARDSON: I've talked with my clients about
23 it, Your Honor. They understand that that could be an issue,
24 we don't want any witness just repeating what they've heard
25 here in court.

1 THE COURT: All right. And not only that they not be
2 in the courtroom, but the sequestration order also extends to
3 witnesses not discussing the substance of their testimony with
4 other witnesses. I'm going to ask that both of you all
5 instruct your client and witnesses on your behalf to comply
6 with that order.

7 MR. RICHARDSON: Yes, sir Your Honor.

8 MR. MARTIN: That concludes to State's motions. I
9 know the defense has a motion for suppression of the statement
10 made by the defendant for a Jackson v. Denno. I'm not sure if
11 they have any other motions at this time or not.

12 THE COURT: Mr. Richardson, you recognize. I
13 understand that you're moving to suppress the statement and
14 therefore to burden has shifted to the State, and would you
15 like to say anything more in that regard.

16 MR. RICHARDSON: Your Honor, I do have a written
17 motion, I think it would be appropriate to deliver after we've
18 watched the statement. I can certainly give it to you
19 beforehand if you want --

20 THE COURT: You go. I understand you're objecting to
21 the admission of it and the burden has shifted to them. I'm
22 going to recognize them and allow them to set forth the
23 circumstances of the statement.

24 MR. RICHARDSON: Thank you, Your Honor.

25 MR. MARTIN: Thank you, Your Honor. I think just for

1 the ease of everyone involved it would be best to call
2 Detective Paul Johnson to the stand, I'll question him, and
3 then play the video.

4 THE COURT: Very good. You may call him to the
5 stand. Yes, sir, Detective Johnson. I'm going to ask, if you
6 could, place your left hand on the Bible, raise your right hand
7 as the Clerk administers the oath.

8 DETECTIVE PAUL JOHNSON WAS DULY SWORN AT THIS TIME
9 AND TESTIFIED AS FOLLOWS:

10 THE COURT: Start with your full name.

11 THE WITNESS: William Paul Johnson.

12 THE COURT: Very good, Mr. Johnson.

13 MR. MARTIN: May it please the Court, Your Honor?

14 **DIRECT EXAMINATION**

15 BY MR. MARTIN:

16 Q. Detective Johnson, just by way of background for the
17 benefit of the Court, what is your occupation?

18 A. I'm a detective with the Horry County Police Department.

19 Q. How long have you been with the Horry County Police
20 Department?

21 A. A little over 18 years.

22 Q. How long have you been in law enforcement?

23 A. My entire career has been with Horry County Police
24 Department.

25 Q. What are your current duties that you have with the

1 Horry County Police Department?

2 A. Currently I'm assigned to the Criminal Investigations
3 Division, a detective, I investigate property crimes.

4 Q. Were you in that same position back in, I believe it was
5 July of 2022?

6 A. In July of with 2022 I was assigned to the Criminal
7 Investigations Division but I was assigned to the Special
8 Victims Unit instead of the property section.

9 Q. And back on or about July 18th of 2022 were you involved
10 in a case with the defendant, Rodolfo Moreno?

11 A. Yes, sir, I was.

12 Q. And is he seated here in court today?

13 A. Yes, sir, he is.

14 Q. Where is he?

15 A. He's beside his attorney, Mr. Richardson.

16 Q. And on that particular date did you happen to meet or
17 speak with the defendant about the case?

18 A. Yes, sir, I did.

19 Q. Where would that meeting have taken place?

20 A. It was taken place at the Horry County Police Department
21 in the interview rooms.

22 Q. And prior to speaking with the defendant, did you speak
23 with him about what's commonly referred to as his Miranda
24 Rights or Miranda Warnings?

25 A. Yes, sir, I did.

1 Q. And in doing that in the interview room, was that
2 interview audio or video recorded?

3 A. Yes, sir, it was.

4 Q. Talk to me a little about how the recording device works
5 for that room?

6 A. In the interview rooms there's cameras above where we
7 interview. Before you enter the interview room you have to log
8 in. There's a computer outside the door located on the wall.
9 Once you log into evidence dot com with your password, you
10 hit record, the interview starts, and when you are done with
11 the interview, when you exit, you enter a case number, and when
12 you hit stop recording, that video is automatically uploaded to
13 a server that goes to evidence dot com.

14 Q. I think I skipped ahead just a little bit, but circling
15 back to the Miranda Rights, how did you advise the defendant of
16 his rights?

17 A. With a Miranda form.

18 Q. Your Honor, may I approach the defendant with State's
19 Exhibit 1?

20 THE COURT: Certainly.

21 MR. RICHARDSON: I've seen it, Your Honor.

22 **(State's Exhibit No. 1 was marked for identification)**

23 Q. I'm approaching with what's State's Exhibit one for
24 identification purposes. Could you take a second to look at
25 that form and see if you, in fact, recognize it?

1 A. I do, yes, sir.

2 Q. And what is it?

3 A. It's a Horry County Police Form advising of Miranda
4 Rights that was given to Mr. Moreno.

5 Q. And in looking at that form what are the Miranda
6 Warnings?

7 A. You have the right to remain silent, anything you say
8 can and will be used against you in a court of law. You have
9 the right to talk to a lawyer and have them present while
10 you're being questioned. If you cannot afford to hire a lawyer
11 one will be appointed to represent you at no cost before any
12 questions, if you so desire. If you make a statement or answer
13 any questions, you have the right to stop at any time.

14 Q. Is that a fair and accurate representation of the form
15 that you had him initial and sign?

16 A. Yes, sir.

17 MR. MARTIN: Your Honor, the state would ask to move
18 State's 1 into evidence.

19 THE COURT: Any objection from defense?

20 MR. RICHARDSON: Without objection, Your Honor.

21 THE COURT: It's into evidence.

22 **(State's Exhibit No. 1 was admitted into evidence.)**

23 MR. MARTIN: Explain the process a little bit about
24 how you advised the defendant of using to form. Do you have
25 the defendant sign or initial anywhere on the form?

1 A. Yes, sir. We've got five bullet points: You have the
2 right to remain silent, he will initial that one; anything you
3 say can and will be used against you; he initials that one, and
4 then all the way down. And then the last thing, it says: Do
5 you understand these rights? It's got a yes or no. He checked
6 yes. And then he printed his name, signed his name, and then I
7 would print and sign, and then another officer who was also in
8 the room would sign, also.

9 Q. Is the form dated?

10 A. July 18, 2022.

11 Q. And when speaking with the defendant and having him go
12 over the form, did he appear to understand and acknowledge his
13 rights?

14 A. He did.

15 Q. Did he appear to understand and acknowledge the English
16 language?

17 A. He did.

18 Q. And as a law enforcement officer of 18 years have you
19 come into contact with defendants who were, say, under the
20 influence of maybe drugs and alcohol?

21 A. I have.

22 Q. What are some characteristics that these defendants
23 display when they're under the influence?

24 A. Slurred speech, sleepy, delayed response when you're
25 asking questions.

1 Q. Did he appear to exhibit any of those symptoms?

2 A. He did not.

3 Q. What about a gun? Were you wearing a gun?

4 A. Yes, sir, I was.

5 Q. And why was that?

6 A. Every day as we're working doing our duties as a police
7 officer, we wear a gun.

8 Q. Did you pull gun or present it or wave it around to
9 threaten or coerce the defendant?

10 A. No, sir.

11 Q. And ultimately, did he, in fact, I know I've asked this
12 already, but just to have it on the record, did he, in fact,
13 waive his rights and agree to speak with you?

14 A. Yes, sir, he did.

15 Q. Circling back to the recorded interview, you previously
16 testified about how the process works, are you able to alter or
17 manipulate that video in any way?

18 A. No, sir.

19 Q. And did you do that here?

20 A. No, sir, I did not.

21 Q. Have you had an opportunity to watch the recorded
22 interview since that date?

23 A. Yes, sir.

24 MR. MARTIN: May I approach, Judge?

25 THE COURT: Yes.

1 MR. MARTIN: I'm showing you what's been marked as
2 State's Exhibit 2 for identification purposes. Are these your
3 initials on there?

4 A. Yes, sir.

5 Q. Do they signify the fact that you were able to watch
6 this?

7 A. Yes, sir.

8 Q. When you watched this recording was it a fair and
9 accurate representation of the events that you remember
10 happening?

11 A. Yes, sir.

12 Q. Have they been altered in any way?

13 A. No, sir.

14 Q. Your Honor, at this time we'd ask that this statement be
15 admitted into evidence, State's 2.

16 THE COURT: Any objection?

17 MR. RICHARDSON: For the purposes of this hearing,
18 no, Your Honor.

19 THE COURT: It's a Court's Exhibit for the purposes
20 of this hearing.

21 MR. MARTIN: Thank you, Your Honor.

22 THE COURT: The issue with regard to putting it into
23 evidence we'll take up.

24 MR. MARTIN: I misspoke, I appreciate you all
25 clearing that up, but clearly for this hearing, yes, sir.

1 THE COURT: Very good. Thank you.

2 MR. MARTIN: Your Honor, at this time, the State
3 wishes to publish this video to the Court.

4 THE COURT: You may proceed.

5 MR. MARTIN: Thank you. Court's indulgence while we
6 get the TV set up. Your Honor, while we're getting this set
7 up, the State has got a certified transcript. At the end of
8 the interview Your Honor will see there are two phone
9 conversations that are conducted in Spanish. We had a
10 court-certified interpreter and transcriber, if that's the
11 right word, we have a notarized copy where she has translated
12 that, since I think to everyone, at least the attorneys and the
13 judge certainly don't speak Spanish, we'd like to make that a
14 copy, and I'm going provide a copy to Mr. Richardson, as well.

15 THE COURT: Any objection to the transcript, Mr.
16 Richardson?

17 MR. RICHARDSON: Your Honor, this is the first time
18 I'm seeing this transcript. I'd just like an opportunity to go
19 over it with the interpreter. For the purposes of this
20 hearing, no, Your Honor. If the State has the opportunity, I
21 can do that.

22 THE COURT: Very good.

23 MR. MARTIN: And I'm going to include the notarized
24 certificate on the back within the item of evidence.

25 THE COURT: Are you planning on introducing this in

1 the trial?

2 MR. MARTIN: Yes, sir, if Your Honor rules that it's
3 admissible.

4 THE COURT: And I assume that you're going to have
5 the transcriber here?

6 MR. MARTIN: Your Honor, the transcriber is actually
7 in Argentina. She is not in the United States. She left and
8 did not come for court. She's not here for court, she's in
9 Argentina.

10 THE COURT: We will take up that issue at a later
11 date and time. For the purposes of this hearing we will take a
12 look at the transcript.

13 MR. MARTIN: Thank you. Can Your Honor see the TV.

14 THE COURT: I can. That's a big TV. I think I can
15 see it.

16 MR. MARTIN: I didn't know if it was angled
17 correctly.

18 **(Video playing)**

19 MR. RICHARDSON: Your Honor, this is, I think four
20 minutes in length of just silence. If they want to speed
21 through it, I don't have an issue.

22 THE COURT: Okay.

23 MR. RICHARDSON: I think it starts back twenty
24 minutes and seven seconds, I believe is when Detective Johnson
25 re-enters.

1 **(Video playing)**

2 MR. RICHARDSON: Again, Your Honor, this is, I've got
3 it right at five minutes long. I have no objection, there is
4 nothing being said, nothing being done, if they would to fast
5 forward through this portion.

6 MR. MARTIN: Judge, the State would like this to be
7 played. This five-minute pause goes directly to the
8 voluntariness of the statement. The Defendant had an
9 opportunity to end the interview, took a break from
10 questioning, and the police come back, so I think it's
11 important for the Court to realize the length of this break.

12 MR. RICHARDSON: I just think Your Honor's been
13 around enough to understand what five minutes is, and I can see
14 it's five --

15 MR. MARTIN: That's fine. I mean, if we all want to
16 agree it's a little over five minutes, I think that's fine.

17 THE COURT: Okay. I know what five minutes is.

18 MR. MARTIN: Okay. I'm going to fast forward to, I
19 have it marked as 1747:57. It will begin in about 15 seconds,
20 Judge, he walks back in.

21 **(Video Playing)**

22 MR. RICHARDSON: And Your Honor, I believe he sits in
23 there, moved around a little bit, but I don't think anything is
24 said, it's about 13 minutes in length. I have no objection if
25 they want to fast forward through that.

1 MR. MARTIN: Your Honor, I guess we have no issue
2 with that either.

3 THE COURT: Very good.

4 (Video Playing)

5

6 MR. MARTIN: Sorry, Judge, I can't get it on the
7 exact time stamp.

8 (Video Playing)

9 MR. MARTIN: Your Honor, this is where the defendant
10 makes the first phone call of the two phone calls in Spanish,
11 English and Spanish.

12 (Video Playing)

13 MR. MARTIN: Your Honor, I don't have a time stamp
14 for this, but the defendant does return shortly.

15 MR. RICHARDSON: That's about a minute and a half.

16 MR. MARTIN: Yeah, I just didn't have the exact time.

17 (Video Playing)

18 MR. MARTIN: Obviously this is the second phone
19 conversation.

20 (Video Playing)

21 MR. MARTIN: There is about another minute and a half
22 where it's just them --

23 MR. RICHARDSON: There is an important part on this,
24 Your Honor.

25 THE COURT: Okay.

1 (Video Playing)

2 MR. RICHARDSON: That's it, Your Honor.

3 THE COURT: I'd be glad to hear from defense.

4 MR. MARTIN: Your Honor, would it be possible to take
5 a restroom break?

6 THE COURT: Yes.

7 MR. RICHARDSON: And I think we can go straight from
8 questioning to argument, but that's the Court's discretion.

9 MR. MARTIN: Yes, Your Honor. We have a few
10 follow-up questions for the witness for Direct, and then
11 certainly after that.

12 MS. WALLER: And if you could give us your memo, we'd
13 be in a better position to respond.

14 MR. RICHARDSON: Yeah, yeah, I'll give you a copy.
15 Unfortunately the copier I used, I'll give the judge the
16 original, it's all legible.

17 MS. WALLER: As long as I can read it.

18 MR. RICHARDSON: It seems to be legible.

19 THE COURT: Five minutes.

20 (Recess taken)

21 THE COURT: I'll remind you that you're still under
22 oath. State you recognize, you may continue with your direct
23 examination.

24 MR. MARTIN: Thank you, Your Honor.

25

1 DIRECT EXAMINATION (continued)

2 BY MR. MARTIN:

3 Q. Detective Johnson, now that we've watched the interview,
4 do you still maintain that that's a fair and accurate
5 reflection of what happened that day at the police station?

6 A. Yes, sir.

7 Q. So let's talk a little bit about what we've watched.
8 Did you have an arrest warrant in hand prior to the start of
9 that interview?

10 A. I did not.

11 Q. And at the beginning of that interview had you already
12 made the decision to arrest the defendant in this case?

13 A. I had not.

14 Q. There was mention made about calling a judge, I believe
15 it was by Detective Small. Did you, in fact, call you a judge?

16 A. I did.

17 Q. And why was that?

18 A. We did not have an arrest warrant in hand, so after the
19 confession that he made about the case, before he was arrested
20 we spoke to magistrate regarding the facts we just obtained in
21 the interview room.

22 Q. And I believe you said it was your 18 years in law
23 enforcement. Have you had occasion to interview suspects other
24 than this defendant?

25 A. I have.

1 Q. Do you any idea how many?

2 A. Hard to say, I mean, quite a bit.

3 Q. A lot?

4 A. A lot, yes, sir.

5 Q. And in those interviews do defendants typically admit to
6 wrong are doing, let's say, immediately?

7 A. Not in my experience.

8 Q. Do they progressively admit to some sort of wrong-doing?

9 A. Yes, sir.

10 Q. And in this case is that what Mr. Moreno did?

11 A. I believe so.

12 Q. Did he ever actually fully admit to you everything he
13 did?

14 A. He did not.

15 Q. And did he, in fact, try to minimize what he did?

16 A. In my opinion, he did.

17 Q. There's been some mention made about cameras, obviously
18 we have a recording. Where in the room are those cameras
19 located?

20 A. It's behind us. I'm not sure if it's actually -- I
21 never really even paid attention if it's on the wall or the
22 ceiling. I believe it's on the wall in the corner.

23 Q. But those cameras, are they visible from inside the
24 room?

25 A. I believe they are. Honestly, I never really pay

1 attention, I think it's a white camera a corner of the room, on
2 the ceiling, I believe.

3 Q. There was some mention made about a one-way mirror or a
4 closet. Was there, in fact, anybody behind a one-way mirror in
5 this case?

6 A. I believe before I even started working at the police
7 department there was a room back there. There's several
8 interview rooms. I think there's three or four total. Now I
9 think there's only two, those are made offices, but there is a
10 two-way mirror that they turned it into a closet. No one was
11 back there while I was interviewing him.

12 Q. At some point in the interview, though, however, did the
13 defendant, in fact, admit to sexually assaulting his daughter?

14 A. He did.

15 Q. And do you remember approximately how long into the
16 interview it was when he made this admission?

17 A. Maybe approximately an hour in.

18 Q. But was it immediately?

19 A. No, sir.

20 Q. Now, at one point I want to draw your attention, for the
21 Court's benefit it's minute mark 17:30:21. But at one point
22 during the interview did you indicate to the defendant that you
23 wouldn't tell anyone if he told you the truth about what
24 happened?

25 A. I did.

1 Q. And why did you say that to him?

2 A. Obviously, if he confessed to a crime I would tell the
3 magistrate and the Solicitors Office, and what I was trying to
4 tell him was, there's three people in the room, if he confessed
5 I wasn't gonna immediately leave the room and spread gossip
6 about him and tell everyone I met that Mr. Moreno committed a
7 sexual assault.

8 Q. In this case during the interview were you trying to
9 intentionally mislead the defendant as to the law?

10 A. I was not.

11 Q. And did you tell him at any point that there was, in
12 fact, no sound device recording him in that room?

13 A. I did not.

14 Q. Did you at any point say to him this interview is for my
15 file only?

16 A. I did not.

17 Q. Did you say anything like, the door is shut or the
18 blinds are closed?

19 A. I believe the only thing I said was, there's only three
20 of us in the room, I'm not gonna tell anyone.

21 Q. Did you promise him that this tape, this recording,
22 would not leave the room?

23 A. I did not.

24 Q. And I believe you've testified to this already, but to
25 be specific, did you tell him that you would not share this

1 interview with to Solicitor's Office?

2 A. I did not. We did not speak about anything like that.

3 Q. Did you ever reassure the defendant that he would be
4 going home that day regardless of what he said?

5 A. No, sir.

6 Q. Did at any point you tell the defendant that he needed
7 to tell you what happened or he'd be going to prison for a long
8 time?

9 A. No, sir.

10 Q. There were a couple break in the interview. Did at any
11 point did he ask you to stop then?

12 A. No, sir.

13 Q. At any point did he ask you for a lawyer?

14 A. No, sir.

15 Q. Did you at any point tell him that he was, in fact, not
16 the focus of your investigation?

17 A. I did not.

18 Q. Did you tell him that any statements he made you would
19 not use against him?

20 A. I did not.

21 MR. MARTIN: Court's indulgence.

22 Q. After making the statement, I believe it was you
23 wouldn't tell anyone if he told you the truth about what
24 happened, did he continue to deny his involvement for some
25 period of time after that?

1 A. He did.

2 Q. And eventually, approximately how long do you think that
3 was, approximately?

4 A. Half an hour, at least, I would say.

5 Q. And just to reiterate, again, did the defendant ever
6 where, in fact, give you a full confession completely admitting
7 to everything he did?

8 A. He did not.

9 Q. Other than testifying here today, did this conclude your
10 involvement in the case against Mr. Moreno?

11 A. Yes, sir.

12 MR. MARTIN: No further questions at this point. We
13 may have some on redirect.

14 THE COURT: Cross-examination.

15 MR. RICHARDSON: Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 BY MR. RICHARDSON:

18 Q. Detective, again, you spoke with Mr. Moreno on
19 July 18th, 2022, correct?

20 A. Yes, sir.

21 Q. And the alleged victim in this case, **Juvenile**,
22 she had met with two patrol officers on July 10th 2022?

23 A. I'll refer to my notes. I think it was --

24 Q. If it will help you refresh your recollection.

25 A. I believe it was July 10th, yes, sir.

1 Q. And she did a written statement that night, correct?

2 A. Yes, sir.

3 Q. And that's what you were looking at, on the video, we
4 saw you are flipping through some pages looking at the
5 statement?

6 A. Yes, sir.

7 Q. Okay. Now, at the time of this interview had you
8 watched that 12-minute Body Camera where she talks to police?

9 A. I don't believe I did.

10 Q. Okay. Now, I think in your report you indicated that
11 you got the case on July 11th and you are spoke with the
12 mother, Ms. Kimberly Sanchez?

13 A. Yes, sir.

14 Q. And you were aware that the alleged victim was going to
15 be seen at the Children's Recovery Center that Friday the 15th?

16 A. Yes, sir, for a medical exam.

17 Q. And at the time of this interview did you have any
18 reports from CRC?

19 A. In this case she was -- normally we send children to the
20 CRC since she had already wrote that full statement, she was
21 not interviewed by CRC they just did the medical exam, I
22 believe.

23 Q. Okay. So they didn't do a forensic interview?

24 A. No, sir.

25 Q. They did a forensic physical exam?

1 A. Physical exam, yes, sir.

2 Q. And by the time you spoke to Mr. Moreno had you
3 interviewed **Juvenile**?

4 A. I did not.

5 Q. So did you ever interview her?

6 A. I did not.

7 Q. And you said, when Mr. Martin asked you, you said that
8 at this point you had not made a decision to arrest Mr. Moreno,
9 before the interview?

10 A. Before the interview when he came in, no, sir, it was
11 voluntary, we had no arrest warrants.

12 Q. Okay. So you felt you didn't have enough to arrest him
13 at that point?

14 A. At that time, no, sir, we did not.

15 Q. Okay. So the interview was important, correct?

16 A. Yes, sir, it was.

17 Q. Okay. And you called Mr. Moreno that day, he was at
18 work, correct?

19 A. I remember calling him. I don't remember saying he was
20 at work, but yes, sir, I did call him.

21 Q. Well, we saw --

22 A. Okay, yeah, I don't --

23 Q. He obviously was at work?

24 A. Yeah, obviously, yes, sir.

25 Q. Okay. And he came in voluntarily?

1 A. Yes, sir, he did.

2 Q. Is there any point on that that you saw where you said,
3 hey, everything here is being recorded?

4 A. Did I say that and tell him that? I'm not sure, I don't
5 remember everything that went on.

6 Q. You didn't say anything where you pointed and said,
7 there's a camera right there, a camera right here? I think you
8 all have two cameras set up, right?

9 A. I don't believe I pointed at the cameras and told him,
10 no, sir.

11 Q. And when you first meet with him, you didn't tell him
12 what the purpose of his interview that day was, correct?

13 A. When I first met with him?

14 Q. Yes, sir.

15 A. After we Mirandized him we did.

16 Q. Okay. About ten minutes in you say, do you have any
17 idea why you're here, do you got any idea? Mr. Moreno says,
18 no. You say, well **Juvenile** s made some allegations. Does that
19 sound about right?

20 A. Yes, sir.

21 Q. And I take no issue with the recitation of Miranda or
22 him signing it. That was pretty early in the interview,
23 correct?

24 A. Yes, sir.

25 Q. Okay. Now, you say that it was important to get a

1 confession in this case, and it's your understanding -- you
2 have 18 years of experience. You're allowed to lie to
3 suspects, defendants, about certain facts in evidence, correct?

4 A. Yes, sir.

5 Q. And in fact, you did lie to him about some facts in
6 evidence, correct?

7 A. I did lie to him some, yes, sir.

8 Q. Such as, you've just stated you never spoke with **Juvenile**
9 **[REDACTED]**?

10 A. Yes, sir, that's correct.

11 Q. And you told him repeatedly you were talking to her, she
12 was on the phone, or whatever, correct?

13 A. Yes, sir, I did.

14 Q. And you stated that her mother had not been involved in
15 this case, whatsoever, but her mother was the initial
16 complainant, correct?

17 A. Correct.

18 Q. And I assume as the lead investigator you have watched
19 those Body Cameras now, correct?

20 A. I'm not sure if I have or not.

21 Q. Okay.

22 A. I've read her -- I read her statement.

23 Q. Okay. And you had not seen any reports from the CRC,
24 but you kind of indicated to Mr. Moreno that there was some
25 finding from the Children's Recovery Center, correct?

1 MR. MARTIN: Objection, Your Honor. I don't recall
2 that.

3 MR. RICHARDSON: I've got it here. It happened 44
4 minutes, 24 seconds in.

5 THE COURT: You can ask the question.

6 Q. Do you recall this exchange? You asked: Did you all
7 have sex? Rudy says -- Mr. Moreno says: No, sir. You say:
8 Rudy. Mr. Moreno says: I'm telling you the truth. You say:
9 **Juvenile** says you're not telling the truth. Mr. Moreno says:
10 Have you checked her? You say: Yeah, we did. Mr. Moreno
11 says: And? You say: I'm talking to you, ain't I? You're
12 talking about her getting checked out at The Children's
13 Recovery Center, correct?

14 A. I don't believe so. I was saying, offer a statement, I
15 don't think I was referring to the CRC at all in that
16 statement.

17 Q. So when he asked if you've had her "checked out," you're
18 talking about her statement?

19 A. I wasn't talking about the CRC in that statement.

20 Q. Okay. Now, I think it's at the -- the statement where
21 you told Mr. Moreno -- in the initial part of the interview he
22 denied each and every allegation, correct?

23 A. Yes, sir.

24 Q. And then you leave the room for four minute or so, and
25 when you come back in the room you tell Mr. Moreno something

1 along the lines of you believe **Juvenile**, correct?

2 A. Yes, sir.

3 Q. So you didn't have enough evidence to arrest, but at
4 this point you told him will you believe **Juvenile**,
5 correct?

6 A. Yes, sir.

7 Q. You believe her allegations?

8 A. Yes, sir.

9 Q. Okay. And so again, the confession's important? Now,
10 Mr. Moreno continued to deny, and then I think it was at, you
11 told him he needed to apologize, about 35 and a half minutes
12 into it, correct?

13 A. Yes, sir.

14 Q. You used words like: Maybe you made a mistake, maybe
15 you had a weak moment?

16 A. Yes, sir, I did.

17 Q. And he still denied everything, correct?

18 A. Yes, sir.

19 Q. And at 37 minutes, 34 seconds, thereabout, I think you
20 said: I think you would feel better when you leave here today
21 if you would just say, look, I shouldn't have done it, I feel
22 bad about it. You told him, when you leave here today,
23 correct?

24 A. If that's the words I used, yes, sir.

25 Q. And then shortly thereafter at 37:48 is when it ends:

1 It's okay if you did, Rudy. I mean, there's nobody in this
2 room, we're not going to tell anybody, it's just us?

3 A. Yes, sir.

4 Q. Okay. You said that. And you continued to talk about
5 weak moment, and then at about 44 minutes in, I believe you
6 say: Okay, well, then let's come clean. What did happen with
7 her in the room? It's okay, it's just me, you, and Dustin in
8 this room. What happened, what happened with you and her? You
9 said it was just you, Dustin and him in the room, correct?

10 A. I did, yes, sir.

11 Q. And this is after you already told him that you all
12 aren't going to tell anybody, right?

13 A. Yes, sir.

14 Q. And at this point he starts answering: Maybe there was
15 a mistake, maybe there was some weakness, correct?

16 A. Yes, sir.

17 Q. Still hadn't admitted to anything, though, no
18 intentional act?

19 A. Yes, sir.

20 Q. And you start talking about facts, and whatnot, and I
21 think about 55 minutes in or so he starts breaking down a
22 little bit. Do you agree with that? You said about an hour?

23 A. I believe so.

24 Q. Okay. And I've got it at one minute and 59 seconds.
25 After he makes some statement you say something about you're

1 proud of him for being honest, need to wrap it up, and then you
2 say why are you ashamed -- or why'd it take so long? He said
3 something about little bit ashamed, maybe, do you remember
4 that?

5 A. Yes, sir.

6 Q. And then starting at one minute, 59 seconds: Okay, me
7 you and Detective Small here, that's it. And he says: And the
8 people in the back. And then you say: There's nobody in
9 there. I believe Detective Small says: It's a closet. And
10 then you say: That's right, that's a closet. There used to be
11 something in there, but it's a closet now. Okay? Why are you
12 so ashamed, Rudy? So again, you intimate that it's just you
13 and Dustin Small, and him the room, correct?

14 A. Correct.

15 Q. And you told him that you all aren't going to tell
16 anybody. And then, I think, if I've got it right, it was about
17 a minute -- about an hour and 11 minutes in whenever the formal
18 part of the interview ceased, correct? You got a confession in
19 that ten minutes?

20 A. I don't remember exactly where he started confessing at.

21 Q. A short period of time?

22 A. I don't understand your question.

23 Q. Did it take 30 minutes to where he admitted to some act,
24 did it take 15 minutes, did it take ten, and it's fine if you
25 don't know the answer we can just rely on what we saw.

1 A. I don't remember the exact moment he started confessing.

2 Q. Okay. And when you tell him that he's being arrested,
3 he acts a little bit shocked, doesn't he? He says: Come on,
4 man.

5 A. He could be shocked or upset that he's getting arrested.
6 I don't even know what his emotions were.

7 Q. And you heard whenever he said to Detective Small, he
8 said: I thought he said if I was telling the truth then they'd
9 let somebody go. Did you hear him tell Detective Small that?

10 A. Yes, sir.

11 Q. And even at the end of it he told you that you all lied
12 to him, that he sees the cameras now and you all lied to him.
13 You said: Oh, no, we didn't lie, there's nobody in there
14 watching, but we're videoing this whole thing?

15 A. We were videoing the whole thing.

16 MR. RICHARDSON: No further questions, Your Honor.

17 THE COURT: Any Redirect?

18 MR. MARTIN: Court's indulgence?

19 **REDIRECT EXAMINATION**

20 BY MR. MARTIN:

21 Q. Mr. Richardson asked you about the camera. When you
22 arrested the defendant, did he say anything to you about the
23 camera?

24 A. On video, I guess he pointed to the camera.

25 Q. Did that indicate he, in fact, saw the camera?

1 A. I don't see how he couldn't see it if he was in the
2 room, on the wall.

3 Q. Again, I think I asked you this on direct, did you ever
4 make any promise to the defendant that this interview was, in
5 fact, not being recorded?

6 A. I did not.

7 Q. Mr. Richardson brought up comments made by the
8 defendant about having a weak moment. You watched the
9 interview. Did the defendant admit to you that he had a weak
10 moment even before you asked him the question that the defense
11 has taken issue with?

12 A. He did not.

13 Q. If I show you that moment, could it refresh your memory?

14 A. It would.

15 MR. MARTIN: Your Honor, could we either cue up the
16 interview, or would I be allowed to ask the defendant to give
17 him the specific time stamp?

18 MR. RICHARDSON: If you tell the time stamp I can
19 tell you.

20 MR. MARTIN: It was 17:29:40.

21 MR. RICHARDSON: I've got it at --

22 MR. MARTIN: If that's what she's saying, I mean, I
23 guess you could say that I had a weak moment.

24 MR. RICHARDSON: I concede there's something like
25 that in there, Your Honor. He also says: Well, I didn't have

1 sex with her.

2 THE COURT: Well, the video's gonna be into evidence,
3 so it speaks for itself, but I'll allow him to ask his
4 question.

5 Q. Do you recall the defendant saying to you prior to the
6 statement: If that's what she's saying, sir, I mean, I guess,
7 I could say that I had a weak moment then?

8 A. Yes, sir.

9 Q. And after you told the defendant that you wouldn't tell
10 anybody, did he continue to talk and tell you stuff?

11 A. Yes, sir.

12 Q. And did he continue to volunteer information to you?

13 A. He did.

14 Q. And did he continue to deny his involvement, in fact,
15 for quiet a period of time?

16 A. Yes, sir, he did.

17 Q. Did you ever tell the defendant that you would let him
18 go free if, in fact, he told you to truth about sexually
19 assaulting his daughter?

20 A. I did not.

21 Q. And what was it, in fact, that he told you that he did
22 to his daughter?

23 A. Near the end of the interview he confessed that he
24 touched her breast, touched her thigh, placed a condom on his
25 penis, and initially he said that he put the condom on to

1 masturbate, and then he ended up saying that he rubbed her
2 vagina with his penis but he did not penetrate.

3 MR. MARTIN: Court's indulgence? Nothing further,
4 Judge.

5 THE COURT: All right. I'd be glad to hear, since
6 it's your Motion to Suppress, I'd be glad to hear from you
7 first.

8 MR. RICHARDSON: Yes, sir, Your Honor, and I've
9 handed a copy of my written motion to the prosecution, as well.
10 Your Honor, we've heard the testimony, we've watched the video.
11 Again, like said, I take no issue with the recitation of the
12 Miranda. Rudy understands English, he signed off on it. What
13 I take issue with is the due process violation. Miranda is not
14 appropriate to allow officers to do whatever they want. In
15 this instance, and you saw the video, at around the 30-second
16 minute-and-change mark is whenever Mr. Moreno is told that it's
17 just going to be between him and Dustin Small and Paul Johnson,
18 they're not going to tell anybody. It's a lot like under
19 Collins. I understand from the nature of Mr. Martin's
20 questioning that they are trying to go with the specifics of what
21 happened in the Collins case, but that's -- it doesn't have to
22 boil down to just that. In the Collins case there was a lot
23 more going on, but it was not this similar that in that case
24 SLED agents said, we're just going to have a copy of this
25 recording. At that point Mr. Collins even knew it was being

1 recorded, there's nothing showing that Mr. Moreno knew he was
2 being recorded until the very end when he says, I see the
3 camera there.

4 THE COURT: Don't you agree that when he said there
5 is only going to be us three that he looked at the window, and
6 there was a suggestion by Mr. Moreno that there was somebody in
7 the other room? They said there was nobody in the other room,
8 but the camera, I assume, was visible because he's the one who
9 pointed it out to --

10 MR. RICHARDSON: I think whenever he walked out, from
11 the way Detective Johnson testified that the camera sits up
12 above --

13 THE COURT: Right.

14 MR. RICHARDSON: -- that camera, you can see how it
15 looks down, I do believe there is another camera that is behind
16 the one-way mirror, based off I have two different videos. One
17 is across from it, but it is a one-way mirror, you can't see
18 through there, I've been in that interview room a few times,
19 and so I think what he's calling that is whenever he walks out
20 in the hallway, because that's when he first makes mention of
21 it. I don't know if he had the doors open or how he saw it at
22 that point.

23 THE COURT: Well, the discussion that took place on
24 the video, I specifically remember it. It was a discussion
25 about whether somebody was in the other room.

1 MR. RICHARDSON: Yes, sir, yes, sir, Your Honor. At
2 that point the detectives make great effort to say there's
3 nobody back there.

4 THE COURT: Right.

5 MR. RICHARDSON: So I don't know if Mr. Moreno --

6 THE COURT: You did mention, and of course, all of us
7 remember, I don't know the name of it, but there is a number of
8 United States Supreme Court case that says law enforcement can
9 lie to people --

10 MR. RICHARDSON: Yes, sir.

11 THE COURT: They can use deceptive practices, but of
12 course, that's ultimately going to be something that defense
13 can argue before a jury, but that brings me to another point.
14 I want to hear what you all have to say about this. There's
15 been a recent case that says, it's not very clear what the
16 Supreme Court meant on it, but they said that statements by a
17 defendant and its admissibility is a question of law, not a
18 question of fact. It used to be that there was a charge that
19 said that I've found as a matter of law that it's admissible
20 when it's a question of fact as to whether or not it is
21 voluntary.

22 MR. RICHARDSON: Yes, sir.

23 THE COURT: But I think the state of law is now, and
24 you all can correct me if I am wrong, the issue about it being
25 a question of fact is not to be charged to the jury pursuant to

1 that case, but it still allows both people to talk about the
2 circumstances of the interrogation and whether or not it's
3 believable. Would you agree with that?

4 MR. RICHARDSON: I think I am aware of that, Your
5 Honor, but this cuts across to whether or not -- it goes beyond
6 just the voluntariness. In the Collins case --

7 THE COURT: Well, I'm just asking, that aside, what
8 do you think about that, because I'm not intending -- I've
9 tried several cases since then, and I don't charge that it's a
10 question of fact for the jury because Supreme Court says it's
11 not, but does not inhibit the ability of everybody to talk
12 about the circumstances of the statement.

13 MR. MARTIN: I believe that's accurate. I've kind of
14 went down the rabbit hole doing this, and I believe you
15 accurately stated it. Obviously, if the video itself is being
16 played, then the video itself and what's said in it is being
17 admitted into evidence, but I think what you have stated is
18 accurate.

19 MR. RICHARDSON: And like Mr. Martin I think I've
20 went down the same rabbit hole just finding stuff, and that was
21 one of the cases that popped up, of course, different.

22 THE COURT: One of the things that, I interrupted you
23 and that came to my mind --

24 MR. RICHARDSON: Yes, sir.

25 THE COURT: -- but you were talking about the fact

1 that law enforcement can use deception, and clearly, when he
2 was given Miranda he was told that it could be used against
3 him, he didn't have to talk, he could stop at any point in
4 time, and what do you have to say about that and how what he
5 said, even though it might be a lie or deceptive, how does that
6 make it inadmissible?

7 MR. RICHARDSON: In the cases that I've cited, in the
8 Parker case out of New Hampshire that our Supreme Court relied
9 on heavily. In the Collins case, they were both Mirandized.
10 They were told they don't have to talk to police but it's their
11 choice. As a matter of fact, I believe Mr. Collins wrote a
12 written statement afterwards, Your Honor, but it's no just
13 Miranda on that. Once they're warned they can't undo that
14 warning by giving some false sense of confidentiality, and
15 that's what those cases have relied on. Our Supreme Court,
16 like I said, they looked at the Parker case out of New
17 Hampshire not this similar. In that case, I believe, and I've
18 given you a copy of it. I think this is the first time I've
19 ever printed the case out of New Hampshire, but in that case it
20 was someone that was being interviewed on a sexual like case
21 that's basically a lot like this. You just need to get some
22 counseling and this interview is not going any further, it's
23 just between us. Your Honor, what the Supreme Court said is
24 that false assurances on confidentiality cut across for
25 different than any other undue influence. I think some of the

1 language used was something like how can someone weigh the
2 competing considerations on whether or not to speak to police
3 that are talking to them, or whatever, versus, hey, we're not
4 going to use it. You can't. If they say, we're not gonna use
5 it, it's just between us, we're not gonna tell anybody, it's
6 too tempting to say I'll say whatever I need to get out of this
7 room, and so at that point our Supreme Court took a Court of
8 Appeals Opinion on the Collins case, and they went a step
9 further, stating that a false statement for confidentiality
10 could be conclusive on the issue of voluntariness regardless of
11 whether Miranda exists or does not. You know, and I did cite
12 an ancient case, at least me, from 1897, a Supreme Court case
13 wherein it stated: The law cannot measure the force of the
14 influence used or decide upon its effect on the night (ph) of
15 imprisonment, therefore excludes the declaration if any degree
16 of influence had been exerted, and that was pre-Miranda.

17 THE COURT: What's your position if I were to
18 suppress the statement and the defendant were to testify, is it
19 admissible then?

20 MR. RICHARDSON: Yes, sir, 100 percent, because if
21 Mr. Moreno were to take that stand and say, I've never done
22 that --

23 THE COURT: The answer is yes, it can be used for
24 appeal?

25 MR. RICHARDSON: Yes, sir, I 100 percent agree with

1 you on that. That's always been my understanding of the law,
2 even if it's a statement that was done without Miranda, or
3 whatever else, but in this instance I'm just saying that
4 because of those statements, that is was not going to leave the
5 room, basically, that we're not going to tell anybody, and we
6 don't go from what the detective meant, Detective Johnson
7 meant, that he wasn't going to go out and gossip, it's what was
8 in Mr. Moreno's mind, what could have been in his mind. Again,
9 you saw him at the end, he appeared somewhat surprised that he
10 was being arrested based off of what he was told, and that is
11 the totality of what he was being told: Well, you get in a
12 relationship, you're girl just needs some help, all that, Your
13 Honor, and ultimately, it doesn't matter when he breaks, they
14 kept making instances of, it's just us in the room, after
15 already telling him we're not going to tell anybody, and so
16 guard against that, that's why we do have these protections.
17 And the Supreme Court was very clear, and I think it was
18 February or April of 2024 when that Collins case came out, Your
19 Honor. That was a case from this circuit, and I understand the
20 reason behind our local judge that made the ruling then, but
21 the Supreme Court and the Court of Appeals came out. Now, what
22 they had to do there was they had to undo a confession that was
23 allowed in, which they already said it should not have been
24 allow in to see if it was merely cumulative or if it was
25 harmless error, and they determined it was not, so I'm trying

1 to head that off with the pass here, Your Honor, because I
2 think they'll allow that in, but I think should be suppressed,
3 it does great harm, but again, if Moreno decides to take the
4 stand, all that statement comes in, probably even worse than if
5 the State played it on their own because they get to
6 cross-examine him on it on any part they want, and I don't get
7 to enter the entire statement unless they start playing it,
8 they just get to question him on it, Your Honor, and he can't
9 purge himself and say he never made that. So Your Honor, I
10 would just ask you based off the written motion, based off the
11 law that I've provided, to suppress his statement. He was told
12 that this statement would not go outside of that room, that
13 they would not tell anybody. They never told him it was being
14 recorded, and even if there was a camera up there and you could
15 see it, I can't even remember if it was green or red with the
16 cameras and I'm the one that's around it all the time. There's
17 no indication that he was familiar with that set up, or he'd
18 never been in police custody before under this, Your Honor. So
19 again, even if something was being recorded if they say I'm not
20 going to tell anybody, it means they're not going to show a
21 recording to anybody. I'm just asking you to follow the law,
22 respectfully, and I understand, having been a prosecutor, what
23 can happen with this, Your Honor, but you know, the law is
24 there to protect each of us. I'm just asking for a suppression
25 based off the facts that I've laid out.

1 THE COURT: Yes, sir?

2 MR. MARTIN: Thank you, Your Honor. May I approach
3 with a copy of the Collin's case?

4 THE COURT: Yes.

5 MR. MARTIN: I think it will be helpful. I'll turn
6 to the appropriate page that sort of deals with this issue at
7 hand. As Your Honor probably knows, that case was actually
8 prosecuted in our circuit, my wife was to prosecutor so
9 fortunately I kind of knew a lot about that to begin with.
10 It's important to sort of note the Court's decision in that
11 case. What they're dealing with is this concept of an
12 intentional misrepresentation of law versus fact. Your Honor
13 has already with alluded to it. Law enforcement officers on a
14 daily basis misrepresent facts when they speak with a
15 defendant, but the question is, is this an intentional
16 misrepresentation of law? Did the detective intentionally
17 mislead this defendant about violating his due process in this
18 case? And so I think it's important to distinguish the facts
19 of Collins versus the facts of our case, and in fact, the
20 Supreme Court go into detail on Page five about the facts of
21 Collins that they take particular issue with. By way of
22 background, Collins was not a very smart man. He certainly was
23 of all accounts, from my memory of the case, fairly slow and
24 didn't understand certain things. This is a three-hour
25 interview that occurs in Georgetown County. Here, we have an

1 hour and 45-minute interview. During that interview the police
2 continued to make reassurances to the defendant that what they
3 were saying to him and what he was saying to them was strictly
4 confidential. They go into detail, and the Supreme Court cites
5 it, they emphasize to the defendant: Hey, the door is shut,
6 hey, the blinds are closed, anything you say to us is for my
7 file. They say that: This file will not leave this room.
8 That I say, and I quote: Ain't gonna go any further than this
9 room.

10 THE COURT: That kind of sounds like what happened
11 here.

12 MR. MARTIN: Well, Judge, it's different than that,
13 because they say it repeatedly. They, in fact, go on to say,
14 there's no sound device in this room, they tell him that. They
15 tell him that he is not, in fact, the focus of their
16 investigation. They tell him that he would be going home
17 regardless of what they say.

18 THE COURT: But you do agree that he said that it's
19 between me, you and the other officer, and I'm not going to
20 tell anybody, didn't he say that?

21 MR. MARTIN: Yes, sir, in fact, I believe what he
22 said was is, we're not gonna go tell anybody, yes, sir. The
23 difference here, though, is that what we've got is the
24 defendant in our case certainly hears this, but Your Honor
25 watched the video. This was not something that was

1 highlighted, it was something certainly said in passing, and
2 not only that, but the defendant continues to deny his
3 involvement --

4 THE COURT: I think he said more than once that it's
5 just us here and you need to cleanse your soul, kind of thing?

6 MR. MARTIN: It was twice, and certainly, the State
7 would argue that saying, it's just us, is certainly not a
8 representation, it was just them, but as far as the denying
9 part of it --

10 THE COURT: He did say that he wasn't going to tell
11 anybody.

12 MR. MARTIN: Yes, sir, yes, sir, but once he says
13 that, I do think it's important, I went to law school,
14 certainly, I am not a mathematician, and I don't have enough
15 fingers and toes sometimes to -- cannot help but count high
16 enough, but my math says that the defendant continued to deny
17 at least 47 times after Detective Johnson made that comment,
18 then they took a five-minute break, then they come back, and I
19 believe he denied ten more times. The Collins case says that
20 any sort of false promise or false promise of law must overcome
21 the defendant's will, and that just simply didn't happen here.
22 Defendant kept offering information, volunteering information,
23 and clearly, did not rely on what Detective Johnson said with
24 regard to that, and in fact, the State would argue that his
25 behavior shows that the Defendant knew what he did was wrong

1 and that he wasn't offered anything in return for that, that he
2 could, in fact, you know, get in trouble for what he did.
3 Detective Johnson never looked at him like in the Collins case
4 and said, if you don't talk to us you can get 30 years. The
5 defendant knew he could get in trouble, that's why he didn't
6 fully confess. He knew what he did was wrong, he knew he
7 screwed up. He didn't give a full confession even after saying
8 that, and I think it was important to note, I questioned him
9 about this, but the defendant even says prior to Detective
10 Johnson's statement, he even admitted that he had a weak
11 moment. So I think it's important to note that, and we would
12 argue that this statement certainly is admissible, and this is
13 very distinguishable from the Collins case.

14 MR. RICHARDSON: Your Honor, if you need to hear
15 anymore, I can be very brief.

16 THE COURT: Glad to hear from you, yes, sir?

17 MR. RICHARDSON: Yes, Your Honor. Despite what the
18 State may say, going into the case with Collins, I would ask
19 that you read closely. That's where I got to Graham case from
20 that I provided. It starts on, I'll just say, third to the
21 last page: In another context involving false promises: Let
22 me see the fourth circuit similar reason that because it is
23 difficult to determine with certainty the effect of the false
24 promise may have had on the individual defendant, the
25 statements resulting from unconstitutional inducement should be

1 excluded if there is any degree of influence. Again, and I
2 don't mean is it the statement that they aren't gonna tell
3 anybody, they repeat 44 minutes later that it's just the three
4 of them, and even again whenever they're talking about the
5 one-way mirror and nobody else is watching, they underscored
6 it. They already told him they're not telling anybody, it's
7 just us, it's just us, nobody else is watching, and that just
8 multiplies the effect on that, Your Honor. In regard to maybe
9 a weak moment, I think the first mention of any weak moment the
10 State or anything else came from Detective Johnson, at the
11 point my client just began repeating mistake, weak moment.
12 It's a typical tactic. I've seen it many times as both a
13 prosecutor and defense attorney, Your Honor. We don't view it
14 for the perspective of law enforcement for the State, what
15 effect it may have had on Mr. Moreno. The constitution is to
16 protect the individual, not to protect the State, not to
17 protect law enforcement. Thank you.

18 THE COURT: Does that conclude our motions for today?

19 MR. MARTIN: To State has no more motions, Judge.

20 THE COURT: Anything from the defense?

21 MR. RICHARDSON: No, Your Honor. I think anything
22 that we'd probably just discussed a couple matters as
23 housekeeping, but they don't need to be on the record.

24 THE COURT: Might I talk with the attorneys in
25 chambers?

1 MR. RICHARDSON: Yes, sir, Your Honor.

2 (Recess taken)

3 THE COURT: We're going to recess until 9:00 in the
4 morning. Madam court reporter, we'll probably need to get here
5 at 9:00 so we can take care of this legal matter before the
6 jury comes in. Anything further from the State?

7 MR. MARTIN: No, Judge, one Your Honor, one thing I
8 did think about was if the statement is ruled to be admissible
9 we'll have to have a moment at some point prior to it being
10 played to discuss redactions.

11 THE COURT: Yes.

12 MR. RICHARDSON: Your Honor, the statement goes in,
13 we discussed with our client, we're fine with it going in
14 un-redacted.

15 MS. WALLER: We think there are a few things that
16 should be redacted from the State's.

17 MR. MARTIN: Yes.

18 MR. RICHARDSON: We can discuss that tomorrow.

19 MS. WALLER: That should be fast. We'll have it
20 prepared ready to go.

21 THE COURT: That's fine. And I'll speak with counsel
22 up here at the bench, then we'll recess. Everybody's free to
23 leave.

24 MR. RICHARDSON: Yes, sir.

25

1 **(Whereupon proceedings reconvened Wednesday, May 14, 2025)**

2 THE COURT: I've read the cases and reviewed the
3 memorandums, and I'm going to specifically find that the
4 statement was voluntary. I find that the Miranda Warnings were
5 read to the defendant who understood the Miranda Warnings. He
6 signed for them, and the video pretty much speaks for itself.
7 The elements of the environment, the length of the
8 interrogation was not onerous. There were certainly no threats
9 made to him during the interview. There's no indication that
10 he has a low IQ, or anything such as that. Clearly, he
11 understood the conversations and was very coherent and
12 certainly no evidence of any intoxication. There's a question
13 with regards to voluntariness concerning the investigators who
14 mentioned that he was going to keep it between us three,
15 meaning, the other investigator and the one who was doing the
16 interrogation, and the statement was made that it won't go
17 beyond them and he won't kill anyone. Some other statement was
18 made, I think that a statement similar to that was made on two
19 other occasions, and I find that that certainly is improper and
20 it should not have been said, however, I do find after
21 reviewing the confession itself, I specifically find that he
22 did not overcome his free will. He continues to deny the
23 allegations some 50 to 60 times after these statements were
24 made, and I think it's particularly important to note that he
25 did not give a full confession. He continues to mitigate his

1 involvement. If he believed the statement I would anticipate
2 that he was given a complete acceptance of responsibility, and
3 it's clear to me that given the circumstances of the condom and
4 what he's admitted to, that I think there's overwhelming
5 circumstantial evidence that he had sex with his minor
6 daughter. The Collins case, I think, is factually
7 distinguished from the one at present. There was no
8 restriction on his leaving, and there was no threat of
9 incarceration if he did not talk, and he -- the statement was
10 made to him and he understood the statement that he could leave
11 at any time and he could stop the interview at any time, and I
12 think that the statements made by the investigator, although
13 improper, were not so convincing as to render the statement
14 involuntary, so that's my ruling. Anything further from the
15 State?

16 MR. MARTIN: Not with regards to that, just with
17 regarding proposed redactions at the appropriate time.

18 THE COURT: Let's talk about that. What is your
19 position on that? He has indicated that he would be willing to
20 redact the categories that we've previously discussed,
21 particularly the investigator's opinion as to what happened, I
22 think is improper. Any discussion about punishment is improper
23 with the Court, and certainly from the investigator as to what
24 the punishment might be, and the fact that he said that he was
25 lying. That category of statements, I would be in a position

1 to order that they be redacted, however, if you want them in
2 there, you can do that.

3 MR. RICHARDSON: Your Honor, if I may address that
4 momentarily, if I may just for the record --

5 THE COURT: Right.

6 MR. RICHARDSON: -- with regard to your ruling. Of
7 course, we would object to the ruling. I just want to put on
8 the record that I believe that the facts as stated whenever the
9 State talks about Rudy never made a full confession, I believe
10 that's analogous to Collins where he didn't make a full
11 confession and they used it, and I understand the Court's
12 ruling, I just want to put on record that I --

13 THE COURT: You're protected on the record in all
14 respects --

15 MR. RICHARDSON: Yes, sir.

16 THE COURT: -- and that is an issue that would be
17 protected for appellate review.

18 MR. RICHARDSON: Yes, sir. Thank you.

19 THE COURT: I very well might be wrong, but we'll
20 find out.

21 MR. RICHARDSON: Yes, sir. We've had a discussion
22 with our client, the discussion that if the statement comes in
23 we want the entire, and I think it speaks to the totality of
24 the circumstances and we're not requesting any redactions, and
25 you can actually inquire my client if you wish.

1 THE COURT: Yes, sir. Could you stand up and state
2 your full name?

3 THE DEFENDANT: Rodolfo Moreno Sevilla.

4 THE COURT: All right. Have you discussed in great
5 detail about the statements and impropriety of the statements
6 that the State is willing to redact?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And do you wish that those statements be
9 played as opposed to being redacted, and you're entitled to
10 have them redacted, I'm in a position to order that they be
11 redacted if you want me to?

12 THE DEFENDANT: The whole thing would be fine.

13 THE COURT: Okay. And there is also some mention in
14 there about criminal domestic violence, some records.
15 Certainly, I will -- do you want that in, as well?

16 MR. RICHARDSON: Your Honor, I believe he does
17 indicate during that period that that charge was dismissed, as
18 it was, if that would show up on his record. Like I said, we
19 believe the whole statement should be played so they can
20 understand it in its entirety.

21 THE COURT: Okay. All right. Have you understood
22 all your conversations with your lawyer?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And you agree with his indication that
25 you wish all of the entire statement to be published to the

1 jury in light of my ruling?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. All right. Any questions of me?

4 THE DEFENDANT: No, sir.

5 THE COURT: Thank you very much. You may be seated.

6 MR. RICHARDSON: Thank you, Your Honor.

7 THE COURT: Yes?

8 MR. MARTIN: Thank you, Your Honor, and we appreciate
9 Your Honor having to put that on the record. The State's
10 position would still be any mention of consequences, jail time,
11 prison time, I think that would still need to be redacted.
12 Additionally, we emailed -- we did not email, but we discussed
13 proposed redactions. Some of the other ones were pauses within
14 the interview, so, for example, the first 30 to 40 seconds
15 where the defendant is just sitting in there before the
16 detectives walk in, there are a couple different breaks which
17 are four minutes, and I believe five minutes, which I think
18 could be redacted just to make it a little shorter.
19 Additionally, there was a portion where the detective looks at
20 the defendant and says: The victim's being honest. That might
21 be something that also has to be redacted. Certainly, if Your
22 Honor rules not and the defense is saying it's a trial
23 strategy, then so be it, but I think at a minimum we would
24 request at least the consequences and prison time potential to
25 be redacted.

1 THE COURT: Well. And your position is the same?

2 MR. RICHARDSON: Our position's unchanged, Your
3 Honor. I have no issue where if we need to fast forward
4 through the, I believe it's --

5 THE COURT: The breaks?

6 MR. RICHARDSON: The breaks. As long as we make jury
7 aware, four-minute break here, we're going to fast forward so
8 you don't have to listen to dead time, five-minute break here,
9 thirteen-minute break.

10 THE COURT: Well, the defense has indicated that he
11 wants the entire video to be played in. In view of that, I'm
12 going to allow him to do it.

13 MR. MARTIN: That's fine, and if Your Honor wishes to
14 have those breaks fast forward --

15 THE COURT: Yes.

16 MR. MARTIN: -- bear with me, I can certainly --

17 THE COURT: -- he's in agreement to doing that.

18 MR. MARTIN: Sure, that'll be fine.

19 MR. RICHARDSON: As long as we make a record of it
20 for the longest the jury is so informed.

21 MR. MARTIN: For sure.

22 THE COURT: All right. Anything else?

23 MR. MARTIN: Your Honor, an additional issue that I
24 didn't think to bring up yesterday, and I don't know if it'll
25 be an issue or not, Mr. Richardson has sent me back in November

1 screenshots of text messages that he received from a number
2 associated with the victim's brother, and at the conclusion of
3 that text message the brother asked about how the victim would
4 go about having the charge itself dismissed. We would object
5 to any attempt by the defense to try to enter those screenshots
6 into evidence. There is no way to authenticate that, it's
7 literally just screenshots of text messages from the brother.

8 MR. RICHARDSON: Your Honor, even if we had Alto (ph)
9 Moreno here to testify, him asking how to go about, talking
10 about how somebody could have dismissed that would be within
11 his prerogative so we wouldn't seek to introduce any of those
12 text messages.

13 THE COURT: All right.

14 MR. MARTIN: Your Honor, I believe that covers it. I
15 think Your Honor ruled yesterday about sequestration of
16 witnesses. All of our witnesses are sequestered, other than
17 the statutory victim.

18 THE COURT: And you've instructed each witness not to
19 discuss their testimony with other witnesses?

20 MR. MARTIN: That's correct. We instructed them to
21 not discuss their testimony, whatsoever.

22 THE COURT: Very good.

23 MR. RICHARDSON: I've done the same, Your Honor.
24 I'll asked Ms. Farinas to excuse herself to excuse herself to
25 the waiting room now.

1 THE COURT: Very good.

2 MR. RICHARDSON: I don't believe any testimony's
3 going on so I think she's fine right in the waiting room. I
4 have instructed both she and her daughter, Nikki Farinas, and
5 we do not discuss the case at all.

6 MR. MARTIN: We're sending an investigator now just
7 to remind them, again, not to do any of that. Obviously, once
8 their testimony is over we ask that they be released from their
9 subpoena and be allowed to sit in the courtroom at that point.

10 THE COURT: Certainly. I don't have any objection to
11 that. Anything further?

12 MR. RICHARDSON: No, Your Honor.

13 THE COURT: I think we have one juror who is sick,
14 and do we have the name of the juror who is sick?

15 THE CLERK: It is Nicholas Jarrett, Juror Number 176.

16 MR. RICHARDSON: Which one was that?

17 THE CLERK: It was the first one.

18 THE COURT: And there seems to be a division on
19 authority as to whether or not you take the first alternate or
20 whether or not it's drawn randomly. What is the State's
21 position?

22 MR. RICHARDSON: We don't have a position. We'll
23 leave it in Your Honor's discretion. I've always seen judges
24 in much recent --

25 THE COURT: You have no objection to me elevating the

1 first alternate?

2 MR. RICHARDSON: No, sir, Your Honor.

3 THE COURT: All right. The first alternate's name is
4 what again?

5 THE CLERK: Jenaysia Crane.

6 THE COURT: Jenaysia Crane. All right. Anything
7 further?

8 MR. RICHARDSON: They're coming out at 9:30, Your
9 Honor?

10 THE COURT: Yes. And we'll stand at ease until 9:30.
11 We'll start right at 9:30.

12 MR. RICHARDSON: Yes, sir.

13 MR. MARTIN: Thank you, Your Honor.

14 **(Recess taken)**

15 MR. MARTIN: The victim went to the restroom, Your
16 Honor, and we sent someone to go get her.

17 THE COURT: Who did?

18 MR. MARTIN: The victim.

19 THE COURT: Oh, okay.

20 MR. MARTIN: But nothing further from the State.

21 THE COURT: Anything from the defense?

22 MR. RICHARDSON: No, sir, Your Honor.

23 THE COURT: We're ready for the jury.

24 **(Jury entered the courtroom at this time)**

25 THE COURT: Mr. Foreman, ladies and gentlemen of the

1 jury, thank you for being here and being here on time. We were
2 here earlier taking care of legal matters before you got here.
3 I understood that the Clerk brought y'all breakfast, so we had
4 to give y'all time to finish it. I hope it was good. Very
5 good. All right.

6 The first order of business is we have lost one of the jurors,
7 Nicholas Jarrett, 176. He's ill, he's taken ill, so we're
8 going to elevate Jenaysia Crane. You will be an active juror,
9 and once again, pay very close attention. We're about to begin
10 the trial of this case, and it's become very obvious to you
11 that you're participating in General Sessions Court, which
12 involves an allegation by the Government that someone has
13 violated the criminal codes of the State of South Carolina, and
14 I point that out to you because many of you have probably
15 served on a civil jury before where you were dealing with civil
16 matters. An example of a civil matter would be an automobile
17 accident, medical malpractice, products liability, and in those
18 proceedings the issue before you would be money, but this is
19 something that deals with a person's liberty, and there are
20 certain constitutional safeguards that come into play when you
21 talk about a person's liberty. As a matter of fact, if you
22 were to sit at the back of this courtroom and look at the
23 setting that's here, if you didn't hear the subject matter you
24 wouldn't be able to tell the difference between a civil court
25 and a criminal court because in both forums you have a jury

1 that's sitting there listening to the evidence to determine
2 what the truth is and applying it to the law. You have
3 litigants on both sides, you have witnesses taking the witness
4 stand, but the similarities really stop there, because criminal
5 courts are different. There's certain constitutional
6 safeguards that come into play anytime an American citizen is
7 charged with a crime, the first of which is the defendant as he
8 sits there is presumed to be just as innocent as me or you or
9 the solicitor, for that matter, that's the frame of reference
10 we start from. I envision that as a protective cloak that
11 guards all of us as American citizens and follows you
12 throughout the criminal proceeding on into the deliberation
13 process.

14 The second constitutional safeguard is that the State has the
15 burden of proof. The defendant in any criminal case need not
16 prove anything. They need not testify, they need not present
17 any witnesses, and there is a theoretical reason behind that
18 because we live in a free and democratic society and if the
19 Government attempts to take away your liberty, they are going
20 to be required to prove each and every element of the crime,
21 the burden is on them. There's some practical reasons behind
22 that because the State has all the resources in the world to
23 gather the evidence to bring to you. They have the Sheriff's
24 Department, they have the police department, they have SLED,
25 they have all of the resources necessary, so they are required

1 to meet the burden of proof.

2 You know, in some third world countries you could be accused of
3 a crime, hauled before a Court and be required to prove your
4 innocence. That's not the way it is in the United States of
5 America, it never has been and never will be.

6 And perhaps the third and most important element is that the
7 State not only needs to prove each and every element, they need
8 to prove it beyond a reasonable doubt. In a civil case, if you
9 imagine with me, if you will, the scales of justice, where the
10 lady is blindfolded from all bias and all prejudice, if you
11 imagine with me, if you will, the scales of justice. In a
12 case, say, maybe an automobile accident, deals with the red
13 light. You listen to all of the evidence, you determine who
14 had the green light and who had the red light, they tip the
15 scales ever so slightly in favor of the plaintiff, they
16 recover, because after all in that case you're only talking
17 about money, but what we're talking about here is more
18 important than that, and the law requires that the State not
19 only prove it more than by a preponderance of the evidence more
20 likely than not, but proof beyond a reasonable doubt, and I
21 envision that with locking up the scales.

22 I want to tell you a little bit about how the trial is going to
23 progress. These very fine lawyers, the Solicitor, Mr. Martin
24 is going to stand up and give you an opening statement. He's
25 going to kind of lay out what this case is about, what he

1 intends to prove, and his theory of the case, and perhaps, some
2 of the law, and the defendant's going to be given an
3 opportunity to give a note to the statement, they aren't
4 required to do that, but they'll be given an opportunity if
5 they choose to do so. After that, we will begin the trial in
6 earnest, and the State has the burden of proof, so they will
7 call each of their witnesses, one right behind the other. They
8 will take the witness stand, they will swear to tell the truth,
9 the State will ask them direct questions about what they know
10 about the matters before us here today, and the State will have
11 an opportunity to cross-examine them. Since the State has the
12 burden of proof, they have an opportunity to ask Reply
13 questions to the cross-examination. They'll call one witness
14 after the other until they have no more witnesses, and then the
15 defendant will be given the opportunity to present testimony,
16 if they choose to do so, they're not required to. We've
17 already explained that point of law to you. If the defendant
18 were to put witnesses on the stand, the State would have an
19 opportunity to introduce Reply testimony because they have the
20 burden of proof.

21 After all the testimony is in evidence then the lawyers will
22 have an opportunity to give closing arguments. They're very
23 similar in form to opening statements, in that they will stand
24 up before you in summary fashion and tell you about their view
25 of the case. It's very similar to noting the statement is

1 different in a very real way because at that point in time you
2 will have heard all the evidence presented in this case, and
3 they can point to the evidence that supports their relative
4 theory to the case. What they have to say is not evidence, but
5 it will aid you immensely in your deliberation process. You
6 and I are just starting to deal with this case, but they've
7 been dealing with this case for years now, so their insight
8 will aid you in your deliberation process, so pay very close
9 attention to that.

10 After that I will charge you the law, and I want to tell you
11 from the very beginning, you and I have very distinct roles.
12 My job is to preside over the proceeding, rule on what evidence
13 you get to hear, and I charge you the law. Y'all are judges in
14 a different way, y'all are the judges of the facts. You're the
15 one that listens to the evidence and determine what the truth
16 is and apply it to the law. The law does not allow me to have
17 an opinion about the facts, that's your job. Your exclusive
18 responsibility is to listen to the evidence and determine what
19 the truth is. Necessarily, in your role is being the arbiter
20 and the trier of the facts, or that you're to necessarily
21 evaluate the credibility of a witness. You know, in our
22 everyday lives, we do that every day just from our everyday
23 experience. We are able to determine whether or not we believe
24 someone's telling us the truth or not, and when a witness takes
25 the witness stand, I want you to ask yourself, what opportunity

1 does this person have to see the things to which they're
2 testifying to? Ask yourself whether or not this witness has
3 any interest, bias or prejudice, and I'll tell you from the
4 very beginning that you can believe one witness over many, many
5 against one, you can believe all of what a witness says, a
6 portion of what a witness says, or none of what a witness says,
7 and that's completely within your province as the jury to make
8 those determinations. Not only are you to listen to what
9 someone says, but the law allows you to evaluate a person's
10 demeanor. You know, all of us who have children or
11 grandchildren, sometimes it's important to pay attention to the
12 way they talk and the way they act when they're telling what
13 they're testifying to, and the law says that you can pay
14 attention to how they testify. Just use your good common sense
15 and pay very close attention.

16 One thing that's very important is that if I make an error with
17 regard to the law, if I let in evidence that shouldn't come in
18 or I charge the law in an inaccurate way, those errors are
19 easily corrected, however, you need to understand that if you
20 make an error with regards to the findings of fact, quite often
21 that never can be corrected, so I'm going to instruct that you
22 pay very close attention throughout this trial. This is an
23 important case. It's an important case to you as a juror, and
24 you've taken a solemn oath to fulfill this duty, and it's an
25 important case to the State, and it's an important case to the

1 defendant, so pay very close attention. You are, indeed,
2 participating in a time-tested system, and I'm going to ask
3 that you proceed forward with a serious and contemplative mind.
4 Given the nature of this case and the length of it, I'm going
5 to direct you not take notes, but pay very close attention.
6 Mr. Martin, you recognize.

7 MS. WALLER: Your Honor, may it please the Court?

8 THE COURT: Yes, ma'am.

9 MS. WALLER: Thank you.

10 THE COURT: Ms. Waller?

11 **(Attorney Waller presented an opening statement on**
12 **behalf of the State at this time)**

13 MS. WALLER: Good morning. **Juvenile** is sitting
14 right over here in the white shirt when you're looking out.
15 She's the reason we're here. She's 18 years old. She actually
16 graduated from high school yesterday, from early college high
17 school and that's why we started the trial today, and not
18 yesterday. We were trying to give her some time to have that
19 moment, that milestone in her life, a happy day to be able to
20 experience that yesterday, so she had that yesterday, but today
21 she's going to do something that really no 18-year-old girl
22 should have to do. She's going to come in here and she's going
23 to sit on that stand, as the judge kind of told you she would
24 do, and she's going to tell you, not about the happiest day of
25 her life, but about the worst day of her life. What she's

1 going to tell you is that when she was 12-years-old, at a time
2 when she was in middle school between the sixth and seventh
3 year, sixth and seventh grade, that her first sexual
4 experience, the first time she had experience with intercourse,
5 the first time she lost her virginity, was to her father who
6 was sitting right over there, with her legs over his shoulders.
7 She's going to talk a lot more about that, and she's going to
8 tell you about that in detail, but before she gets there, she's
9 going to tell you about her life before that because before
10 that happened she had a pretty normal relationship with her
11 family and her father. Her parents were married, she lived
12 with them and her younger brother. She did all the things that
13 kids do. She went to middle school, she talked to her best
14 friend, Heaven, who you're going to meet, and she had a pretty
15 normal relationship with her family. All of that changed when
16 her parents split up when she was around 12. Once they split
17 up she started going to visit her father, and she visited him
18 at his house in Conway. Sometimes she would visit him when he
19 was kind of transitioning into living with a girlfriend who's
20 now his wife, and when that started happening, things started
21 happening with him that no father should really do to a
22 daughter. He started out fondling her breasts and her vagina,
23 he would cuddle up and her, he eventually started putting his
24 fingers inside of her vagina. She's going to talk a lot about
25 that, and you're going to hear her kind of talk the way a child

1 talks. Even though she's 18 today, when this happened she was
2 a kid, and the way kids kind of mark time, or understand time,
3 they're typically not giving you dates and times exactly,
4 especially when something's happening all the time, but she can
5 tell you how old she was, what grade she was in. One of the
6 markers for her is, and this can be uncomfortable, it was
7 before and after she had her first period, and what I'm talking
8 about, the experience that she had with her father, raped her,
9 happened before her first period, so you're going to hear her
10 talk about time in that ladder. She can tell you what happened
11 to her and when it happened, she'll tell you what happened at
12 home, she'll even talk about an incident that happened in the
13 defendant's truck, and even though this happened a lot, one
14 incident stands out in her mind is the day, in her words, that
15 she said, he just took it really too far. She said, the
16 defendant, after kind of engaging in this behavior where he was
17 fondly and molesting her, one day he took off his pants, he put
18 a condom on his penis, and he put her on top of them. He then
19 rolled over, and he stuck his penis inside of her. He put her
20 legs on his shoulders until she cried out in pain, and when it
21 was over he told her to go clean herself up and that he loved
22 her, and don't tell anybody, so she didn't. Kids often don't
23 tell. So she didn't tell anybody for awhile. He never did
24 that again, but even after that when she would visit, he would
25 continue to stick his fingers in her, and touch her, and molest

1 her, and make her uncomfortable. **Juvenile**, being a young child,
2 a middle schooler, didn't tell anybody. It was her secret, her
3 secret and her father's secret. So she kept it to herself, and
4 eventually she stopped going to see her father, but she didn't
5 forget about what happened. She didn't see him, but she still
6 thought about it. So when she was about to turn 15-years-old,
7 and I'm not sure if you guys are familiar with this, but
8 **Juvenile**'s father is Hispanic and her mother is American, and
9 when a Hispanic girl turns 15, they have what's called a
10 quinceañera, which is a big party. It's a transition of a
11 young girl's transition into young womanhood. So there's a big
12 party. It's kind of like a Sweet 16 or a bar mitzvah, and she
13 started planning that party with her friends and family, and
14 that brought her father to her mind because her Hispanic
15 identity came from her father, not her mother. So she was
16 talking about planning that, her friends and family were
17 saying, are you going to invite your father, why not? Are you
18 going to have the traditional father/daughter dance? What are
19 you going to do? If your dad's not there, are you going to
20 just not have that because that's a big part of that party? So
21 **Juvenile** would say she got in her feelings about that one day
22 when she was planning it, and her best friend, Heaven, is like
23 a sister to her, they're always together doing stuff, was like,
24 what's wrong? So she finally told her secret, she said, my
25 father raped me, he molested me, I don't know what to do. I

1 don't want to invite him to the party, this happened to me, but
2 I don't want anybody to know. So Heaven, also being a
3 14-year-old girl, kept **Juvenile**'s secret, they kept it for
4 several more months, neither one of them told, because they
5 were kids. I'm sure if they told an adult it would be a
6 different story, but she told her best friend. Eventually,
7 after talking about it for some time, Heaven and **Juvenile**
8 decided it was time to tell her mother, but **Juvenile** still
9 didn't want people to know, and she was still having a
10 difficult time talking about it, so what she did was what she
11 and her mother do, and what they would do is if **Juvenile** didn't
12 feel comfortable talking in person to her mother, she would
13 write it down, and then her mother could read it, then they
14 could get back together and talk about it. So she and Heaven
15 stayed up late one night on the phone, **Juvenile** wrote a
16 statement to her mother, told her what happened, and left it
17 for her mom to find under her car keys before she went to work
18 the next morning. You can imagine what **Juvenile**'s mother woke
19 up to that morning before work when she picked up that piece of
20 paper and read what it said, news no parent wants to hear, I
21 think that's what she said and what she'll probably say when
22 she testifies. She eventually, they talked to **Juvenile**, they
23 got other family members involved, and didn't know what to do
24 because it was difficult for **Juvenile** to talk about, she didn't
25 know if she wanted people to know about it. They eventually

1 decided to call the police and report the crime, which is kind
2 of how we got here today. It's the first step. So whenever it
3 got reported to the police, Detective Paul Johnson, who is
4 sitting here, was assigned as the lead investigator, and he
5 investigated the crime. He talked to **Juvenile** and her family,
6 collected evidence, and evidence in this case, a large part of
7 the evidence is what the witnesses say happened, what she's
8 telling you happened to her, and you get to decide, as the
9 judge said, whether or not to believe her. We're going to have
10 other witnesses. Her mother's going to testify, and a family
11 friend who's like a grandmother to her, and her best friend,
12 Heaven. They're all going to tell you that **Juvenile** told them
13 she was sexually assaulted. Because of court rules they can't
14 really say who she said did it, but they can tell you what they
15 did as a response to that and what Paul Johnson did in response
16 to that, and what he did is extremely important in this case,
17 because he interviewed the defendant, Mr. Moreno, who's sitting
18 over here, and during the course of that interview, which
19 you're going to get to watch in its entirety when we get to
20 that point in trial, you're going to hear Mr. Moreno's own
21 words, and again, you get to decide whether or not you believe
22 what he says happened, but after some time, he eventually told
23 Detective Johnson that he thought about having sex with his
24 daughter, that he put a condom on his penis thinking he might
25 have sex with his daughter, but he ended up not actually

1 penetrating her with his penis, he just rubbed it on the
2 outside for her vagina, of course, **Juvenile** says that that
3 encounter went much further.

4 So you're going to hear all of this evidence, and at
5 the end of the trial you're going to be called on to decide
6 what happens. The defendant's charged with crimes, I think the
7 judge said violations of South Carolina criminal code. Our
8 rape laws are codified as criminal sexual conduct with a minor,
9 in this case, second degree, that's based on **Juvenile**'s age when
10 this occurred, she was between the ages of 11 and 14. It
11 requires a sexual battery. Sexual battery is defined as
12 intercourse. I think you all know what that is, I just
13 described it. It's also described, defined as a penetration,
14 slight, however slight, that's someone's private parts or
15 vagina. There are two counts of that. He's also charged with
16 criminal sexual conduct with a minor of the third degree.
17 That's basically touching a child under the age of 16 in a lewd
18 and lascivious manner, and "lewd and lascivious" just means
19 it's done for someone's sexual gratification. It's a father
20 touching a daughter in a way a father should never touch a
21 daughter, just like what happened here. The judge will give
22 you a lot more instruction than I just did, I'm just giving you
23 kind of an idea of what to expect, but that's essentially what
24 we are here to talk about.

25 **Juvenile**'s coming in to talk to you about what

1 happened to her. She's doing that because 12-year-old **Juvenile**
2 wants you to know what happened to her. She's doing that
3 because she really has two goals in mind. She wants two
4 things, she wants you to believe her, and she wants justice,
5 and you can do that with one word at the end of this trial, and
6 that's guilty.

7 THE COURT: Thank you, Ms. Waller.

8 MS. WALLER: Thank you.

9 THE COURT: Defense, you recognize.

10 MR. RICHARDSON: Thank you, Your Honor.

11 THE COURT: Mr. Richardson?

12 **(Mr. Richardson presented in opening statement on**
13 **behalf of the Defendant at this time)**

14 MR. RICHARDSON: Y'all heard my voice as we were
15 picking juries, and you heard me say, thank you, Your Honor,
16 and so as you can probably hear, I'm from South Carolina, about
17 30, 35 miles from this here court, over in Marion County, but I
18 didn't grow up in Marion proper, not downtown in the city, I
19 grew up out in the country. I'm getting a little older now, so
20 late '70's I was a child, and out in the country we didn't have
21 cable, not at all. It was the late '70's, we had one TV in the
22 house, and we got two channels in there, y'all may have got
23 more in Horry County, but we got PBS, that's where I got to
24 watch Mr. Rogers, Sesame Street, I think it's been going on 50
25 years now, so some of those shows, but when my dad got home

1 from the funeral home, his funeral home and to eat, the TV was
2 his. They didn't want to watch PBS, so he flipped on the local
3 news, WPTW, Channel 13, and as a child, I'm in the living room
4 playing around, and I was watching whatever dad was watching,
5 and I couldn't tell you one of the anchors, one of the
6 reporters, by and large, some news stories, but one thing I
7 remember, when my dad watch the local news, there was
8 syndicated segment, I guess it would be like a podcast now, and
9 it was Paul Harvey who came on every night, Paul Harvey's Rest
10 of the Story, and I love him, because he had a grandfatherly
11 tone, but he'd tell these little stories in three or four
12 minutes where he'd provide a set of facts and then tell you
13 what the ultimate conclusion is, a set of facts, like, a baby
14 that was born, somewhat malformed nose, hair on the ears, and
15 the mom was concerned and they told her just to love her and
16 she would grow up being beautiful and the mom did just that and
17 that baby grew up to be the beautiful Elizabeth Taylor.
18 Another story about a traveling tool salesman who wanted to get
19 engaged and got a ring and didn't have the money to pay for it
20 so he gambled in golf with money he didn't have. He had to win
21 that golf tournament and he did, and he figured out at that
22 point that he was a much better golfer than he was at tool
23 salesman, and that was Paul Harvey, but to get to the ultimate
24 point you had to listen to the rest of the story, and I tell
25 you that because you were chosen for your common sense, by and

1 large, chosen to listen to everything that's brought in here in
2 the court. I want you to listen to the whole story, to the
3 rest of the story, because what Ms. Waller said about the
4 statement was not accurate. Rudy did go in and talk with the
5 police and he did make a statement, it was about an hour and 45
6 minutes, as I recall. And when I first got this case, when I
7 was first hired, all I knew is I was told there's a confession,
8 and in criminal cases it takes a little while to get what they
9 call discovery. I didn't get to see a copy of that interview
10 for some time, and I chastised Rudy for, why in the devil did
11 you even go in and talk with them, but you'll see that in
12 context, and so I want you to listen to the entirety of that
13 interview and how they get to what they call a confession. I
14 want you to look at the entire investigation, both what was
15 done and what was not done that is typically done in a case
16 like this, because as you go through the interview with very
17 little investigation, the lead investigator didn't even go out
18 and talk with **Juvenile**, didn't go talk, I think had one
19 telephone call with her mother. The child didn't sit down for
20 what they call a forensic interview, which is typical, but
21 without any of that, the detective said, I believe her, and he
22 sat Rudy Moreno down and he led him, used his faith, Rudy's
23 faith in his church, used his love for his children, gave him
24 opportunities such as, maybe you had a weak moment, maybe you
25 made a mistake, and Rudy denied it for over an hour, for about

1 an hour, and the detective kept telling him, if you love your
2 daughter you'll just admit to it, otherwise, she'll be messed
3 up, should be a drug addict, or she'll be in the nut house. At
4 the end of the day Rudy loves his children, to this day he
5 loves his children, and so he did make a confession. He
6 repeated facts that Paul Johnson had fed to him through the
7 entirety of that interview, repeated the facts because he
8 wanted his daughter to be able to get help if she believed
9 that, if she believed that happened. So I'm just going to ask
10 that you listen closely to that and don't jump to conclusions.
11 The machine's been rolling over him, and I'm asking you to do
12 your civic duty and you judge the machine. Did the Horry
13 County Police Department, did they jump to a conclusion and
14 drive towards one target and say, the hell with everything else
15 we're going to get a confession out of him, and so I'm just
16 going to ask you, please do your duty. You heard the judge
17 recite the indictments, I believe, when you were first sworn,
18 the State talked about it, and Mr. Moreno sits over there. You
19 might think he's actually on trial here, but you heard the
20 judge, he sits over there clothed, cloaked in the robe of
21 innocence, he is presumed innocent, so he's not actually the
22 one on trial here. He doesn't have one thing to prove, it's
23 the State's case that's on trial, that's what you're judging,
24 and so I ask that you do that, because if you do that, if you
25 carefully consider everything and use your common sense,

1 there's one verdict at the end of this case, the judge is
2 right, nobody can prove their innocence in the United States,
3 they're not compelled to, but if you listen to everything
4 there's only one verdict. It's not going to add up folks, and
5 so you'll be compelled to vote not guilty, send Rudy Moreno
6 home. Thank you.

7 THE COURT: Thank you, Mr. Richardson. State, you
8 recognize and you may call you your first witness.

9 MR. MARTIN: We'll call Ms. Martinez, first name is
10 Sheila.

11 THE COURT: Ms. Martinez, please come forward, I'm
12 going to ask you to approach the Clerk here and ask that you
13 place your left hand on the Bible and raise your right hand as
14 the Clerk administers the oath.

15 **SHEILA MARTINEZ WAS DULY SWORN AT THIS TIME AND**
16 **TESTIFIED AS FOLLOWS:**

17 THE COURT: I'm going to ask that you come have a
18 seat in the witness chair, and I'll ask that you pull up real
19 close to that microphone, speak loudly, clearly and slowly so
20 that we can hear everything that you have to say. Let's start
21 with your full name, please.

22 THE WITNESS: My name is Sheila Martinez.

23 MR. MARTIN: Very good. Thank you. May it please
24 the Court, Your Honor?

25 THE COURT: Yes.

1

DIRECT EXAMINATION

2

BY MR. MARTIN:

3

Q. Ms. Martinez, what do you go by?

4

A. Well, Prissy.

5

Q. Okay, Ms. Prissy, do you live in Horry County?

6

A. No, sir, I don't.

7

Q. Where do you live?

8

A. Marion County.

9

Q. How long have you lived in Marion?

10

A. For about 30, 35 years.

11

Q. And do you know the victim in this case, **Juvenile**?

12

A. Yes, I do.

13

Q. And what's your relationship with her?

14

A. She's my cousin, but she's like a grandchild.

15

Q. How long have you known her?

16

A. Her whole life.

17

Q. And what about her parents, do you know them?

18

A. Yes, I do.

19

Q. How do you know them?

20

A. Kim's my cousin, her mother.

21

Q. What about the Defendant?

22

A. I've known him since he was about eight years old.

23

Q. And during that time you mentioned about **Juvenile**, can

24

you characterize sort of how close the two of you were?

25

A. Well, when she was younger we weren't as close. We got

1 really close after her grandmother passed away. She's always
2 just been special to me, and like a grandchild I just kind of
3 took her on.

4 Q. Do you recall an incident back in July of 2022 when
5 **Juvenile** spoke with you about some things that had happened to
6 her?

7 A. Yes, sir.

8 Q. Where were you guys when that conversation took place?

9 A. At her house in Horry County.

10 Q. Without saying any names, what did she say happened to
11 her?

12 A. That she had been touched and sexually assaulted.

13 Q. And without saying any names, when did she say this
14 happened?

15 A. When she was about 12.

16 Q. And without saying who did it, where did she say it took
17 place?

18 A. In Horry County.

19 MR. MARTIN: Court's indulgence? I don't have
20 anymore questions at this point.

21 THE COURT: Cross-Examination?

22 **CROSS-EXAMINATION**

23 BY MR. RICHARDSON:

24 Q. And I may have missed it, Ms. Martinez, you said that
25 **Juvenile** made mention to you, what year was that?

1 A. She was around 12 years when she --

2 Q. She told you when she was 12-years-old?

3 A. No. She told me back in 2022.

4 Q. Do you remember, was it January, February? We know she
5 told the police July.

6 A. Summertime.

7 Q. Ma'am?

8 A. Summertime.

9 Q. Summertime? Okay. Before or after the police had been
10 called?

11 A. After.

12 Q. She told you after?

13 A. Yes, sir.

14 MR. RICHARDSON: Your Honor, I don't believe was
15 supposed to be in violation of 801(d)(1)(d), it's not an alibi
16 witness.

17 THE COURT: Might counsel approach the bench?

18 **(Discussion was held off the record by Court and counsel.)**

19 Q. So she told you about this after they reported it to the
20 police, correct?

21 A. Yes.

22 Q. After she had already reported to her mother?

23 A. Yes.

24 Q. Your cousin?

25 A. Yes.

1 Q. Okay. And you said you've known Mr. Moreno since he was
2 about eight years old?

3 A. Yes.

4 Q. Part of that is because you had a relationship with his
5 uncle, correct?

6 A. Yes, I did.

7 Q. And you all have a child in common?

8 A. Yes, we do.

9 Q. And that relationship went sideways, too, correct?

10 A. Yes, it did.

11 Q. And you said you all got closer, you got closer to
12 **Juvenile** after her maternal grandmother passed, right?

13 A. Yes.

14 Q. That was 2014?

15 A. Yes.

16 MR. RICHARDSON: Thank you, Ms. Martinez. I have no
17 other questions.

18 THE COURT: Any Redirect?

19 MR. MARTIN: No, Your Honor.

20 THE COURT: You may step down, and you're free to
21 leave.

22 THE WITNESS: Thank you.

23 MR. MARTIN: And Your Honor, is she released from her
24 subpoena?

25 THE COURT: Yes.

1 MR. MARTIN: Thank you.

2 THE COURT: You may call your next witness.

3 MS. WALLER: Your Honor, the State calls Heaven

4 P. [REDACTED].

5 THE COURT: Ms. P. [REDACTED], I'm going to ask if you
6 could come to the front of the courtroom and approach the Clerk
7 here. I'm going to ask you, if you could, to place your left
8 hand on the Bible and raise your right hand as the Clerk
9 administers the oath.

10 HEAVEN P. [REDACTED] WAS DULY SWORN AT THIS TIME AND
11 TESTIFIED AS FOLLOWS:

12 THE COURT: I'll ask you to come around and have a
13 seat in the witness chair and I ask that you pull up real close
14 to that microphone, speak loudly and clearly and slowly and
15 we'll be able to hear everything that you have to say, and
16 let's start with your full name, please, ma'am.

17 THE WITNESS: Heaven P. [REDACTED].

18 THE COURT: Thank you.

19 MS. WALLER: Thank you. Can I call you Heaven?

20 THE WITNESS: Yes.

21 MS. WALLER: Thank you.

22

23

24

25

DIRECT EXAMINATION

1 BY MS. WALLER:

2 Q. Heaven, how old are you?

3 A. I'm 16.

4 Q. Are you still in high school?

5 A. Yes, ma'am.

6 Q. What grade are you in?

7 A. I'm a Junior, 11th grade.

8 Q. So you're finishing up the end of your school year now;
9 is that right?

10 A. Oh, yeah.

11 Q. And do you know the victim in this case, **Juvenile**?

12 A. Yes.

13 Q. How do you know her?

14 A. She's been my best friend for 13 years.

15 Q. So that means you met when you were around three?

16 A. Yes.

17 Q. And what kind of stuff do you and **Juvenile** like to do
18 together?

19 A. I go to her house a lot. We go out together. We like
20 going places trying new things. We like to go to the park, or
21 we'll go get food. We've done the movies together, we've done
22 pretty much everything together.

23 Q. So did you say you have a very close relationship with
24 **Juvenile**?

25 A. Yes.

1 Q. Do you share secrets sometimes and feelings?

2 A. Yeah, she's the person I tell everything to.

3 Q. You tell her everything?

4 A. Uh-huh.

5 Q. I'm going to direct your attention back to around
6 July/June of 2022, to June. Did something happen around that
7 time that brings you into court today?

8 A. Yes.

9 Q. Okay. Can you tell me what you and **Juvenile** were doing?

10 A. Wait, can you re-ask the question?

11 Q. I'm sorry, that wasn't very clear. So were you an
12 **Juvenile** in the midst of planning a Quinceañera?

13 A. Yes.

14 Q. Tell the jury, I kind of know, but what is that?

15 A. So a Quinceañera is a Hispanic's girl like coming of age
16 party. It's when you turn 15, it's a really big event in a
17 Hispanic girl's life.

18 Q. And so back then do you remember when -- I guess I need
19 to back up a little bit. So do you know when **Juvenile**'s
20 birthday is?

21 A. Yes, M [REDACTED].

22 Q. Okay. So around [REDACTED], 2022, were you in the process
23 of planning her Quinceañera?

24 A. Yeah, I was in the court, I was just, like, the girls
25 and the guys, like, dance with you, basically, it's like a

1 really big deal.

2 Q. So you were in her court, and you were helping her plan?

3 A. Uh-huh.

4 Q. Do you recall one day when she told you about something
5 that had happened to her?

6 A. Yeah. We had been at one of her practices.

7 Q. And let me stop you, I'm sorry. Don't say who she said
8 did anything, okay?

9 A. Okay.

10 Q. Go ahead.

11 A. We had been in order for practices and she had started
12 to get frustrated so we stepped off to, you know, just breath
13 for a second, and she started crying, and she's, like, I need
14 to tell you something, and I was, like, okay, and like we had
15 kind of talked about it before very briefly. She had told me
16 what happened, but that she told me and she was, like, she
17 said, something happened to me, and I don't know what to do
18 anymore, and I don't know who to tell, and I mean, that was the
19 basis of it.

20 Q. And when she's saying, I just need you to be clear, when
21 she says something happened to her, was she speaking about
22 sexual assault?

23 A. Yes.

24 Q. And at that time did you know what sexual assault was?

25 A. Yeah. I knew what it was, I knew it could happen, you

1 know, I knew what it was.

2 Q. And so what did you and **Juvenile** do after that?

3 A. I mean, we talked about it. We left it alone for a
4 little bit, just because, like, we didn't know what to do. We
5 were both very young at the time so it was already confusing to
6 us, and then after a little bit we had talked about it a lot,
7 and we ended up writing a letter to her mom. She wrote a
8 letter to her mom, and that's, like, how we told her it all.

9 Q. And when she told you what happened to her, what was her
10 demeanor like, her emotional state?

11 A. She cried a lot, she -- she just didn't seem like
12 herself. I know **Juvenile** is always bright and bubbly and laughs
13 all the time, and that wasn't her anymore. She wasn't who I
14 knew her as. Like, things had changed, and when she spoke
15 about it, it felt like, like someone else, like she wasn't
16 okay.

17 Q. So do you remember what made you and **Juvenile** decide to
18 tell an adult what happened?

19 A. No, no.

20 Q. Do you remember when -- you said you wrote a letter,
21 were you together when you wrote that letter?

22 A. We had done it on a phone call because it was, like,
23 midnight at the time, and so she wrote it in a book to her mom,
24 and the next morning her mom read it.

25 Q. And did you see her that next day at all?

1 A. Yes.

2 Q. What, did you go to her house?

3 A. Yeah.

4 Q. And what happened when you got there?

5 A. We went to, like, the police, like, the department, and
6 they -- we had to gone to the Myrtle Beach one, and they told
7 us we couldn't go there, so then they sent a Conway cop to her
8 house and they took her statement there.

9 Q. And what was **Juvenile**'s demeanor like that day at the
10 house after her mom finally knew what happened?

11 A. She was just sad, she was nervous, she was scared. She
12 didn't know what was going on or what would happen. There was
13 a lot of crying.

14 Q. So let me ask you, did you know **Juvenile**'s father,
15 Rodolfo Moreno?

16 A. Yes.

17 Q. And were you ever around him when you were a kid?

18 A. Yeah, my dad and him were best friends.

19 Q. And was there a point that **Juvenile** stopped going to see
20 her father?

21 A. Oh, yeah.

22 Q. Did you notice any changes in her relationship with him?

23 A. I thought it was weird. Growing up she was always
24 really close to him, and that was something I noticed a lot,
25 they were always together, and then when they stopped I thought

1 it was weird. I would ask her, I was, like, why aren't you
2 there anymore, because like that is when I would see her
3 mostly, when she was with her dad, so like, when she stopped
4 seeing him I didn't see her as often, because, like, where are
5 you, and she was like I don't -- I'm not going there. Oh,
6 okay, and that's basically it.

7 Q. Do you remember how old **Juvenile** said she was when she
8 was assaulted?

9 A. No.

10 Q. Do you remember how many years before she told you that
11 it happened?

12 A. I think two.

13 Q. Okay. So that would have made her around how old?

14 A. Twelve or thirteen, around 12 or 13.

15 Q. And you've already testified that you've known her since
16 you were three, so you definitely knew her when she was 12 or
17 13?

18 A. Yes.

19 MS. WALLER: May we mark these, please? Thank you.
20 May I approach the witness, Your Honor?

21 THE COURT: Yes.

22 Q. I'm going to approach and show you a couple of
23 photographs, and I'm going to ask you if you recognize the
24 people in these photographs. This one is State's Exhibits No.
25 6 and State's Exhibit No. 5. Let's start with number five,

1 just because that comes first, it's this one. Do you recognize
2 that photograph?

3 A. Yeah.

4 Q. And is that photograph a fair and accurate
5 representation of what everybody looked like and what happened
6 that day?

7 A. Yes.

8 Q. And what about State's Exhibit No. 6? Do you recognize
9 that photograph?

10 A. Yes.

11 Q. And is that one a fair and accurate representation of
12 what it looked like in real life and what happened that day?

13 A. Yes.

14 MS. WALLER: Your Honor, the State would seek to
15 introduce State's Exhibits 5 & 6 into evidence and publish to
16 the jury.

17 MR. RICHARDSON: No objection from the defense, Your
18 Honor.

19 MS. WALLER: Was it 4 & 5? I'm sorry, I apologize, 4
20 & 5.

21 THE COURT: Four and five.

22 Q. So let's start with picture number 4. Who is in this
23 picture? I'm gonna put it this way.

24 A. It's **Juvenile**, there's me, and her little brother.

25 Q. So that's you in the middle?

1 A. Yes.

2 Q. You look way different.

3 A. Yes.

4 Q. Okay. So how old were you guys in this picture?

5 A. Eleven or 12, maybe.

6 Q. Eleven or 12. This is what you looked like back then?

7 A. Yeah.

8 Q. Middle school aged. Middle-school aged Heaven and

9 **Juvenile**. All right. Let's talk about State's Exhibit No. 5,
10 and what about this one? Who are the people in this
11 photograph?

12 A. Alex, **Juvenile** and me.

13 Q. And who is Alex?

14 A. **Juvenile**'s brother.

15 Q. Okay. And the same thing, you were how old in this
16 picture?

17 A. Around the same age.

18 Q. Around the same age. So here we have another picture of
19 Heaven and **Juvenile** around the same age when they were -- so are
20 you and **Juvenile** still close friends at this point?

21 A. Uh-huh.

22 Q. Thank you for coming here today.

23 MS. WALLER: Please answer any questions Mr.
24 Richardson has for you.

25 THE COURT: Mr. Richardson, cross-examination?

1 MR. RICHARDSON: Thank you.

2 CROSS-EXAMINATION

3 BY MR. RICHARDSON:

4 Q. Would you prefer Ms. **P.**, or Heaven?

5 A. You can just call me Heaven.

6 Q. Heaven, I just got a few questions for you. Sometimes
7 us lawyers get a little confused in our questions, so if you
8 don't understand a question just tell me you don't understand
9 it, and I'll try to ask it in a more simple way, okay?

10 A. Okay.

11 Q. I confuse myself sometimes. All right?

12 A. Okay.

13 Q. Okay. So you're a year younger than **Juvenile**, correct?

14 A. Yes.

15 Q. Okay. But you've all been friends since, if you said 13
16 years, and you're 16, so since you were about three?

17 A. Uh-huh.

18 Q. Okay. So you don't -- you both have kind of grown up
19 together, right?

20 A. Yes.

21 Q. And you said you saw her more often, if I understood
22 your testimony, more often when she was seeing her dad who
23 lived down here at the beach?

24 A. Yeah. He lived across from us and she would stay there
25 sometimes.

1 Q. Because at some point he lived in Conway, right?

2 A. Yes.

3 Q. And I think you live in Conway, correct?

4 A. Yes.

5 Q. And then at some point he was living in Forestbrook,
6 correct?

7 A. Yes, when he lived in Forestbrook I didn't see her then.

8 Q. You didn't see her a whole lot then? Okay. And you
9 said they had a good relationship?

10 A. Uh-huh.

11 Q. And then at some point she wasn't seeing her father
12 anymore, correct? And do you remember about when that was?

13 A. No, middle school years.

14 Q. Okay. If I said April or March of 2021, would that
15 sound about right?

16 A. I don't know.

17 Q. Okay, that's fair, that's fair. You weren't with her
18 24/7, right?

19 A. Yeah.

20 Q. So but you would see her when she was in seventh grade,
21 eighth grade, and whatnot?

22 A. Uh-huh.

23 Q. Did she get along fine with everybody?

24 A. Yeah, for the most part.

25 Q. Did she have a lot of friends?

1 A. I'm not sure. I didn't go to school with her ever --

2 Q. Okay.

3 A. -- so it was just us two.

4 Q. Okay. So mainly it was you two hanging out?

5 A. Uh-huh.

6 Q. Okay. And when you all would hang out did she have any
7 friends from her school come over to visit with you all?

8 A. No.

9 Q. Okay. And I think in your testimony to Ms. Waller, you
10 said you all really started discussing this while planning the
11 Quinciañera around March of 2022?

12 A. Yeah.

13 Q. Okay. And I think that's what you -- because you were
14 there when the police department showed up at her home,
15 correct?

16 A. Yes.

17 Q. And you all met with the police out in the garage,
18 correct?

19 A. I don't remember.

20 Q. Do you remember who all was there?

21 A. It was me, **Juvenile**, Alex, her step dad and her mom.

22 Q. Okay. You got a good memory on that one. And you've
23 gone to Conway schools your whole life?

24 A. No.

25 Q. Okay. And so you're a rising senior now?

1 A. Yes.

2 Q. Congratulations. Enjoy that time. Is it your testimony
3 that when -- and you were there when **Juvenile** and her
4 mother were talking to the police at her house, and your
5 testimony is that **Juvenile** was crying during that interview?

6 A. Yes. She cried that day. I don't remember if cried
7 while she was speaking to police.

8 Q. Okay. And the letter that -- you were on the phone with
9 her helping her write it?

10 A. Yeah.

11 Q. Is that your testimony?

12 A. Yeah.

13 Q. Okay. So she wrote that letter?

14 A. Yes.

15 Q. About two pages or so?

16 A. I believe so.

17 Q. Okay. I'm looking at State's No. 5. You all were at
18 the beach, or --

19 A. It's the water park.

20 Q. The water park?

21 A. Uh-huh.

22 Q. Do you remember who took you all there?

23 A. I believe our moms.

24 Q. Silver Fox, that's Ten Oaks, correct?

25 A. Yes.

1 Q. Ten Oaks Middle?

2 A. Yes.

3 Q. So you were able to go over to Ten Oaks for --

4 A. A band concert.

5 Q. Band concert, okay. My oldest did that at Ocean Bay, I
6 believe it was.

7 MR. RICHARDSON: Court's indulgence, please?

8 THE COURT: Yes.

9 Q. Last question. Did anyone from the Horry County Police
10 Department ever come in and interview you, talk with you?

11 A. I don't remember that.

12 Q. But you talked with the Solicitor's Office a few times,
13 correct?

14 A. Yes.

15 Q. Do you know about how many times?

16 A. Twice.

17 Q. Twice? Okay. Heaven, thank you.

18 MR. RICHARDSON: I have no further questions. Thank
19 you.

20 THE COURT: Any Redirect?

21 MS. WALLER: No, sir, Your Honor. We just ask that
22 she be released from her subpoena.

23 THE COURT: Any objection?

24 MR. RICHARDSON: No, sir, no, sir. She probably
25 needs to get back to school.

1 THE COURT: You're free to leave. Thank you. You
2 may call your next witness.

3 MR. MARTIN: May we approach?

4 THE COURT: Yes.

5 **(Discussion was held off the record by Court and counsel)**

6 THE COURT: We're going to stand at ease for about
7 five minutes. We're going to ask that you all return to the
8 jury room, refresh ourselves, and do not discuss the case. Mr.
9 Foreman, enforce that rule. Thank you. Anything from the
10 State before we recess?

11 MR. MARTIN: No, Your Honor.

12 THE COURT: Anything from the defense?

13 MR. RICHARDSON: No, sir, Your Honor.

14 THE COURT: We'll stand at ease for about five
15 minutes.

16 **(Recess taken)**

17 THE COURT: You may call your next witness.

18 MR. MARTIN: Your Honor, the State calls **Juvenile**
19 **[REDACTED]**.

20 **Juvenile [REDACTED] WAS DULY SWORN AT THIS TIME AND**
21 **TESTIFIED AS FOLLOWS:**

22 THE COURT: Yes, ma'am, please come around. I'm
23 going to ask, if you could, please, ma'am, have a seat in that
24 witness, pull up real close to that microphone, speak loudly,
25 clearly and slowly and we'll hear everything that you have to

1 say. Let's state your full name, please, ma'am.

2 THE WITNESS: **Juvenile**.

3 THE COURT: Very good.

4 MR. MARTIN: May it please the Court, Your Honor?

5 THE COURT: Yes.

6 **DIRECT EXAMINATION**

7 BY MR. MARTIN:

8 Q. **Juvenile**, how old are you?

9 A. I'm 18.

10 Q. When's your birthday?

11 A. **[REDACTED]**.

12 Q. And do you live here in Horry County?

13 A. Yes.

14 Q. What about school, did you recently graduate?

15 A. Yes.

16 Q. When was that?

17 A. I had graduated college from Horry-Georgetown Tech last
18 night, and then I graduate high school from early college high
19 school on June 3rd.

20 Q. Do you have any plans after graduation?

21 A. To work.

22 Q. Now, you mentioned Horry County. Have you always lived
23 in Horry County?

24 A. Since I was born. I stayed in Marion until like around
25 '07, '08, we moved into Horry County, I believe.

1 Q. So when you were younger, growing up, who all did you
2 live with?

3 A. My mother, my dad and my brother.

4 Q. Who's your brother?

5 A. Alexander Moreno.

6 Q. And who's your mom?

7 A. Kimberly Sanchez.

8 Q. And who's your dad?

9 A. Rodolfo Moreno.

10 Q. You see him in court today?

11 A. Yes.

12 Q. Now, was there a time where you stopped living with your
13 mom and your dad? Did they split up at some point?

14 A. Yes.

15 Q. About how old were you when they stopped living
16 together?

17 A. I'm not exactly sure.

18 Q. Do remember what grade you were in?

19 A. Like, fifth grade.

20 Q. Okay. And do you recall what the living arrangements
21 were for you and your brother once your parents stopped living
22 together?

23 A. My father had us every other weekend. My mom had full
24 custody of us, so we would go with our father every other
25 weekend, and then there was times where he had us, he had asked

1 for -- to have us with him on Wednesdays, and then we went for
2 few times with him on Wednesdays, and then we just stopped with
3 that. I wasn't sure exactly why. We still visited with him on
4 the weekends every other weekend, and then in the summertimes,
5 we would stay with him for a full week, and then we would go
6 back to our mother for a full week, and it would just alternate
7 during the whole summertime, and then as well as holidays, it
8 would alternate between the both of them, so why would
9 Christmas this year, next year somebody would have Christmas.

10 Q. So you stayed with your father a fair amount of the
11 time?

12 A. Yes.

13 Q. And where all do you remember did your dad live? Did he
14 live in Horry County?

15 A. Yes.

16 Q. Do you remember where?

17 A. In Conway area.

18 Q. Okay. And then at any point did he move anywhere else?

19 A. Yes. He started staying with his girlfriend.

20 Q. In Horry County?

21 A. Yes.

22 Q. You previously mentioned you and your brother.

23 MR. MARTIN: Court's indulgence. May I approach?

24 THE COURT: Yes.

25 Q. I'll show you what's been marked as State's Exhibit 8.

1 Take a second to look at it. Do you recognize that picture?

2 A. Yes.

3 Q. Who all is in it?

4 A. It is my brother, and then my little sister, and then
5 me.

6 Q. And is that a fair and accurate picture?

7 A. Yes.

8 MR. MARTIN: Your Honor, The State would ask that 8
9 be admitted into evidence.

10 THE COURT: Any objection?

11 MR. RICHARDSON: No objection, Your Honor.

12 THE COURT: It's into evidence without objection from
13 defense.

14 **(State's Exhibit No. 8 was admitted into evidence.)**

15 MR. MARTIN: Publish to the jury?

16 THE COURT: Yes.

17 Q. Now, about how old are you in this photograph?

18 A. I'm not exactly sure. I want to say that was around my
19 freshman year, my ninth grade year.

20 Q. Okay. And you said who else was in the photograph?

21 A. My brother Alex, and my little sister, Mia.

22 Q. Let me show you a couple more. This is State's 6 and 7.

23 MR. MARTIN: May I approach?

24 THE COURT: Yes.

25

1 BY MR. MARTIN:

2 Q. Take a look at these two pictures. Silly question, see
3 if you know who's in those pictures. Take a second and look at
4 it.

5 A. These are both me.

6 Q. Okay. And is that picture a fair and accurate
7 representation of you?

8 A. Yes.

9 Q. Okay.

10 MR. MARTIN: State asks to admit those pictures into
11 evidence, Your Honor.

12 THE COURT: Any objection from the defense?

13 MR. RICHARDSON: No, sir, Your Honor.

14 MR. MARTIN: And publish to the jury.

15 THE COURT: Into evidence and to publish.

16 MR. MARTIN: Thank you.

17 **(State's Exhibit Nos. 6 & 7 were admitted into evidence)**

18 Q. Now, in these photographs, what are you doing in those?
19 What you dressed up for?

20 A. I believe the one with the red dress, I was preparing
21 for my mom's wedding.

22 Q. Okay.

23 A. I'm not sure about the other one, maybe my birthday with
24 the balloon in the back.

25 Q. So State's 6, you said wedding?

1 A. Yes.

2 Q. How old were you in that photograph? Do you remember
3 what grade you were in?

4 A. I could not remember.

5 Q. That's okay. What about seven?

6 A. This had to be, that picture had to be from sixth to
7 seventh grade.

8 Q. So you're in middle school?

9 A. Yes.

10 Q. Okay. Sometime in middle school and living with your
11 dad, did something happen that made you feel uncomfortable?

12 A. Yes.

13 Q. What was that?

14 A. He would touch me inappropriately.

15 Q. Now, when he would touch you, do you remember about how
16 old you were when that started?

17 A. I believe it started when I was 12, around the age of
18 12.

19 Q. Now, at this point had you been through puberty yet?

20 A. No, sir.

21 Q. Had you had your period yet?

22 A. No.

23 Q. Did you know what the birds and the bees were?

24 A. I had some knowledge, but I wasn't -- I had the minimum
25 knowledge.

1 Q. When he would touch you, where would he touch you?

2 A. My breasts, my thighs, and then there was times where he
3 would touch my vagina, as well.

4 Q. When he would do these things, was it over the clothing
5 or under the clothing?

6 A. Both.

7 Q. And where were you guys when he would do these things to
8 you?

9 A. It first started at his house in Conway, and then there
10 was -- I remember one other incident that, like, another time
11 that stuck out to me that was in his girlfriend's house, and
12 then there was one time he was at a job site doing some work
13 with some friend, and he had touched me while I was sitting in
14 the car, his truck.

15 Q. So at the job site, was that in Horry County?

16 A. Yes, that was Horry.

17 Q. And let's talk about that a little bit. What do you
18 remember from that day at the job site?

19 A. He was laying down the floor with a friend. It was me,
20 my brother, and one of his friends, and we were -- I had
21 stepped off, stepped out of the building, the house, actually,
22 and I had went to the truck and got me something to drink or
23 something to eat, just something to snack on, and he had came
24 up to me and like my -- I was in the passenger back door,
25 sitting inside the, like, sitting in the seat, having my legs

1 out of the door. The door was open, my legs were out, like,
2 spread, and then he had came in between my legs and just stand
3 there and started touching me, like, on my thighs, and then
4 started touching my vagina, as well.

5 Q. Was that over the clothes or under the clothes?

6 A. Over.

7 Q. Let's talk a little bit about, you mentioned the
8 girlfriend's house remembering an incident from there. Do you
9 remember when about that would have been?

10 A. I could not remember.

11 Q. Were you in middle school?

12 A. Yes.

13 Q. And where in the house do you recall this incident
14 occurring?

15 A. In the son's room.

16 Q. When this happened, what did he do?

17 A. I was laying down in the bed, and then he just started
18 touching me, and he would put, like, his hand on my thigh, and
19 then he would, like, slowly try to move his hand towards my
20 vagina, and then I would, like, push him away, and then he
21 would kind of just put his hand on my thigh to, like, kind of
22 comfort me, but then he would end up trying to touch my vagina
23 again.

24 Q. And did he at some point, in fact, touch your vagina?

25 A. At that incident, yes.

1 Q. And was that under your underwear or above?

2 A. That was above clothing.

3 Q. Was there any point where you recall your father
4 touching your vagina below the clothing?

5 A. Yes.

6 Q. And when that would happen, do you recall what happened?

7 A. Yes.

8 Q. And what was that?

9 A. We were at his house in Conway, and there would be --
10 during the summertime we would -- I would be there for the
11 whole week with him, and it would be like every other night, or
12 majority of nights, majority of the time we had watched a movie
13 in his room because that was the only TV that we had available
14 to watch TV on at one time, and we would watch a movie. It
15 would be -- I would be all the way to the left, and then he
16 would be in the middle, and then my brother would be on the
17 other side of him, and then there would be times where he would
18 touch my breasts, or he would, like, touch on my thighs, but as
19 soon as my brother would, like, make any movement, he would
20 just act like he was trying to hold my hand or he wasn't doing
21 anything, and then he had -- after my brother had left the room
22 to go to his bedroom, I would usually try to get up and leave
23 the room so that nothing would happen more sexual to me from
24 him, so -- sorry --

25 Q. That's okay.

1 A. He would -- after my brother had left, he would start
2 touching me more inappropriately. He would start touching on
3 my breasts, he would touch on my thighs again, and then he
4 would touch my vagina, but above and below clothing.

5 Q. When you say, below your clothing, do you ever recall
6 him penetrating your vagina with any part of his body?

7 A. Yes.

8 Q. What part?

9 A. His fingers and his penis.

10 Q. So let's talk about the fingers part first. Any idea
11 how many times that would happen? Was it more than once?

12 A. More than once.

13 Q. And when he would do that, would he say anything to you
14 while he was doing it?

15 A. Majority of the times he would just say he loved me.

16 Q. Would you say anything back?

17 A. No, I wasn't -- I was silent, I didn't know what to do.

18 Q. Did he ever kiss you while he was doing that?

19 A. Yes.

20 Q. Where would he kiss you?

21 A. On my lips.

22 Q. Had you ever been kissed before?

23 A. No, sir.

24 Q. That was your first kiss?

25 A. Yes.

1 Q. Would he ask you to kiss him?

2 A. Yes.

3 Q. Where?

4 A. He had -- he would tell me to kiss him on his lips, and
5 then there was one time that he had asked me to kiss his penis,
6 and I rejected that.

7 Q. When these things would happen, you mentioned briefly
8 your brother was in the room for part of the time, but did
9 anybody see him doing these things to you?

10 A. No, sir.

11 Q. Now, you mentioned his penis. Do you recall an incident
12 where the defendant used his penis?

13 A. Yes.

14 Q. Did you see his penis?

15 A. No.

16 Q. When this happened, had you had your period yet?

17 A. No, sir.

18 Q. Talk to me a little bit about what you remember
19 happening from that incident.

20 A. That incident, like usual, we were watching a movie and
21 then my brother had left the room, and then he had -- he was --
22 he would touch me on my breasts and my thighs, and then he
23 would, like, start, like, trying to use his fingers to insert
24 them into my vagina, and then he ended up taking it way too
25 far, where he had got up into his closet and he had grabbed a

1 condom, had put it on his penis, and then started rubbing his
2 penis against my vagina, and then he had inserted his penis
3 into me.

4 Q. Now, you mentioned a condom. I know you were young, did
5 you have any idea, really, of what a condom was at that point?

6 A. I knew what it was -- I knew, like, if I saw it, I would
7 know the name of it, but I wasn't sure what it was used for.

8 Q. And I know you mentioned not seeing his penis --

9 A. Uh-huh.

10 Q. -- but could you tell as to whether or not his penis was
11 erect or not?

12 A. I would believe so.

13 Q. And talk to me a little bit about where you were sitting
14 on the bed when he assaulted you with your [sic] penis, do you
15 remember?

16 A. I was on the left side of the bed, but then he slowly
17 moved me into the middle of the bed.

18 Q. Did he remove your clothes?

19 A. I'm not exactly sure on that incident.

20 Q. What about the position? Where were -- I mean, were you
21 on the top or the bottom?

22 A. The bottom.

23 Q. And where was he?

24 A. He was on the top.

25 Q. Was he saying anything to you while this was happening?

1 A. I believe he said, relax.

2 Q. Did you say anything back?

3 A. No, I was silent.

4 Q. How did it make you feel?

5 A. Whenever he inserted it, it was painful. I mean, I'm
6 pretty sure that I had shed a tear. I can't remember exactly,
7 but I remember I was in pain. I didn't know what to do at that
8 moment, I kind of, like, froze.

9 Q. Did he do anything once you mentioned it was painful?

10 A. No.

11 Q. Do you remember what happened next?

12 A. He kept inserting his penis, and then he -- I remember
13 one time during that incident he had took my legs and put it
14 above his shoulders, and that was painful, as well, and then
15 after that it became blur to me.

16 Q. Did he eventually stop?

17 A. Yes.

18 Q. You know why?

19 A. I'm not sure.

20 Q. Did he say anything to you after he stopped?

21 A. He told me to go in the bathroom and clean myself up and
22 that he loved me.

23 Q. Did he ask you not to tell anybody?

24 A. Yes, he told me not to tell anybody.

25 Q. After that incident happened, did the sexual abuse

1 continue?

2 A. Yes.

3 Q. What all happened after the incident with his penis and
4 the condom?

5 A. After that incident he never inserted his penis into my
6 vagina. It was either -- it was his fingers, if he were to
7 insert anything into.

8 Q. Do you recall any incidents where the defendant would,
9 perhaps, walk in on you while you were changing or showering?

10 A. Yes.

11 Q. Tell me about that, what do you remember?

12 A. I was comfortable enough to change in front of him, but
13 I was usually, like, I had undergarments on. It was never I
14 was fully naked. There was times that he came into, like,
15 came -- in his bathroom, the door had had problems where it
16 wouldn't lock correctly, so he had came through the door,
17 opened the shower curtain and had said something to me, I can't
18 remember exactly what he said, but he had saw me then naked,
19 and any other time I couldn't remember him seeing me completely
20 naked, again, besides the incident where it was sexual assault.

21 Q. Before the sexual abuse started, how would you
22 characterize your relationship with your dad?

23 A. Can you repeat that question?

24 Q. Before the sexual abuse by your dad started, how would
25 you describe your relationship with him?

1 A. We were very close.

2 Q. In what ways? Can you give me some examples?

3 A. I saw him as, like, my, like, father-figure. I trusted
4 him a lot. I had a lot of respect for him. That's all I could
5 say.

6 Q. Do you recall how old you were the last time he sexually
7 assaulted you?

8 A. I remember it was probably around the end of seventh
9 grade, maybe the summertime after my seventh grade year.

10 Q. And do you remember what happened on that incident?

11 A. I do not remember. There was only a few incidents that
12 really stuck out to me.

13 Q. And how would you characterize your relationship with
14 your dad after that?

15 A. Uncomfortable. I would get, like, anxious around him.
16 I actually started getting anxious around men, in general.

17 Q. Did you ever want to stop going to see him?

18 A. Yes.

19 Q. Did you, in fact, stop seeing your dad?

20 A. I don't believe it was I had knowledge to stop seeing
21 him, I think it was kind of there was -- he had an incident
22 where he had to go somewhere, and then after that time he just
23 kind of didn't get us anymore.

24 Q. Now, after all of this happened, obviously, you're here
25 today, did you at some point talk to someone about what had

1 happened?

2 A. Yes.

3 Q. Who was that?

4 A. My best friend, Heaven.

5 Q. And you say your best friend, how long have you known
6 Heaven?

7 A. Since we were young.

8 Q. And you guys, like most best friends, share secrets or
9 talk about things?

10 A. Yes.

11 Q. Do you remember, approximately, I know it's hard to
12 remember dates, but when this conversation with Heaven first
13 took place?

14 A. I knew it was a few months before my 15th birthday. I
15 had told her -- I had text her before, and I was, like,
16 something's really bothering me. I just -- at that time, I
17 wasn't comfortable enough to tell her what all had happened,
18 and then another incident at my practice for my quince, I
19 had -- I was very emotional. Everybody kept bringing up the
20 fact that I was having a quinceañera and my -- part of my
21 heritage, my father, wasn't gonna be there. He was -- there's
22 a dance called the Daddy and daughter dance, and I wasn't sure
23 on what to do with that, so I was very emotional at that time
24 trying to figure out if I wanted to come out about what all had
25 happened with him, or if I should just keep it in longer, but I

1 ended up telling Heaven at one of my quince practices that I
2 had been raped. I didn't necessarily tell her who, I just told
3 her I have been raped.

4 Q. And at some point did you guys make the decision to tell
5 a grown up?

6 A. Yes.

7 Q. What made you ultimately decide to want to tell a grown
8 up?

9 A. My mental health was really bad before I told anybody.
10 I was dealing with a lot of depression and anxiety around men.
11 I even started having nightmares. I started having sleep
12 problems, so it just started messing with my mental health, and
13 I think the people around me could notice that, so they noticed
14 something was wrong with me, and I felt comfortable enough one
15 night with Heaven to tell her everything so that I could tell
16 my mom in the morning.

17 Q. And is this because of the abuse caused by your dad?

18 A. Yes.

19 Q. One thing I didn't ask you, and I want to back up, is I
20 think it's important, when your father raped you, had you ever
21 had sex before?

22 A. No, sir.

23 Q. That was your first sexual experience?

24 A. Yes.

25 Q. Now, you mentioned your mom. Did you guys come up with

1 a plan on how you'd tell your mom?

2 A. Yes.

3 Q. What did you decide to do?

4 A. Me and Heaven, again, had stayed up one night, and we
5 had -- she had guided me to write this letter to her on
6 explaining the minimum of what he had done, but enough to let
7 her know about the situation, and then whenever she found it in
8 the morning she had asked me what I had wanted to do. At that
9 time I was, for a few hours I wasn't sure what to do, and then
10 we had finally decided that we needed to bring it to the police
11 so that they can know about what had happened.

12 Q. Now, did you write a letter or something like that to
13 your mom?

14 A. Yes.

15 Q. Is that a way you guys would commonly communicate?

16 A. Yes. We had a whole book dedicated to it. If there was
17 something I wasn't comfortable enough to talk to her in person
18 about, I would write it down, hand her the book, and then she
19 would read it, either we would talk in person, or she could
20 write back in the book, and then we would just respond back to
21 each other.

22 Q. You said, if you were uncomfortable, was this an example
23 of something that made you uncomfortable?

24 A. Yes.

25 Q. Is that why you wrote it?

1 A. Yes.

2 Q. And do you recall when your mom found the letter?

3 A. Whenever she had found the letter, I was asleep. She
4 had came in my room, and she was in tears crying, and I knew
5 that I had gave her the book, but I wasn't exactly sure what
6 had happened. I didn't know if, like, a family member had
7 passed, I wasn't exactly sure. I wasn't even sure if she read
8 the book yet, because I hadn't gotten up or asked her about the
9 book, so I was surprised whenever she came to my room to tell
10 me that she had read it and that she can't believe that he had
11 done something to me.

12 Q. And did you ultimately talk with your mom about what had
13 happened?

14 A. Yes.

15 Q. And what was your demeanor like when you were talking
16 with her, were you upset?

17 A. Yes.

18 Q. Crying?

19 A. Yes.

20 Q. Did you guys, I think you said this already, but did you
21 guys, ultimately, go to the police?

22 A. Yes. We went to the Myrtle Beach Police Department, and
23 then we were told to talk to somebody in the Conway district
24 since that's where the crime had happened.

25 Q. Did Horry County Police ultimately come out to your

1 house?

2 A. Yes.

3 MR. MARTIN: Court's indulgence?

4 Q. Do you know about how old you were, it's been a while
5 since I've been in middle school, what the ages would be when
6 you were in middle school?

7 A. I know eighth grade year we graduate about, being about
8 14. I believe around 10, 11, we would start middle school, and
9 then in middle school would be 13 or 14.

10 Q. And do you remember how old you were when you had your
11 period?

12 A. I was 13.

13 Q. And something that I glossed over, and I'm sorry, you
14 had previously mentioned about touching.

15 A. Uh-huh.

16 Q. Did he have you touch him anywhere?

17 A. Yes.

18 Q. And where was that?

19 A. On his penis.

20 Q. And that was with what part of your body?

21 A. My hands.

22 Q. And I believe you previously testified to your mouth for
23 kissing?

24 A. Uh-huh.

25 MR. MARTIN: Court's indulgence, Your Honor, please?

1 Your Honor, the State has no further questions at the moment.

2 THE COURT: Cross-examination?

3 MR. RICHARDSON: Yes, sir, Your Honor. I apologize,
4 it's taking just a minute, okay?

5 **CROSS-EXAMINATION**

6 BY MR. RICHARDSON:

7 Q. **Juvenile**, my name is Brad Richardson. I'm just going
8 to ask you some questions, if that's okay.

9 A. That's fine.

10 Q. And I want to make sure that I'm clear --

11 A. Uh-huh.

12 Q. -- so again, just like I told, Ms. **P.**, if I say
13 something that's confusing, that's not my intention --

14 A. Uh-huh.

15 Q. -- please just ask me to rephrase it, and I'll try to
16 ask it in a more clear fashion. Okay? I believe in your
17 testimony on direct you indicated you were about 10 or 11 when
18 your parents split up?

19 A. I believe so.

20 Q. Okay. And you were a kid, I wouldn't expect you to
21 remember that exact time. And you talked about the custody
22 arrangements.

23 A. Yes.

24 Q. Your brother, Alex, you were talking about.

25 A. Uh-huh.

1 Q. He's just about 13 months younger, right?

2 A. Yes, a year and a few weeks.

3 Q. Yeah, I think first of April, and yours is mid-March,

4 Correct?

5 A. Yes.

6 Q. I should be able to keep up, your my son's, my youngest

7 son's age. I think you said that y'all would alternate

8 weekends. Y'all did some Wednesdays in the beginning, but then

9 that kind of stopped?

10 A. Yes.

11 Q. Okay. And then during the summertime it was every other

12 week, correct?

13 A. Correct.

14 Q. Okay. And whenever you all would go stay with your dad,

15 that would be you and Alex together?

16 A. Yes.

17 Q. Okay. Was there ever a time when you went by yourself

18 or Alex went by himself?

19 A. No.

20 Q. Okay. So y'all were always together?

21 A. Yes.

22 Q. Okay. And the house that your dad owned here in Conway,

23 that's on Bethel Road, I believe?

24 A. Yes.

25 Q. Okay. And it's a three-bedroom home?

1 A. Yes.

2 Q. Two baths.

3 A. Yes.

4 Q. And correct me if I'm wrong, the layout of the house is,
5 basically, as you walk in the house through the front door, to
6 the left-hand side are where all the bedrooms are, correct?

7 A. Um, yes.

8 Q. Okay. And so your dad's -- the master bedroom is going
9 back towards the back of the house, correct.

10 A. I can't remember.

11 Q. Okay.

12 A. I don't understand how you're describing exactly.

13 Q. I understand, I understand. You and your brother,
14 whenever y'all asleep, did you have your own individual
15 bedrooms in the house?

16 A. Yes.

17 Q. Okay. And were those bedrooms side by side?

18 A. Yeah.

19 Q. And then at the end, on my notes, I believe, those rooms
20 are side by side, one was on the end of the house, correct?

21 A. Uh-huh.

22 Q. Who slept in that bedroom?

23 A. My brother.

24 Q. Okay. So you would have slept more towards the middle
25 of the house?

1 A. Yes.

2 Q. Okay. And your father's -- the master bedroom, you said
3 it's on the same end of the house?

4 A. Yes.

5 Q. Where was that in relation to those two bedrooms?

6 A. The door was closer to my bedroom entrance than to my
7 brother's. That was in front of the two other bedrooms.

8 Q. Okay. All right, that's good. I was hoping I wasn't
9 confusing you on that.

10 A. Uh-huh.

11 Q. So basically, if these are the two bedrooms, this desk
12 and this table --

13 A. Uh-huh.

14 Q. -- your dad's master bedroom would have been over here?

15 A. Yes, correct.

16 Q. Okay. And the hallway, about how wide was that?

17 A. I don't remember.

18 Q. That's fine. And there was a bathroom that you and your
19 brother shared?

20 A. Yes. That was at the very end of the hallway.

21 Q. Okay. And then your dad had a bathroom in his room,
22 Correct?

23 A. Yes.

24 Q. A master bath, I guess?

25 A. Yes.

1 Q. Okay. I want to make sure that I understood what you
2 went over with Mr. Martin. You said you told Heaven about this
3 close in proximity to your quinceañera?

4 A. Yes.

5 Q. Okay. Sometime in March?

6 A. My quinceañera was in March, yes. I didn't tell her in
7 March.

8 Q. Okay. And then she helped you write a letter? I mean,
9 she wasn't in your room, but y'all were on the phone when she
10 wrote a letter to your mom?

11 A. Yes, I had wrote the letter.

12 Q. Okay. But you and Heaven discussed it?

13 A. Yes.

14 Q. Okay. And that letter, just for identification
15 purposes, I'm going to show you what's been marked as
16 Defendant's Exhibit 2.

17 A. Okay. This is the writing.

18 Q. Does that appear to be the letter that you wrote, a copy
19 of the letter?

20 A. Yes, this is, yes.

21 Q. Okay.

22 A. Uh-huh.

23 Q. If you want to take a look at, are there any additions
24 or deletions on there?

25 A. I don't believe so.

1 Q. Okay. And you wrote that letter?

2 MS. WALLER: Your Honor, can I just see that?

3 Q. You wrote that letter dated July 10, 2022?

4 A. Yes.

5 Q. Okay. And I know Heaven said that y'all were on the
6 phone around midnight, so?

7 A. Uh-huh.

8 Q. And your testimony is that letter was in a notebook that
9 you would always leave stuff in for your mom if there was
10 anything difficult to talk about?

11 A. Yes.

12 Q. Okay. I'm gonna show you what's been marked as State's
13 Number 4 and 3.

14 MR. MARTIN: Your Honor, I believe that's
15 Defendant's.

16 MR. RICHARDSON: I'm sorry, Defendant's 3 & 4, Your
17 Honor.

18 A. Yes, I remember that.

19 Q. And so you recognize, this is the notebook we're talking
20 about?

21 A. This is not the notebook.

22 Q. That is not the notebook?

23 A. No.

24 Q. Okay. So that's not the same notebook?

25 A. Uh-uh.

1 Q. Okay. And I'll just direct your attention to those two
2 pages that are flipped over there. Of course, I can't read
3 them, I couldn't blow them up --

4 A. Uh-huh.

5 Q. -- so that's not the letter you wrote in that notebook?

6 A. No. Before we had called the police, well, before the
7 police have arrived at the house, I had sat down, wrote down as
8 much as I could remember, and that's what that book had.

9 Q. Okay.

10 A. That was just for my knowledge of what I could remember,
11 and I wasn't exactly sure on what all the police would need
12 from me.

13 Q. Certainly, certainly. And you met with the police
14 initially, they sent two patrol officers out on July 10, 2022,
15 correct?

16 A. I believe that's the correct date.

17 Q. Okay. They came about 9:00 that night?

18 A. It was dark outside.

19 Q. Okay. And you and I believe your mom, Heaven, your step
20 dad, Mr. Sanchez, you all were all out in the garage, correct?

21 A. Can you repeat the people?

22 Q. Well, I left Alex out, I think he came out at some
23 point?

24 A. Yes, yeah, you forgot.

25 Q. Can you remember who all was present other than the

1 police officers?

2 A. It was me, my mom, my dad -- I mean, my step dad, and
3 then my brother, and then Heaven.

4 Q. Okay.

5 A. Yes.

6 Q. That was a fair way for me to ask, to ask you to say
7 that.

8 A. Uh-huh.

9 Q. And so this is July, y'all meet in the garage, but y'all
10 don't ever walk in the house with the officers?

11 A. I do not believe so.

12 Q. Okay.

13 A. I know I had walked in at one time to write down the
14 statement.

15 Q. The written statement?

16 A. Yes.

17 Q. Okay. And you spoke with police for, I think about 12
18 minutes that night, does that sound about right?

19 A. I'm not sure.

20 Q. Was it a long time, a short time?

21 A. I do not remember.

22 Q. Do you remember, was it a male or female officer you
23 spoke with?

24 A. I know this was a female officer.

25 Q. Okay.

1 A. She was the one I had told what had happened.

2 Q. Okay. When the police arrived, your mom was the first
3 person that spoke with the police, correct?

4 A. I believe so.

5 Q. Okay. And your mom had that -- that's your mom holding
6 that purple covered notebook, right?

7 A. Can I see the picture again, please?

8 Q. Sure.

9 A. Yes. This is my mother right here with the red and blue
10 on.

11 Q. Now, I've watched that Body Camera, and as I saw it, I
12 believe your mom said the notebook had names and addresses --

13 MR. MARTIN: Objection, Your Honor, he's testifying
14 to what the mother said.

15 MR. RICHARDSON: I'm gonna ask her if that's what's
16 said, Your Honor, if he'll let me get the question out.

17 MR. MARTIN: It's still hearsay, Judge.

18 THE COURT: Sustained.

19 Q. What was in that notebook?

20 A. I know that I have written what I could remember in
21 there, I do not remember what else was in there. That's the
22 only thing that --

23 Q. Do you recall if your mother wrote anything in there?

24 A. I do not remember.

25 Q. Would it be fair to say that the first page contained

1 names and addresses for Rodolfo Moreno and his fiancé, Leyra
2 Farinas?

3 A. I remember writing down on a piece of paper the
4 addresses and everything so that I can have that for the
5 police, but I do not remember if I wrote in that book those
6 addresses, names.

7 Q. Okay. And so it's your testimony that you wrote -- you
8 wrote details of the allegations down in that notebook?

9 A. Yes.

10 Q. Okay. Dates and times?

11 A. I did as most accurate dates as I could remember.

12 Q. And do you know if the police took that into custody?

13 A. The notebook?

14 Q. Yes, ma'am.

15 A. The purple one, the one that my mother had?

16 Q. Yes, ma'am.

17 A. I believe they did.

18 Q. Okay. So that should be in evidence right now?

19 A. I'm not exactly --

20 Q. Okay.

21 A. I knew -- let me back up. We had shown -- we had the
22 book with us whenever the police was there, and we were telling
23 them what had happened, but I don't exactly remember us giving
24 the book to them because we weren't sure -- we had it with us
25 in case we needed to give to the police, but I don't believe we

1 were told if we needed to give it to them.

2 Q. Okay. Fair enough. Now, the lead detective in this
3 case, Detective Paul Johnson, have you ever been interviewed by
4 him?

5 A. I do not remember.

6 Q. Have you ever spoken with Paul Johnson?

7 A. I do not remember.

8 Q. Other than Officer Kaplan, I think PFC Kaplan, the
9 female officer that night, have you talked with anybody else in
10 law enforcement about this case?

11 A. On that night?

12 Q. At any point since that night?

13 A. Since that night I met with my solicitors.

14 Q. Okay, and that's fair, so you've met with the
15 solicitors --

16 A. Yes.

17 Q. -- but nobody else from Horry County Police Department?

18 A. I do not remember.

19 Q. Okay. How many times have you met with the solicitor or
20 one of their investigators?

21 A. Multiple times.

22 Q. Multiple times.

23 MR. RICHARDSON: Court's indulgence.

24 Q. I'm going to show you Defendant's Exhibit 1. Do you
25 recognize Defendant's Exhibit 1?

1 A. Yes.

2 Q. And what do you recognize it as being?

3 A. The statement I had gave to the police.

4 Q. Okay. And you wrote that out the same date as the
5 letter, correct?

6 A. No.

7 Q. I'm now going to hand to you, again, Defense Exhibit 1
8 and 2.

9 A. This was written the night before.

10 Q. Okay.

11 A. The -- what was --

12 Q. I'm just gonna point to the date --

13 A. Okay.

14 Q. -- that you wrote the letter.

15 A. Well, I had wrote it the night before.

16 Q. Okay.

17 A. I didn't give it to her until in the morning, so that's
18 why I put that date.

19 Q. And I wasn't trying to confuse you --

20 A. Uh-huh.

21 Q. -- I know whenever Heaven said y'all were talking around
22 midnight, at the stroke at 12:01 it becomes the next day --

23 A. Yes, correct.

24 Q. -- so it always confused me looking at police reports,
25 but these are written pretty close together?

1 A. Uh-huh.

2 Q. Okay. Do you recall with both those documents you said
3 this began the summer before your --

4 MR. MARTIN: Objection, Your Honor, it's not into
5 evidence.

6 MR. RICHARDSON: I'm asking her if she remembers.

7 THE COURT: You need to ask her the question.

8 BY MR. RICHARDSON:

9 Q. Do you remember telling the police in your statements in
10 your journal this happened before, the summer before your
11 seventh grade year, correct?

12 A. Correct.

13 Q. Okay. And again, I've got a child your age that's
14 graduating this year. I had to look back and make sure I was
15 right. You started seventh grade that 2000 -- you were in
16 seventh grade 2019 through 2020, is that about right?

17 A. I believe that's right.

18 Q. Okay. And I remember that year because the end of the
19 school year ended up kind of weird with COVID --

20 A. Yes.

21 Q. -- everybody going home, correct.

22 A. Uh-huh.

23 Q. Okay. If you did early college, you did better than my
24 son did that year. So no doubt about it, you said this began
25 the summer of 2019?

1 A. I believe that's correct.

2 Q. Okay. And you told the police that summer this all
3 occurred at the Conway address, correct?

4 A. Yes.

5 Q. Okay. And the sexual acts you described, the
6 intercourse act, I may have missed it, where did you say that
7 occurred?

8 A. Can you ask the question again?

9 Q. Yes, ma'am, and I know it's difficult, and thank you for
10 asking me to clarify. When you were talking to Mr. Martin --

11 A. Uh-huh.

12 Q. Y'all talked about a time where there was sexual
13 intercourse?

14 A. Yes.

15 Q. Where did that happen?

16 A. In the Conway house.

17 Q. At the Conway house?

18 A. Yes.

19 Q. Bethel Road?

20 A. Yes.

21 Q. And you said that when this first started your brother,
22 Alex, was in the bed.

23 A. When you say "started," what exactly do you mean?

24 Q. I believe you told police the first time this started it
25 was what you described as fondling in the bed, watching TV?

1 A. Yes.

2 Q. And you told the police that your brother, Alex, was in
3 the bed?

4 A. Yes.

5 Q. And king-size bed, right?

6 A. I'm not sure what size bed.

7 Q. Okay. But your brother was on one side of your bed and
8 you were on the other?

9 A. Correct.

10 Q. But you also told the police that Alex didn't see
11 anything, right?

12 A. Correct.

13 Q. I believe you told the police that night that this
14 occurred, the last time was in October of 2020, was that
15 correct?

16 A. I do not exactly remember.

17 Q. Okay. Do you remember the last time you stayed
18 overnight, you and Alex stayed overnight where your dad was
19 living?

20 A. Which location?

21 Q. The last time you stayed overnight with him?

22 A. I do not remember exactly whenever that --

23 Q. Okay. Was it in '20, '21?

24 A. I remember it was during my eighth grade year.

25 Q. It was during your eighth grade year?

1 A. Yes.

2 Q. And so we said your seventh grade year would have been
3 '19 to '20, right?

4 A. I'm not exactly sure.

5 Q. And then 2021 would be eighth grade then, correct?

6 A. I believe 2021 to 2022, that was whenever I started high
7 school.

8 Q. Okay, again, I'm not trying to trick you.

9 A. Uh-huh.

10 Q. Okay. And so the last time you were over there was your
11 eighth grade year?

12 A. Yes.

13 Q. Okay. And your dad was involved with the church,
14 correct?

15 A. Correct.

16 Q. And when y'all would stay with him, he would take you to
17 church, correct?

18 A. Yes.

19 Q. St. Andrews -- I mean, not St. Andrews, St. James, I
20 believe it is, here in Conway?

21 A. Correct.

22 Q. Catholic Church?

23 A. Yes.

24 Q. I believe he took y'all for baptism there, correct?

25 A. Yes.

1 Q. And at some point did you become somewhat disinterested
2 in church?

3 A. I was -- at the beginning, I was open to going to
4 church, but then I've never -- I've never been religious, so I
5 wasn't necessarily disagreeing with going to church, I just
6 wasn't about going to church.

7 Q. I got you. And the Catholic church has a lot of pomp
8 and circumstance, I guess I would say, a lot of order, but I
9 understand. Okay. We know the State's got indictments ranging
10 from June of 2019 through March of '21, but you're saying all
11 of this occurred between '19, 2019 and 2020, correct, if I
12 understood you, correct me if I'm wrong?

13 A. Can you repeat it in a different way, please?

14 Q. And I guess it's better for me just to ask. You told
15 them that the alleged sexual abuse began in June of 2019,
16 correct?

17 A. I remember it being before my seventh grade year, in the
18 summertime to eighth grade year.

19 Q. Okay. All right. And you told the police that it
20 stopped in October of 2020, correct?

21 A. I do not remember. I just remember it ending at the
22 time span of my eighth grade year.

23 MR. RICHARDSON: Court's indulgence.

24 Q. I just want to make sure, and I know you just testified
25 eighth grade. I think earlier when Mr. Martin asked you, you

1 said it ended the summer right before your eighth grade year?

2 A. I believe it was --

3 Q. And if you're not sure, that's fine.

4 A. I believe it was during my 8th grade year, as well.

5 Q. Okay. After you made your statement to the police on
6 July 10, 2022, that was, I believe, on a Sunday, does that
7 sound about right?

8 A. I'm not sure.

9 Q. A few days after that, you went to the Children's
10 Recovery Center, correct?

11 A. I do not remember. I know we had been talked to, that
12 we needed to visit one, but I don't remember an exact date.

13 Q. Okay. Do you remember going to the Children's Recovery
14 Center at all and getting a medical examination?

15 A. Yes.

16 Q. Okay. A full physical, correct?

17 A. Yes.

18 Q. And they checked, I'm trying to be delicate, but every
19 part of your anatomy?

20 A. Yes.

21 Q. Correct? And they were checking for signs of sexual
22 trauma, correct?

23 A. Correct.

24 MR. MARTIN: Objection, Your Honor.

25 MR. RICHARDSON: If she was there and advised of what

1 she was being checked for, Your Honor, she should be able to
2 answer, and she has.

3 MR. MARTIN: She doesn't have the basis of knowledge
4 of what a medical examiner may have --

5 THE COURT: I'll sustain her -- she can say what
6 happened and what they, the procedure performed.

7 Q. When you went to the Children's Recovery Center to be
8 examined, did they tell you the nature of the examination, what
9 was going to happen?

10 A. Yes. They guided me through the whole procedure.

11 Q. Okay. And I don't want to get overly graphic, but they
12 looked at your sexual organs?

13 A. Yes.

14 Q. Closely, correct?

15 A. Yes.

16 Q. And while at the Children's Recovery Center, did they
17 conduct any type of interviews or anything?

18 A. Can you repeat that again?

19 Q. Yes, ma'am. When you were at the Children's Recovery
20 Center, did they just -- did they just look at you physically
21 with a medical exam, or did they also put you in a room and
22 talk to you, conduct what they call a forensic interview?

23 A. I remember getting a medical exam, I don't remember
24 exactly about getting interviewed.

25 Q. That's fair enough. Okay.

1 A. Uh-huh.

2 Q. I promise I'm almost done, okay? And so if I understand
3 correctly, you wrote a letter to your mom, correct?

4 A. Yes.

5 Q. The police came out, correct?

6 A. Yes.

7 Q. The lead detective never interviewed you, correct?

8 A. I'm not sure.

9 Q. You didn't talk with anybody else from Horry County
10 Police after that?

11 A. Not that I can remember.

12 Q. And they did a medical exam of you, correct?

13 A. Correct.

14 Q. But you don't recall any forensic interview?

15 A. No.

16 MR. RICHARDSON: Your Honor, I have no further
17 questions.

18 THE COURT: Redirect?

19 MR. MARTIN: Very briefly, Judge.

20 **REDIRECT EXAMINATION**

21 BY MR. MARTIN:

22 Q. **Juvenile**, you were asked about a book. When the police
23 arrived, did you essentially tell them the nuts and bolts about
24 what was written in that letter to your mom?

25 A. Whenever the -- from what I can remember, the police

1 whenever they showed up, they had came up to my mom, asked what
2 had happened, and then she had -- my mom had told the police I
3 was a minor, and then we were told that my mom was basically
4 to, I don't remember the name for it, but she would be the one
5 who would, like, support me, if I remember correctly.

6 Q. Let me rephrase. Did you ultimately -- you ultimately
7 wrote a statement to the police about what happened?

8 A. Yes.

9 Q. Now, I know you've been asked a lot about dates. Do you
10 know the exact date that this started?

11 A. No.

12 Q. And do you know the exact dates that you were in middle
13 school?

14 A. I remember it was from when I was 11 to, like, 13, 14.

15 Q. Right. But you don't know the exact dates?

16 A. No, I do not.

17 Q. And I'm sorry, I interrupted you, finish what you were
18 saying about how old you were. I'm sorry, I shouldn't have
19 interrupted you.

20 A. Between --

21 Q. Middle school.

22 A. I want to say 10, 11, at the beginning of middle school
23 until, like, 13, 14 at the end of middle school.

24 Q. So you know ages, but not exact dates?

25 A. No.

1 Q. And you know an exact date that the sexual abuse by the
2 defendant stopped?

3 A. No.

4 Q. But do you know for certain that Rodolfo and Moreno
5 raped you?

6 A. Yes.

7 MR. MARTIN: Nothing further, Judge.

8 THE COURT: You may step down. Thank you, ma'am.
9 might counsel approach the bench for a moment?

10 **(Off the record discussion was held at the bench by Court**
11 **and counsel)**

12 MR. MARTIN: Thank you, Judge.

13 MR. RICHARDSON: Thank you, Judge.

14 THE COURT: Mr. Foreman, ladies and gentlemen of the
15 jury, we're going to recess until 1:30, 1:30 sharp. Once
16 again, do not discuss the case amongst yourselves with anyone
17 else, no independent investigation, no social media, and we'll
18 see you back at 1:30, 1:30 sharp. Everyone remain seated as
19 the jury exits the courtroom.

20 (Jury exited the courtroom at this time)

21 THE COURT: We'll stand at ease until 1:30.

22 **(Recess taken)**

23 THE COURT: Anything before we proceed?

24 MR. MARTIN: No, Judge.

25 THE COURT: Anything from the defense?

1 MR. RICHARDSON: No, sir, Your Honor.

2 THE COURT: We're ready for the jury.

3 **(Jury entered the courtroom at this time)**

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, thank you for being here and being here on time. We'll
6 recognize the State, you may call your next witness.

7 MR. MARTIN: Thank you, Your Honor. May it please
8 the Court? The State calls Detective Paul Johnson.

9 THE COURT: Detective Johnson, please come forward.
10 I'm going to ask if you could to place your left hand on the
11 Bible, raise your right, as the Clerk administers the oath.

12 **DETECTIVE PAUL JOHNSON WAS DULY SWORN AT THIS TIME**
13 **AND TESTIFIED AS FOLLOWS:**

14 THE COURT: Come up and have a seat in the witness
15 chair. Pull up real close to that microphone and speak loudly,
16 clearly and slowly, that way we can hear everything that you
17 have to say. Let's start with your full name, please, sir.

18 THE WITNESS: William Paul Johnson.

19 THE COURT: Very good.

20 MR. MARTIN: Thank you, Your Honor.

21 **DIRECT EXAMINATION**

22 BY MR. MARTIN:

23 Q. Detective Johnson, what is your current occupation?

24 A. I'm a police officer, I'm assigned to the Criminal
25 Investigations Division. I'm a detective for Horry County

1 Police Department.

2 Q. How long have you been with Horry County Police
3 Department?

4 A. A little over 18 years.

5 Q. And how long have you been in law enforcement?

6 A. My whole career has been here, 18 years.

7 Q. And you mentioned Criminal Investigations Division, I
8 think you said?

9 A. Yes, sir.

10 Q. What specifically are your current duties and
11 responsibilities?

12 A. My current duties outside of property section, we deal
13 with stolen property, burglaries, stuff of that nature.

14 Q. And then what about back in July of 2022, did you have
15 those same duties and responsibilities back then?

16 A. I was also assigned to the same division. I was just
17 assigned to the Special Victims Unit, we deal with sexual
18 assaults, special victims, stuff like that.

19 Q. And generally speaking, how would you get assigned to a
20 case as an SVU detective?

21 A. Patrol would handle the initial call, a supervisor would
22 determine whether or not a detective would get called out. If
23 we don't get called out to it, the following day a supervisor
24 would sit down and go through a process of what gets assigned
25 and who it gets assigned to.

1 Q. And were you, in fact, assigned to investigate a case
2 involving the defendant, Rodolfo Moreno?

3 A. Yes, sir.

4 Q. And is he seated here in court today?

5 A. Yes, sir, he is.

6 Q. Can you identify him for the Court?

7 A. He's sitting beside his attorney, Mr. Richardson.

8 Q. And when you were assigned in July of 2022, as part of
9 your investigation, did you have an occasion to speak with the
10 defendant about what happened?

11 A. I did.

12 Q. And where did that conversation take place?

13 A. The Horry County Police Department.

14 Q. And when he arrived at the Horry County Police
15 Department, where at the Department did you speak to him, where
16 in the Department?

17 A. The interview rooms.

18 Q. Prior to speaking with the Defendant, did you advise him
19 of what we commonly refer to are his Miranda Rights, or Miranda
20 Warnings?

21 A. Yes, sir, I did.

22 Q. And how did you advise him of those rights, orally or in
23 writing?

24 A. Orally and in writing, a piece of paper that we both
25 signed.

1 Q. I'm going to show you what's been marked and entered
2 into evidence pretrial as State's Exhibit 1. Take a second to
3 look at that and see if you identify what that is.

4 A. Yes, sir, I know what this is.

5 Q. Is that, in fact, the Miranda Rights Form that you used
6 on July 18, 2020, or a copy of it?

7 A. Yes, sir, it is.

8 Q. And is that copy fair and accurate?

9 A. Yes, sir, it is.

10 MR. MARTIN: Your Honor, at this time the State would
11 ask to admit that item of evidence for purposes of trial and
12 potentially publish to the jury.

13 THE COURT: Any objection from defense?

14 MR. RICHARDSON: Without objection, Your Honor?

15 THE COURT: It's into evidence.

16 **(State's Exhibit No. 1 was admitted into evidence)**

17 Q. So how do you go over a form with a defendant when
18 you're using that Miranda Rights Form?

19 A. At the top would have his name, date of birth, the case
20 number of the case, my name, my badge number, the date and
21 time, and the location of where we're advising him of his
22 rights.

23 Q. Does that form indicate all of that?

24 A. Yes, sir, it does.

25 Q. What's the date and time on that form?

1 A. July 18, 2022, 17:08, 5:08 p.m.

2 Q. Do you have to sign anywhere on that form?

3 A. Yes, sir, I do.

4 Q. Where do you sign?

5 A. The bottom.

6 Q. What about the defendant, does he have to sign or
7 initial anywhere on that form?

8 A. As you're advising him of his Miranda Rights, you go
9 through them, there's five different checked boxes. The first
10 one would be: You've got the right to remain silent. He would
11 initial there: Anything you say can and will be used against
12 you in a court of law. He will initial there. Number three
13 is: You have the right to talk with a lawyer, have him be
14 present while you're being questioned. He would initial beside
15 that. Number four: If you cannot afford to hire a lawyer, one
16 will appointed to represent you at no cost to you before any
17 questioning, if you so desire. He would initial there. And
18 number five: If you make a statement or answer any questions,
19 you have the right to stop at any time. And he would initial
20 there.

21 Q. And by initialing, did he waive his rights and agree to
22 speak with you?

23 A. He did. There's actually under number five that states:
24 Did you understand these rights? There's a check for yes or
25 no, and he checked, yes.

1 Q. Now, did he appear to understand the English language?

2 A. He did.

3 Q. Did he appear to appropriately respond to all the
4 questions that you asked him?

5 A. Yes, sir, he did.

6 Q. And in your 18 years of law enforcement, have you had
7 occasion to come into contact with defendants or witnesses who
8 are under the influence of, say, drugs or alcohol?

9 A. I have.

10 Q. And what are some of the symptoms or characteristics
11 that they would display if they're under the influence?

12 A. Sleepy, delayed response to your questions, wouldn't
13 understand your questions you're asking them, Mr. Moreno didn't
14 have any of that.

15 Q. How about a gun, were you wearing a gun that day?

16 A. Yes, sir, I was.

17 Q. And why were you wearing a gun?

18 A. It's in our policy, any time we're on duty we have to
19 wear our duty weapon.

20 Q. Did you waive the gun around or present it or pull the
21 gun in any way to coerce the defendant?

22 A. No, sir, I did not.

23 Q. So the defendant, did he, in fact, waive his rights and
24 ultimately speak with you about what happened in this case?

25 A. Yes, sir, he did.

1 Q. Now, in your 18 years of law enforcement is it typical
2 for defendants to admit guilt immediately right away during the
3 course of an interview?

4 A. No, sir, it's not.

5 Q. Do defendants, would they typically -- do they
6 progressively along and along seem to offer more information?

7 A. Yes, sir.

8 Q. In this particular case did the defendant ultimately
9 admit some sort of wrong doing in his part in what had happened
10 with **Juvenile**?

11 A. Yes, sir.

12 Q. This interview that took place at M.L. Brown, was it
13 audio and video recorded?

14 A. Yes, sir, it was.

15 Q. And as far as the audio and video recording is
16 concerned, can you discuss with the jury a little bit about how
17 the cameras and the recording operation works?

18 A. Yes. So we have an interview room. There's two cameras
19 located in it that, as you will see when they play the video,
20 there's a camera above the room where you can see all occupants
21 in the room. Before we go into the room, there's a computer
22 outside of the room where we have to log into Axon Evidence dot
23 com. Once we log into her account, it's got a button for
24 record. Once you hit record, recording cuts on, everything in
25 the room that happens is recorded, and when you leave the room,

1 you have to fill in a case number, stop recording, and the
2 recording cuts off.

3 Q. In this recorded interview, approximately how long is
4 the recording, do you remember?

5 A. Hour and 40-something minutes, I believe.

6 Q. And at what point does the defendant start admitting
7 wrong doing, approximately?

8 A. Approximately an hour in, I would say, somewhere around
9 there.

10 Q. And does the defendant ever --

11 MR. MARTIN: Court's indulgence?

12 Q. Prior to the interview taking place, what kind of
13 information did you have already in the investigation?

14 A. Police had responded to the scene, spoke to **Juvenile** and
15 her mother, and I had reviewed the statements that **Juvenile** had
16 written down.

17 Q. And prior to that interview, did you already have arrest
18 warrants in hand?

19 A. We did not.

20 Q. Now, I had asked you already about whether or not the
21 interview itself was audio and video recorded.

22 MR. MARTIN: May I approach the witness, Your Honor?

23 THE COURT: You may.

24 Q. I'm going to show you what's been marked as State's
25 Exhibit 10 for identification purposes. Are these your

1 initials on this?

2 A. Yes, sir. Yes, sir, it is.

3 Q. What is this?

4 A. That's a copy of the interview from Mr. Moreno.

5 Q. Have you had a chance to previously view this interview?

6 A. Yes, sir, I have.

7 Q. And in viewing it, is the video a fair and accurate
8 representation of the events that took place that day?

9 A. It is.

10 Q. Is the video altered or manipulated in any way?

11 A. No, sir.

12 MR. MARTIN: Court's indulgence. Your Honor, at this
13 time the State would ask to admit Number 10 into evidence, and
14 publish to the jury.

15 MR. RICHARDSON: I understand the Court's ruling,
16 Your Honor, I just renew my objection.

17 THE COURT: Very good. You're protected on the
18 record, it's into evidence over the defense's objection.

19 MR. MARTIN: Thank you.

20 **(State's Exhibit No. 10 was admitted into evidence)**

21 MR. MARTIN: If Your Honor would give us just a
22 moment to get the TV.

23 THE COURT: Certainly.

24 MR. RICHARDSON: And Your Honor, it's my
25 understanding they're going to move the TV over there, so I may

1 adjust myself over there.

2 THE COURT: You're welcome to do so.

3 MR. RICHARDSON: Your Honor, for the record, I don't
4 have any objection to them fast forwarding through those dead
5 times when Mr. Moreno was sitting there by himself.

6 THE COURT: All right. Mr. Foreman, and ladies and
7 gentleman of the jury, there are two periods of time where Mr.
8 Moreno is in a room by himself, it's just him sitting there.
9 In the interest of time, we're gonna just move through that,
10 fast forward through that so you don't have to sit.

11 MR. RICHARDSON: I believe there are three periods of
12 time, Your Honor, if we could just tell them four, five
13 minutes, and 13 minutes. Mr. Martin?

14 MR. MARTIN: Yes, Your Honor.

15 THE COURT: But it's not redacted in any way?

16 MR. MARTIN: No, sir.

17 THE COURT: What we're fast forwarding through is
18 just dead time, there's no sense in you all watching it.

19 MR. RICHARDSON: No sense in watching.

20 THE COURT: All right.

21 **(Video playing)**

22 MR. MARTIN: Your Honor, this is the first section
23 that we're going to fast forward through.

24 MR. RICHARDSON: We're right at four minutes, Your
25 Honor.

1 **(Video playing)**

2 MR. RICHARDSON: I believe this is the five-minute
3 period, Your Honor.

4 MR. MARTIN: Judge, this is about five minutes.

5 **(Video playing)**

6 MR. MARTIN: Your Honor, this is the next.

7 MR. RICHARDSON: Approximately 13 minutes.

8 **(Video playing)**

9 MR. RICHARDSON: Your Honor, this will go for a short
10 period.

11 MR. MARTIN: Judge, I would ask the defense to not
12 interrupt during the State's presentation, but I think Your
13 Honor had previously said for us to fast forward the three
14 exits, this would be the fourth, if Your Honor wants us to fast
15 forward it's a little briefer, but we certainly can.

16 THE COURT: Might counsel approach the Bench?

17 **(Discussion was held off the record by Court and**
18 **counsel at this time.)**

19 THE COURT: You may proceed.

20 MR. MARTIN: Thank you, Your Honor.

21 **(Video playing)**

22 THE COURT: Mr. Martin, you recognize.

23 MR. MARTIN: Thank you, Your Honor. Can we move the
24 TV first?

25 THE COURT: You can.

1 MR. MARTIN: May it please the Court, Judge?

2 THE COURT: Yes.

3 Q. Detective Johnson, we just watched the hour and 45
4 minute interview. Is that still a fair and accurate
5 representation of what happened that day?

6 A. Yes, sir, it is.

7 Q. Now, going back a little bit, you previously testified
8 about how a detective gets assigned a case and the information
9 that you had at the time of this interview. What was that
10 information again?

11 A. Police report was done by the patrol, so Horry County
12 Police. I also had copies of **Juvenile**'s statement.

13 Q. You can see in the video where you're holding or
14 pointing or looking at something. What was the document in
15 that video that you keep referring to?

16 A. **Juvenile** gave the responding officers that night, they
17 went there, a voluntary statement. It was three pages.

18 Q. Did you personally speak to **Juvenile** in this case?

19 A. I did not.

20 Q. And why would that be?

21 A. At the time that this happened I think I was 36 years
22 old, and I'm a 36 year-old male. **Juvenile** stating that she was
23 assaulted by her father who is also a male, and I felt like
24 that she had already given a statement to the police that night
25 and written out a statement. I didn't want to traumatize her

1 anymore and make her give that statement to me again, so I did
2 not interview **Juvenile**.

3 Q. So with that information in mind, then did you
4 ultimately interview the defendant?

5 A. Yes, sir.

6 Q. And I'm going to ask you this question again, and I went
7 over it previously, the cameras inside the room, were they
8 visible?

9 A. They are.

10 Q. And talking generally about interviewing a suspect, I
11 believe you testified you've been a detective for 18 years, is
12 it common practice to say things to a Defendant that maybe you
13 don't personally agree with or believe?

14 A. Yes, sir.

15 Q. Do you really think it's okay to have sex with a 12 or
16 13-year-old child?

17 A. Absolutely not.

18 Q. Did you ever at any point tell the Defendant that if he
19 said the truth you'd let him go?

20 A. I did not.

21 Q. Now, at some point during the interview did you leave
22 the room or exit the room to pretend to talk to **Juvenile**?

23 A. I did.

24 Q. And is that sort of the turning point of the interview
25 with the Defendant once you re-enter?

1 A. I felt like it was a big turning point when he believed
2 that I talked to her and when I came back in the room. I felt
3 like it was a good turning point in him starting to be honest a
4 little more.

5 Q. And did he ever eventually admit to some wrong-doing in
6 this case?

7 A. He did.

8 Q. Did he immediately admit to wrong-doing in this case?

9 A. He did not.

10 Q. Once he did admit, what did he say?

11 A. He stated that he did rub her breast, touched her thigh,
12 rubbed her stomach. He stated that he did put a condom on. At
13 first he said that he put the condom on to masturbate, then he
14 said he put the condom on and rubbed her vagina but never ever
15 admitted actually penetrating in her vagina.

16 Q. Did he ever talk about thinking of having sex with the
17 victim?

18 A. He did.

19 Q. Did he ever talk about --

20 MR. RICHARDSON: Your Honor, he's leading him now.

21 Q. You can ask him a direct question. What did he say
22 would be your question.

23 MR. MARTIN: Thank you, Your Honor.

24 Q. What did he say regarding any other touching of **Juvenile**?

25 A. From what I remember he touched her breasts, her

1 stomach, her thigh. I remember him stating he put the condom
2 on, rubbed her vagina up and down with the condom, and then I
3 remember her -- asked her not to tell anyone.

4 Q. Did at any point in that interview did he ever give a
5 full or complete confession?

6 A. He did not.

7 Q. And in your experience of 18 years of law enforcement do
8 suspects always give total and complete confessions?

9 A. They do not.

10 Q. In fact, is it common that they minimize their
11 involvement?

12 A. Very common.

13 Q. Is that what the defendant did here?

14 A. I believe so.

15 Q. Did you ultimately arrest Rodolfo Moreno for raping his
16 daughter?

17 A. We did.

18 MR. MARTIN: Your Honor, no further questions at this
19 time. We may have some questions on redirect.

20 THE COURT: Cross-examination.

21 MR. RICHARDSON: Your Honor, I believe this might be
22 somewhat lengthy, if you'd like to take an afternoon break.

23 MR. MARTIN: No objection from the State, Your Honor.

24 THE COURT: Mr. Foreman, ladies and gentlemen of the
25 jury, we're going to ask that you retire to the jury room to

1 refresh yourselves, but do not discuss the case.

2 MR. RICHARDSON: Thank you, Your Honor.

3 **(Jury exited the courtroom at this time)**

4 THE COURT: Anything from the State before we recess?

5 MR. MARTIN: Nothing from the State, Your Honor.

6 THE COURT: Anything from defense?

7 MR. RICHARDSON: No, sir, Your Honor.

8 THE COURT: Any under circumstance, you can't talk to
9 even lawyer, so I'm just going to ask that you stay on the
10 witness stand, if you need any assistance you can go to rest
11 room or something to drink.

12 THE WITNESS: Yes, sir, thank you.

13 **(Recess taken)**

14 THE COURT: Anything from the State before we
15 proceed?

16 MR. MARTIN: No, Your Honor.

17 THE COURT: Anything from defense?

18 MR. RICHARDSON: No, sir, Your Honor.

19 THE COURT: Are you ready for the jury?

20 MR. RICHARDSON: Yes, sir, Your Honor.

21 **(Jury entered the courtroom at this time)**

22 THE COURT: I noticed as you were coming in the door
23 that scatter freeze air condition was turned on again. That
24 will help us stay awake. All right. State, you recognize.

25 MR. MARTIN: Your Honor, the State has no further

1 questions at this time. We may have questions on redirect.

2 THE COURT: Cross-examination?

3 MR. RICHARDSON: Yes, sir, Your Honor.

4 **CROSS-EXAMINATION**

5 BY MR. RICHARDSON:

6 Q. Detective Johnson, I believe your testimony is this case
7 was assigned to you the day after Officer Kaplan went and met
8 with **Juvenile** and her mother, correct?

9 A. I believe so, yes, sir.

10 Q. That was the tenth, this was assigned to you on the
11 11th?

12 A. Yes, sir.

13 Q. July 2022?

14 A. Yes, sir.

15 Q. And you didn't have contact with **Juvenile**, correct?

16 A. **Juvenile**?

17 Q. **Juvenile**.

18 A. I did not, sir.

19 Q. You did make a phone call to her mother, correct?

20 A. Yes, sir.

21 Q. Okay. And you were made aware that **Juvenile**, **Juvenile**
22 was going to be going to the Children's Recovery Center that
23 following Friday, correct, the 15th?

24 A. The 15th, that's when she was referred.

25 Q. How long were you in the Special Victim's Unit?

1 A. Four years, maybe a little more.

2 Q. When did you start?

3 A. I was in Narcotics Device Section for several years and
4 then I was in Special Victims -- 2018, I don't know the exact
5 date, sir.

6 Q. So around 2018 is when you started?

7 A. Maybe --

8 Q. Around, I'm not asking --

9 A. Sometime during 2018, I have no idea the month.

10 Q. Okay. So if you started in 2018, three and a half, four
11 years you've been doing this type of work by the time --

12 A. Approximately.

13 Q. -- this case came on. Okay. And so you were familiar
14 with the Children's recovery center correct?

15 A. Yes, sir.

16 Q. And you had worked with them before?

17 A. Yes, sir.

18 Q. And what was the purpose of sending **Juvenile** to
19 the Children's Recovery Center?

20 A. The Children's Recovery Center, children are sent there
21 for forensic interviews and an exam. In this case **Juvenile** was
22 12 years old -- 15 years old, I'm sorry, and she had already
23 given a statement to the police that night in a written
24 statement so she was not interviewed by the Children's Recovery
25 Center.

1 Q. Okay. And if I understand your testimony, she was
2 allegedly 12 when this happened?

3 A. I believe so.

4 Q. And she's 15 now.

5 A. Fifteen at the time that she wrote the statement.

6 Q. Okay. But often times people or children are
7 forensically interviewed after the police have already talked
8 with them, correct?

9 A. It's a case by case basis. I mean, it all goes from age
10 and case by case. Sometimes the recovery center will interview
11 children that are small, you know, five or six years old where
12 they've made a statement, more or less, you know, a couple
13 sentences and not a whole written statement.

14 Q. Do you know what the purpose of a forensic interview is?

15 A. I do.

16 Q. What would that be?

17 A. Find out what happened from the child.

18 Q. And I know you said you didn't go back -- you're aware
19 that the interview that was conducted with **Juvenile** the
20 night, I think about 9:00 on July 10th, that was by Patrolman
21 first class, Casey Kaplan?

22 A. I don't know her title, but it was Officer Kaplan.

23 Q. Officer Casey Kaplan?

24 A. Yes, sir.

25 Q. She wasn't a member of the Special Victim's Unit?

1 A. Not at the time, no, sir.

2 Q. Was not a detective at that time?

3 A. She was not.

4 Q. And you're aware that entire interview her interaction
5 with **Juvenile** was 12 minutes?

6 A. I don't know how long it was, sir.

7 Q. Would you say 12 minutes was a sufficient amount of time
8 to interview someone?

9 A. All interviews take different times.

10 Q. Certainly. And you indicated when Mr. Martin asked you
11 why you didn't re-interview **Juvenile** because you're a
12 36-year-old male, correct?

13 A. That was one of the reasons, yes, sir.

14 Q. The officer that you had in the interview at the
15 beginning of that interview, that was Summer Goodrum?

16 A. I --

17 Q. It was a female officer, correct?

18 A. Goodrum or Gassy (ph), I don't know her correct last
19 name, but --

20 Q. Okay.

21 A. Yes, sir, Summer.

22 Q. Summer, yeah.

23 A. Yes, sir.

24 Q. But she was a detective at that time, right?

25 A. She was, yes, sir.

1 Q. Okay. And she's a female, obviously?

2 A. Yes, sir.

3 Q. Okay. So she could have interviewed her, correct?

4 A. She could have.

5 MR. MARTIN: Objection, Your Honor, calls for
6 speculation.

7 THE COURT: I'll allow him to question.

8 Q. What is the purpose of the forensic physical or medical
9 exam at the Children's Recovery Center?

10 A. To check their -- any injury, stuff like that.

11 Q. And they do a report on that, correct?

12 A. I believe they do, yes, sir.

13 Q. They generate a report of finding, or whatever?

14 A. Yes, sir.

15 Q. And that's in every case, right?

16 A. If they go to the Recovery Center, I believe they do an
17 exam for all cases, I believe.

18 Q. And so if they find signs of sexual trauma, they would
19 tend to generate a report showing that, correct?

20 A. I believe so.

21 Q. Whether there's scarring, transected hymen, anything
22 like that, correct?

23 A. I would assume so, yes, sir.

24 Q. Now, there's an interview of **Juvenile** and I guess
25 her mother by Officer Kaplan. You said you read the written

1 statement, correct?

2 A. From **Juvenile**?

3 Q. Yes.

4 A. Yes, sir, I've read it.

5 Q. And in that statement she alleged that her brother, Alex
6 Moreno was in the bed when this all started to begin with, June
7 of 2019, correct?

8 A. Yes, sir.

9 Q. And he is approximately one year younger?

10 A. Yes, sir, I think that's what she testified to.

11 Q. Did you go speak with Alex Moreno?

12 A. I did not.

13 Q. And at this point you said that she had given an
14 interview to Officer Kaplan. Did you review that interview?

15 A. I believe so. I can't say 100 percent. This case is
16 from 2022. Normally we would watch the Body Cams, I can't say
17 100 percent that I did watch it. I had her written statement
18 that I went over, so I can't say for sure that I did, sir.

19 Q. Did you ever collect any physical evidence in this case,
20 a notebook, piece of clothing, anything?

21 A. I did not. The assault was years before.

22 Q. So in those interviews and in the handwritten statement,
23 I believe **Juvenile** is somewhat specific about where this
24 occurred, correct?

25 A. Do you mind if I take a look at her, the notes?

1 Q. If that helps you refresh your recollection, please, or
2 your case rule.

3 A. I think she said she's at her dad's house.

4 Q. And she said this happened at her dad's house in Conway,
5 correct?

6 A. I believe so, yes, sir.

7 Q. And then she said some incident happened at the house in
8 Forestbrook, correct?

9 A. I believe it was her dad's house, from what I remember.

10 Q. Now, I know you said these happened some time fast, did
11 you go by and check property records to see if Rodolfo Moreno
12 even owned the house in Conway?

13 A. I did not.

14 Q. So you didn't go by to take a picture of the house, see
15 the layout of the house, anything?

16 A. No, sir, it was years before. There's no evidence to
17 collect there. I did not go by the house.

18 Q. But you could have tested the statement at that point to
19 see if it could have occurred this way, correct?

20 A. Tested **Juvenile**'s statement?

21 Q. Yes.

22 A. Well, that's why we interviewed Mr. Moreno.

23 Q. Okay. But you had a week before you did that, correct?

24 A. We interviewed him July 18th, so.

25 Q. One week, so you didn't do anything else on the case

1 that week?

2 A. I'm not sure, sir, we work several cases, I'm not -- you
3 know, it's not the only case that I had at the time.

4 Q. Okay.

5 A. And I also don't know if I was on vacation or anything
6 at the time. It's been so far back, I'm not sure what those
7 seven days, or it could have included a weekend, also.

8 Q. Okay. You are aware that Mr. Moreno and Kimberly
9 Sanchez had separated at some point, correct?

10 A. I believe he told us that in he interview.

11 Q. Okay. You didn't go back to look at any Family Court
12 records to see when the divorce took place, what the custody
13 status was, or anything?

14 A. No, sir.

15 Q. Let's move forward to the statement. Monday, July 18th,
16 at this point all you have is the allegations of **Juvenile**
17 **[REDACTED]**, correct?

18 A. I have her statement, yes, sir.

19 Q. Okay. Her written statement. The interview on the body
20 camera, you may or may not have reviewed?

21 A. Yes, sir.

22 Q. And this is the allegations occurred two, three years
23 prior?

24 A. Yes, sir, 2019.

25 Q. No physical evidence, and you got a visit to the

1 Children's Recovery Center?

2 A. Yes, sir.

3 Q. Okay. And so at this point did you feel you had enough
4 to get an arrest warrant?

5 A. Before the interview?

6 Q. That's correct.

7 A. No, sir.

8 Q. So the morning of July 18, 2022, you did not feel you
9 had enough to get it?

10 A. I did not.

11 Q. But you believe **Juvenile**'s statement, correct?

12 A. I believe that she wrote the statement, or do I believe
13 what she wrote? I believe she wrote the statement, yes, sir.

14 Q. Did you believe the allegations in that statement at
15 that point?

16 A. Sir, I was neutral at that time, I needed to talk to him
17 first.

18 Q. Okay. Because during the interview you made several
19 statements about: **Juvenile**'s not lying. She says this
20 happened. So you're still going to tell us that you were
21 neutral before you talked with Mr. Moreno?

22 A. Before I talked to Mr. Moreno, I neutral, yes, sir.

23 Q. Okay. So you called Mr. Moreno sometime that day,
24 correct?

25 A. Yes, sir, talked to him on the phone.

1 Q. And you wanted to put him in that interrogation room,
2 correct?

3 A. I wanted to interview him.

4 Q. And Mr. Moreno, he voluntarily came up there, correct?

5 A. Yes, sir.

6 Q. We saw what kind of clothes he was wearing, came back --
7 came after work, correct?

8 A. If that's what he's saying, he had work clothes on.

9 Q. What time was the interview?

10 A. It was a little later in the afternoon, I believe,
11 wasn't it?

12 Q. I think there's actually a quote in the Miranda Form
13 that says 17:07 --

14 A. 5:00.

15 Q. So that would be 5:07?

16 A. Yes, sir.

17 Q. After normal working time, correct?

18 A. Yes, sir, could be.

19 Q. And there was a comment, you said, you work for
20 Richardson's, when you went in to talk to Mr. Moreno, correct?

21 A. Okay.

22 Q. Were you familiar with what type of work Richardson's
23 does?

24 A. No, sir, I don't believe so.

25 Q. The way Mr. Moreno was dressed, did it look like he

1 worked in an office job, suit and tie, or outside?

2 A. He didn't have a suit and tie on.

3 Q. And it was July, probably hot that day?

4 A. Probably so, if he worked around here.

5 Q. When you started the interview you asked him how he was,
6 he replied, tired, correct?

7 A. If that's what he said. I don't remember everything he
8 said.

9 Q. Now, I've seen a lot of case where you'll get a
10 statement on an interview like that and the then officers will
11 double down and try to get a written statement from a
12 defendant. You didn't do that in this case, correct?

13 A. I don't believe so.

14 Q. Any reason why?

15 A. No reason why.

16 Q. And in the course of you interviewing Mr. Moreno, you
17 never gave him a specific time period in which this occurred,
18 did you?

19 A. He didn't ask for one.

20 Q. You didn't provide it, correct?

21 A. He never asked. He seemed to know what I was talking
22 about.

23 Q. So the question is, did you volunteer a time period for
24 him?

25 A. I did not.

1 Q. Thank you. And you Mirandized him and everything, you
2 never told him he was being recorded, did you?

3 A. I did not.

4 Q. Now, when Mr. Moreno first arrived there -- when you had
5 him on the phone you didn't tell him why you wanted to
6 interview him, correct?

7 A. I don't believe I did, no, sir.

8 Q. And actually, I think it was about almost ten minutes
9 into that interview you say, you ask him, do you have any idea
10 why you're here, any idea?

11 A. Are you asking me if I asked him that?

12 Q. Do you remember saying that?

13 A. I believe I heard it on the video just a minute ago.

14 Q. And then you tell him, well, **Juvenile**'s made some
15 allegations you inappropriately touched her?

16 A. Sounds about right.

17 Q. And so in this case the confession was going to be
18 important, correct?

19 A. I believe a confession is always important.

20 Q. But you just said you didn't have enough to issue an
21 arrest warrant at that point, so the confession is what you
22 need, correct?

23 A. I believe the confession is always important.

24 Q. Now, when you have somebody that you're interviewing,
25 and what I call an interview room, interrogation room,

1 whatever, when you're interviewing somebody, a suspect, you
2 were trained that it is okay to lie to them, correct?

3 A. It's okay to use deceit when interviewing a suspect.

4 Q. Okay. To misstate facts and evidence, correct?

5 A. It's okay to use deceit.

6 Q. And it's a tactic, correct?

7 A. Correct.

8 Q. And you did use that, you misstated some facts, and used
9 deceit, to use your term, in talking to Mr. Moreno --

10 A. I did.

11 Q. Correct?

12 A. I did.

13 Q. So when you told him that you have talked to **Juvenile**,
14 that you've talked to **Juvenile**, that was using deceit, correct?

15 A. Yes, sir, I did not talk to **Juvenile**.

16 Q. And all of those times when you stepped out to talk to
17 her, because it wasn't just that last time, I think there was a
18 couple times you said, I just talked to her, I just talked to
19 her.

20 A. I did not talk --

21 Q. Or you just got off --

22 A. I did talk -- I did not talk to **Juvenile**.

23 Q. You never talked to her?

24 A. None of those times.

25 Q. Okay. So you would agree that multiple times you said

1 you talked to her, correct?

2 A. Yes, sir.

3 Q. So there wasn't just that one incidence when there was
4 the break and you told Mr. Moreno that her mom was not even
5 involved in this, was never involved, didn't want nothing to do
6 with this, is that what you told her?

7 A. I did.

8 Q. And in fact, in that body camera, I think in your prior
9 testimony you said that you did view it at some point, she was
10 very involved in that, correct?

11 A. I believe the mother is the one who contacted law
12 enforcement.

13 Q. And she was present as they were talking to law
14 enforcement, correct?

15 A. I believe so.

16 Q. And so that was deceit, correct?

17 A. Yes, sir.

18 Q. And when you told him that she had been forensically
19 interviewed, that was using deceit?

20 A. I think my words were she had been to the Children's
21 Recovery Center.

22 Q. I think you said she sent her for a forensic interview?

23 A. I don't know my exact words.

24 Q. But you're saying at this point you knew that she had
25 not had a forensic interview, correct?

1 A. I knew that, yes, sir.

2 Q. And whenever he asked you, when you accused him of
3 having sex with his daughter, and he says: Did you have her
4 checked out? And you said: Yeah. And he says something like:
5 And? And you said: We're talking to you, ain't you? Correct?
6 Something along those lines?

7 A. Something along those lines, I guess.

8 Q. But at this point you had not seen anything from the
9 Children's Recovery Center, you not seen that medical physical
10 to show anything, correct?

11 A. I don't believe so.

12 Q. Pretty early on, I think about three and a half minutes
13 in, Rudy asked you something about, how long is this gonna
14 take? He tells you he's got a Knights of Columbus meeting,
15 correct?

16 A. He said he had to go to church.

17 Q. As a matter of fact you all talked about -- he told you
18 about church a few times in that very beginning of it, correct?

19 A. Yes, sir.

20 Q. He told you he goes to St. James Catholic Church,
21 correct?

22 A. I think he did.

23 Q. He told you he was trying to get the children to go to
24 church, correct?

25 A. I think he did.

1 Q. Okay. So at this point you knew that he was deeply
2 religious, correct?

3 A. Deeply religious, or that he goes to church? I knew he
4 went to church.

5 Q. Okay. You knew he was involved in his church?

6 A. I knew that he went to church.

7 Q. And you kept bringing up church and faith throughout the
8 course of that interview, correct?

9 A. I did.

10 Q. Now, just tell me if this sounds about right. I believe
11 you mentioned church nine times, God about six times, heaven
12 twice, talking about repenting about four times, does that
13 sound about right?

14 A. I might have spoke of those things, I don't know the
15 correct number, I'd have to go back and count them.

16 Q. Is it fair to say you mentioned God, church, heaven or
17 hell, sins, repenting, all that stuff, many times, correct?

18 A. I mentioned it, I don't know, you said "many times."

19 Q. Do you recall about 21 minute -- 21 and a half minutes
20 in, you asked him: You go to church, right?

21 A. I think I did ask him that.

22 Q. And then at 22:49, so within about a minute, you repeat:
23 You said you go to church, right? Rudy -- again, it's talking
24 about the importance of church at about almost 27 minutes, and
25 you repeat after him, church is important, correct?

1 A. If I said that it's on the video that I said it.

2 Q. About 33 minutes in you say, well, Rudy, sitting here
3 denying it, you said you go to church, right?

4 A. If that's what we just watched, I mean, it's on the
5 video, I don't remember everything I said.

6 Q. Okay. Pretty early on you're asking him about his kids,
7 and he tells you how much he loves his kids, right?

8 MR. RICHARDSON: Court's indulgence?

9 Q. He tells you things like I love those kids more than
10 anything in this world, right?

11 A. Something like that, I would say.

12 Q. And you use that, right?

13 A. What do you mean by use, I listened to him?

14 Q. Okay. You tell him things such as: Well, if you love
15 your daughter, you will just admit this, correct?

16 MR. MARTIN: Objection, Your Honor, I don't know if
17 that was in the evidence.

18 THE COURT: I'll allow him to ask the question. You
19 will have an opportunity to redirect.

20 Q. He told you about the difficult times he had had with
21 his ex-wife, correct?

22 A. I don't know if he -- I don't remember that in detail.

23 Q. He didn't tell you that his ex-wife was interfering with
24 his being able to see his children?

25 A. I don't remember the whole conversation. He mentioned

1 his ex-wife, I don't remember the exact conversation that he
2 said.

3 Q. You used the term, "mistake," or "weak moment" several
4 times during the interview, correct?

5 A. Yes, sir.

6 Q. And that's a tactic, right?

7 A. Or it could be the truth.

8 Q. But it's a tactic, you give somebody an option, you
9 could be a monster or you could be somebody who had a weak
10 moment?

11 MS. WALLER: Objection.

12 MR. MARTIN: Objection, Your Honor, he didn't say
13 that.

14 THE COURT: I'll allow. You will have an opportunity
15 to redirect.

16 Q. Do you recall saying this at 55 minutes in: All right,
17 Rudy, here's what we'll do. I just talked to **Juvenile**, okay. I
18 just talked to her and without a doubt, without a doubt she's
19 saying you all were laying down in the bed and watching movies
20 and you started touching her. She said you touched her thigh,
21 a breast, and then you put your hands down her pants, I don't
22 think you're a bad guy, Rudy. Do you remember saying that?

23 A. I believe so.

24 Q. So at this point you're providing Mr. Moreno with facts
25 of these allegations, correct?

1 A. Somewhat, I would say.

2 Q. And then you start talking about, I've had people in
3 this chair that would tell me that when they saw kids they
4 wanted to "F" them. Okay, I've had many come in and tell me
5 that. They looked at little kids and sought little kids out.
6 They literally wanted to have sex with kids. I don't think
7 you're that kind of guy, Rudy. When I see you and how you
8 present yourself, you come in here, you sit down and you talk
9 with me, I don't think you're that kind of guy. I don't think
10 you want to have sex with little girls -- with young girls, I
11 don't think you're that kind of guy. There are those kind of
12 guys out there, and I don't think you're one of them. So at
13 this point would it be a fair characterization to say you were
14 giving him the choice of being a monster like one of those guys
15 that wanted to have sex --

16 MR. MARTIN: Objection, Your Honor, he didn't use the
17 word "monster."

18 THE COURT: I'll allow him to ask the questions.
19 Cross-examination.

20 Q. Were you giving him the choice of being someone who
21 wants to go out and have sex with little girls, or I think the
22 next line is: I do think you made a mistake, you messed up, I
23 think you had a weak moment. You were giving him a choice,
24 right?

25 A. I'd say I was giving him the choice to tell the truth.

1 Q. Okay. When you first told Rudy about the allegations,
2 he denied it, correct?

3 A. He did.

4 Q. And at about ten minutes, ten seconds in, and then you
5 tell him about a forensic interview: And that's why you're
6 here. And again, he denies it immediately, correct?

7 A. He denied it several times throughout the interview.

8 Q. Shortly thereafter, you asked him, did she accidentally
9 see something, and he tells you, no, sir, correct?

10 A. Correct.

11 Q. No, sir. You said, did you think she was your
12 girlfriend, and he says: No, sir, no, sir, no, sir. And he
13 tells you he hugs and he kisses his kids, right?

14 A. He also said he touched her breast, also, when he was
15 hugging her.

16 Q. But I'm talking about in the very beginning. So you're
17 saying the first ten, 15 minutes, he said, I touched breasts, I
18 touched thigh?

19 A. I thought you were asking me about him hugging her.

20 Q. No, we're just going to go through the interview real
21 quick, okay?

22 A. Okay. I don't remember the exact time frame, but he did
23 deny it several times in the interview.

24 Q. Okay. He tells you, she's a good kid, he doesn't
25 understand these allegations, correct?

1 A. Yes, sir. He also said she didn't lie.

2 Q. Okay. Doesn't lie to him, I think is what he said, but

3 --

4 A. Okay.

5 Q. -- we'll let the jury figure it out, okay?

6 A. Okay.

7 Q. But at about 15 minutes he says: I don't understand,

8 and then at 15:53 he says: That shit right there got me.

9 That's about the time you walk out of the room the first time.

10 do you remember that?

11 A. I remember exiting the room, I don't remember what time,

12 though. I don't have the times in front of me.

13 Q. It was a short period of time, though, that you left,

14 correct?

15 A. I did leave for a couple minutes.

16 Q. Do you remember when you came back in the room one of

17 the first things you asked him is, does he love his daughter?

18 A. I think I remember asking him if he loves his daughter.

19 Q. And shortly thereafter you asked something about

20 watching TV in the bed, and did you think it was your

21 girlfriend or something? His response was, no, I just hug her,

22 I mean, I hug -- hug her like -- and show them that I love

23 them, talking about both his kids, right?

24 A. If he said "them," I would assume both of them.

25 Q. And then you bring church up again. You asked him if he

1 ever did anything with his daughter he regrets, and he says,
2 no, I've never done anything like that. You asked him again,
3 do you remember that?

4 A. Do I remember asking him if he did anything with his
5 daughter?

6 Q. Uh-huh.

7 A. Throughout the interview I'm sure I asked him that.

8 Q. But you're saying you don't have a specific recollection
9 of his denial at 21:23 or at 21 -- right at 22 minutes where he
10 said I never had sex with her?

11 A. I know he denied it, I just don't know the exact time
12 that he denied it and throughout the interview.

13 Q. Would you agree that you were the first person to bring
14 up the word, "condom?"

15 A. In the interview?

16 Q. Yes.

17 A. I may have been.

18 Q. About 22 minutes, 14 seconds in, you tell him: You put
19 on a condom and you had sex with her.

20 A. I may have said that, that's part of **Juvenile**'s
21 statement, so I may have brought it up.

22 Q. And his response was: No, sir, I never had sex with my
23 daughter. You asked him if you had upset him, he told you,
24 yes. Do you remember that?

25 A. If I upset him or --

1 Q. If that statement upset him, and he said, yes, it upsets
2 him.

3 A. Possibly.

4 Q. I think this is about where you start talking about
5 mistakes. You asked him something like: Do you believe people
6 make mistakes?

7 A. I did ask him that, yes, sir.

8 Q. And then you start, I guess, we talk positive in a
9 hypothesis, where you start asking him about: Let's say you've
10 got a guy coming in, let's say I'm 36 and he does have sex with
11 a 13 year old, that he makes a mistake, if he just makes a
12 mistake, what do you think should happen to him if he just
13 makes a mistake? He's never gonna do it again. If he tells
14 the judge, he tells Rudy, I'm never gonna do it again, I had a
15 weak moment. So you bring up the weak moment and mistake stuff
16 first, correct?

17 A. Possibly.

18 Q. And then you bring it up again within 20 seconds or so:
19 You've got a 30-something year old man who got sex because he
20 has a weak moment, do you think he should have a second chance?
21 So you're just talking to him in a hypothesis, correct? And
22 this is whenever you start talking in circles and you asked him
23 should the guy go to prison, he says, I guess not. Do you
24 remember that part of the conversation?

25 A. I remember asking stuff like that, yes, sir.

1 Q. And then after you get done with the hypothetical, about
2 26 minutes, 20 seconds in, you ask him: Rudy, after talking
3 with you, did you ever make a mistake like that? He responds,
4 no, sir. Do you remember that?

5 A. Yes, sir, possibly, I don't remember the whole
6 interview.

7 Q. And then you say, Rudy, I mean, we're all human, we all
8 make a mistake, you know what. You bring up mistake again,
9 correct?

10 A. Yes, sir.

11 Q. And you follow up with: I would like to see you and
12 **Juvenile** get a relationship back together again. I think
13 there's probably what she's saying is probably what's talking
14 to you more, you seem like a good dad, you seem like a good
15 person, and he says, I think a lot of my kids, right?

16 A. I think I said the relationship, that was probably what
17 was bothering their relationship. He said he didn't get to see
18 them anymore, and I said her statement of what she's saying is
19 probably why they weren't talking anymore. I think that's what
20 I was --

21 Q. And I get where -- because at this point, you believe
22 her statement, correct?

23 A. At this point I'm going over her statement with him.

24 Q. You don't recall yesterday in testimony when you
25 testified you believed her statement at this point?

1 A. That I believe her -- I mean, I don't know what you're
2 asking. I believe she wrote the statement. Do I believe her?
3 Throughout the interview I'm sure with some of the lies he was
4 stating, I was beginning to believe her. I don't know the
5 exact moment I would say I believe her statement, but my job
6 was to investigate her statement, which is what we were doing.

7 Q. Okay. Rudy continues, to deny: But I don't know, I
8 don't understand. And you tell him: But **Juvenile**, she's saying
9 this about you. You told him that, right?

10 A. Yes, sir.

11 Q. And he lifts his head up -- hands up, shakes his head,
12 and says: I don't know understand what she's saying, I really
13 don't understand, I wish I could talk with her. Do you
14 remember that?

15 A. If that's part of the transcript, I would say so.

16 Q. And then again, you asked him, did you make a mistake,
17 and he says, no, sir, at about 29 minutes, 27 seconds into it.
18 do you remember that?

19 A. I remember he denied it several times in the interview.

20 Q. Shortly after that, because he's denying it, right?

21 A. He denied it several times throughout the interview,
22 yes, sir.

23 Q. Okay. Do you remember telling him: I think she's
24 really upset right now mentally, I don't really think -- I
25 think if you apologize to her and said, look, I had a weak

1 moment, I'm not going to do it again, I really think you all
2 can come back together as father and daughter, put this in the
3 middle of you all, you really don't see it coming back, and I
4 don't think if you don't apologize and say you won't do it
5 anymore, I think this could mess her up forever. I've seen a
6 lot of girls come through here and this happened to them and
7 they end up being drug addicts and end up getting in psych
8 wards because this messes with their brain so bad that someone
9 they love hurt them and they don't know how to cope with them.
10 So you told him that his daughter could end up as a drug addict
11 or in a psych ward, correct?

12 A. I mean, anyone could end up on drugs or a psych ward.

13 Q. But the questions was did you say that to Mr. Moreno?

14 A. What I said to him was, if a child is assaulted and they
15 don't get some counseling, and the person who was supposed to
16 love them hurt them, they could end up that way, that is
17 correct.

18 Q. And yet, he still told you, no, sir, I didn't do this.

19 A. He still continued to deny it throughout the interview,
20 yes, sir.

21 Q. He tells you, I would apologize to her, if she thinks
22 I've done that, I apologize. Correct?

23 A. Correct.

24 Q. And you tell him to be honest, and he says, well, that's
25 what I'm saying. I didn't do it. I mean, if she thinks I've

1 done it, I mean, I'll apologize with her, correct?

2 A. Something to that effect.

3 Q. This is shortly after you said, if he doesn't issue an
4 apology she's going to end up in a psych ward or a drug addict.
5 Nobody wants their child to end up that way, correct?

6 A. I wouldn't think any parent would want their child in a
7 psych ward or on drugs, no, no, sir.

8 Q. Many times he tells you: If she thinks I did that I'll
9 apologize, correct?

10 A. Correct.

11 Q. And you keep repeating things like, if you had a weak
12 moment, did you accidentally, did you have a weak moment?
13 Correct?

14 A. Correct.

15 Q. I mean, you used "weak moment," "mistake," "accident,"
16 many, many times.

17 MR. MARTIN: Objection, that wasn't a question, Your
18 Honor.

19 Q. Would you agree you used those words many, many times?

20 A. Throughout the interview, I definitely used, "weak
21 moment," or did you make a mistake? I did ask him that
22 question.

23 Q. Would you agree that it was many, many, many times?

24 A. I don't know what many, many, many is.

25 Q. That's 17:15:18 on the time. Do you remember saying --

1 asking Rudy if he believes people make mistakes, and two
2 questions later you repeat that question. Do you recall that?

3 A. I did ask him, do I believe people make mistakes.

4 Q. Okay. Let's count that as two. Do you remember
5 17:15:26 you mentioned, made a mistake and had a weak moment?

6 A. I don't have the transcript in front of me, I'm sure --
7 we just watched the interview, I did say that.

8 Q. You keep asking him if he had a weak moment. Do you
9 recall him saying: No, sir, I always -- I mean, I hug them, I
10 always show my kids love. Do you remember him saying that?

11 A. Yes, sir.

12 Q. And at this point, it's at about 33 minutes, you start
13 calling Rudy a liar, do you recall that?

14 A. We just watched the video. If I told him he wasn't
15 telling the truth, I'm sure I did.

16 Q. I'll say it ends at 33:08: Well, Rudy, sitting her
17 denying it, you said you go to church, right? Do you recall
18 saying that?

19 A. I think so.

20 Q. And Rudy says: Yes, sir, I'm not going to sit here and
21 lie to you, and you respond, but you are, Rudy, you're lying?

22 A. Yes, sir.

23 Q. So if you said that, you're accusing him of being a liar
24 at this point, right?

25 A. Yes, sir.

1 Q. Okay. So at this point he has done nothing but deny any
2 of this, and you're calling him a liar, correct?

3 A. Correct.

4 Q. There are many times when you give him the option, no,
5 no, no, Rudy, either **Juvenile**'s lying or you're lying.

6 A. I did say that.

7 Q. Multiple times.

8 A. I don't know what you said are multiple, but I did say
9 either **Juvenile**'s lying or you're lying, I did say that.

10 Q. Okay. Did you say it more or less than five times?

11 A. I don't have the transcript in front of me so I can't, I
12 don't want to say how many times I said something, but I
13 absolutely did say, either **Juvenile**'s lying or you're lying.

14 Q. Many times?

15 A. I can't --

16 Q. More than once?

17 A. I don't know.

18 Q. Do you recall Rudy saying not a -- I didn't touch her
19 like you were thinking, I mean, I know, I mean -- I mean, I
20 hugged her and if I touched -- When I hugged her and touched
21 her breasts or something I didn't mean to touch her. Do you
22 recall him saying that?

23 A. If he touched her breasts accidentally, is that what
24 you're asking me?

25 Q. Yeah.

1 A. I feel like I do remember him saying that.

2 Q. After that do you recall telling him: Let me ask you
3 this. But when you all were in bed watching TV and you hugged
4 her, did your penis get hard?

5 A. I think I did ask him that.

6 Q. And he tells you, no, sir.

7 A. Throughout the interview he denied stuff several times.

8 Q. Okay. And when you tell him: **Juvenile** says you all had
9 sex and she's not mad at you, you're saying you were using
10 deceit at that point?

11 A. I didn't hear you, what --

12 Q. When you say things, like, in this instance: Well, she
13 said you all had sex, Rudy, and she said you all had sex, and
14 look, she ain't mad at you, but I can prom -- I talked to her,
15 she's not mad at you, she loves you. You're using deceit at
16 that point, correct?

17 A. The second part would be deceit, the first part she did
18 say they had sex.

19 Q. When you're saying the second part that she not mad at
20 you as well --

21 A. When I said I talked to her and she's not mad.

22 Q. Okay.

23 A. That is deceit.

24 Q. And his response was: I love her to death. Do you
25 recall that?

1 A. I think so.

2 Q. Do you recall telling Rudy she needs to go to therapy,
3 that he needs to admit that he just had a weak moment: And
4 that's what happened Rudy?

5 A. I don't have the transcript, but that's possibly what I
6 said.

7 Q. So if you did say that, you're telling Rudy he had a
8 weak moment, correct?

9 A. I'm asking him if he had a weak moment, I wouldn't say,
10 telling him.

11 Q. Do you recall telling him, Rudy, listen, here is what I
12 think. I think you had a weak moment.

13 A. Yes, sir.

14 Q. Okay. And then you bring up God again: We tell
15 ourselves you repent to God and you say, look, I repent to my
16 sins and I'm not gonna do it anymore, and then you tell him,
17 Rudy, I really think you had a weak moment, you messed up, you
18 probably went to church and asked Jesus for forgiveness, at
19 this point you need to apologize because I know you feel bad
20 about that. And he responded: I feel bad she's saying this.
21 Do you recall seeing that today?

22 A. I think so.

23 Q. You bring up church again. You ask him if he would like
24 to have a good father/daughter relationship again, wouldn't
25 that feel good? He tells you, yes, sir. Do you recall that?

1 A. Possibly.

2 Q. Do you recall asking him, does he feel bad about having
3 sex with her, and he says, I didn't have sex with her. I mean,
4 I feel bad she's saying that, really. Do you recall that?

5 A. I believe so. Again, I don't know everything that was
6 said during that hour and 40 minutes.

7 Q. Okay, we're about 36 minutes or so in at this point.
8 You bring up religion again. Do you remember about 37 minutes,
9 you said you had a weak moment, Rudy, that's what happened, it
10 makes you human being you had a weak -- it makes you a human
11 being, you had a weak moment. So, and that wasn't a question,
12 you're telling him he had a weak moment at this point, correct?

13 A. Read it again.

14 Q. Yo had a weak moment, Rudy, that's what happened. It
15 don't make you a bad guy, it doesn't make you a bad person, it
16 makes you human, it makes you a human being, and you had a weak
17 moment.

18 A. Are you asking if I said that?

19 Q. Yes.

20 A. If that's the transcript, that's what I said.

21 Q. His response was: If that's what she's saying, I mean,
22 I guess I can say I had a weak moment. So he's saying if she's
23 saying that, he can say he had a weak moment. Correct?
24 Because you've already told him if he doesn't admit this, admit
25 what she's saying, she's going to end up in a psych ward or as

1 a drug addict, correct?

2 A. If he don't admit what she's saying is true or admit
3 what he did? I'm confused about the question.

4 Q. Did you tell him previously if he did not admit to it
5 that she would end up as a drug addict or in a psych ward?

6 A. I told him possibly when kids have this type of thing
7 happen to them it's possible that it bothers them and they have
8 trouble later on in life, is what I was trying to say.

9 Q. And still, this is 37 and a half minutes in, he's still
10 saying -- you ask him, what happened, Rudy? He says: Like I
11 told you, we just hugged, I mean, I don't know. He's still
12 denying it at this point, correct?

13 A. Yes, sir.

14 Q. You asked him if he got too excited, and he says, no,
15 sir. Do you recall that?

16 A. Yes, sir.

17 Q. And at that point all he's done is deny everything,
18 correct?

19 A. I would say so. Throughout the interview he denied
20 things several times.

21 Q. And you tried to make him a little bit comfortable
22 whenever you say: It's okay if you did, Rudy, I mean, there's
23 nobody in this room, we're not gonna tell anybody, it's just
24 us.

25 A. Yes, sir, I said that.

1 Q. And he still told you he's telling the truth, it didn't
2 happen, correct?

3 A. Yes, sir, he's still making denies.

4 Q. Well, we're about 37, almost 38 minutes in, and I think
5 you testified that it was about an hour or so in whenever he
6 made an admission, so certainly he continues to deny this again
7 and again, correct?

8 A. Yes, sir.

9 Q. He tells you he's being honest, correct?

10 A. Yes, sir.

11 Q. You even asked, did she come on to you? And he
12 responds: No, she didn't, she's just like a normal kid, give
13 daddy a kiss and a hug, correct?

14 A. I believe I asked him that.

15 Q. He tells you, no, sir, I don't let her touch nothing
16 like that, correct?

17 A. I believe so.

18 Q. He tells you he might hug her for a while, I mean -- you
19 asked: Did the penis get hard? You say: Rudy? He says:
20 Sir? Did that go on, did you say that?

21 A. I believe something like -- I don't have the transcript
22 in front of me, but I believe that would be correct.

23 Q. And then you bring up church again. You sit here
24 saying, you go to church: Right. You said you're going to
25 church tonight? Do you agree you said that?

1 A. I believe so.

2 Q. It's 39:30 in. And then you tell him that he's not
3 being honest with you. You would agree that's accusing him of
4 lying, correct?

5 A. You could say it that way.

6 Q. Well, if I told this deputy over here, you're not being
7 honest, that's me accusing him of lying, correct?

8 A. He was lying.

9 Q. At this point there's been no admission. So you
10 believed **Juvenile** at this point no matter what, because that's
11 the only way you can say that he's lying, correct?

12 A. At some point in the interview I did believe **Juvenile**.

13 Q. Okay.

14 A. I don't know exactly the hour and 44 minute mark, I
15 can't say at 25 minutes I believed her, but at some point in
16 the interview I did believe her statement.

17 Q. So you're saying certainly by the time you start calling
18 him a liar you believed her statement?

19 A. I don't know an exact point in my brain where I said,
20 **Juvenile**'s telling the truth, but he was lying.

21 Q. So at the 33:13 minute mark when you say: But you are,
22 Rudy, you are lying and you're scared. So by that point you --
23 if you're calling him a liar you're saying you believe **Juvenile**
24 at that moment?

25 A. Again, I don't know the exact moment I believed her

1 statement, but at some point I did believe her statement during
2 the interview.

3 Q. There's multiple times where you give him opportunities,
4 such as at 39:40: She needs help for this, you f'd up, you
5 messed up, Rudy, it's okay, you're not a bad guy. Would you
6 say there was several instances of some statement like that?

7 A. Telling him he's not a bad guy?

8 Q. Telling him that he f'd up, that he made a mistake?

9 A. I said the word, "mistake," several times throughout the
10 interview.

11 Q. And then you said she needs help, correct?

12 A. Correct.

13 Q. And again, you're asking Rudy to admit to something,
14 correct?

15 A. I'm asking Rudy to tell the truth.

16 Q. But this was your truth, the truth that you believed at
17 this point, correct?

18 A. I asked Rudy to tell the truth.

19 Q. Well, you said you believed **Juvenile** at this point and
20 he's denying it, and so you're asking him to tell **Juvenile**'s
21 truth at this point, correct?

22 A. Asking him to tell the truth.

23 Q. You had no physical evidence at this point, correct?

24 A. I did not.

25 Q. Had no evidence at the locations where this occurred,

1 correct?

2 A. It happened several years prior, there was no evidence
3 to collect at the location.

4 Q. You had not talked with **Juvenile**, you had not
5 talked with anyone at the Children's Recovery Center, correct?

6 MR. MARTIN: Objection, compound question.

7 THE COURT: You can ask him one at a time.

8 Q. You had not talked with **Juvenile**, correct?

9 A. As I stated before, I did not interview **Juvenile**
10 due to trauma. She had already given us a statement. I was a
11 36-year-old male at the time, and she was making accusations to
12 her father who is also a male. I did not interview **Juvenile**.

13 Q. Children's Recovery Center is predominantly staffed by
14 females, correct?

15 A. I do not know, sir.

16 Q. Have you not been to the Children's Recovery Center
17 before?

18 A. I have been there, it's been several years.

19 Q. At that point when you were working these types of
20 cases, did they have female staff?

21 A. They did have female staff.

22 Q. Did they have females that could conduct forensic
23 interviews?

24 A. They did.

25 Q. Okay. Do you recall when Rudy denied it again, you

1 asked him: I'm gonna start over, what happened, what happened,
2 and he says: Nothing. And then you respond: Rudy, that ain't
3 what **Juvenile** says. She says that your dick got hard, okay, she
4 says you all had sex, she says it hurt, okay, that's what
5 happened, you messed up. Do you recall saying that?

6 A. I believe so.

7 Q. Okay. So at that point you're providing factual
8 allegations from the state, correct?

9 A. **Juvenile** said they had sex.

10 Q. Okay. His response was: I ain't never had sex with my
11 daughter. Correct?

12 A. I believe he denied it.

13 Q. Again, at 44 minutes and ten seconds, thereabout, you
14 asked Rudy: Well, let's come clean. What happened when you
15 were in her room? It's okay, it's just you and me and Dustin
16 in this room. What happened? What happened with you and her,
17 and he responds, nothing, that's what I'm saying. Do you
18 recall that?

19 A. If that's what the transcript says.

20 Q. He tells you: Nothing, I just hugged her, and I mean,
21 if I did, if I touched her breasts, I didn't mean to touch her
22 breasts. Do you recall him saying something at least along
23 those lines?

24 A. Yes, sir.

25 Q. He repeated, again, he was telling the truth, correct?

1 A. He denied it several times throughout the interview.

2 Q. And this is when he asked you if you checked on her,
3 done a forensic exam, correct?

4 A. I don't remember him asking about a forensic exam.

5 Q. Do you recall him saying, have you checked her? You
6 said, yeah, we did. He says, and? You say, I'm talking to
7 you. What do you think he was talking about?

8 A. Did we check her.

9 MR. MARTIN: Objection. Speculation.

10 Q. Well, what were you responding to at that point when you
11 said, yes, we did?

12 A. We talked to her, is my reaction. We're talking to you,
13 so something, there's an investigation, is what I was trying to
14 say.

15 Q. He told you that he was telling the truth and he was
16 being honest, he continued to say that, correct?

17 A. He denied it several times throughout the interview.

18 Q. Do you recall at 45 minutes 47 seconds in: You made a
19 mistake, you did this, right? I don't want her to be messed
20 up, you're just going to say she's a liar. Did you ask him
21 that?

22 A. If that's what the transcript says, that's what I asked
23 him.

24 Q. He told you he didn't want to call her a liar, correct?

25 A. He said that?

1 Q. I'm asking you, did he say that?

2 A. If that's what the transcript -- I don't remember
3 everything about this interview, it's been so long.

4 Q. We just watched it.

5 A. I don't have the transcript in front of me, is what I'm
6 saying.

7 Q. But you just watched it, correct?

8 A. I did.

9 Q. Do you recall Rudy saying: She's making a story, I can
10 tell you, she ain't lying, she's making a story? Correct? Do
11 you recall it?

12 A. Yes, sir.

13 Q. Do you recall 46 minutes, 42 seconds in? Thereabouts
14 you ask Rudy did he have a weak moment, and he says: If you
15 think I did. Do you recall him saying that?

16 A. Possibly.

17 Q. Do you recall the immediate response from you was no,
18 no, no, I think -- if I think -- I'm asking you did Rudy have
19 a weak moment with your child in the bed, you're in your
20 boxers, she 13, 14 years old, did you have a weak moment? He
21 responds: I don't think so. Do you recall that?

22 A. If that's what it says. I don't remember every word
23 that we said during that interview.

24 Q. You ask him again -- you were actually pairing him back,
25 you said: You don't think so? And he says: No, sir. Your

1 response is: Well, the answer should be yes or no, Rudy, I've
2 interviewed thousands and thousands of people. Do you recall
3 saying that?

4 A. Yes, sir.

5 Q. So you didn't like his, I don't think so answer,
6 correct?

7 A. But what question did I ask him when he said that?

8 Q. You asked: I'm asking you, Rudy, did you have a weak
9 moment with your child in your bed and you're in your boxers,
10 she's 13 or 14, did you have a weak moment? And he said: I
11 don't think so.

12 A. Correct. I think that should be a yes or no answer.

13 Q. And you kind of raise your voice a little bit when you
14 say: It's a yes or no question.

15 A. I mean, we watched a video. I don't know if I raised my
16 voice, I don't really know if I did or not.

17 Q. And so after that he says: Well, I'm gonna say yes,
18 correct?

19 A. If that's what the transcript says.

20 Q. But he still tells you he didn't do anything, he gave
21 her a hug, if he touched her it was an accident, correct?

22 A. If he touched her breast while hugging her, I think he
23 did say it could be an accident.

24 Q. Okay. Do you recall watching that video when he said:
25 If I gave her a hug -- and you got kind of upset, you said:

1 No, look, stop with the if's, I don't wanna hear the fucking
2 if's, do you recall that?

3 A. Yes, sir.

4 Q. He said: I gave her a hug. I mean, he responds to you
5 raising your voice. He gives you a different answer at that
6 point, correct?

7 A. If that's what the transcript says.

8 Q. You told him you didn't wanna hear if's so he stopped
9 saying "if," correct?

10 A. I think he actually continued to say it throughout the
11 interview even after that, to be honest with you.

12 Q. You're right, because right after that, he says: I
13 guess I touched the breast, okay, and if my penis got hard.
14 And you respond: Don't say "if," I don't wanna hear "if," I
15 don't wanna hear none of that "if" stuff, Rudy, we passed that.
16 Do you recall that?

17 A. I believe so.

18 Q. Stop saying if I touched her breasts, or if I did this,
19 I don't wanna hear that. Do you recall saying that?

20 A. I believe so.

21 Q. And then you calm down a little bit and say: You just
22 made a mistake. And he says: Okay. Do you recall that?

23 A. I believe so.

24 Q. But he still says he didn't have sex. This is right at
25 49 minutes, it's a little bit past. He tells you that she may

1 have thought that I was trying to have sex because I gave her a
2 hug for a long time. Do you recall that?

3 A. I believe so.

4 Q. And down at this at 49 minutes and 47 seconds into the
5 interview, you asked who was laying in bed. He says right
6 beside -- where she was right beside me and my little boy was
7 on the other side. So he's telling you at this point, this hug
8 that might have happened, Alex is in the bed, too, correct?

9 A. I believe that's what was in the interview.

10 Q. And then shortly before you took that five-minute break
11 you asked did he touch the breast, and he says: if I went when
12 I went to hug. And you said: If's, I'm not hearing if's. Do
13 you recall that? Down at 50 seconds is what I've got, do you
14 recall that?

15 A. I believe so.

16 Q. Now, after five minutes, we've already gone over that.
17 That's whenever you tell him some people search out kids to
18 have sex with them, but you don't think he's one of those guys,
19 right?

20 A. Okay.

21 Q. Would you agree that you're giving him the choice
22 between being some pedophile that hunts out kids or just being
23 somebody who had a weak moment? Would you agree that that's a
24 fair characterization of the choice you're giving?

25 A. Yes, sir.

1 Q. Now slowly at this point, this is where you say the
2 confession starts happening, at about a minute in, correct?
3 About an hour in, I'm sorry.

4 A. Somewhere around that time, I would say.

5 Q. This is after you told him you didn't wanna hear anymore
6 if's, correct?

7 A. I think I did say that.

8 Q. When he brought up "if" you got somewhat aggressive,
9 correct, leaned into him?

10 A. I became aggressive? I don't believe I got aggressive.

11 Q. You didn't wave your arms, point your hands at him, said
12 I don't wanna hear no more if's?

13 A. If I did that I wouldn't consider that aggressive.

14 Q. If a suspect did that to you while you're on patrol, put
15 his hand up in chest or towards you, you wouldn't consider that
16 aggressive?

17 A. I don't think I was in his face or in his chest.

18 Q. You're the one that brings up again the condom, correct,
19 about a minute -- an hour and ten minutes in, two and a half
20 minutes? You say: She goes on to say here, Rudy, you put on a
21 condom, I mean, she saw your penis Rudy, she's given a lot of
22 detail here, she understands exactly what happened. He never
23 mentions the word "condom" until you say that, correct?

24 A. Correct.

25 Q. Okay. So throughout the interview would it be fair to

1 say that you gave some of the facts and allegations from
2 **Juvenile**'s statement?

3 A. Yes, sir.

4 Q. Now, I've watched that video many times. Would you
5 agree with me that Mr. Moreno's body language, I guess, was
6 pretty open at the beginning of the interview, correct?

7 A. Body language?

8 Q. He's sitting in the chair, his arms are open, would you
9 agree that's a fair characterization?

10 A. I don't know how, he was sitting in a chair, to be
11 honest with you.

12 Q. Was he looking you in the eye as you talked to him?

13 A. I guess so. At some point we were looking at each
14 other.

15 Q. He wasn't rolling his eyes up in the sky looking for
16 clouds whenever he was denying anything, was he?

17 A. I mean, he was attentive. I mean, we were having a
18 conversation.

19 MR. RICHARDSON: Court's indulgence.

20 Q. When you were giving him those facts would you agree
21 that he kind of combined different aspects of **Juvenile**'s
22 statement? Unfair question, I apologize. From your
23 recollection, **Juvenile** says the first instance happened when she
24 was in the bed with her brother, correct?

25 A. I believe so.

1 Q. And watching TV during that time, correct?

2 A. Yes, sir.

3 Q. And for instance, you asked him, did something happen
4 while you all were in bed watching TV, correct?

5 A. Yes, sir.

6 Q. And again, you never gave Mr. Moreno a time frame,
7 correct?

8 A. He never asked for one.

9 Q. And you never volunteered one, correct?

10 A. He seemed to know what I was talking about.

11 Q. And **Juvenile** 's statement, **Juvenile** 's statement,
12 it's your understanding she's making that these allegations
13 occurred at the house in Conway some time after June of 2019?

14 A. Month of June of 2019.

15 Q. Okay. In Conway, though?

16 A. I believe so.

17 Q. And that's including the sex act, the intercourse,
18 correct?

19 A. I believe so.

20 Q. So you brought up religion to him several times
21 throughout the course of the interview, fair to say?

22 A. He brought up church first, but yeah, we talked about
23 religion during the interview.

24 Q. After he brought up church, you said it several times,
25 correct?

1 A. Yes, sir.

2 Q. Okay. You admitted that you lied to him on certain
3 facts and stuff, correct?

4 A. I did.

5 Q. You talked to him about his love for his children,
6 correct?

7 A. I asked him if he loved his children.

8 Q. And you admitted that you gave him -- that you used
9 certain words, "mistake," "weakness," "condom," some of the
10 facts, you provided some of that information, correct?

11 A. Yes, sir.

12 Q. And that's some of the information he gave back whenever
13 he was doing his confession, correct?

14 A. Yes, sir.

15 Q. So the entire interview, the interview portion, goes
16 for, would you say about an hour and ten minutes, including
17 those breaks?

18 A. I guess so, yes, sir.

19 Q. Hour and 11 minutes, maybe. And so for the first hour
20 of it he denies everything, correct?

21 A. He denied it several times throughout the interview.

22 Q. And in that last ten minutes he tells you -- he covers a
23 lot of things that you've already covered with him, is that a
24 fair statement?

25 A. He never fully admitted to what she told us.

1 Q. I'm glad you said that. So at the end of the day, he
2 can say he did all of this, but he can't say that he actually
3 had sex with his daughter, correct, sexual intercourse?

4 A. Can't say that he penetrated.

5 Q. Okay. Now, you said you wanted the truth, right, in
6 this interview?

7 A. Yes, sir, we told him we wanted the truth.

8 Q. And he kept telling you he was telling you the truth, he
9 was being honest for the first hour or so, correct?

10 A. He denied it several times throughout the interview.

11 Q. So you didn't want his truth, you wanted your truth or
12 **Juvenile**'s truth, correct?

13 A. No, I wanted the truth.

14 Q. And any time he said "if," you said I don't wanna hear
15 anymore if's.

16 A. I said that.

17 MR. RICHARDSON: No further questions, Your Honor.

18 THE COURT: Mr. Foreman, ladies and gentlemen of the
19 jury, I'm gonna ask that you stand and stretch just a little
20 bit. We're sitting longer than previously, so stretch a little
21 bit. Very good. Redirect?

22 MR. MARTIN: Thank you, Judge.

23 **REDIRECT EXAMINATION**

24 BY MR. MARTIN:

25 Q. Detective Johnson, I'll be brief, I know you've got to

1 pick up your son. In your 18 years of experience, would you
2 expect there to be physical evidence in a case when the sexual
3 assault occurred years before?

4 A. No, sir.

5 Q. In your experience when an interview is video recorded,
6 do you need a written statement from the witness or the
7 defendant?

8 A. No, sir.

9 Q. Do you normally tell witnesses or defendants that
10 they're being recorded?

11 A. We don't.

12 Q. Now, Mr. Richardson represented to you that you left the
13 room several times to talk to **Juvenile**, is that accurate?

14 A. Several, I think we left two or three, and one time was
15 after the interview was over.

16 Q. So how many times did you leave to talk to **Juvenile**?

17 A. Two. Two, three, I'm not sure.

18 Q. And would you agree, though, that the video that we
19 watched pretty much speaks for itself on that issue?

20 A. I believe so.

21 Q. Is it common in your 18 years of experience for a
22 defendant to just walk into the police department and confess
23 for raping his daughter?

24 A. No, sir, it's not.

25 Q. A lot's been made of a forensic interview or an

1 in-person interview, but did you need that to know what
2 happened to **Juvenile**?

3 A. No, sir, I had her statement and it was very detailed
4 about what happened.

5 Q. Would you expect a 15-year-old-girl to be able to tell
6 the police what her father did to her?

7 A. I believe so.

8 Q. And in this case did **Juvenile** do that?

9 A. I believe so.

10 Q. Has her statement ever changed from the night she
11 reported it to the police?

12 A. It has not.

13 Q. Mr. Richardson read quite a bit starting at 3:35 p.m.
14 from your interview, or referenced it quite a bit from his
15 notes. He conveniently stopped at what I think's a pretty
16 important part. Did the defendant ever admit to rubbing
17 **Juvenile**'s stomach?

18 A. He did.

19 Q. Did he admit to rubbing her thigh?

20 A. He did.

21 Q. Did he admit to rubbing her chest?

22 A. He did.

23 Q. Did he admit that his penis got aroused?

24 A. He did.

25 Q. Did he admit that he was ashamed because of that?

1 A. He did.

2 Q. Did he admit to putting a condom on his penis?

3 A. He did.

4 Q. Did he admit to touching **Juvenile**'s vagina?

5 A. He did.

6 Q. Did he admit to taking his penis and rubbing her vagina?

7 A. He did.

8 Q. Based on that information, did you ultimately arrest the
9 Defendant for raping his daughter?

10 A. We did.

11 MR. MARTIN: Court's indulgence. Judge, I don't want
12 to belabor the point, I think we're good, thank you.

13 THE COURT: Very good. You may step down.

14 THE WITNESS: Thank you, Your Honor.

15 THE COURT: Mr. Foreman, ladies and gentlemen of the
16 jury, we're going to recess for the day. I'm going to ask that
17 you be back at 9:30 in the morning, 9:30 sharp, no independent
18 investigation, no research on the Google, no social media,
19 we'll see you back at 9:30, 9:30 sharp. Everyone remain seated
20 as the jury exits the courtroom.

21 **(Jury exited the courtroom at this time)**

22 THE COURT: Anything from the State before we recess
23 for the evening?

24 MR. MARTIN: Your Honor, Detective Johnson has no
25 childcare for his child tomorrow. We'd ask that he be released

1 from his subpoena.

2 MR. RICHARDSON: Without objection, Your Honor.

3 THE COURT: Yes, sir.

4 MR. MARTIN: Nothing further from the State at this
5 time. We anticipate still having at least one more witness
6 starting tomorrow morning.

7 THE COURT: Anything from defense?

8 MR. RICHARDSON: No, sir, Your Honor, I'll be ready
9 to go.

10 THE COURT: Very good. Might counsel approach the
11 bench for one moment?

12 MR. RICHARDSON: Yes, sir, Your Honor.

13 **(Discussion was held off the record by Court and counsel)**

14 THE COURT: We'll stand at ease until 9:30, 9:30
15 sharp.

16 MS. WALLER: Thank you.

17 MR. MARTIN: Thank you.

18 **(Concluded for the day Wednesday, May 14, 2025 at 4:44 p.m.)**

19 **(Whereupon proceedings reconvened Thursday, May 15, 2025)**

20 THE COURT: You may be seated. Good morning
21 everybody. I've been informed that the jurors are still eating
22 their breakfast. Can somebody check see if they are done with
23 that? Could you check this see whether the jury is finished
24 with their breakfast?

25 **(Jury entered the courtroom at this time)**

1 THE COURT: Mr. Foreman, ladies and gentlemen of the
2 jury, thank you for being here and being here on time. State,
3 you recognize. You may call your next witness.

4 MS. WALLER: Your Honor, the State calls Dr. Carol
5 Rahter.

6 THE COURT: Yes ma'am, if you could come forward and
7 approach the Clerk here. I'm going to ask, if you could you
8 take a moment and set your things down and I'm going to ask
9 that you place the your right hand on the Bible and raise your
10 left as the Clerk administers the oath.

11 **DR. CAROL RAHTER WAS DULY SWORN AT THIS TIME AND**
12 **TESTIFIED AS FOLLOWS:**

13 THE COURT: I'm going to ask if you could to pull up
14 real close to that microphone and speak loudly, clearly and
15 slowly, I want to hear everything that you have to say and
16 start with your full name, please, ma'am.

17 THE WITNESS: Carol Rahter, R-a-h-t-e-r.

18 **VOIR DIRE**

19 BY MS. WALLER:

20 Q. Good morning, Dr. Rahter.

21 A. Good morning.

22 Q. Good morning. What's your profession, occupation?

23 A. I'm a physician.

24 Q. Are you a medical doctor?

25 A. I'm a doctor of osteopathic medicine.

1 Q. So you went to a four-year medical school?

2 A. Yes.

3 Q. Are you licensed in South Carolina?

4 A. I am.

5 Q. And what licenses do you hold?

6 A. I'm licensed to practice medicine in South Carolina, I'm
7 board certified in emergency medicine, and I was an emergency
8 physician for 31 years.

9 Q. And what Medical School did you attend?

10 A. The University of Health Sciences in Kansas City,
11 Missouri.

12 Q. Did you receive a degree?

13 A. I did, Doctor of Osteopathic Medicine.

14 Q. Did you do an internship after that?

15 A. I did. I did a rotating internship at Dallas Family
16 Hospital in Dallas, Texas. I'm sorry.

17 Q. Do you need some water or cough drop?

18 A. Yes, some water.

19 Q. I'll give you a minute.

20 A. Okay. Okay.

21 Q. Thank you. So since you completed your internship,
22 where have you practiced?

23 A. I did a two-year residency in emergency medicine up in
24 Michigan, then I moved to -- or moved to South Carolina and
25 worked at Conway Hospital in the emergency department for 16

1 years, and then went to Waccamaw Hospital.

2 Q. And while you were working as an ER physician, did you
3 hold any other jobs as a doctor?

4 A. Yes. While I was working at Conway in the emergency
5 department, we had DSS and law enforcement bringing kids to the
6 ER who had been abused, and it's just a terrible setting to
7 interview children or do an exam when kids have been abused, so
8 a bunch of us got together that worked with kids and we met
9 every month, and then we started the Children's Recovery
10 Center.

11 Q. Okay. And just to back up a little, do you have any
12 professional associations?

13 A. Yes, I'm a member of APSAAC, which is the American
14 Professional Society Against Abuse of Children, and also the
15 South Carolina branch of that, I'm a member of the American
16 Osteopathic Association, American Osteopathic Board of
17 Emergency Medicine, I think that's probably it.

18 Q. I think that's good. Thank you. Have you had any
19 additional training since you were licensed in the treatment
20 and diagnosis of child physical and sexual abuse?

21 A. Yes. There's a multidisciplinary conference every year
22 called APPSC that I have gone to -- I try to go twice a year,
23 and there's South Carolina also does one of those, so it's a
24 40-hour training that they train you in all sorts of things,
25 forensic interviewing, medical diagnosis and treatment, the law

1 enforcement piece, so it kind of tells you the whole circle of
2 knowledge that you need to have to do child abuse cases.

3 Q. Okay. Let's start first with your time as an ER
4 physician. In that time, approximately how many patients did
5 you diagnose and treat? It can be general.

6 A. Well, I saw about 6,000 patients a year.

7 Q. Okay. And in that time did you often see and diagnose
8 and treat children of child sexual, physical and sexual abuse?

9 A. Yes, if it was acute, meaning, if it had just happened,
10 they would come to the emergency department. Otherwise, I
11 would see them at the Children's Recovery Center.

12 Q. Okay. And in your time at the Children's Recovery
13 Center, how many children did you see for the purpose of
14 diagnosing and treating all forms of child maltreatment,
15 including child physical abuse, neglect, and sexual abuse?

16 A. I've seen 8,500 children.

17 Q. 8,500?

18 A. Yes.

19 Q. Have you ever been qualified as an expert in the field
20 of all forms of child maltreatment, including the diagnosis and
21 treatment of neglect, physical and sexual abuse of children in
22 the courts in South Carolina?

23 A. Yes, I have.

24 Q. How many times?

25 A. I'd say approximately 100.

1 Q. How many of those times, if you know, are in General
2 Sessions court, the we're in now?

3 A. Probably 50.

4 Q. Okay.

5 MS. WALLER: Your Honor, at this time the State would
6 offer Dr. Carol Rahter as an expert in the treatment and
7 diagnosis of all forms of child maltreatment, including
8 physical neglect and sexual abuse.

9 THE COURT: Any query with regard to her
10 qualifications?

11 MR. RICHARDSON: No, Your Honor.

12 THE COURT: All right. She is, indeed, qualified in
13 that area. Mr. Foreman, ladies and gentleman of the jury,
14 normally a person cannot give opinion testimony. A lay witness
15 is required to testify as to what they either saw, heard, or
16 sensed by smell, however, there's an exception when someone is
17 qualified because of education or experience. They're
18 permitted to give their opinion in certain areas if the Court
19 qualifies them that way. This witness will be qualified in the
20 area of child abuse, sexual and physical, to give opinions in
21 that area. It does not mean that you must accept the opinion,
22 but as evidence which you are to use in any way you see fit to
23 give the weight and credibility that you believe is
24 appropriate. Yes, ma'am?

25

DIRECT EXAMINATION

1

2 BY MS. WALLER:

3 Q. Dr. Rahter, you told us a few minutes ago that you were
4 one of the original people who set up the Children's Recovery
5 Center. What is the Children's Recovery Center?

6 A. So the Children's Recovery Center is our Child Advocacy
7 Center. We get referrals from DSS and law enforcement for kids
8 that have experienced all types of child maltreatment. So it
9 could be physical abuse, neglect, sexual abuse, exposure to
10 domestic violence, and we do forensic interviews there, and
11 then I do the forensic medical exams.

12 Q. And you touched on it a bit, but just tell the jury a
13 little more. Why did you see a need to have the Children's
14 Recovery Center as a place for kids to go?

15 A. Well, an ER is a very scary place. It's not really fair
16 to evaluate children in the Emergency Department, especially
17 because the majority of times when a child discloses sexual
18 abuse, it's not the day it happened, or the next day, it's many
19 months to years later, so they don't need to be in an emergency
20 room for something that happened six months ago. So they kept
21 bringing in these kids, and I thought, this is just, it's just
22 not the right setting, so we decided that we needed to open a
23 Child Advocacy Center for both Horry County and Georgetown
24 County.

25 Q. And you mentioned that you conduct forensic interviews

1 there, what's the purpose of conducting a forensic interview at
2 the Children's Recovery Center?

3 A. So before we had the Children's Recovery Center kids
4 were asked questions by multiple different people, a nurse in
5 the emergency room, a doctor in the emergency room, a police
6 department, DSS, they were just being interviewed over and over
7 and over again, and it was very traumatizing to them. So now
8 they have one forensic interview that they -- other parties,
9 DSS and law enforcement, can view, either through camera, or we
10 can send the forensic interview to them that they can review so
11 the child doesn't have to keep telling their story over and
12 over.

13 Q. And is the purpose of not having the child repeat the
14 story to multiple different people to avoid re-victimizing the
15 child?

16 A. Correct.

17 Q. Would having the child repeat the story over and over
18 after they already told it traumatize the child?

19 A. Yes.

20 Q. And the Children's Recovery Center, is that a private --
21 is that a state agency, or is that a private nonprofit
22 organization?

23 A. It's a private nonprofit.

24 Q. Okay. In your time at the Children's Recovery Center, I
25 believe you said 85 -- you treated and diagnosed 8,500

1 children?

2 A. Correct.

3 Q. So what's your standard procedure for how you -- I
4 believe you said you conduct medical exam?

5 A. Correct.

6 Q. What's your standard procedure for conducting the
7 medical exam?

8 A. Well, first, before I do the medical exam, I review all
9 the documents that have come with that child. It could be a
10 police report, it could be a DSS report, it could be an
11 affidavit, it could be prior medical records, and then we
12 collect the information from the child or the non-offending
13 parent about any behavioral problems they're having, or any
14 physical problems or symptoms they're having, and their past
15 medical history, their past surgical history, all that
16 information, just like when you go to the doctor, and then I do
17 the medical exam.

18 Q. As part of your diagnosis and treatment, do you discuss
19 what happened to the child with the child?

20 A. Yes.

21 Q. And why is that?

22 A. Because for two reasons, I need to know what happened to
23 the child to know what kind of laboratory test I need to do, it
24 directs me to where there may be injury on the child, and also
25 -- I forget what you asked me about.

1 Q. I was asking about the different reasons that you would
2 have to get a detailed recitation of what happened to the child
3 as it aids in your medical diagnosis and treatment.

4 A. Okay. And also I need to know what happened to the
5 child to know whether or not they're safe to leave the
6 Children's Recovery Center. Sometimes, it happens a few times
7 a year, a child will come in and disclose something to us that
8 was not disclosed prior to coming, and then we realize the
9 person that brought them there is not safe for them to go home
10 with, and so we have to call law enforcement, and they have to
11 come out, take them into emergency protective custody, and so
12 forth, so I need to know who the perpetrator is to ensure the
13 child's safety.

14 Q. Okay. And as a medical -- I'm sorry, a D.O., is it part
15 of your responsibility to make sure that your patients are safe
16 and protected?

17 A. Yes, it is.

18 Q. And you just said that you get a pretty complete
19 interview from the child. If a child has already been
20 interviewed by law enforcement, or DSS, or some other agency,
21 and there is a memorialization of that interview, is there any
22 reason for the Children's Recovery Center to conduct a second
23 interview outside of what you're talking to the children about?

24 A. There is. If the child is 12 or under, that forensic
25 interview is videotaped, and that can sometimes be used in

1 court, so -- and most of the time police officers are not
2 comfortable interviewing small children, so it's important that
3 they get a forensic interview that's videotaped.

4 Q. What about if the child was, say, 14 or 15 or 16, a
5 normal functioning teenage girl?

6 A. If they were able to make a complete disclosure to the
7 police prior to coming to the Children's Recovery Center,
8 sometimes the police say we don't need an interview, we just
9 want the medical exam.

10 Q. And is part of that to avoid re-traumatizing the victim?

11 A. Correct.

12 Q. Did you examine the victim in this case, **Juvenile**,
13 for the purposes of the diagnosis and treatment of child sexual
14 abuse?

15 A. I did.

16 Q. How old was **Juvenile** at the time of that exam?

17 A. Fifteen.

18 Q. And do you recall, was you said that -- you mentioned
19 "acute," was this an acute case of disclosure of child sexual
20 assault?

21 A. No, it was not.

22 Q. How long had passed since she was assaulted before she
23 told and showed up for her interview?

24 A. Three years.

25 Q. So let's start with, how did you conduct her exam?

1 A. So I talked to her first in the exam room and asked her
2 questions about if anybody had ever touched her, and so forth,
3 and then we do a head-to-toe exam. I get their vital signs, I
4 look at their, you know, ears, nose and throat, listen to their
5 lungs, their heart, palpate their abdomen, and the last part of
6 the exam is the genital exam, which I do with a colposcope,
7 which is kind of like a microscope that's hooked to a TV, so it
8 magnifies everything up to 15 times, so we do that at the very
9 end of the exam.

10 Q. Okay. And why would it be important to look at a
11 child's genital area?

12 A. Because sometimes there can be injuries down there,
13 sometimes there can be infections down there, so a complete
14 head-to-toe exam includes the genital exam.

15 Q. So in your practice in treating more than 8,500
16 children, how often do you find a physical injury to a child's
17 genitalia if they immediately report an assault, a sexual
18 assault?

19 A. So if you do an exam within 72 hours of a child being
20 sexually abused, only 15 percent of those cases will you find
21 any abnormalities. If it's been more than 72 hours, less than
22 five percent of cases will you have any abnormalities, because
23 that tissue heals really rapidly and most kids don't disclose
24 right away, so the majority of the exams we do are normal.

25 Q. And in the case of **Juvenile**, what was the result

1 of her exam?

2 A. She had a normal physical exam.

3 Q. Would you expect that as a physician?

4 A. Yes.

5 Q. If she had had an injury when the assault occurred,
6 would you expect to see evidence of that injury two years
7 later?

8 A. No.

9 Q. And why not?

10 A. Because that tissue heals very rapidly. It's kind of
11 like the inside of your cheek, we've all bit the inside of our
12 cheek and you get that ridge and it hurts really bad. Three
13 days later there's nothing there, you can't feel it, it doesn't
14 hurt. That tissue is mucosal tissue, just like the hymen is
15 mucosal tissue. So even if there is a laceration there, or a
16 transection there, it normally will heal within 72 hours.

17 Q. Okay. You talked about abnormalities and that 15
18 percent of people -- of kids who report immediately have an
19 abnormality or an injury. Describe to me what kind of injuries
20 that would be.

21 A. So most of the time it's just a little bruising or
22 broken of the tiki eyes, like a little broken blood vessel,
23 sometimes there can be small tears, there can be some bleeding
24 and so forth, but the majority of the time it's something
25 that's just that you see -- if you see them within 72 hours,

1 the majority of the time it's not a big tear, it's like a
2 bruise or a little broken blood vessel.

3 Q. Okay. You mentioned the word "hymen." Let's talk about
4 hymens, because I think there are -- would you agree there's a
5 lot of misconceptions about hymens out in the world?

6 A. Yes.

7 Q. Okay.

8 A. So the hymen is mucosal tissue that is kind of the
9 vestibule of going into the vagina. So if your vagina is here,
10 the hymen sits a little bit recessed in here, so it's like the
11 opening to the vagina. Hymens can get injured, hymens do get
12 injured sometimes with sexual abuse and sometimes with
13 consensual sex, but there's a misconception out there that
14 every time somebody has sex for the first time that they bleed,
15 that they get a tear in their hymen, that's absolutely not
16 true. There's 80-year-old women out there that still have
17 remnants of their hymen. It doesn't just, poof, go away the
18 first time you have sex, but a lot of people think that, it's
19 just not the case, so all women in your hip still have some
20 hymen.

21 Q. What about, do you sometimes treat young girls who've
22 been assaulted and give birth?

23 A. I have.

24 Q. And what about them? Can they still have a hymen or --

25 A. They do still have a hymen, and actually, I just saw a

1 child two weeks ago who had given birth, and she had a totally
2 normal hymen, no transections, no lacerations, completely
3 normal.

4 Q. So can you look at a young woman, or even an older
5 woman, it sounds like, vagina and tell whether or not she's
6 ever been penetrated?

7 A. No.

8 Q. So normal is normal?

9 A. It is normal to be normal, that's what we say in the
10 child sexual abuse world.

11 Q. So is part of your purpose in examining a child who's
12 been sexually assaulted to let them know that?

13 A. It is the most important part of doing an exam on a
14 child is to reassure them that when you walk down the hall
15 somebody's not going to know that you've been sexually abused,
16 everything looks totally normal down there. So it's more of a
17 health maintenance thing to make them realize that they're not
18 damaged goods, and to make sure that, of course, they don't
19 have any infections that need to be treated, and so forth.

20 Q. And I believe you already answered this, but I just want
21 to be certain. When you examined **Juvenile** more than two
22 years later, her exam was normal?

23 A. Completely normal.

24 Q. Completely normal. Okay. In your experience in the
25 diagnosis and treatment of child sexual assault, is it common

1 for children to tell immediately?

2 A. It is very uncommon for children to tell immediately.
3 Usually -- children are oftentimes in a loving relationship
4 with their perpetrator, and so they don't tell immediately.
5 They tell when they finally feel safe, or they tell when they
6 finally feel a little bit more empowered, so it's very rare for
7 us to have a child who says that they were sexually abused,
8 immediately disclose that. What is common is if it's a
9 stranger abuser, somebody they don't know, those children more
10 commonly tell immediately.

11 Q. What about, is it in your experience with victims of
12 child sexual assault, are children physically forced to comply
13 with sexual assault?

14 A. Most commonly, no. There's usually a grooming period,
15 and they're in a relationship with the person, and so --
16 they're not tied up. It's very rare that there's any physical
17 assault that occurs. They're compliant with the abuser.

18 Q. And when you say "grooming," what do you mean by that
19 term?

20 A. Grooming can be lots of different things. A lot of our
21 perpetrators show pornography to children to make them
22 comfortable before they start actually touching them. They can
23 do, you know, give them special attention, buy them toys, give
24 them money. Grooming is a process to make the child
25 comfortable so then they can start perpetrating the child.

1 Q. So could that be starting out with touching and
2 progressing to more, I would say worse sex acts?

3 A. Yes. So oftentimes perpetrators will start with
4 touching that is not painful, and then it advances to things
5 that are painful.

6 Q. And I know that you said that what happened and who the
7 perpetrator was is relevant to your diagnosis and treatment of
8 child sexual assault. Did you speak -- did **Juvenile** actually
9 tell you what happened to her?

10 A. Yes, she did.

11 Q. What did she say happened to her?

12 A. She told me that when she was 12 years old, her father
13 had put his fingers in her vagina and it was very painful. She
14 stated he told her not to tell anybody. She says in October of
15 2020 he put a condom on and placed his penis in her vagina and
16 it was painful. She denied that it burned when she urinated
17 afterwards. She states she told her best friend, Heaven, and
18 recently decided to tell her mother.

19 Q. Thank you.

20 MS. WALLER: Court's indulgence for a moment.

21 Q. You just said that in your, I think you were reviewing
22 your chart to refresh your recollection that **Juvenile** disclosed
23 to her friend. Is it more common or less common for a child
24 victim of sexual assault to disclose to a friend rather than an
25 adult?

1 MR. RICHARDSON: Your Honor, I think at this point
2 they're getting really close on the Bacon Cromer (ph) and all
3 those decisions.

4 THE COURT: I'll sustain the objection.

5 MS. WALLER: Dr. Rahter, thank you for answering my
6 questions. Please answer any questions Mr. Richardson has.

7 THE COURT: Cross-examination?

8 MR. RICHARDSON: Thank you, Your Honor. Don't worry,
9 I'm not carrying the podium up there today.

10 THE WITNESS: I'm sorry, what?

11 MR. RICHARDSON: Nothing, it wasn't to you, Doctor,
12 I'm sorry.

13 **CROSS-EXAMINATION**

14 BY MR. RICHARDSON:

15 Q. Dr. Rahter, how long have you been practicing medicine?

16 A. Since 1990.

17 Q. Okay. And the Children's Recovery Center, when did you
18 guys start that?

19 A. Oh, I think this is the 31st year.

20 Q. Okay. I'm not even going to try to do the math. So
21 shortly after you -- to Conway, you all started that, correct?

22 A. Right. I think it was 1993 or '94.

23 Q. It was a while back.

24 A. Uh-huh.

25 Q. Do you all have anyone at the Children's Recovery Center

1 that specializes as a OB/GYN, a Gynecologist?

2 A. No.

3 Q. Okay. And I think you went over how you conducted the
4 forensic medical exam with a, and I'm sorry if I pronounce it
5 wrong --

6 A. Colposcope.

7 Q. Colposcope. Okay. I think when I tried to Google it,
8 didn't put the "P" in there, but that's so you can inspect
9 everything in the sexual organs, right?

10 A. The external genitalia, but I also use it for, because
11 it's got such a great light source and magnification, I use it
12 like if there's a concerning mole on a child, or concerning
13 scar, so I use it for other things besides just the genital
14 exam.

15 Q. And I get it using better light, as I get older I need
16 that, but you used that to examine **Juvenile**, correct?

17 A. I did.

18 Q. Okay. And now I know you've testified that it was a
19 normal finding?

20 A. Correct.

21 Q. Okay. You found absolutely no physical signs of sexual
22 trauma or damage, correct?

23 A. Correct.

24 Q. And I believe whenever you were talking to Ms. Waller,
25 you said if it's within 72 hours of sexual abuse cases, I think

1 you said 85 percent of cases you don't see anything?

2 A. I'm sorry, repeat that. If it's less than --

3 Q. If a report of sexual abuse and you see a child within
4 72 hours, you said 15 percent of the time you do find trauma,
5 so I'm guessing it's 85 --

6 A. Less than 15 percent of the time don't find anything
7 abnormal.

8 Q. Okay. But in those sex abuse cases those would include
9 cases where there is just groping or oral sex or fondling, not
10 just instances where there's penetration, correct?

11 A. It could be fondling, it could be penetration. I
12 wouldn't expect to find something abnormal in -- if it was just
13 oral sex.

14 Q. But I'm saying those reported sex abuse cases, you don't
15 know, out of that 85 percent where nothing was found, you don't
16 know what the specific allegations are, that's just --

17 A. Correct.

18 Q. -- a study? Okay. And studies are only as good as
19 whoever's conducting the study, correct?

20 A. Correct.

21 Q. Okay. Now, Ms. Waller went through, and I think you
22 gave a pretty good description of the hymen, and I don't think
23 we need to get into the crude slang term for it, but you said
24 it's a mucosal?

25 A. Mucosal tissue.

1 Q. Okay. And when you say 80-year-old women that still
2 have their hymen, are you talking about vestiges of their
3 hymen, still some trace --

4 A. Remnants.

5 Q. Remnants. Okay. All right. And so you're not talking
6 about 80-year-old women, everybody still has a fully intact, no
7 damage whatsoever hymen?

8 A. Correct. They have remnants that you can find.

9 Q. Okay. And you said it could be damaged with something
10 as simple as, or transected damage, whatever, something as
11 simple as an accident?

12 A. The only way it would be transected by an accident is if
13 somebody, a child impaled themselves on an object.

14 Q. Okay. All right. Could they damage it, say for
15 instance, if they're riding a bike and they fall down on the,
16 whatever the cross piece is called?

17 A. No, that doesn't -- the hymen is recessed in the vagina,
18 so the exterior genital, or the labia majora and labia minora,
19 which are like the tissue outside, outside of the hymen. So if
20 you fall on a bike you get a straddle injury, you get an injury
21 to the labia, it doesn't injure the hymen unless something
22 penetrates the hymen.

23 Q. Okay. All right. And the more time something would be
24 penetrated, would you expect to see more -- more chances for
25 damage of some sort to the hymen?

1 A. People that are sexually active, yes, have much more
2 injury to the hymen, or eroding of the hymen, so even though
3 there's an 80-year-old woman, you can find remnants of hymen,
4 it has over the years changed.

5 Q. So if I understand, the more activity, the more
6 penetration, you would expect to see more, potentially more
7 damage or something, correct?

8 A. Correct, not necessarily damage, but eroding of that
9 tissue.

10 Q. Okay. And you saw no erosion in this case, correct?

11 A. Absolutely, not.

12 Q. Okay. And the penetration, that would be whether it's
13 digital or with an object or a penis, correct?

14 A. Correct.

15 Q. And you talked about grooming behaviors. You've been
16 doing this a long time?

17 A. Yes, I have.

18 Q. Okay, so as I understand, your testimony, if I
19 understand, grooming behaviors, they keep escalating, correct?

20 A. Well, grooming -- the grooming behavior is to make the
21 child comfortable for what is to come, so it's not really like
22 the grooming escalates, it's kind of a whole process.
23 There's -- the grooming is to make them comfortable, and then
24 there's the introduction of the actual sexual abuse.

25 Q. Okay. And again, you found no damage, whatsoever, to

1 the labia majora, labia minora?

2 A. Correct.

3 Q. No damage -- no -- the hymen is annular and
4 estrogenized, there's no evidence of any transections?

5 A. That's correct.

6 Q. And no scarring on the posterior fourchette? Is it
7 fourchette?

8 A. Correct, fourchette.

9 Q. Okay. Can't ever know how to pronounce that.
10 Fourchette, that's the area between the bottom of the vagina
11 and before you get to the anus; is that correct?

12 A. It's between the area of the back of the vagina and the
13 anus.

14 Q. I'm very thankful for Google. I had to look that stuff
15 up, but you saw no damage, whatsoever, correct?

16 A. No, as would be expected three years later.

17 Q. Okay. Now, if you would have seen damage there, would
18 you have said that was significant?

19 A. It depends on what kind of damage I saw. I mean, if
20 there was an obvious laceration there, that would be diagnostic
21 of sexual abuse. If there was a scar from a laceration that
22 had healed, that would be significant for sexual abuse. If
23 there was bruising, that would be significant for an acute
24 sexual assault.

25 Q. When you're saying "scarring," scarring occurs after

1 something is healed?

2 A. Correct.

3 Q. Okay. And the scarring is just where it doesn't knit
4 perfectly back?

5 A. Right, you'd end up with a little notch where it didn't
6 completely come back together.

7 Q. And you saw none of that?

8 A. No, I did not.

9 Q. Okay.

10 MR. RICHARDSON: Court's indulgence.

11 Q. Ms. Waller asked you about forensic interviews?

12 A. Correct.

13 Q. Okay. And the Children's Recovery Center, you actually
14 have trained forensic interviewers there, correct?

15 A. We do.

16 Q. You were one yourself for a while?

17 A. I was.

18 Q. I think you were just doing medical exams when I first
19 met you, but most of the staff at the Children's Recovery
20 Center, in my experience, you have a lot of female staff?

21 A. Yes, we have all female staff.

22 Q. And they're trained in conducting these forensic
23 interviews, correct?

24 A. Correct.

25 Q. Can you give an average time on how long a typical

1 forensic interview is?

2 A. It all depends on the developmental level of the child.
3 I mean, a three year old is not going to be in any forensic
4 interview as much as a 10 year old, so you just, a forensic
5 interview, you work with the child on their developmental
6 level.

7 Q. Okay.

8 A. So, and you also, you know, you ask very open-ended
9 questions, and then you go in a direction of their answers to
10 those questions, so depends on how much they're willing to talk
11 on how long the interview actually lasts.

12 Q. Okay. And when you conduct a forensic interview, it is
13 just -- or when someone at CRC conducts a forensic interview,
14 it's just the child and the interviewer in there, correct?

15 A. That's correct.

16 Q. I mean you can watch from -- I know when you were over
17 here in Conway I think there was a one-way mirror.

18 A. Right. Well, now it's much more sophisticated.

19 Q. Oh, well, yes, they still had VHS tapes whenever I was
20 doing that.

21 A. That's right.

22 Q. But they can be observed, but the child doesn't
23 necessarily know anybody's out there observing?

24 A. The child's always told that there's a camera in the
25 room and a microphone to record the information, and yes, the

1 child does not know whether or not somebody's actually watching
2 it live. Most of the time somebody is not watching it live.
3 We send the forensic interview to the referring person.

4 Q. Okay. And you actually get a consent form signed
5 whenever someone's going to do both the medical exam and the
6 forensic interview, correct?

7 A. Yes.

8 Q. And do you know if **Juvenile**'s mother signed off on
9 a consent form for a forensic interview in this case?

10 A. I can tell you. Of course, if Kelly was here, she'd go
11 right to it. Yes, Kimberly Sanchez signed off on the consent.

12 Q. And on that consent it says: Team members are watching
13 to make sure the interviewer asks questions properly. This
14 interview is audio and video recorded. Correct?

15 A. I don't know which one you're looking at.

16 Q. I'm looking at just one that says, Children's Recovery
17 Center Consent Form.

18 A. The SCARMS? Oh, that's a different one, there's
19 several.

20 Q. Sorry about that.

21 A. There's several.

22 Q. I didn't direct you, I know there's a lot of paperwork.

23 A. This for the SCARMS.

24 Q. I actually think that's about two pages.

25 A. I don't -- I can't find that one in here so I can look

1 at yours.

2 Q. Yes, ma'am, I'm just trying to flip to it, too. Like I
3 said, y'all had a lot of paperwork.

4 A. Oh, I think I found it. Okay, I found it.

5 Q. Oh, okay.

6 A. It's kind of redundant for the SCARMS consent form,
7 but --

8 Q. Yes, ma'am.

9 A. So you were asking about this interview is audio and
10 video recorded?

11 Q. I'm just saying that on the consent form it states that
12 it will be recorded?

13 A. Yes.

14 Q. And that's if there's an interview, correct?

15 A. Correct.

16 Q. Okay. And so Kimberly Sanchez, the mother of **Juvenile**
17 **██████████** did sign off on permission to do a forensic interview,
18 correct?

19 A. Correct.

20 Q. Okay. And in your forms, when you get a referral in --

21 A. Actually, she signed, not applicable for the interview.
22 She did not sign off on that.

23 Q. Oh, that's not it, okay, that's my bad then. Okay.

24 A. She signed off on the medical exam.

25 Q. Okay. When you get a referral in, I'm looking at the

1 Children's Recovery Center referral form.

2 A. Yes.

3 Q. Okay.

4 A. Yes.

5 Q. In looking at that, do you recall that this case was
6 referred to you by Detective Paul Johnson?

7 A. Correct.

8 Q. And I believe it's two pages in length?

9 A. Yes.

10 Q. Okay. And very last line on that: I spoke with the
11 child's mother who will be bringing her in for the interview.

12 A. Yes.

13 Q. Now, the purpose of having just the interview on the
14 child in there is to make sure the interview comes out in the
15 child's own words, correct?

16 A. Do you mean the forensic interview?

17 Q. If there's a forensic interview, the purpose of that, I
18 apologize.

19 A. Yeah. The forensic interview is performed with
20 open-ended questions, not leading questions, and then as the
21 child discloses what happened, then it becomes more specific
22 questions.

23 Q. And in a forensic interview, you're trying to -- with
24 open-end questions, and then the pointed questions, trying to
25 assess whether these allegations happened or didn't happen --

1 MS. WALLER: Objection. That's not the purpose of a
2 forensic interview.

3 MR. RICHARDSON: I read it directly from a case law
4 where they discussed it, Your Honor.

5 THE COURT: He can ask the question. Go ahead.

6 Q. Is that one of the purposes of the interview?

7 A. Ask me again.

8 Q. Is one of the purposes of a forensic interview to find
9 out or assess whether something happened or didn't?

10 A. A forensic interview is not to determine the credibility
11 of the child.

12 Q. Yes, ma'am.

13 A. It's to determine what the child discloses occurred to
14 them.

15 Q. Okay. Is there any portion of a forensic interview
16 where you're trying to determine whether or not someone's been
17 coached or urged or anything?

18 A. That's not really part of a forensic interview.

19 Q. Okay. And there was just a decision to not do a
20 forensic interview, correct?

21 A. I believe that was the police department's decision,
22 that they did not feel they needed a forensic interview.

23 Q. In all of this, when **Juvenile** met at the Children's
24 Recovery Center, that was on July 15, 2022?

25 A. That's correct.

1 MR. RICHARDSON: Dr. Rahter, thank you for your time.
2 Hope you feel better.

3 THE WITNESS: Thanks.

4 THE COURT: Any redirect?

5 MS. WALLER: Briefly, Your Honor.

6 **REDIRECT EXAMINATION**

7 BY MS. WALLER:

8 Q. Dr. Rahter, we'll start with interviews and get back --
9 so is it common practice in your experience as a doctor to get
10 consents from patients for treatment?

11 A. Well, you get a verbal consent to actually do their
12 exam, but they the legal representative gives the consent if
13 they're under 18 years of age.

14 Q. And is it a legal requirement to get consent for medical
15 treatment?

16 A. Yes, it is.

17 Q. Does the Children's Recovery Center have to comply with
18 HIPAA?

19 A. Yes.

20 Q. Do you often file paperwork for Medicaid for children to
21 get coverage?

22 A. I'm sorry, I didn't?

23 Q. Do you often file paperwork for children's treatment to
24 be covered by Medicaid?

25 A. Yes, we file Medicaid, and we also bill SCARMS if they

1 have Medicaid.

2 Q. And do those kinds of HIPAA requirements and Medicaid
3 requirements require you to get signed consent forms for a
4 patient?

5 A. Yes.

6 Q. I believe Mr. Richardson asked you to locate a document
7 that you eventually found asking if **Juvenile** 's mother
8 signed for consent.

9 A. She did.

10 Q. She did. But you said, I believe it says "NA" on the
11 form, so what does that mean to you?

12 A. She didn't sign consent for a forensic interview because
13 we were not doing a forensic interview.

14 Q. Okay.

15 A. So it said not -- "NA" is not applicable. She didn't
16 put her initials there.

17 Q. Okay. So she actually did not consent to a forensic
18 interview?

19 A. Correct.

20 Q. Again, you talked about, you actually set up the
21 Children's Recovery Center; is that correct?

22 A. Yes.

23 Q. So you told me earlier that part of the reason that you
24 don't re-interview victims is so not to re-traumatize them?

25 A. That's correct.

1 Q. In this case, are you aware of whether or not **Juvenile**
2 **[REDACTED]** gave a statement before she got to the Children's
3 Recovery Center?

4 A. I know she did because I reviewed it before I saw her.

5 Q. So you actually read her written statement?

6 A. Correct.

7 Q. And when you read it, did you know what happened to her?

8 A. Yes.

9 Q. When you talked to her about what happened to her did
10 she tell you essentially the same thing?

11 A. Yes.

12 Q. And what did she tell you again?

13 A. That when she was 12 years of age her father put his
14 fingers in her vagina and it was painful. She says that he
15 told her not to tell anybody. She said in October of 2020 he
16 put a condom on his penis and put it in her vagina and it was
17 painful, and she denied that she had any burning with urination
18 afterwards, or dysuria.

19 Q. And you just said you read her statement to the police.
20 Is that consistent? Did she say the same thing?

21 A. She said the same thing, but she also said that he would
22 place her hand on his penis, in her statement.

23 Q. Okay. And she didn't talk you about that?

24 A. No.

25 Q. So her statement to the police was actually more

1 detailed than what she told you?

2 A. Correct.

3 Q. All right. Let's go back to talking about hymens again.

4 A. Okay.

5 Q. You said when you were talking to Mr. Richardson that

6 **Juvenile**, that one of your findings was her hymen was

7 estrogenized?

8 A. Correct.

9 Q. Please tell the jury what that means.

10 A. So there's different shapes of hymens, her's was
11 annular, meaning it goes all the way around. Sometimes we see
12 kids that have crescentic hymens, so they only go like a half
13 moon, but in her case, when children are young, before they
14 have puberty, they don't have estrogen down in that area, so
15 it's almost like translucent, you can see through the hymen.
16 As they start getting ready to have puberty, they start getting
17 estrogen in their body, and so that hymen becomes kind of
18 stretchy and thicker and easier to move around. I always
19 describe it as like a scrunchie you put in your hair, so
20 sometimes it's, you know, if you stretch out that scrunchie,
21 it's a perfect circle, and then when you let it go, it kind of
22 folds on itself. Well, that doesn't happen until you have
23 estrogen in your hymen, estrogen in your body causes those
24 changes in your hymen.

25 Q. Okay. And you said that you specifically saw that

1 **Juvenile** 's hymen was estrogenized?

2 A. Correct.

3 Q. So if someone has an estrogenized hymen, I think you
4 just said it's stretchy. Is that okay to say, it's stretchy?

5 A. Yes.

6 Q. Would you expect someone with a stretchy hymen to be
7 more or less likely to have a penetrating injury?

8 A. Well, I mean, the whole idea of estrogen as we develop,
9 is to make you ready to be able to have intercourse. It makes
10 it stretchy and more pliable without injury. Obviously, if you
11 penetrate somebody who does not have estrogen, it's going to
12 tear more easily.

13 Q. And if someone, let's say someone did have a penetrating
14 injury, **Juvenile**, back when she was 12, even though she had an
15 estrogenized hymen, would you always still see a scar when you
16 examined her two years later?

17 A. No.

18 Q. Is it more or less likely, or can you offer an opinion
19 on how likely it is to have a scar from having a transection?

20 A. Less than five percent of kids have any injury if seen
21 after 72 hours, and it is normal to be normal. Most of the
22 exams are normal at the Children's Recovery Center.

23 Q. So it's normal to be normal?

24 A. It's normal to be normal.

25 Q. Even if you've been sexually assaulted?

1 A. Correct.

2 Q. So, you know, people hear that in some cultures they
3 look to see if women are intact. Is that an actual way that
4 you can tell if someone has been penetrated?

5 A. No, that's just one of those myths about checking girls
6 to find out whether or not they're sexually active. You cannot
7 tell that.

8 MS. WALLER: Okay. No further questions, Your Honor.

9 THE COURT: All right. You may step down and you're
10 free to leave.

11 THE WITNESS: Thank you.

12 THE COURT: You may call your next witness.

13 MR. MARTIN: Your Honor, the State rests.

14 THE COURT: Mr. Foreman, ladies and gentlemen, the
15 jury, at this juncture we are required to take up matters of
16 law outside of your presence. I'm going to ask that you return
17 to the jury room, but do not discuss the case.

18 **(Jury exited the courtroom at this time)**

19 THE COURT: I'm happy to take any motions at this
20 time.

21 MR. RICHARDSON: Your Honor, it is incumbent of me to
22 move for a directed verdict at this time, however, I do
23 understand that there has been testimony from the victim, and
24 that's all that is actually needed.

25 THE COURT: I'm glad to hear from the State.

1 MR. MARTIN: Thank you, Your Honor. The State's
2 position is there is sufficient evidence to move forward at
3 this point. Testimony has been very clear based off of the
4 victim's own assertions of what happened, which, as your Honor
5 knows, is enough. We have the defendant's statement, as well
6 as the testimony from other witnesses, and we believe that any
7 motion for directed verdict at this point should be denied.

8 THE COURT: I do deny the motion for directed
9 verdict. It is, indeed, a question of fact for the jury. I'm
10 going to ask Mr. Moreno if you could stand, please. Mr.
11 Moreno, I'm going to explain to you certain of your rights. If
12 you do not understand what I say, please let me know and I'll
13 be happy to explain it to you.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Does that sound fair?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: We have now reached the stage in the
18 trial where you may present your defense. You have the right
19 to claim the protections given to you by the Fifth Amendment to
20 the Constitution of the United States, which provides a
21 relevant part. No person shall be compelled in any criminal
22 case to be a witness against himself. This means that you
23 cannot be required to testify in this case. You have the right
24 to testify on your own behalf, however, no one can make you
25 testify. This is a personal right. No one can waive this

1 right except you. If you decide to testify, you may be subject
2 to the same rules that govern other witnesses. You may be
3 examined and cross-examined as to any relevant matter or issue
4 in this case. In addition, if you have any convictions
5 involving dishonesty or false statements or crimes punishable
6 by imprisonment for more than one year, this Court determines
7 that the probative value of admitting this evidence outweighs
8 its prejudicial effect. The solicitor will be able to
9 introduce your record to attack your credibility. If you
10 decide to testify this decision on your part must be freely,
11 voluntarily and intelligently made with the knowledge of the
12 protection given to you by the Fifth Amendment and the
13 consequences of your decision to testify. If you decide not to
14 testify, I will instruct the jurors that they cannot give the
15 fact that you did not testify any consideration, whatsoever,
16 and that there is to be absolutely no prejudice to you because
17 of the fact that you did not testify. It is left entirely up
18 to you whether or not to testify. You may talk to your lawyer,
19 you may talk to family members, you may talk to friends, or
20 anyone else, but the final decision will be left entirely up to
21 you. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Have you understood
24 everything that I've explained to you --

25 THE DEFENDANT: Yeah.

1 THE COURT: -- that I've explained to you?

2 THE DEFENDANT: Yes, sir, Your Honor.

3 THE COURT: All right. Do you have any questions
4 with regard to these matters?

5 THE DEFENDANT: No, sir.

6 THE COURT: Have you discussed these matters about
7 your testifying with your lawyer?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have you understood all your
10 conversations with him?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And what is your decision?

13 THE DEFENDANT: Not to testify.

14 THE COURT: Very good. Thank you. Anything further
15 from defense?

16 MR. RICHARDSON: No, sir, Your Honor.

17 THE COURT: All right. Very good. You may be
18 seated.

19 THE DEFENDANT: Thank you, sir.

20 MR. RICHARDSON: Your Honor, before we bring the jury
21 back in, my first witness will be Leyra Farinas. I did speak
22 with Mercedes earlier today, she's going to be in another
23 court, so I just want, if I can have sufficient time.

24 THE COURT: Say that again.

25 MR. RICHARDSON: My first witness will be one we're

1 using the interpreter with.

2 THE COURT: Oh, okay, I got you. Okay. Very good.

3 MR. RICHARDSON: Mercedes was juggling back and forth
4 between courts, so.

5 THE COURT: Well, we'll take about a five-minute
6 recess, and let's see if we can round her up.

7 MR. RICHARDSON: Yes, sir, Your Honor.

8 THE COURT: We'll stand at ease for five minutes.

9 **(Recess taken)**

10 THE COURT: Anything from the State before we
11 proceed?

12 MR. MARTIN: No, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. RICHARDSON: No, Your Honor. We're ready to
15 proceed. I do have my witness here along with my interpreter.

16 THE COURT: Very good. You may bring the jury in.
17 With regards to the interpreter, let's speak slowly and in
18 short sentences so that we can interpret.

19 MR. RICHARDSON: Yes, sir, Your Honor. Your Honor,
20 where would you like the interpreter sitting?

21 THE COURT: I think that would probably be good.
22 Hang on just one second.

23 **(Jury entered the courtroom at this time)**

24 THE COURT: The State has completed their
25 presentation of evidence, and now it's the defense's

1 opportunity to present any evidence and testimony on their
2 behalf. The first witness is going to require an interpreter,
3 and I'm going to ask the interpreter to come forward and place
4 your left hand on the Bible and raise your right as the Clerk
5 administers the oath. Place your left hand on the Bible and
6 raise your right.

7 **(Interpreter was sworn at this time)**

8 THE COURT: You may call your first witness.

9 MR. RICHARDSON: Defense calls Leyra Farinas.

10 THE COURT: Yes, ma'am, if you could please come
11 forward, approach the clerk, place your left hand on the Bible
12 and raise your right.

13 **LEYRA FARINAS WAS DULY SWORN AT THIS TIME AND**
14 **TESTIFIED AS FOLLOWS:**

15 THE WITNESS: Yes, I promise.

16 THE CLERK: Thank you.

17 THE COURT: I'm going to ask you to have a seat in
18 the witness chair, pull up real close to that microphone, speak
19 loudly, clearly and slowly in order that we can hear everything
20 that you have to say. Let's start with your full name, please,
21 ma'am.

22 THE WITNESS: Leyra Farinas.

23 THE COURT: And spell that last name.

24 THE WITNESS: F-a-r-i-n-a-s.

25 THE COURT: Mr. Richardson, you recognize.

1 MR. RICHARDSON: Thank you.

2 **DIRECT EXAMINATION**

3 BY MR. RICHARDSON:

4 Q. Ms. Farinas, you do speak English, but it's not your
5 native language, correct?

6 A. Correct.

7 Q. And so it's best to have an interpreter here today,
8 correct?

9 A. Correct.

10 Q. Could you please tell us a little bit about yourself,
11 where you were born, what you do for a living, that kind of
12 stuff?

13 A. I was born Honduras, Central America. I have my own
14 business, painting, my own painting business. I've moved here
15 in 1999, since 1999.

16 Q. And you said you were born in Honduras?

17 A. Correct.

18 Q. But you moved here in 1999?

19 A. Correct.

20 Q. What is your citizenship status right now?

21 A. I'm an American citizen since 2007.

22 Q. And previously, I believe you were married?

23 A. Correct.

24 Q. When did you separate from your ex-husband?

25 A. I got divorced in 2016.

1 Q. You have children, could you tell us their names and how
2 old they are?

3 A. Yes, I have two. I have my daughter, Nicolle Farinas,
4 she's 22 years old, and I've got my son, Ricardo, he's 27 years
5 old.

6 Q. Now, in addition to your painting company, are there any
7 other ways you make money?

8 A. Yes. I have some real estate that I rent.

9 Q. Okay, so rental properties?

10 A. Yes, correct.

11 Q. And where do you reside, what's the address?

12 A. I live exactly at [REDACTED].

13 Q. Over in the Socastee area?

14 A. Correct.

15 Q. And that's a three bedroom, two bath house?

16 A. Correct.

17 **(Defendant's Exhibit No. 18 was marked for identification)**

18 Q. Ms. Farinas, I'm going to hand to you what has been
19 marked as Defense Exhibit 18 to see if you recognize.

20 A. Of course I do, that's my house where I live.

21 Q. Okay. So there is no doubt about it, that's your house?

22 A. No.

23 **(Defendant's Exhibit No. 19 was marked for identification)**

24 Q. Now I'm going to hand you a copy of what's been marked
25 as Defense Exhibit 19. Do you recognize that?

1 A. Yes, correct, that's the diagram of my house.

2 Q. And I know that it's not done to scale, but does it
3 fairly and accurately show the layout of your house?

4 A. Yes, correct.

5 Q. And does it fairly and accurately show how your house,
6 the layout of your house since you've owned it?

7 A. Yes, I built my own home, and yes, that's correct.

8 MR. RICHARDSON: Your Honor, I'd seek to introduce
9 Defendant's 18 and 19 in at this point.

10 THE COURT: Any objection?

11 MR. MARTIN: No, Judge.

12 THE COURT: It's into evidence without objection.

13 Q. Now, from our prior discussions, you have a fiancé?

14 A. Yes, correct.

15 Q. And who is that?

16 A. It is Rodolfo Moreno, and I call him Rudy.

17 Q. Do you see him in the courtroom today?

18 A. Yes, I see him clearly, he's sitting there.

19 Q. When did you and Mr. Moreno become engaged?

20 A. Well, we met in April 18, 2018, and then we got engaged
21 some months after.

22 Q. Tell us about how y'all met.

23 MR. RICHARDSON: We need a moment for the interpreter
24 to catch up.

25 A. Yes, we met him in a party. It was actually a marriage

1 of some friends, and I set aside some tables for my friends to
2 sit. And one of his friends arrived, and there were like 20
3 seats, and the friend asked, can we sit there, and I told them,
4 yes.

5 THE COURT: Let's pause for a moment.

6 A. The person who asked me to sit wasn't my friend, it was
7 actually his friend. So because it was empty, he sit there.
8 Everybody in the party, like, kind of knew each other, so when
9 Rodolfo had stepped to the restroom, the other friend that was
10 sitting at our table recognized him and said, hey, you're
11 Rodolfo, and then, yes, and they start talking.

12 THE COURT: Very good.

13 A. And actually, the friend, he was my friend who knew him,
14 they had served, both of them, at church as an altar boy and
15 altar girl, so he said, oh, you're Alfonso.

16 THE INTERPRETOR: Did you say, Alfonso?

17 THE WITNESS: Rodolfo.

18 THE INTERPRETOR: Rodolfo, I'm sorry.

19 A. Oh, you're Rodolfo. Do you remember, we used to be
20 alter boys together at church? And then that's how -- she was
21 my friend, and that's how we started to talk.

22 Q. Okay. So you started talking in April of 2018?

23 A. Correct.

24 Q. When did you go on your first date?

25 A. Like two months after.

1 Q. Okay. So that would have been June?

2 A. More or less in June.

3 Q. And you stated earlier that y'all got engaged just a few
4 months later, August?

5 A. Correct.

6 Q. And while you all were dating, did you have the
7 opportunity to meet Rudy's children, Alex and **Juvenile**?

8 A. Yes. The first day that I met him, he was with the
9 children, and I met them the same day.

10 Q. So at this point when you all were dating and first got
11 engaged, you were living at your Forestbrook house?

12 A. Correct.

13 Q. Where was Mr. Moreno living?

14 A. He used to live at Bethel Drive in Conway.

15 Q. Now, it sounds kind of like a whirlwind romance to
16 engagement. It sounds like a very quick dating period to
17 engagement.

18 A. Yes, we are adults, and I have been previously married,
19 so, yes.

20 Q. Now, you stated that Rudy was living in Conway on Bethel
21 Road, correct?

22 A. Correct.

23 Q. Did there ever come a time when you moved out of your
24 home?

25 A. Yes, there was a time.

1 Q. And where did you move to, even temporarily?

2 A. I moved to Rudy's house.

3 Q. Tell us what caused you to move into Rudy's house.

4 A. Well, I think it was during Hurricane Florence. My
5 house is close to the river, and they wanted to advise that the
6 river can -- the water can be high, so that's why I decided to
7 move to Rudy's house.

8 Q. That was hurricane Florence?

9 A. I think so, if I'm not mistaken, I think Florence was
10 here in 2018.

11 Q. The hurricane in 2018?

12 A. Correct.

13 Q. And how long did you stay at Rudy's house?

14 A. More or less, like a week.

15 Q. So if Hurricane Florence came mid-September, you and
16 Rudy have been dating and are now engaged. Had you spent time
17 with his children?

18 A. Correct.

19 Q. And again, how long did you stay at Rudy's house?

20 A. Like a week, more or less.

21 Q. Who else moved into Rudy's house at that time?

22 A. It was, like, his children, **Juvenile** and Alex, and then,
23 Nicolle, mine, she move with us, too.

24 Q. Okay. Kind of crowded?

25 A. Little bit.

1 Q. And I think you said Nikki's 22 now?

2 A. Correct.

3 Q. So she's older than Alex and **Juvenile**?

4 A. Yes.

5 Q. Who stayed where in Rudy's house?

6 A. Alex in his own room, **Juvenile** and Nicole, they shared
7 the room because they were female, and Rudy and I in Rudy's
8 room, the room, the last rooms.

9 Q. So if y'all -- we got hit with Hurricane Florence
10 mid-September, and you stayed for about a week, you moved back
11 to your house towards the end of September?

12 A. Correct.

13 Q. And while you and Rudy were engaged at this point,
14 y'all, at this point, you had stayed under the same roof with
15 him for about a week?

16 A. Correct.

17 Q. How was that?

18 A. Oh, it was actually kind of fun because we didn't have
19 to worry. I didn't have to worry about my job, so we spent the
20 time watching movies, things like that.

21 Q. Now, if I understand you correctly, Rudy lives with you
22 now, correct?

23 A. Correct.

24 Q. Okay. And do you remember about when Rodolfo Moreno
25 moved into your house at Forestbrook?

1 A. Yes, of course.

2 Q. When was that?

3 A. It was actually the end of October or the first week of
4 November, 2018, obviously.

5 Q. How can you be sure of that?

6 A. Well, because it was the birthday for my daughter Nick,
7 it was her sweet sister, and I through a party for her, and I
8 remember that he had just moved, like, a previous weeks.

9 Q. Okay. So if I understand you correctly, by the time
10 your daughter's sweet 16, Rudy had moved in?

11 A. Yes, correct.

12 MR. MARTIN: Your Honor, may we approach?

13 THE COURT: Yes.

14 **(Discussion was held off the record by Court and counsel)**

15 Q. All right we have brother.

16 A. Take that time.

17 **(Defendant's Exhibit No. 5 was marked for identification)**

18 Q. I want to show you what's been marked as Defense Exhibit
19 5. Do you recognize this photograph?

20 A. Yes, of course.

21 Q. What do you recognize it as being?

22 A. The party of the Sweet 16 of my daughter, Nicolle.

23 Q. It's in your house?

24 A. Yes.

25 Q. I'm sorry.

1 THE INTERPRETOR: That's okay.

2 Q. When was that photograph taken?

3 THE INTERPRETOR: When?

4 Q. When was the photograph?

5 A. Okay. It's stated there, it's November 17, 2018.

6 Q. And where did this photograph come from?

7 A. Well, I don't know exactly if it came from my cell phone
8 or Rudy's cell phone, because I gave him my phone so he can
9 take pictures, too. Well, if I can add something. That day it
10 wasn't the day that he's supposed to have the kids, however,
11 because I asked Rudy that if the kids -- his kids can come and
12 celebrate and come to the party. He asked the mom of the
13 children if they can come to the party, and they were there for
14 a while, and then he returned them to their mom.

15 Q. Okay. And the date that's on there is correct?

16 A. Correct.

17 Q. And who appears in that picture?

18 A. My son, Ricardo, my daughter, Nicolle, Rudy, and his two
19 children, Alex and **Juvenile**, and of course, myself.

20 Q. Okay.

21 MR. RICHARDSON: Your Honor, publish to the jury.

22 Q. And at this point, from what you testified, November 17,
23 2018, Rodolfo Moreno was living at your house at Forestbrook?

24 A. Correct.

25 MR. RICHARDSON: Into evidence, and I understand

1 we'll make whatever argument on that, Your Honor?

2 THE COURT: It's in.

3 **(Defendant's Exhibit No. 5 was admitted into evidence)**

4 Q. Now, was that the only celebration y'all had in your
5 house then?

6 A. Well, normally I sometimes celebrate Thanksgiving and
7 some dinners with friends.

8 MR. RICHARDSON: Before I show these photographs,
9 Your Honor --

10 THE COURT: Mr. Foreman, ladies and gentlemen of the
11 jury, I'm going to ask that you return to the jury room for one
12 moment. Do not discuss the case.

13 **(Jury exited the courtroom at this time)**

14 THE COURT: I'd be glad to hear from the State.

15 MR. MARTIN: Yes, Your Honor. The photographs that
16 have been handed to Your Honor, we object. The defense is
17 unable to authenticate that data that's listed at the bottom of
18 the picture. We don't simply have a photograph here, we have a
19 photograph with some sort of cell phone data screenshot at the
20 bottom. Additionally, in that photograph, you will see random
21 little circular pictures of other individuals at the bottom of
22 that photograph, and I think on all of those photographs, but
23 certainly the last ones, there is also a white ring or halo
24 around the people in the picture, and Your Honor is aware in
25 this day and age of AI, or whatever else, we don't know why the

1 photograph would have that. Is that even the appropriate
2 background? I think if Mr. Richardson was just trying to get
3 in a photograph without any of that extra stuff, then there
4 really wouldn't be an issue, but I'm not sure how he's going to
5 be able to authenticate what's at the bottom of those
6 photographs, and who would we cross-examine on that at this
7 point with this digital evidence?

8 THE COURT: What do you have to say about that?

9 MR. RICHARDSON: My argument would be, Your Honor, is
10 I have a set of questions to ask her. Are these photographs
11 off of her phone? Did we pull up the metadata on her phone and
12 take a screenshot of it? Is that an accurate screenshot? He
13 can certainly argue if he wants that they've been manipulated
14 in some way, some other thing, but to authenticate the
15 pictures, it's whether or not these pictures were taken on her
16 phone. It's the way we've done it for years, whether it's
17 crime scene photos, or anything else, you authenticate it with
18 the person who was there. Is this the accurate address where
19 it was taken? The circles, I've actually talked to my
20 assistant, I had a question on the halo, typically on those
21 live photos and things. If you have the person's face and
22 phone, I've been informed that it does a shimmer around it. I
23 didn't want to have to enter her phone into the record, Your
24 Honor, but she can testify as to the authenticity of those
25 photographs, and for them to say -- they can question her on

1 it, just as witnesses have always done with a question: How do
2 we know this hasn't been digitally manipulated, and it's
3 whether or not they believe this witness.

4 THE COURT: The significance of the stuff at the
5 bottom of the picture is what?

6 MR. RICHARDSON: It is off the phone, off of her
7 phone, that if you take a photo right now, Judge, if you have
8 your GPS tags on, it's going to show you where the picture was
9 taken. So if I took a picture, I don't know if I had my GPS
10 locator on, took a picture of Ms. Taylor over there, it would
11 show us taking it here at the courthouse, but that just, it
12 goes to the time the picture was taken, the date the picture
13 was taken, just as any other phone on somebody's cell phone
14 would do. If I take a screenshot right now of the picture,
15 it's going to show that data if I pull up that data.

16 MS. WALLER: Your Honor, the State believes that the
17 digital information on the bottom is improper. If it has no
18 value, then why is he trying to get it in, for one thing? He's
19 trying to show that that's the date. She can testify -- we
20 have no problem with her testifying as to the authenticity of
21 those photographs, or her saying when they were taken, where
22 they were taken, who's in them. The problem that we have, we
23 can even cross-examine her about the halo, the problem that we
24 have is all of that information on the bottom is digital
25 forensics data. If the State was trying to seek to introduce

1 that kind of data in this courtroom we'd be required to put an
2 expert up, and at the very least, we'd be required to put
3 someone up who had personally examined that cell phone and
4 could testify about whether or not it had been manipulated,
5 because you can look at lots of things in the phone to see if
6 those dates have been manipulated once they're dumped and
7 analyzed by someone who knows what they're doing. Anybody can
8 go in and change the date of a photo on the phone. Photos on
9 the phone can be changed if you save them on a certain date
10 versus you take them on a certain date, there's all kinds of
11 ways that that data could be questioned. There's no way that
12 we can cross-examine her on those digital forensic issues, so
13 we have no problem with the picture, it's the material at the
14 bottom.

15 MR. RICHARDSON: Your Honor, I provided these
16 pictures to the State, which under Rule 5, on Monday evening,
17 asked Tuesday, I believe, any issues? They said, no.

18 MS. WALLER: I did not say no.

19 MR. MARTIN: That is not accurate.

20 THE COURT: It's his turn to talk.

21 MR. RICHARDSON: Your Honor, she can authenticate
22 that stuff. They can question her on it, they can argue it,
23 doesn't keep it from going. I don't have the powers and the
24 resources that the State to be able to call SLED in, call Cell
25 One, AT&T, whoever in, I don't have those unlimited resources

1 of the tax dollars. She can authenticate that, that is the
2 date. That's from her phone, Your Honor, and that's all that's
3 needed for that. The jury can't believe it or not believe it.

4 MS. WALLER: Your Honor, he could have turned over
5 digital copies of the phone or the photographs for the State to
6 examine prior to this. All we have are screenshots. He asked
7 me in the back hallway in passing because he saw me looking at
8 my computer because they were emailed to me. Honestly, when I
9 looked at them, I didn't even see. We didn't even see that
10 until we were looking at them after they were printed out, so
11 saying that we've agreed to this is completely disingenuous, we
12 have not. When we looked at those photos and saw that material
13 on the bottom, I think it's clearly improper, there's no way we
14 can cross-examine to determine whether or not that's accurate
15 information, we can't even get anybody here to look at that to
16 say that.

17 THE COURT: I'm going to allow you to introduce the
18 pictures, but the bottom is going to be redacted after her
19 testimony before they publish to the jury. We're ready for the
20 jury.

21 **(Jury entered the courtroom at this time.)**

22 Q. Ms. Farinas, can I show you some photographs?
23 Defendant's six, seven and eight, if you could take a look at
24 those. Do you recognize those photographs?

25 A. Si (ph)

1 Q. How do you recognize those photographs?

2 A. Because I had photos from my cell phone, and this is my
3 house.

4 Q. Okay. And based on -- and so these are photos from your
5 phone?

6 A. Correct.

7 Q. Have these photographs been manipulated in any way?

8 A. No, of course not.

9 Q. And your job is a painting company, Right?

10 A. Correct.

11 Q. And are these photographs that you pulled up on your
12 phone?

13 A. Yes, of course.

14 Q. And do they fairly and accurately show what happened at
15 your house on those dates?

16 A. Yes, of course.

17 MR. RICHARDSON: I seek to introduce the photographs,
18 understanding the Court's ruling.

19 THE COURT: Anything from the State?

20 MR. MARTIN: Your Honor, just subject to the
21 objections that we previously put on the record.

22 THE COURT: They're into evidence subject to the --
23 over the objections of the State.

24 **(Defendant's Exhibits Nos. 6, 7 & 8 were marked for**
25 **identification and admitted into evidence.)**

1 Q. With regard to Defense 6, could you tell us what is
2 going on there?

3 A. We are celebrating Thanksgiving.

4 Q. What year?

5 A. 2018.

6 Q. November 22, 2018?

7 A. Correct.

8 Q. Where is that?

9 A. In my house.

10 Q. And who all is present?

11 A. **Juvenile**, Alex, myself, Ricardo, Nicolle, Rudy.

12 Q. And Defense Number 7 and 8?

13 A. That's Christmas of 2018.

14 Q. And where did y'all celebrate Christmas?

15 A. In my house.

16 Q. Okay. And these photographs, they've got some white
17 halos around them, do you see that?

18 A. Yes, I can see.

19 Q. Do you know why that is?

20 A. I don't, I don't know.

21 Q. Okay. But these photographs haven't been manipulated in
22 any way?

23 A. Of course not, they're in my phone.

24 Q. And you've looked at them recently?

25 THE INTERPRETOR: Say that again.

1 Q. You have looked at those photos recently?

2 A. Yes.

3 Q. And again, who appears in those -- in Defense 7?

4 A. **Juvenile**, Alex, and Rudy.

5 Q. Okay. And Number 8?

6 A. It is my son, Ricardo, Nicolle, **Juvenile**, Alex, and I.

7 Q. And those are Christmas, December 25, 2018?

8 A. Correct.

9 Q. So these photographs were taken after Rudy moved in your
10 house?

11 A. Correct.

12 Q. Now, once Rudy moved in with you, did he sell his house
13 in Conway?

14 A. No.

15 Q. How about his mail?

16 A. His mail was -- he was getting his mail from the old
17 house in Conway.

18 Q. But he was living with you?

19 A. Correct.

20 Q. And how do you know that?

21 A. Because I had him with me.

22 Q. Now, at this point Rudy was still visiting with his
23 kids, correct?

24 A. Correct.

25 Q. And when the kids came over where would they stay?

1 A. After they moved with me, they would stay with me.

2 Q. You talked about your two children earlier.

3 A. Yes, correct.

4 Q. Ricky, or Ricardo, was a bit older, correct?

5 A. Yes.

6 Q. Where was he living in 2018?

7 A. In Charleston.

8 Q. Going to school?

9 A. Yes, college in Charleston.

10 MR. RICHARDSON: Permission to publish number 19,

11 Your Honor. That was one we introduced.

12 THE COURT: Any objection --

13 MR. MARTIN: No, Your Honor.

14 THE COURT: -- coming into evidence?

15 MR. MARTIN: No, Your Honor.

16 THE COURT: You may publish it.

17 MR. RICHARDSON: And I'll hand it over to the jury,
18 because, no, I didn't blow it up.

19 BY MR. RICHARDSON:

20 Q. With regard to Defense Exhibit 19, can you -- where did
21 you and Rudy stay?

22 A. Well, Rudy and I were staying in the master bedroom that
23 is located here.

24 Q. And Nikki, your daughter, where would she stay?

25 A. Nikki had her own room.

1 Q. Nikki had her own room.

2 A. This one, yeah.

3 Q. This one (indicating?)

4 A. Yeah, uh-huh.

5 Q. And when Alex and **Juvenile** came over, where did they
6 stay?

7 A. At the beginning they will share the room of my son,
8 that is that room.

9 Q. And at some point you moved Alex, you got somewhere else
10 for him to stay?

11 A. Well, when they start coming to my house, they were,
12 like, little children, but the time passed, so I decided to
13 move Alex to my office, to my little office.

14 Q. Now, after Rudy moved into your house, was there ever a
15 time that he spent the night back in Conway?

16 A. Yes, there was a time.

17 Q. When was that?

18 A. Yes, it was during 2020, if I'm not mistaken, and during
19 COVID.

20 Q. Spring, summer?

21 A. I don't really remember, I don't know, I would think
22 maybe summer, I think it was summer.

23 Q. And how long did he stay in Conway?

24 A. Three, four days, more or less.

25 Q. Did anybody else stay with him at this period?

1 A. No, because, you know, it was the defendant (ph.)

2 Q. I know some children have issues with step moms or step
3 dads. What was your relationship with Alex and **Juvenile**?

4 A. It was really good. It was a really good relation. We
5 had, like, a good relationship.

6 Q. And what types of activities would y'all participate in?

7 A. Well, my daughter, Nicolle, used to play soccer, and she
8 was also a cheerleading at school. We tried to do, like,
9 different activities with Alex and **Juvenile**, but at that time,
10 they were, like, little children. We would, like, take them to
11 the water park -- to the water park and to the powerhouse --
12 Fun Warehouse, parties with their friends, we spent a lot of
13 time together.

14 Q. Okay. I'm going to show you some more photographs and I
15 understand same objection.

16 MR. MARTIN: Your Honor, the State has the same
17 objection with these photographs.

18 THE COURT: Very good, the same ruling.

19 **(Defense Exhibits 9, 10 & 11 were marked for identification)**

20 Q. I'm going to show you Defense Exhibit 9, 10 and 11. Do
21 you recognize these photographs?

22 A. Of course, yes.

23 Q. And how do you recognize those photographs?

24 A. Because I'm in them, on them.

25 Q. You were present at that?

1 A. Yes, of course, I'm there. But if I can add a little
2 bit, I think if I'm not mistaken, that was at **Juvenile**'s
3 graduation.

4 Q. Okay. And do these photographs fairly and accurately
5 show what happened that day?

6 A. Correct.

7 Q. And when were these photographs taken?

8 A. I think it was at graduation for **Juvenile**, I think it was
9 school, seventh grade, if I'm not mistaken.

10 Q. What year was it taken?

11 A. 2019.

12 Q. Okay. June of 2019?

13 A. Correct.

14 Q. So these were taken June, 2019, you were there, correct?

15 A. Correct.

16 Q. Okay.

17 MR. RICHARDSON: I'd seek to introduce them into
18 evidence, understanding the Court's prior ruling.

19 THE COURT: They're into evidence subject to the
20 clarification.

21 **(Defense Exhibits Nos. 9, 10 & 11 were admitted into evidence.)**

22 Q. Defense Number 9, who appears in that photo?

23 A. There is **Juvenile** and her father, Rudy.

24 Q. And then Defense, No. 11?

25 A. **Juvenile**.

1 Q. It looks like two awards?

2 A. Yes, two awards.

3 Q. And finally, Defense Number 10?

4 A. It was **Juvenile**, I'm on it, and holding her certificate.

5 Q. And so June, 2019, where was Rudy living?

6 A. In my house.

7 Q. In your house. So you and Rudy were engaged at this
8 point?

9 A. Of course, yes.

10 Q. And you were at **Juvenile**'s award ceremony?

11 A. Yes, of course.

12 Q. Okay.

13 MR. RICHARDSON: Same objection. This would be on 12
14 and 13, Your Honor.

15 MR. MARTIN: Your Honor, same objections.

16 THE COURT: Same ruling.

17 Q. Let me show you 12 and 13, Defense. Do you recognize
18 those photographs?

19 A. Yes, of course.

20 Q. And how do you recognize those photographs?

21 A. Yes, because they're being taken in my house, and I
22 think, actually, it's with my phone that they were taking.

23 Q. Okay, fairly and accurately show the house that day?

24 A. Yes, of course, yes.

25 Q. When were these photographs taken?

1 A. They were taken on Christmas, 2019.

2 Q. So Christmas, 2019? And who's in 12?

3 A. Alex, **Juvenile**, my daughter, Nicolle, and I.

4 Q. Thirteen?

5 A. Alex, **Juvenile**, and me.

6 MR. RICHARDSON: And they're into evidence, Judge?

7 THE COURT: Yes.

8 **(Defendant's Exhibits Nos. 12 & 13 were admitted into evidence)**

9 BY MR. RICHARDSON:

10 Q. And these were photographs off your phone, correct?

11 A. Correct.

12 Q. Now, you and Rudy met at a wedding, and you got engaged
13 in August of 2018, correct?

14 A. Correct.

15 Q. But you're not married yet?

16 A. No.

17 Q. Why not?

18 A. Because I'm a Catholic, and I really believe in my faith
19 and support my faith, and I always said that if one day after I
20 divorced from my ex-husband, I get to find that person, that
21 guy, I would like it not only to be marriage by the man I see
22 (ph), but also by the love of God.

23 Q. And Rudy had been married before?

24 A. Yes, of course.

25 Q. So you had to get church approval?

1 A. Well, we couldn't get married because the Catholic
2 church had certain rules, and if you've been married, you
3 cannot do it. So we're still waiting to try to work in the
4 annulment so we can get married.

5 Q. How often would you and Rudy go to church?

6 A. Every weekend, every weekend.

7 Q. And how about the kids?

8 A. They used to come with us.

9 Q. Defense 14 and 15, do you recognize these photographs?

10 A. Of course, yes.

11 Q. Okay. And what do you recognize these as being?

12 A. Those pictures were taken at St. James Catholic Church
13 where we go to church.

14 Q. And what is being shown in these photographs?

15 A. I don't remember, but these pictures, I think, show
16 **Juvenile**'s Baptism or the First Communion.

17 Q. What year was that?

18 A. 2020.

19 Q. 2020. Okay. And I think we can all pick out who the
20 adult is in Defense 15.

21 A. Yes. The other priest from our church, Father Oscar
22 (ph.)

23 Q. The two adults in the other photograph?

24 A. Alex and **Juvenile**.

25 MR. RICHARDSON: Introduce 14 and 15 into evidence,

1 14 and 15 in evidence.

2 THE COURT: Anything from the State?

3 MR. MARTIN: I'm sorry, Your Honor?

4 THE COURT: 14 and 15 into evidence, any objection?

5 MR. MARTIN: No, Judge.

6 THE COURT: Into evidence.

7 **(Defendant's Exhibits 14 & 15 were admitted into evidence.)**

8 BY MR. RICHARDSON:

9 Q. You stated earlier that you had a pretty good
10 relationship with Rudy's children.

11 A. Yes, we do.

12 Q. From our prior conversations, I believe you told me a
13 story about kind of a big moment with **Juvenile**?

14 A. Yes, of course.

15 Q. And of course our interpreter needs to be able to
16 interpret, okay? I should have said it earlier, but take some
17 breaks whenever you're telling a story. Could you tell us
18 what -- about that big event, that big moment with **Juvenile**?

19 A. I think you're talking about when **Juvenile** has her first
20 period. I was washing her clothes, I used to do the laundry
21 for them, and I noticed that her underwear had blood stains.
22 So I called her dad to let him know, and then I called **Juvenile**,
23 and I asked her, are you getting your period? And she was
24 surprised because she didn't know what it was. So I started to
25 explain to her what it was about, and I also asked her, I asked

1 her, has your mom talk to you about this? And she told me, no.

2 Q. And did you help her in any way?

3 A. Yes, I -- of course, I talked to her. I explained to
4 her that we women, we had our period every month, that she
5 needed to remind always the dates that she will get her period
6 every month, and I explained to her that she has to use, like,
7 feminine products, and I reminded her that it was very
8 important for her to know the date, because even though it's
9 like every month, it's not always the same day, and I didn't
10 want her to have an accident at school, or something like that,
11 and that to carry feminine products. If I'm not mistaken, that
12 same day I remember, and I think it was that same moment that I
13 talked to her about how important it was, her body, and not to
14 allow anybody to touch her body.

15 Q. And why'd you do that?

16 A. I felt it was important. I am a mom, and I have my son,
17 Ricardo, and my daughter Nicolle, and I thought it was
18 important to talk to them about these kind of things, and I
19 felt that it was, like, the right moment because she was
20 getting her first period.

21 Q. Now, whenever you all would be at the house together,
22 tell us about any times you recall Rudy being absent from your
23 bed in the nighttime.

24 A. Never.

25 Q. He was always right there in the room?

1 A. Yes, he was always with me in my room.

2 Q. Okay. And you and Rudy go to work, correct?

3 A. Correct.

4 Q. Was there ever a time where the kids were at home alone
5 with Rudy?

6 A. No, because it was, like, either me or my daughter
7 Nicolle.

8 MR. RICHARDSON: The last two photographs, I think
9 they'd be about the same objection?

10 MR. MARTIN: Same objection, Your Honor.

11 THE COURT: Same ruling.

12 Q. Let me show you, first, Defense Exhibit 16. Do you know
13 what that photograph depicts?

14 A. In my house.

15 Q. Okay. Is there a certain event?

16 A. We were, like, celebrating Thanksgiving in 2020.

17 Q. Okay. And so this was from 2020?

18 A. Correct.

19 Q. Okay. And who all is at the table that we can see?

20 A. Myself, Ricardo, **Juvenile**, Alex, that you cannot see him
21 very well, and Nicolle, that you just can pick out a little bit
22 of her.

23 Q. And you can see Alex and Nicolle's arm?

24 A. Yes, I can see that, and I am on it, of course, and only
25 because Rudy was the one who took the picture.

1 Q. And that's at your house?

2 A. Correct.

3 MR. RICHARDSON: Move into evidence.

4 MR. MARTIN: No objection.

5 MR. RICHARDSON: And --

6 MR. MARTIN: Well, with the same objection as we
7 previously put on the record.

8 THE COURT: Same ruling.

9 **(Defendant's Exhibit No. 16 was admitted into evidence)**

10 Q. Same thing with 17, can you tell us what this is?

11 A. Yes, we were celebrating --

12 THE INTERPRETOR: I didn't know that.

13 A. -- sun palm, like a Sunday after --

14 MR. RICHARDSON: Palm Sunday, I think.

15 A. -- Palm Sunday, and of course, we celebrate that in
16 church, and, yes, that's what we celebrating, Palm Sunday, and
17 **Juvenile** and Alex, they were participating there, and they were
18 learning disciples.

19 Q. What year was that?

20 A. 2021.

21 Q. And is there anything significant about that?

22 A. Yes, it was like the last time we get to see him --
23 well, no, it was the last time that he came to my house.

24 MR. RICHARDSON: I assume the same objections, I move
25 into evidence, Your Honor.

1 MR. MARTIN: Same objections.

2 MS. WALLER: What number was that?

3 MR. RICHARDSON: I don't want to misquote, 17, I
4 believe. That was 16 and 17.

5 MR. MARTIN: Thank you.

6 MR. RICHARDSON: You're welcome.

7 **(Defendant's Exhibit No. 17 was admitted into evidence.)**

8 BY MR. RICHARDSON:

9 Q. Now, you said that was the last Sunday they were at your
10 house?

11 A. Yes, correct.

12 Q. And we've heard some testimony about him not seeing his
13 kids anymore.

14 A. Correct.

15 Q. Can you tell us anything about that, what happened?

16 A. Well, Rudy, the last time he was going through his
17 father's illness, and his brother had been killed, so he was
18 going through a rough path, rough time, and he always tried to
19 spend time there with his children, because his father was here
20 and he was at the hospital, he was always at the hospital with
21 his father, and the other time, was, like, trying to find a
22 moment to be with them, and he used to call them, or actually
23 text Alex or **Juvenile**, or he would text their mom, and but the
24 mom was always a little bit, like, aggressive, and she was
25 always finding excuses or obstacles, and that he would have to

1 come and pick them up, and then Rudy sometimes wanted to, like,
2 go and pick them up, but he always said, like, it's my
3 responsibility, I cannot just tell them to stay there, it's my
4 responsibility.

5 Q. And you, you talk about Rudy's dad getting sick?

6 A. Correct.

7 Q. Do you know when his father passed away?

8 A. Yes, of course, I do remember that day, because, well,
9 it was one day after. I have a son in heaven, and I remember
10 that his day was June the 6th, so, yes, his father died on June
11 7th of 2021.

12 Q. And where did his father die?

13 A. In Mexico.

14 Q. And is that where he wanted to go?

15 A. Yes, I think that is where he wanted to go, his country.

16 Q. Who traveled with him to Mexico?

17 A. Rudy and his brothers.

18 Q. Now, and so after that Palm Sunday, y'all never saw the
19 kids again?

20 A. Correct. I have not seen them. I can see them now,
21 yes.

22 Q. Rudy not seeing his kids, how did it affect him, from
23 your observations?

24 A. Yes. I saw how he was a struggle and suffered not being
25 able to be with them. It is hard for a father. I am a mother

1 but it's hard for a father not to have a relation with your
2 children.

3 Q. You certainly remember when Rudy was arrested?

4 A. Correct.

5 Q. And the day he was arrested, he called somebody on the
6 phone?

7 A. Yes.

8 Q. Who was that?

9 A. He was calling me, I talked to him.

10 Q. And I can't -- you can't tell us what Rudy told you.
11 You cannot say what Rudy said to you.

12 MR. MARTIN: Objection, Your Honor, I believe she
13 can.

14 MR. RICHARDSON: I can't introduce it, they can ask.

15 THE COURT: -- you're right.

16 MR. RICHARDSON: If they want me to ask, I can ask,
17 they would just have to waive that objection.

18 Q. I'm sorry, go ahead. We can hear somebody loud on the
19 other end of the phone.

20 A. Yes.

21 Q. And that was you?

22 A. Yes.

23 Q. Why were you upset?

24 A. Yes. I know the day that Rudy called me, I know it was
25 like a Monday because he has a meeting with the Columb. -- the

1 Knight of Columb., and that was always, like, Monday or
2 Wednesdays, so he called me on a Monday. So he called me and
3 he told me that that morning, that he has been contacted by a
4 detective, and I asked him, like, okay, so are you gonna go,
5 and he said, yes, and the detective, like, had made an
6 appointment for 4:00 p.m. in the afternoon, if I don't -- if I
7 don't mistaken. When it was 5:00, and it had passed like an
8 hour, an hour and a half, I started dialing him, calling him.
9 So I didn't know, he didn't pick up, so at the time I don't
10 know if he had a break, or how he did it, but he came to call
11 me and told me what was happening, and I was, like, what, what
12 happened?

13 Q. You know what really was arrested for, correct?

14 A. Correct.

15 Q. And he was taken to jail?

16 A. Correct.

17 Q. Who posted bond for him?

18 A. I did.

19 Q. And after you posted bond for Rudy Moreno, where did he
20 live?

21 A. In my house.

22 MR. RICHARDSON: Court's indulgence?

23 Q. And I'll go ahead and ask it, because I imagine the
24 State would ask. Do you love Rudy?

25 THE INTERPRETOR: Say that again.

1 Q. Do you love Rodolfo Moreno?

2 A. Of course, I do, I love him with all my heart.

3 Q. And you don't want to see him go to prison?

4 A. Of course, I don't, he's a good person.

5 MR. RICHARDSON: Thank you. Please answer any
6 questions the State may have.

7 THE COURT: Cross-Examination?

8 MR. MARTIN: Your Honor, can we approach?

9 THE COURT: Yes.

10 **(Discussion was held off the record at the bench by**
11 **Court and counsel)**

12 THE COURT: Mr. Foreman and ladies and gentlemen of
13 the jury, it's 12:00, and our very fine Clerk has made
14 arrangements for you all to have a very nutritious, healthy
15 meal from Chick-fil-A that's being picked up as we speak, so
16 we're going to recess until your food gets here. In the
17 meantime, if anybody needs to go outside and stretch your legs,
18 it's gonna be a little while, maybe 10 or so minutes before the
19 food shows up, so y'all can stretch your legs. If some of
20 y'all smoke, you can go out and smoke, and they'll be able to
21 assist you in that regard, and as soon as you're finished with
22 your meal and y'all are ready to go, you're good and rested,
23 let us know and we'll be ready to roll. Does that sound fair?

24 THE JURY: Yes.

25 MR. MARTIN: Yes, Your Honor.

1 THE COURT: All right. Very good. Everyone remain
2 seated as the jury exits the courtroom. Do not discuss the
3 case. Anything from the State before we recess?

4 MR. MARTIN: No, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. RICHARDSON: No, sir, Your Honor.

7 THE COURT: All right. Under these circumstances,
8 it's improper for you to speak with either lawyer, either
9 lawyer until further testimony is completed. Very good. We'll
10 stand at ease.

11 MR. MARTIN: Thank you, Your Honor.

12 MR. RICHARDSON: And Your Honor, maybe cover to make
13 sure she doesn't talk to her daughter. Just make sure you
14 don't talk to your daughter. During the break you can't
15 discuss the case at that time. Okay.

16 **(Recess taken)**

17 MR. RICHARDSON: Your Honor, would you like Ms.
18 Farinas to go ahead and re-take the stand?

19 THE COURT: Yes. Anything from the State?

20 MR. MARTIN: No, Your Honor.

21 THE COURT: Anything from the defense?

22 MR. RICHARDSON: No, sir, Your Honor.

23 THE COURT: We're ready for the jury.

24 **(Jury entered the courtroom at this time)**

25

1 THE COURT: Yes, ma'am, I want to remind you that
2 you're still under the oath.

3 THE WITNESS: Okay.

4 MR. MARTIN: May it please the Court, Your Honor?

5 THE COURT: Yes.

6 **CROSS-EXAMINATION**

7 BY MR. MARTIN:

8 Q. Ms. Farinas, you seem to have a remarkable memory of
9 things that happened seven years ago, don't you?

10 A. Yes.

11 Q. Long time ago, right?

12 A. Correct.

13 Q. So let's talk about that a little bit. You said you met
14 to defendant in 2018, right?

15 A. Correct.

16 Q. You started dating June, 2018; is that right?

17 A. Correct, more or less, around that time.

18 Q. You and the defendant still together, right?

19 A. Correct.

20 Q. This is a forever kind of love?

21 A. I wish it will be forever, of course I do.

22 Q. Right, you want to grow old together?

23 A. Yes, of course.

24 Q. And I think Mr. Richardson even said you love the
25 defendant, right?

1 A. Yes, I do, and I said it, and I'll say it again, I love
2 him with all with my heart.

3 Q. You love him with all your heart enough to post his
4 bond, right?

5 A. Yes, of course.

6 Q. I'm so sorry.

7 A. Yes, of course.

8 Q. Love him enough to be here and testify today?

9 A. Of course I do, yes.

10 Q. Ms. Farinas, you mentioned that you work, I believe a
11 painting business?

12 A. Correct, yes.

13 Q. And real estate, was it, I believe?

14 A. Yes, I have a rent, properties.

15 Q. But the defendant works, too, right?

16 A. Correct, he has his own job.

17 Q. And you guys live together, right?

18 A. Correct, that's right.

19 Q. So you all got bills to pay, right?

20 A. Of course, everybody has bills to pay.

21 Q. So not only do you love the defendant, but you need him,
22 too, don't you?

23 A. Well, of course, to have somebody by your side when they
24 need it is mutual.

25 Q. Tell me again, when was it that you first moved with the

1 defendant?

2 A. End of October in the first weeks of November, 2018.

3 Q. But I thought you said you had just met to defendant and
4 went out in June of 2018?

5 A. No, I didn't say that I met him in June, 2018. I said I
6 met him in April, 2018, and we started dating on June 2018.

7 Q. So after starting to date someone in June of 2018, you
8 thought it was a good idea to move your 15-year-old daughter
9 into a home with a man you just met?

10 A. I didn't think it would be a problem. I had always
11 tried to be a good role model for my daughters, and I think I
12 was a good role model for **Juvenile** and Alex when they lived with
13 me.

14 Q. So a good role model for your daughter is allowing a man
15 you just met to move into your home at her 16th birthday?

16 A. Repeat the question, please.

17 Q. You're saying you're being a good role model for your
18 daughter when you allow a man you just met to move into your
19 home after her 16th birthday?

20 A. I think when you met somebody and you look them in the
21 eyes, you can see how that person is. I was talking to him,
22 spending time with him for six months, almost, and I didn't
23 think it was a problem. I talked to my kids, I tell them, and
24 there wasn't any problem with them, and it wasn't a problem
25 that I thought.

1 Q. You mentioned something about your daughter's 16th
2 birthday and the victim attending that, correct?

3 A. Yes. correct.

4 Q. Did your daughter get to have a father/daughter dance at
5 that party?

6 A. No, she didn't because we don't have this kind of
7 cultural thing to do it. I'm from Honduras, and in Honduras we
8 celebrate with 15, not 16, so when it's a 16-year-old birthday,
9 we don't dance.

10 Q. Ms. Farinas, I know you were shown a lot of pictures,
11 but I want to talk with you about a couple of them. Okay?

12 A. Correct.

13 Q. I believe your testimony was that these pictures have
14 been on your phone since about -- some of them since about
15 2018, correct?

16 A. Yes, I do, and I actually have them. I actually have
17 pictures from previous years of 2018.

18 Q. And in those seven years you never had an opportunity to
19 manipulate those photos or alter them?

20 A. Never.

21 Q. Look at number eight and tell me, what are all these
22 faces just floating around at the bottom of that picture?

23 A. I don't understand the question.

24 Q. That's okay. The bottom of that photograph, there's
25 four different faces, just little bubbles floating around down

1 there.

2 A. Yes, I can see. I can see my son, my son, Ricardo, my
3 daughter, Nicolle, I can see my picture, and then the picture
4 of Alex.

5 Q. So those little photos with question marks on them were
6 part of the picture when it was taken in 2018?

7 A. I'm not sure, but I think it's like everybody has these
8 days and phones are different, and everybody has, like, an
9 iPhone, and I know that when you take a screenshot, if there's
10 another picture there, it's saved in like an album at the
11 bottom, and I know that when you take a screenshot you can see
12 those kind of things.

13 Q. You sounded pretty confident that the picture hadn't
14 been altered, but you just said you're not sure as to why that
15 got there?

16 A. I can actually have my phone here with me, and I can
17 actually show you when you look at the album and look at the
18 pictures in the posterior part, you will see there are other
19 pictures that you have there as an album.

20 Q. I'm glad you brought up your iPhone. Take a look at
21 Number 12, as well, please.

22 A. Uh-huh.

23 Q. In looking at those two photos, you see a white halo or
24 ring around the people in the picture, do you not?

25 A. I don't understand the question.

1 Q. In looking at the photos do you not see a halo or an
2 outline in white around each figure in the photograph?

3 A. I don't understand what you're telling me. I can see
4 the picture, and I can see the person who is there. There's
5 **Juvenile**, there's Alex, it's me in the picture, but I don't know
6 what is that you're saying.

7 Q. You don't see the halo, but you have good enough
8 eyesight to look into that defendant's eyes and know a person?

9 A. I've been with him for seven years, I know now what kind
10 of person he is, and I can look into eyes of him now and I can
11 see that he is a good person.

12 Q. We'll get back to that. With an iPhone, as you know, if
13 you just hold a picture down, you can move that picture to
14 anywhere, to Mount Everest, if you want, correct?

15 A. I don't know. I know little technology. Like, to know
16 that you can move the finger or move it, I don't know. I take
17 pictures with my phone, but I have no idea of that.

18 Q. Now you're not good with technology, but earlier you
19 knew enough to say that phone's -- that picture -- I'll start
20 over for your benefit.

21 THE INTERPRETOR: Yes, thank you.

22 Q. Now you're saying you don't know a lot about technology,
23 but earlier you knew enough to confidently say those pictures
24 hadn't been altered, there is no way?

25 A. And I'm still 100 percent that this picture hasn't been

1 altered, and I have never said that I'm good with technology.

2 Q. But you also say there's no white halo around those
3 images?

4 A. I don't know exactly what you mean. Yes, I can see like
5 a white thing that is like behind Alex, around Alex, but I
6 don't know what it is you want me to say. What is it that you
7 want me to tell you about that halo?

8 Q. That was it. You admitted there is a white halo around
9 those photographs?

10 A. Yes, but I don't know exactly what it is that you're
11 referring to.

12 Q. Well, let's talk about something that will be easier for
13 you then. Mr. Richardson showed you Exhibit 19, which was a
14 diagram of the house, right?

15 A. Correct.

16 Q. Take a look at it. Now, the bedrooms that are in the
17 house, how many you got?

18 A. Three, and my office.

19 Q. And in those bedrooms and office, on that diagram you
20 see that there are doors to each one of those rooms, right?

21 A. Correct.

22 Q. And these doors, they are solid, you can't see through
23 them, can you?

24 A. No, they are solid, you're correct.

25 Q. Right. Typical bedroom door, correct?

1 A. Correct.

2 Q. Blinds on the windows?

3 A. Correct.

4 Q. How many fingers am I holding up in my pockets?

5 A. Ten fingers, both of your hands are in your pockets.

6 Q. Ten?

7 A. No, because you're showing me them now.

8 Q. You couldn't see how many I was holding up in my
9 pockets, right?

10 A. No, but I assume, because you had both of your hands
11 inside your pockets.

12 Q. You couldn't see through those doors in your house when
13 they're shut, could you?

14 A. No, of course not, because the doors are doors.

15 Q. If the blinds are shut, you can't see through the
16 windows and see what's going on inside that room, can you?

17 A. Of course not.

18 Q. And I believe your testimony earlier was, you were with
19 the defendant 24/7, at night, during the day, whenever?

20 A. Well, I never said that I was with him 24/7 because we
21 both have work, so we go to work, but when he is at home, yes,
22 we are together.

23 Q. So when you're at work you're not with the defendant,
24 right?

25 A. Of course not, he has work and I have mine.

1 Q. And when he's at work you're not always there with him,
2 are you?

3 A. Correctly, no, unless we decide that we're going to have
4 lunch together.

5 Q. But your testimony is still, you slept together every
6 night in the same bed for the last seven years?

7 A. Yes, every night, except for the time when he went to
8 his house when he had COVID.

9 Q. Do you get up with him in the middle of the night when
10 he's got to go pee?

11 A. Well, I am the kind of person that goes to bed late,
12 say, 1:00 in the morning, and after I go bed, Rudy never wake
13 up, never wakes up. I am the kind of person that wake up real
14 easy with any noise.

15 Q. In seven years Rudy never got up in the middle of the
16 night to fix a glass of water?

17 A. I have never seen Rudy after I go to bed walking to get
18 a glass of water, to the kitchen, or to the kitchen to get a
19 glass of water.

20 Q. I'm a married man, and you mean to tell me in seven
21 years you never kicked him out on the couch?

22 A. Well, I can say, never. We have a really good relation.
23 I mean, this seven years we have been able to understand each
24 other.

25 Q. So other than raping his daughter, he's a pretty good

1 guy?

2 MR. RICHARDSON: Your Honor --

3 THE COURT: Sustained.

4 MR. RICHARDSON: He knows better than that.

5 MR. MARTIN: Court's indulgence.

6 BY MR. MARTIN:

7 Q. I believe earlier you testified that when **Juv nile** would
8 stay at you all's home, the defendant was never alone with her?

9 A. In my house, never, it was always my daughter or I would
10 be there, I would be present.

11 Q. Every moment of the day when **Juvenile** 's at your house,
12 the defendant was never alone with her?

13 A. Well, no, because when they were there, like, Nicolle,
14 my daughter was there, and she always had, like, a door room
15 open, and I was in the kitchen, and they would just come and
16 sit in the living room and everybody would arrive there and
17 watch TV, and we were there.

18 Q. Did you have cameras in every room of your house?

19 A. No, obviously not. I don't think people can have, like,
20 cameras in each of their rooms. I do have my cameras outside,
21 but I don't have cameras in each of my rooms.

22 Q. And your testimony is he was never alone, even for one
23 second, with his biological daughter?

24 A. Well, even if I had gone to the restroom, Alex and
25 **Juvenile**, they were always together. They were inseparable.

1 They were always together and no other kids were there.

2 Q. Let's talk a little bit about the Conway house.

3 A. Okay.

4 Q. I believe your testimony was that the defendant didn't
5 sell his Conway house after you all moved in together?

6 THE INTERPRETOR: Interpreter, I need clarification,
7 didn't or did sell?

8 MR. MARTIN: Didn't. I'll say it again.

9 Q. I believe your testimony previously was that the
10 defendant did not sell his house in Conway when you guys moved
11 in together at Forestbrook?

12 A. Of course, yes, I say it, he didn't sell it.

13 Q. I think you said he still got his mail at the Conway
14 house; is that correct?

15 A. Of course, yes, correct.

16 Q. And he was in that house, or excuse me -- and he owned
17 that house until, I believe it was 2020?

18 A. No, he's still the owner of his house until today.

19 Q. If he's living with you then why would he keep the
20 house?

21 A. Because he rented, renting is good, it's a good
22 investment, so yes, he has rented the house, he rented the
23 house, why he wouldn't?

24 Q. He rents a house, but gets his mail sent to the house
25 that he rents?

1 A. Yes, he does, correct.

2 Q. You're willing to admit that people who date, or are
3 engaged, spend the night together sometimes, right?

4 A. Correct.

5 Q. It doesn't mean they live together, though, does it?

6 A. Yes, right.

7 MR. MARTIN: Court's indulgence.

8 Q. Ms. Farinas, thank you for having a little patience.
9 We're almost done.

10 A. Of course.

11 Q. I believe you testified to the day Mr. Moreno went to
12 the police department, correct?

13 A. Correct.

14 Q. And in fact, I believe you talked about, he actually
15 called you from the police station, right?

16 A. Yes, because I have called him and then he called me,
17 that's correct.

18 Q. And based off of what he told you, you were upset,
19 right?

20 A. Of course I was.

21 Q. You were so upset that you could hear your voice through
22 the phone, right?

23 A. Of course I was because I couldn't believe that his own
24 daughter will do this to him.

25 Q. You couldn't believe it even after he told you?

1 A. He never told me. He never said that. I asked him, and
2 he never -- never said that he has done anything to his own
3 daughter.

4 Q. Okay. I understand that conversation was in Spanish,
5 correct?

6 A. Correct.

7 Q. But your testimony today is that he did not say: You
8 are going to, you are definitely going to hate me?

9 A. Yes, he said it, but he said it because of what he was
10 being accused of, not because he had done it.

11 Q. And you still believe **Juvenile** made up this story even
12 when he said: This, **Juvenile** said I touched her, and so forth,
13 and I told them, well, yes, what for.

14 A. Well, yes, and everybody here can see the video, and
15 they can see that sometimes when the people have, like, all
16 this pressure, they can say things, and yes, he said yes, but
17 because the people who was interrogating him was putting some
18 pressure on him, pressure.

19 Q. So your testimony is that he confessed to the police and
20 you because of pressure?

21 A. He never confessed to me that he had done it.

22 Q. Did he not say: Because I told them I did, that I
23 touched her accidentally on purpose?

24 A. Yes, but if you keep watching the video, you will hear
25 him say that, yes, I touch her, accidentally touch her, the

1 same way, the kind of way that a father, like you'd touch your
2 kids.

3 Q. But you don't recall him saying to you: Because I told
4 them I did, that I touched her?

5 A. Yes, I remember that, and I told him, like, why, did you
6 touch your daughter? And he said, no, not the way they're
7 saying that I touched her.

8 Q. In fact, you were so concerned that you repeatedly asked
9 him over and over why he touched his daughter?

10 A. Yes, I was, like, asking, did you touch her, did you
11 touch her, because I was, like, mesmerized, perplexed. I
12 couldn't imagine it because at the time that I had known him
13 and the time that we had shared with the children, and I never
14 saw him then, like, any action that would make me think that
15 something would be wrong. That is why it was so -- that's why
16 I was so --

17 THE INTERPRETOR: Let's close that thought. Let me
18 think about this one.

19 A. -- like, hopeless, like, it blow my mind, and why
20 **Juvenile** was doing that.

21 Q. Can't imagining something doesn't mean it didn't happen,
22 right?

23 A. No, and I'm not gonna say that things like that don't
24 happen, they happen, and in other cultures, I know they happen,
25 I'm not going to say that it doesn't happen.

1 Q. And after hearing him say that, you still love him,
2 right?

3 A. I still love him because I still believe in him.

4 Q. And you still need him, right?

5 A. Of course I need him, every couple need each other.

6 Q. And after hearing him say that, you still loved him
7 enough to post his bond, didn't you?

8 A. Correct.

9 Q. And you love him enough to be here today?

10 A. Correct.

11 MR. MARTIN: Court's indulgence. Nothing further,
12 Judge.

13 THE COURT: Redirect?

14 MR. RICHARDSON: I'll be very brief.

15 **REDIRECT EXAMINATION**

16 BY MR. RICHARDSON:

17 Q. That phone call that Mr. Martin was talking about, he
18 just picked out small portions, right?

19 A. Correct.

20 Q. That he was reading from a transcript, right?

21 A. Correct.

22 Q. Did he give the full context of that entire, I think it
23 was two phone calls?

24 A. Correct.

25 Q. Okay. So he cherry-picked?

1 A. Yes.

2 Q. Thank you.

3 MR. RICHARDSON: Thank you. Thank you, Ms. Farinas.
4 Your Honor, can she be released from her subpoena?

5 THE COURT: Yes. You're free to leave. You may step
6 down, and you're free to leave. Thank you. You may call your
7 next witness.

8 MR. RICHARDSON: Court's indulgence. Defense will
9 call Nikki Farinas. Yes, ma'am, if you could, could you
10 approach the Clerk here and place your left hand on the Bible
11 and raise your right as she administers the oath.

12 **NICOLLE FARINAS WAS DULY SWORN AT THIS TIME AND**
13 **TESTIFIED AS FOLLOWS:**

14 THE COURT: Come on up and have a seat in the witness
15 chair. I'm going to ask that you pull up real close to that
16 microphone and speak loudly, clearly and slowly in order for me
17 to hear everything you have to say. Let's start with your full
18 name, please, ma'am.

19 THE WITNESS: Nicolle Farinas.

20 **DIRECT EXAMINATION**

21 BY MR. RICHARDSON:

22 Q. Ms. Farinas, is it okay if I call you Nikki?

23 A. Yes, that's fine.

24 Q. Okay. That's what you commonly go by?

25 A. Right.

1 Q. Okay. And could you tell us a little about yourself,
2 where you're where from, where you went school, where you're
3 currently in school or employed?

4 A. Yeah. I'm 22, I'm born and raised here in Myrtle Beach
5 I went to Socastee High School and then just decided to stay
6 local here, went to Coastal and got my bachelor's in finance
7 back in December of '23, and last week I graduated with my
8 master's. I do taxes on the side. I do that as a side job and
9 then I just got offered a position at State Farm, so I've
10 been doing that right now full time.

11 Q. I'm going to adjust that microphone just a little bit.

12 A. And sorry, I have a cold and a runny nose.

13 Q. Sorry about that, sometimes they don't pick up. See if
14 that will pick up.

15 A. Is that better?

16 Q. Now, you said you graduated from Socastee High School?

17 A. Yes, Socastee.

18 Q. In '20, what year?

19 A. 2021.

20 Q. And then you got your degree from Coastal --

21 A. Right.

22 Q. -- in December of '23?

23 A. Yeah, I graduated up there. Like, I went straight to
24 Coastal as a second semester sophomore, so I had enough credits
25 to start there early.

1 Q. And then you started your Master's program immediately
2 and just graduated?

3 A. Yeah, last week.

4 Q. Now, you're here today testifying on behalf of Rodolfo
5 Moreno --

6 A. Right.

7 Q. Rudy. How do you know Mr. Moreno?

8 A. He's my moms fiancé.

9 Q. And could you tell us a little about the first time you
10 met Mr. Moreno?

11 A. Yeah, I met him first summer of 2018. I heard, like,
12 heard about him, just like phone calls he's had with my mom,
13 but face-to-face, he came one night, picked my mom up to take
14 her on a date, brought her flowers, brought me flowers, just as
15 a nice gesture, so that was the first time that I really
16 actually, like, met him face-to-face.

17 Q. Okay. And your mom's divorce, it wasn't final at this
18 point, correct?

19 A. No, it wasn't final.

20 Q. But your biological dad wasn't anywhere around?

21 A. No.

22 Q. Okay. So he first started dating -- you first met Rudy
23 when he started dating your mom back in spring/summer of 2018?

24 A. Yeah, like, late May, early June, 2018.

25 Q. And they're engaged now, correct?

1 A. Right.

2 Q. Do you know when they became engaged?

3 A. Yeah. They got engaged right after my mom and I went on
4 a trip to Honduras August of 2018, right when he picked us up
5 at the airport he engaged that news.

6 Q. Okay. Did you document it in any way?

7 A. I have a video of it.

8 Q. Okay. But that's on your phone?

9 A. Yes.

10 Q. Okay. For the most of 2018, how old were you?

11 A. Fifteen.

12 Q. And so you were at Socastee High School back then?

13 A. Right.

14 Q. Where were you living back then?

15 A. With my mom's.

16 Q. What's that address?

17 A. The [REDACTED] Forestbrook Road address.

18 Q. And you graduated in 2021. Throughout high school where
19 did you live?

20 A. At my mom's.

21 Q. When did you finally move out of your mom's house?

22 A. September of 2021, right before I start at CCU.

23 Q. Okay. So throughout 2018, '19, '20, and most of '21,
24 you lived there at the Forestbrook address?

25 A. Right.

1 Q. Okay. When you and your mom -- when your mom and Rudy
2 just started dating back in the summer of 2018, could you tell
3 us if you ever met Rudy's children, Alex and **Juvenile**?

4 A. Yes, I did early on in that summer.

5 Q. And what was that interaction like?

6 A. It was good. They were shy at first. I never really
7 had younger siblings, so it was awkward at first, but we got
8 along really well.

9 Q. Did you all do any activities together through that
10 summer?

11 A. Yeah, we would do, like, go to the beach, go to the
12 movies, I had just gotten my license at the time so whenever my
13 mom was busy and Rudy was at work I would take them to get ice
14 cream, or we just stayed at home until they got home.

15 Q. Now, you told us that your mom and Rudy got engaged in
16 August of 2018?

17 A. Right.

18 Q. After they got engaged, did there come a time when you
19 and your mom moved out of your Forestbrook house for a short
20 period of time?

21 A. Only that hurricane that happened in September of 2018
22 for about a week.

23 Q. And where did you all move to?

24 A. At Rudy's house, the one in Conway.

25 Q. And who was at that house at that point?

1 A. My mom, Rudy, Alex, **Juvenile**, and me.

2 Q. And of course, everybody who was here remembers
3 Hurricane Florence.

4 A. Right.

5 Q. Do you know why you moved out of your house?

6 A. Mostly my mom, that was her first big hurricane, we were
7 close by, and we lived close to, like, the big interstate
8 waterway, so she didn't want, like, the fear of flooding, so
9 his house was further inland so we just wanted to be safer.

10 Q. The intercoastal?

11 A. Yeah, the intercoastal.

12 Q. Okay. How was that week that you all stayed at Rudy's?

13 A. It was good. I remember I stayed in **Juvenile**'s room.
14 Her and Alex shared Alex's room, but for the most part we just
15 watched movies, played board games, just did normal stuff.

16 Q. Okay. And when you all moved back out of that house to
17 Forestbrook, you said about a week later?

18 A. Yeah, probably a week later when the roads opened up.

19 Q. Okay. So that would have been late to end of September,
20 2018?

21 A. Right.

22 Q. Now, at this point your mom and Rudy were engaged,
23 correct?

24 A. Right.

25 Q. And had what, I guess, a trial run living together at

1 Rudy's house?

2 A. Right.

3 Q. Okay. At some point did Rudy move in at the house where
4 you stayed in Forestbrook?

5 A. I remember him living, like, full time late October,
6 early November, is when I just remember him always being at the
7 house.

8 Q. And how do you remember it was around that time?

9 A. Mostly my Sweet 16, I threw a big party in the backyard,
10 so I have a bunch of pictures from that day, and also pictures
11 from that Thanksgiving, so.

12 Q. Okay. And I'm going to show you what's been previously
13 marked and identified as five, and we talked about it, but I
14 don't think I put it in yet, and 20 --

15 MR. RICHARDSON: And I assume those would be under
16 the same objections the State had before?

17 MR. MARTIN: Yes, sir.

18 MS. WALLER: Yes, sir.

19 THE COURT: All right. It's into evidence over their
20 objection.

21 **(Defendant's Exhibit No. 20 was admitted into evidence)**

22 BY MR. RICHARDSON:

23 Q. I'm going to show you these photographs. Do you
24 recognize these?

25 A. Yes.

1 Q. What are these photographs of?

2 A. My Sweet 16 birthday.

3 Q. Okay. And that's your Sweet 16 birthday party?

4 A. Right.

5 Q. When is your actual birthday?

6 A. [REDACTED].

7 Q. But when did you all have the party?

8 A. The 17th.

9 Q. And why was that?

10 A. Just couldn't find a venue, I had to rush it on my mom,
11 because usually in the Hispanic household you do a big 15th,
12 but all my friends were having with Sweet 16, so I got a bit
13 jealous, and my birthday was coming up, and I was, like, can we
14 throw a party, and the venue was just very limited, so we just
15 used the back yard, and that was a good day that just worked
16 for everyone.

17 Q. Okay. And so those pictures fairly and accurately
18 depict November 17, 2018?

19 A. Yes.

20 Q. And who was living at your house at this point?

21 A. My mom, me and Rudy.

22 Q. Okay.

23 MR. RICHARDSON: And they are into evidence now.

24 Q. You mentioned you had seen some photos from Thanksgiving
25 of that year, too?

1 A. Yes.

2 Q. And how common was it for you all to celebrate holidays
3 like that?

4 A. How common?

5 Q. Uh-huh.

6 A. Every holiday we celebrated like that.

7 Q. And so no doubt, by November of 2018 Rudy was not living
8 in Conway?

9 A. Right.

10 Q. He was living in Forestbrook?

11 A. Yes.

12 Q. And with his children, when he had the weekend or
13 whatever custody of his children, where would they stay in the
14 house?

15 A. They would stay in the room directly across from mine.

16 Q. Okay. In relation to actual Forestbrook Road, where was
17 your room?

18 A. My room was the closest to the actual road, and their's
19 were closest to the back yard.

20 Q. And approximately, I think we've seen a diagram, but
21 your room is down on one end of the house?

22 A. Right.

23 Q. And the room, I think that's been described as your
24 brother's room, your brother was away in Charleston, correct?

25 A. Right.

1 Q. Where was that in relation to your room?

2 A. Straight across.

3 Q. Straight across, okay. About how far?

4 A. Ten feet, maybe 12, 13.

5 Q. And your door, how was it positioned with regard to the
6 door to that other bedroom where Alex and **Juvenile** would stay?

7 A. Straight in front.

8 Q. Straight in front. Okay. And in between the two rooms
9 down at the end of the house, what's down there?

10 A. There is a bathroom in between our rooms, and then it
11 just connects to the living room and the kitchen.

12 Q. And that bathroom, who shared that bathroom with you?

13 A. It was my bathroom, and I then I shared it with them,
14 Alex and **Juvenile**.

15 Q. Okay. And the doors in the house, do you all have these
16 big soundproof doors in the house?

17 A. No.

18 Q. Okay. Normal type doors in any house?

19 A. Yes, normal doors.

20 Q. Okay. From your observations, did you have the
21 opportunity to interact with Alex or **Juvenile** when they would
22 stay over?

23 A. I did. In the summer when they would come more often if
24 my mom was working or Rudy was working, and I would be the one
25 to stay home with them, make them breakfast, make them lunch,

1 whenever my mom would get around, we would go out to get ice
2 cream, like I said, or just hang out, like, they would be on
3 their phones or just watching TV, so, it was a pretty normal
4 relationship.

5 Q. Kind of like an older sibling?

6 A. Yeah.

7 Q. Okay. And from your observations, you all were staying
8 under the same roof, what was Rudy's interactions like or his
9 relationship like with his children?

10 A. It was good. They loved coming over. They would always
11 say they would rather stay at our house than go back --

12 MS. WALLER: Objection, Your Honor. Hearsay.

13 A. -- to their house.

14 THE COURT: Rephrase the question.

15 MR. RICHARDSON: I think we can just strike that last
16 part, Your Honor.

17 THE COURT: Very good.

18 Q. From your observations, it seemed to be a good
19 relationship?

20 A. Yes.

21 Q. Okay. Could you tell us about anything that you ever
22 observed that was inappropriate or strange?

23 A. No, never.

24 Q. And we've seen some photographs from, I believe,
25 Thanksgiving in 2020, they have been identified over at the

1 Forestbrook house. Were you still living at Forestbrook at
2 that point?

3 A. Yes, in 2020, I was.

4 Q. Okay. You said earlier you moved to --

5 A. I moved out on my own September of 2021.

6 Q. Okay. So you hadn't graduated yet?

7 A. Right, I was still a senior.

8 Q. That was right before your senior --

9 A. Yeah.

10 Q. -- or that was your senior year, wasn't it?

11 A. My senior year.

12 Q. Okay. So whose decision was it to come here and testify
13 today?

14 A. It was mine.

15 Q. And so nobody's forcing you to be here?

16 A. No, not at all.

17 Q. You took time off work?

18 A. I did.

19 Q. And you have no blood relation to Mr. Moreno, correct?

20 A. No, none.

21 Q. You didn't even meet him until you were with 15?

22 A. Right.

23 Q. And you were almost 16 when you moved in, if I
24 understand your testimony?

25 A. Right.

1 Q. Why did you want to come here and testify on his behalf?

2 A. I think I just wanted to defend his character. I mean,
3 I've known him a few years. My mom's previous marriage wasn't
4 the best, so I knew that the next person she dated, I wanted to
5 be sure it was, like, her perfect person. He met all her
6 expectations, met my expectations, he's been kind, respectful,
7 the most selfless person. Like, last weekend he and my mom
8 were just rebuilding an elderly woman's porch just to give her,
9 like, better living conditions, took time out of his day,
10 throwing money out their own pocket knowing that they weren't
11 getting paid, just like doing selfless things like that, like,
12 there aren't that many people out there that are like that, so
13 if I could come in and just say something good about him, like,
14 I definitely would never turn down that opportunity.

15 Q. And to a degree, do you love Rudy?

16 A. Yes, for sure.

17 Q. Like a father?

18 A. Yes. He looks at me like a daughter, and I definitely
19 could say I look at him like a father.

20 Q. But you understand you've sworn to say the truth?

21 A. Right.

22 MR. RICHARDSON: No further questions at this time,
23 Your Honor.

24 THE COURT: Cross-examination?

25

CROSS-EXAMINATION

1

2 BY MS. WALLER:

3 Q. It's Ms. Farino?

4 A. Farinas.

5 Q. Farinas. Can I call you Nikki, too?

6 A. Yes, that's fine.

7 Q. Just for ease. Okay. One of the last things you said
8 was that your mom's first marriage was bad?

9 A. Right.

10 Q. Why is that?

11 A. My dad was just very abusive. She suffered a lot of
12 domestic violence in that marriage.

13 Q. So when she met Mr. Moreno, did it seem kind of like
14 fate, or a gift from God?

15 A. Almost. It just seemed like that was her right person
16 that just met everything that -- the way that she should be
17 treated, he was treating her.

18 Q. So he treated her great?

19 A. Right.

20 Q. And they are engaged now, I believe?

21 A. Yes.

22 Q. And do you think they want to spend the rest of their
23 lives together?

24 A. Yes.

25 Q. Would you say that your mom is in love with Mr. Moreno?

- 1 A. Yes, I would.
- 2 Q. Would she do anything for him?
- 3 A. Yes.
- 4 Q. What about you, do you love your mom?
- 5 A. I do.
- 6 Q. Would you do anything for her?
- 7 A. I would.
- 8 Q. You said, I believe, that you moved out of your mom's
- 9 house in September 2021, correct?
- 10 A. Right?
- 11 Q. Okay. You were a senior in high school then?
- 12 A. No, I had graduated already from high school.
- 13 Q. You had graduated?
- 14 A. Right.
- 15 Q. Okay. I guess I misunderstood that part. But when you
- 16 say you moved out, what do you mean by that?
- 17 A. I got my own apartment.
- 18 Q. So you started paying your own bills?
- 19 A. Yes.
- 20 Q. Did you take all your stuff with you?
- 21 A. No.
- 22 Q. No?
- 23 A. I had money saved up. I just took my clothes. I bought
- 24 all new furniture, just moved in.
- 25 Q. So you kind of decorated your own place?

- 1 A. Yes.
- 2 Q. And made it your own?
- 3 A. Yes.
- 4 Q. Does anybody live with you there?
- 5 A. My boyfriend.
- 6 Q. Your boyfriend?
- 7 A. Yes.
- 8 Q. Do you and your boyfriend sleep in the same bedroom?
- 9 A. Yes.
- 10 Q. Does he ever get up in the middle of the night?
- 11 A. To use the bathroom.
- 12 Q. Use the bathroom?
- 13 A. Correct.
- 14 Q. Could he get up and you not know about it?
- 15 A. No, I'm a really light sleeper.
- 16 Q. You're a really light sleeper?
- 17 A. Uh-huh.
- 18 Q. So every time he gets up to the bathroom, you know about
- 19 it?
- 20 A. Yes.
- 21 Q. What about if he wanted to get a drink of water, would
- 22 you know about that, too?
- 23 A. I would know everything. I'm a very light sleeper.
- 24 Q. Okay. So there's no possibility that he could get up
- 25 and you not know it?

1 A. Yeah, no possibility.

2 Q. And you said you moved out and got your own stuff and
3 decorated your own apartment. You always said, and I believe
4 your mother said this, too, that you moved out of your house
5 when Hurricane Florence hit, is that also correct?

6 A. Yes, that's correct.

7 Q. And how long did you move out for?

8 A. A week.

9 Q. A week?

10 A. Yes.

11 Q. So you consider leaving your house and staying at
12 another place for one week moving out of your house?

13 A. I wouldn't say moving out, no.

14 Q. So you say that's a mischaracterization of what happened
15 then? I mean, is that moving out or not?

16 A. No.

17 Q. Okay. Why not?

18 A. Because you're not living somewhere else permanently.

19 Q. You're just spending the night there, correct?

20 A. Right.

21 Q. So it's your testimony that you can live one place and
22 spend the night at another place, right?

23 A. Right, if you don't take all your stuff with you.

24 Q. Right, and you intend to go back. So if you went and
25 spent the night at your mom's for the next week and then

1 went -- would you consider that moving out of your place with
2 your boyfriend?

3 A. No.

4 Q. Whenever **Juvenile** would come and stay at the Forestbrook
5 house, were you always with her the whole time she was there?

6 A. Not the entire time, no.

7 Q. When would you be away from her?

8 A. If they would come on a weekend, he would usually pick
9 them up Fridays, so I played cheer and I played soccer, so if I
10 had an event or a game and they weren't with me that afternoon,
11 I would stay with her.

12 Q. So were you ever left alone with the defendant, Rudy
13 Moreno, after he moved in your house?

14 A. Yes.

15 Q. How many times?

16 A. More than I can count.

17 Q. A lot?

18 A. Right.

19 Q. More than you can count?

20 A. Right.

21 Q. That's a whole lot?

22 A. Yes.

23 Q. So why was it okay for you to be left alone with him,
24 but it wasn't okay for his biological daughter to be left alone
25 with him?

1 A. I'm not sure.

2 Q. You said that you first met Mr. Moreno in 2018 in June;
3 is that correct?

4 A. Correct, late May, early June.

5 Q. And he got engaged to your mother in August of 2018?

6 A. Correct.

7 Q. I believe Mr. Richardson characterized that as a
8 whirlwind romance, would you will agree with that?

9 A. I would in a way.

10 Q. And you said he moved into the house at Forestbrook that
11 you had shared with your mom in October of 2018.

12 A. Late October, early November, yes.

13 Q. Once he moved in your house, did he ever go stay
14 anywhere else?

15 A. No.

16 Q. So give me dates. He moved in late October of 2018, and
17 you moved out when?

18 A. September of 2021.

19 Q. And it's your testimony under oath today that he spent
20 every single night in that time period at the Forestbrook
21 house?

22 A. From what I can remember, I don't remember him living
23 anywhere else or going and spending the night anywhere else.

24 Q. That wasn't the question. Is it your testimony today
25 that between the dates of October of 2018 and when you moved

1 out in September of 2021, that Mr. Moreno spent every single
2 night, he slept every single night during that time period at
3 the house in Forestbrook, and your under oath, is that your
4 testimony?

5 A. No.

6 Q. Why not?

7 A. I cannot say for sure that every single night he was at
8 that house.

9 Q. Thank you. What about the house on -- the house that
10 you moved into on Bethel Road, do you remember that house?

11 A. Yes, I remember it.

12 Q. How often did you go stay at the house?

13 A. Just that one hurricane incident is the only time I've
14 spent the night there.

15 Q. Do you know if Mr. Moreno ever spent the night there
16 after that?

17 A. No, I don't know.

18 Q. Do you know if he ever went there and just spent time
19 there?

20 A. Not that I believe.

21 Q. You know or don't know?

22 A. I don't know.

23 Q. You said that when you -- did you say that you watched
24 movies with Mr. Moreno at the house on Bethel Road?

25 A. Yeah, that hurricane we would sit in the living room and

1 watch movies.

2 Q. You would sit in the living room and watch movies?

3 A. Yes.

4 Q. Who would sit there with you?

5 A. All of us, him, my mom, the kids, and me.

6 MS. WALLER: No further questions, Your Honor.

7 THE COURT: Redirect?

8 MR. RICHARDSON: No Redirect, Your Honor. I just ask
9 that Nikki be excused from her subpoena.

10 You may step down, and you're free to leave. Thank you, ma'am.

11 THE WITNESS: Okay. Can I stay here?

12 THE COURT: You sure can. You may call your next
13 witness. The defense rests, Your Honor. Mr. Foreman, and
14 ladies and gentlemen of the jury, at this juncture, once again,
15 we have to take up matters of law outside of your presence, and
16 I ask that you return to the jury room, and do not discuss the
17 case. Everyone remain seated as the jury exits this courtroom.

18 **(jury exited the courtroom at this time)**

19 THE COURT: Any motions?

20 MR. RICHARDSON: I would renew my motion for directed
21 verdict, Your Honor.

22 MR. MARTIN: Your Honor, for the same reasons we
23 previously put on the record, we'd ask that motion, again, be
24 denied.

25 THE COURT: I do, indeed, find that there's a

1 question of fact for the jury. You all have previously taken a
2 look at the verdict form. Is that agreeable to the State?

3 MR. MARTIN: Yes, sir.

4 THE COURT: And to the defense?

5 MR. RICHARDSON: Yes, sir, Your Honor.

6 THE COURT: All right. Under these circumstances the
7 State will open in full, you have an opportunity to give your
8 closing argument and they will have an opportunity to reply and
9 address the issues that you bring up in your closing argument.

10 MR. RICHARDSON: Yes, sir, Your Honor.

11 THE COURT: Anything further?

12 MR. MARTIN: I don't believe so, Judge.

13 THE COURT: Are you all ready to proceed?

14 MR. MARTIN: Judge, the State is ready. We're ready
15 to go.

16 MR. RICHARDSON: Your Honor, if we could have about
17 ten minutes, at least?

18 THE COURT: We'll stand at ease for about five
19 minutes. How about that?

20 MR. RICHARDSON: Thank you, Your Honor.

21 **(Recess taken)**

22 THE COURT: Anything from the State before we
23 proceed?

24 MR. MARTIN: No, Your Honor.

25 THE COURT: Anything from the defense?

1 MR. RICHARDSON: No, sir, Your Honor.

2 THE COURT: All right. I've never put a limit on
3 time for a closing argument, so you can go until the spirit
4 moves you otherwise. I'm just kind of interested, do you
5 anticipate how long your closing will be?

6 MR. MARTIN: Judge, I never put a timer on it, but I
7 do not believe it's going to be very lengthy, 20 minutes, I
8 really don't see it being very long, Judge.

9 MR. RICHARDSON: I'm not going to promise you it's
10 gonna be 20 minutes, Your Honor, but I don't think it will be
11 more than 30 or 40, if that. I certainly won't go against the
12 rule saying you've got to be done in two hours without
13 permission.

14 THE COURT: I was just asking, just for curiosity.

15 MR. RICHARDSON: You can throw a piano, or whatever,
16 At me --

17 MR. MARTIN: And please don't hold me to 20 either,
18 I'm not on a good concept of time.

19 THE COURT: I would stop, you all can do it until you
20 get a notion to stop. Very good.

21 MR. MARTIN: We're southerners, we talk slow, so it
22 doesn't help things.

23 **(Jury entered the courtroom at this time)**

24 THE COURT: Mr. Foreman, ladies and gentlemen of the
25 jury, you've heard all of the evidence that is going to be

1 presented in this case. As I mentioned at the beginning of the
2 trial, now is the time for closing arguments. Once again, it's
3 not evidence. It will aid you immensely in the deliberation
4 process, so pay very close attention to these very fine
5 lawyers. Under these circumstances, the State goes first.
6 They opened in full. The defense has an opportunity to give
7 their closing statement. Since to State has the burden of
8 proof, they'll have an opportunity to reply. Pay very close
9 attention.

10 **(Attorney Martin presented a closing argument on**
11 **behalf of the State at this time)**

12 MR. MARTIN: May it please the Court, Your Honor?

13 THE COURT: Yes.

14 MR. MARTIN: Every little girl dreams about her first
15 kiss. She thinks about holding hands, thinks about her first
16 sexual experience and what that's gonna be like, but for
17 **Juvenile** that opportunity was stolen from her. You know, a lot
18 of kids, like myself, we find out by the birds and the bees
19 awkwardly by a parent trying to, you know, tell us about it.
20 **Juvenile** found out from her dad because he, literally, raped
21 her, make no mistake about it, that's why we're here today.
22 Now, at the beginning of the trial the judge sort of gave you a
23 road map as to what to expect, and one of the things he talked
24 about was the law, and the judge, he is the authority on the
25 law. If I say something that contradicts that, not only is Ms.

1 Waller gonna probably bop me on the head, but the judge is
2 going to correct it, too, so if we say something with
3 different, please go with what the judge says, but I wouldn't
4 be doing my job if I didn't talk to you a little about the
5 charges that you're going to have to go back there and discuss.

6 So what is to defendant charged with? The Defendant
7 is charged with two counts of criminal sexual conduct with a
8 minor in the third degree, and two counts of criminal sexual
9 conduct with a minor in the second degree from when **Juvenile** was
10 between the ages of 12, 13 and 14. So what's CSC with a minor
11 in the third degree? CSC with a minor in third degree occurs
12 when a defendant willfully and unlawfully touches another child
13 who is under the age of 16 with a lewd and lascivious intent,
14 and that touching can occur on any part of that child's body or
15 private parts. It also includes attempt, so a defendant can
16 attempt to do that, and a defendant must do it with sexual
17 intent: I wanted to have sex with her, I thought about having
18 sex with her.

19 Criminal sexual conduct with a minor in the second
20 degree occurs when a victim is between the ages of 11 and 14,
21 but it has an extra part to it. We have to have what's called
22 a sexual battery, and the judge is going to tell you, a sexual
23 battery is a penetration of someone's private part no matter
24 how slight. Now, that's key: No matter how slight.
25 Penetration can be cunnilingus, it can be fellatio, penetration

1 can be my pen inserted into a child's vagina, my fingers, my
2 penis. Labial penetration is still penetration, no matter how
3 slight. Having a child kiss your penis, if that penis crosses
4 the lips, that is a sexual battery. So when you're thinking
5 about the evidence in this case and as we're talking, think of
6 those charges, keep thinking about those elements that we just
7 discussed.

8 The judge is also going to tell you that the burden
9 on proving Mr. Moreno guilty rests solely with the State,
10 that's our job, and we have to prove him guilty beyond a
11 reasonable doubt. Judge Nettles told you a little about
12 preponderance of the evidence and in civil court how that's
13 tipping the scales just ever so slightly in the favor of one
14 side, and you rule with that side. Beyond a reasonable doubt
15 is a much higher burden, but it's not beyond any possible
16 doubt. It is where the evidence leaves you firmly convinced
17 that Rodolfo Moreno raped his daughter. A few things in life
18 are certain, right? I think we all agree that the sun's gonna
19 set tonight, and it's gonna rise again in the morning. Lord I
20 hope so, but anything short of that, remember, it's not beyond
21 any possible doubt, it's beyond a reasonable doubt.

22 Evidence can also be direct, or it can be
23 circumstantial. Direct evidence is what you heard from that
24 witness stand, what you watched from that television screen.
25 Circumstantial is sort of connecting the dots, right? Like,

1 you put all the evidence together, and now you can connect the
2 dots. Those are the two types of evidence you can consider.
3 So let's talk a little about the evidence that we saw, that we
4 heard at this trial. We first heard from Ms. Prissy. Now, her
5 testimony might have been the shortest out of anybody's, but
6 make no mistake about it, it was impactful. Out of anybody in
7 this courtroom, she may have known this family the longest.
8 She knew **Juvenile** her entire life, it's her granddaughter. You
9 know, one of my grandfathers was not my biological grandfather,
10 but if you told him I wasn't his grandson, he'd fight you,
11 blood don't make you a grandparent, but you also heard, she's
12 known Mr. Moreno since she was eight years old, where's she
13 sit? Heaven. Heaven might be one of the most important pieces
14 to this puzzle that we have. She told you that she and **Juvenile**
15 shared no secrets. They told each other everything. **Juvenile**
16 said that. **Juvenile** was at a point as child when the abuser was
17 a parent who she didn't know who she could turn to, but she had
18 Heaven. You may ask, the defense has tried to point out, well,
19 you didn't tell anybody right away. They were children, and
20 the abuser was her dad, Heaven's dad's best friend. Dr. Rahter
21 told you, that happens, children rarely disclose within 72
22 hours, but when **Juvenile** came to Heaven, she listened. They
23 developed a plan, and when the time was right, in **Juvenile**'s own
24 way, she told a grown up, and in **Juvenile**'s own with way, she
25 told the police, she wrote it in a statement.

1 You heard from Paul Johnson, the detective in this
2 case, and a whole heck of a lot yesterday was made about what
3 the police didn't do, and not focusing on what we actually got
4 in front of us and what happened, but you heard what Detective
5 Johnson said, typically and in this case. The case is
6 reported, the officers who are working that area on the road
7 come out, they take a report, they take statements, and they
8 give it to the criminal investigations unit to investigate,
9 which is exactly what Detective Johnson did. He had a full
10 disclosure from the victim, he reviewed it, and like any good
11 detective, what does he do? Try to hear the other side. Okay,
12 **Juvenile** wasn't interviewed, for the 20th time, you heard from
13 multiple witnesses that wasn't necessary. He said he had the
14 information he needed to conduct his investigation. Now, we'll
15 get to what was said in that interview in a minute, but a lot's
16 been said by the other side about lack of physical evidence.
17 Detective Johnson said, this happened years ago, what physical
18 evidence might there be? I don't need physical evidence, I've
19 got her statement and his statement. You heard Doctor Rahter,
20 if you don't get to the hospital within 72 hours, the chances
21 of having DNA, we're talking, what, two, three years later, you
22 heard what she said about are injury. I don't know about you
23 all, but I was actually educated today on that. They don't
24 teach you all of that in biology class, they probably should.
25 She's seen, I believe what she said was, and you all heard it

1 so if I'm wrong you can certainly correct me on that, but I
2 believe over 8,500 little kids, that's not counting her ER work
3 and her other doctor work. I think she knows what she's
4 talking about, but she wouldn't expect to find, or it's
5 uncommon to find some sort of penetrating injury three years
6 later: It's normal to be normal. Remember that: It's normal
7 to be normal.

8 We heard from a couple folks sitting on the other
9 side. One thing Mr. Richardson said in opening, which I think
10 is impactful, just use your common sense. You heard what his
11 fiancé said or what she didn't say, use your common sense.
12 Who's trying to protect who? It's a whole lot of what was said
13 in this trial, and there's a whole lot that just don't make a
14 lot of sense. Do you mean to tell me you've been with a man
15 for seven years, and you've slept together in the same bed
16 every night, he never got up to take a leak, he never got up to
17 take a drink of water, the doors in your home were never shut.
18 Your daughter, who is not his biological child would be alone
19 with him, and that's okay, but, oh, no, his biological child,
20 we're not leaving her alone with him. Well, if that's true,
21 why is that true? It just doesn't make a lot of sense, but I
22 can tell you what does make sense. If me and Ms. Waller each
23 have to write down what happened today, chances are there are
24 going to be parts of our story that don't match. That happens,
25 even when you're not trying to deceive somebody. You heard

1 what Johnson said, defendants never just walk right into the
2 police station, they never come in, sit down, and say, hey, I
3 did it, I raped my daughter. And even when they give somewhat
4 of a confession, they don't do it right away, and they never
5 fully confess, they try to minimize what they did wrong, but
6 even when you're trying to be honest and tell the same story,
7 there's parts that don't with match up, but importantly,
8 there's parts that do much match up, and that's important to
9 focus on, and we'll get to that in a second. But it's human
10 man nature, really, to try to minimize involvement and try to
11 deny, deny, deny. I'll never forget, every year for Christmas
12 my mom would always make Christmas cookies. That was,
13 obviously, a tradition just like it is in most homes.
14 Gingerbread and peanut brittle were the two big things, and my
15 dad loved the peanut brittle, and in fact, he liked the burned
16 peanut brittle, so my mom would always leave us with the burned
17 nasty peanut brittle and give the good stuff to the neighbors,
18 but the gingerbread was always the fun part because my sister
19 and I could, like, help with that, you know, decorate the
20 gingerbread cookies, making the dough with the eggs and the
21 flour and rolling pin and flattening it out. Well, my sister
22 who's younger than me, liked to eat the raw dough, and I mean,
23 who doesn't? Honestly, it's kind of gross, but it's also
24 pretty good, but my mom would always tell her, like, Ann Marie,
25 don't eat too much of that, like, you'll get sick, it's got raw

1 eggs in it. I'll never forget, we took a break, we come back,
2 and the fridge door's open. We look in the fridge door, the
3 dough's missing, you go over to where the rolling pin is, the
4 dough is piled up there, and literally, I'm not kidding,
5 there's like teeth marks in it. Ann Marie? Yes? Do you know
6 anything about that? No. Well, there's flour on your hands,
7 and there's dough in the corners of your mouth. Do you know
8 anything about that? No, I don't have any idea. Ann Marie, do
9 you think you had maybe a weak moment? Well, maybe, I just --
10 you know, and she never fully, she's a child, she never fully
11 admits that it's her, but you know. It's human nature when
12 you're confronted with something you've done wrong, to behave
13 that way. It doesn't matter if you're a 34-year-old man, or a
14 six-year-old little girl, but what parts of **Juvenile** and Rudy's
15 story do they have in common? Think about that. He admitted
16 to touching her, her breasts, her chest, her thighs, her
17 stomach, kissing her. He admitted to rubbing her vagina with
18 his fingers. He was asked if he felt like anything may have
19 entered: I don't know. He admitted to his penis being erect,
20 putting a condom on his penis, and to rubbing her vagina with
21 it. He admitted to having thoughts of having sex with her.
22 That's what happened. That's what was in common. Of course,
23 **Juvenile** and the defendant are really the only two that really
24 know what happened. You heard his fiancé say, I can't see
25 through doors, and **Juvenile** tells you there's a lot. Use your

1 common sense. The defense told you, use your common sense. We
2 know criminal sexual conduct with a minor in the third degree
3 occurred by the defendant's own statement. **Juvenile** says that
4 he penetrated her vagina with his penis while being in the old
5 Bethel house in Conway. The defendant says that the incident
6 with the condom occurred at the old Bethel house in Conway.

7 **Juvenile** says when he would use his fingers, sometimes he would
8 penetrate her vagina. The defendant said he rubbed her vagina
9 with his fingers.

10 You all are gonna hate me, but since so much of a
11 production has already been made going line by line through
12 this thing, I'm not gonna do that, rest easy, but I do think
13 it's important to discuss some of the relevant parts that may
14 have been left out when we with went line by line on this
15 thing. The truth of the matter is, before the defendant
16 even made --

17 MR. RICHARDSON: Your Honor, I don't know that he put
18 that into evidence.

19 MS. WALLER: The statement's in evidence.

20 MR. MARTIN: The statement's in evidence.

21 MR. RICHARDSON: The translation is not and I'm just
22 saving --

23 MR. MARTIN: I'm not bringing into evidence, I'm just
24 gonna read from the --

25 THE COURT: Well, you need to address you --

1 MR. RICHARDSON: If they want to put it into evidence
2 and read from it, Your Honor, that's fine, I have no objection
3 to that.

4 MR. MARTIN: Judge, he used this statement to
5 cross-examine --

6 THE COURT: Come approach to bench.

7 MR. RICHARDSON: I apologize, I thought he was
8 talking about the phone call, that's my bad, Mr. Martin. I
9 apologize.

10 MR. MARTIN: That's okay. No objection to that. I
11 apologize.

12 THE COURT: You may proceed.

13 MR. MARTIN: Thank you, Judge. Prior to the
14 defendant admitting his wrong doing, you may have noticed, he
15 said some very important things that I think we need to keep in
16 mind. Detective Johnson asks, let was just say that there's a
17 13-year-old girl and you got a 30-something-year-old man who
18 had sex with her because he had a weak moment. He hadn't had
19 sex in awhile, he can't find a woman that will give him sex.
20 So he had sex with a 13 year old. What do you think should
21 happen to him? Do you think he deserves a second chance?
22 Defendant: I would say so. Detective: Do you think he should
23 have a second chance? Defendant: Yes, sir. Who says that?
24 You just had a weak moment, Rudy, that's what happened. It
25 don't make you a bad guy, it doesn't make you a bad person, it

1 just makes you human, it makes you human, you had a weak
2 moment: If that's what she's saying, sir, I mean, I guess. I
3 could say that I had a weak moment then. Defendant: Like I
4 say, we lay there in the bed and I wore my boxers on me and I
5 hugged her and if you think -- if she thinks my penis got hard,
6 I don't remember. Detective: You don't remember? Detective:
7 What happened? Defendant: Gave her a hug and maybe I hugged
8 her too long. Maybe she thought I was trying to do something
9 else. Really? Why? Defendant: She might have thought that
10 she -- that I was trying to have sex because I gave her a hug,
11 a long time, I mean. What? Defendant: I'm telling you, I --
12 I touched her breast when I hugged her, and if I -- I touched
13 her leg. Defendant: I touched her stomach. I rub her
14 stomach. I ended up touch her chest, that's what I did.
15 Detective: What else? Defendant: And rubbed her leg. Then
16 we get to the meat and potatoes. That's just the lead of it.
17 You heard Detective Johnson say once he left the room, said he
18 was gonna call her, and came back, things changed. Remember
19 that? Defendant: I rubbed her stomach, and I -- and I rubbed
20 her chest. Defendant: And I rubbed her thigh. Defendant --
21 excuse me, detective: Did your penis get aroused? Defendant:
22 Yes, sir. First he said: Probably so. Then when he was asked
23 again, it's: Yes, sir. Detective: Do you think that was
24 wrong? Defendant: Yes, sir, I think it's wrong. The
25 defendant's basically asked, you know, why it took so long to

1 get to this point. He said: Because I'm ashamed a little bit
2 about it. Defendant: Well, I did put a condom, but I
3 masturbate myself. What? You heard the detective. What do
4 you use condoms for? Detective: You put on a condom?
5 Defendant: Yup. Detective: In front of her? Defendant: No,
6 no, she left the room. Further down: She might have saw it in
7 the bathroom. You heard **Juvenile**, she hadn't had her period
8 yet, folks. She didn't know what a condom was. She didn't
9 know what sex was. She learned all this from her father.
10 Defendant: I just kind of put it right beside her, but I
11 didn't ever go. Detective: So you put to condom on?
12 Defendant: Yeah. Detective: Okay. And how was she laying,
13 Rudy? Detective: How was she laying? Defendant: On her
14 back. What did she say: I was on my back with my legs up over
15 his shoulders with his erect penis and a condom on. So you put
16 a condom on? I just lay on top of her.
17 Okay, but you put a condom on, and then got on top of
18 her? Uh-huh, I never penetrated, sir. Why did you put a
19 condom on, Rudy? Because I thought about it. Is that intent?
20 Is that sexual intent, touching a child's vagina with your
21 erect penis and thinking about having sex with her? You
22 thought about having sex with her? Uh-huh. Why did you put a
23 condom on, Rudy? Because I thought about it. I -- I -- I did
24 rub her, I did rub her. Detective Johnson starts asking Rudy,
25 if you remember, about whether or not he ever, he used the

1 words: Put it in. Defendant: I just rubbed on her, sir.
2 With your penis? Yes, sir. Okay, so you just rubbed your
3 penis on her vagina? Uh-huh, uh-huh. Why did you put a condom
4 on, Rudy? Because I thought about it, sir, I had a weak
5 moment. I'm being honest. How long did you do that for?
6 Maybe a minute. A minute? You all, that's 60 seconds. Do we
7 need to pause right here, right now, and watch the clock for 60
8 seconds? That's an eternity for a 12 year old who's being
9 raped, a lot happens in 60 seconds. Did you finish? No, sir,
10 I went in my room and I played with myself, I went to the
11 bathroom. Why does she think it went inside of her? Did you
12 put your fingers in her by chance? Defendant: No, sir, I
13 rubbed her. She might have thought that my finger went in
14 there. I wonder why she thought his finger went in her vagina?
15 I wonder why she thought his penis went in her vagina? When
16 talking about the penis and the condom, he asked Rudy: How
17 many times did that happen? He said: Once. I asked **Juvenile** :
18 How many times did he penetrate you with his penis while
19 wearing a condom? She said: Once. She said in the Conway
20 house, he said the Conway house. Detective: Do you feel bad
21 about what you did? Defendant: Yes, sir, I feel bad. Wish
22 you hadn't have done it? Yes, 100 percent. Detective: So you
23 and her were just in the bed? And defendant: It's just, I
24 don't, it just happened. Just had a weak moment? Yes, sir.
25 Detective, further down a little bit later: So what were you

1 doing then, just going back and forth? Defendant: Uh-huh.

2 According to him, for 60 seconds, back and forth. Well, when

3 did this happen, how long ago? Defendant: I don't know, I

4 honestly don't know. Detective: A couple years? Defendant:

5 Yeah, probably, a year, probably over, a little over a year.

6 Detective: Is that when you were staying at Bethel Drive?

7 Defendant: Yes, sir. Who cares what the girlfriend says.

8 Rudy owned the house, he got mail sent to the house, she ain't

9 spending every second of the day with him. He says it happened

10 in the Conway house, she says it happened in the Conway house,

11 use your common sense. I'm not going to belabor to point, the

12 video obviously speaks for itself. Quite some time has been

13 spent this week going line by line painstakingly, but I thought

14 it was important to talk about the part that was conveniently

15 left out by the defense in their questioning. You guys watched

16 it, you're not children, but I thought it was important to at

17 least remind you of that.

18 When you go back in the jury room, think of those

19 things, her innocence, her virginity, stolen by her dad.

20 There's only one true way to have justice here today, and we

21 all know what it is. Find him guilty.

22 THE COURT: Defense, you recognize.

23 **(Attorney Richardson presented a closing argument on**

24 **behalf of the State at this time)**

25 MR. RICHARDSON: I talked to you all at the beginning

1 of this trial about the rest of the story, and that's important
2 to remember, and I'm glad you've sat here through all of this,
3 to hear the rest of the story. As I told you, when I first got
4 this case I was told, man, the guy confessed, and I through up
5 my hands. So I got the discovery, and I started looking at
6 that interview, that interrogation. The devil's in the details
7 in any criminal investigation, folks, any investigation. It
8 doesn't matter if it's Watergate from the '70's, the Brittane
9 Drexel ordeal, anything that's going on with President Trump,
10 or any of the other presidents, the devil is in the details,
11 and so I want you to look at the details. Mr. Martin says I
12 left stuff out when I talked about that interview, and he wants
13 you to remember, I hope you have a good memory. I hope you
14 remember every part of that interview, and while you probably
15 know it about as well as we do now because we've been talking
16 about it, that interview is there for you to watch. You can
17 watch it, fast forward it, whatever you want to do. You don't
18 have to, but I'd encourage you to look at it, but the devil is
19 in the details, and so pay close attention. Pay close
20 attention to everything that you've heard here in court today,
21 and I agree, look at everything. Does it make sense? What
22 makes sense? Now, shortly, shortly, I'm going sit down after I
23 talk to you all for a minute. The State will have an
24 opportunity to come back up and to you everything I said is
25 completely wrong. I won't get a chance to you speak again.

1 You've heard the questions I've asked, you've heard the
2 testimony, so just think on everything, but they would have an
3 opportunity to how I would respond to their attacks, but you
4 got good sense, and that's why you were chosen, and so after
5 we're all down, the attorneys are done talking, you will
6 probably leave saying, praise Jesus, but the judge is going to
7 talk to you. He's going to remind you from the time you swore
8 your oath that you and only you became the sole judges of the
9 facts in this case, the facts of evidence and testimony that
10 you've heard, but I'll also remind you he's the judge of law,
11 so he's gonna give you the law to apply to the facts of
12 evidence and testimony that's been brought here in court. He's
13 going to talk to you about credibility. Each of you do it
14 every day. I think he talked with you at the beginning of the
15 trial. You judge credibility every day, who do you trust, how
16 do you trust, why do you make the conclusions you do? If you
17 buy a car from this certain salesman, can I trust what they're
18 saying? If my child comes up to me and tells me they did their
19 homework, can I trust that? You look at the body language, you
20 listen to what they say. Does what they say have logical
21 sense, coherent sense, cohegent (ph), but credibility is an
22 important thing. The judge will talk to be you about you can
23 believe one witness over many, many over one, you can believe
24 some of what a witness says, part of it, all of it, none of it,
25 it's up to you. The judge will talk to you about direct and

1 circumstantial evidence, and direct evidence is what somebody
2 says they've seen, they observed, they heard, smelled, touched.
3 Circumstantial evidence is a proof of a chain of facts that we
4 put together that leads to an ultimate conclusion, such as, if
5 somebody says, I sat in that chair yesterday, and then I show
6 you a picture showing that chair was no in here yesterday, that
7 would disprove their point. That would show they're a liar,
8 that's circumstantial evidence. If the chair wasn't in here
9 they couldn't have sat there. But one of the main things the
10 judge will talk to you about is something that we've all heard,
11 whether it's in books, TV, movies, reasonable doubts. Even in
12 law school they didn't talk a whole lot about what reasonable
13 doubt was, but proof beyond a reasonable doubt, the judge will
14 tell you that proof beyond a reasonable doubt means the State
15 has to give you evidence that leaves you firmly convinced of
16 the defendant's guilt. They have to hit each and every element
17 and leave you firmly convinced, and if you're not firmly
18 convinced, you have to find the defendant not guilty, so you do
19 that when you're looking at the facts into evidence.

20 So let's look at this case, what's been brought here
21 in court today, and I know when you all saw me bring that
22 notebook up, you probably rolled your eyes, but I didn't bring
23 the podium with me. First, let's just see how this case
24 started. This case started with the investigation, whenever
25 Ms. Sanchez called the Horry County Police Department out to

1 her house. They met in the garage, a patrol officer, for a
2 short period of time, took a statement from Ms. Sanchez and
3 **Juvenile**. You heard her tell about the three-page
4 written statement. You heard about a letter she wrote to her
5 family. All of these things happened on one day, and so when
6 Mr. Martin talks about, she doesn't even interview child number
7 20, she barely got interviewed child number one. She was
8 interviewed by a patrol officer, not an investigator, not a
9 forensic interviewer, by a patrol officer, with her mama
10 standing right there, and you heard about forensic interviews
11 with Carol Rahter, Dr. Carol Rahter. They keep the parents out
12 of the interview room so you can trust what's being said, so
13 it's coming from the child, and not the mama. You heard about
14 how Paul Johnson was given this case on the following Monday,
15 to 11th, I believe, and he doesn't remember if he had vacation
16 that week, or anything else, but he couldn't tell you one other
17 thing he did that week other than send **Juvenile** to the
18 Children's Recovery Center where she was evaluated. So at this
19 point, didn't check any pictures, I understand it's a cold
20 case, Mr. Martin talked about the DNA, I'm not looking for DNA,
21 I'm just asking what did you do, anything. Did you take a
22 picture of the house, the location, look at the custody
23 paperwork from the divorce to see if you would have had access,
24 none of that, but she goes to Children's Recovery Center, and
25 you heard from Dr. Rahter. Doctor Rahter told you that she was

1 one of the family members of the Children's Recovery Center
2 back in the mid '90s, about 30 years, I think she said 30
3 years. This is the focus. This is her life. This is what she
4 does, folks. She has kids come in there, this is what she sees
5 every day, folks, and there's an old saying, when you're a
6 hammer, everything looks like a nail. So everybody that comes
7 in, they're a victim. She talked about a forensic interview,
8 says one wasn't requested there. I think she said it was
9 marked not applicable, because they weren't going to do one,
10 but when I asked her about forensic interviews and the purposes
11 of them, I asked her how long they took, and she said, if I
12 recall correctly: Younger kids tends to be a little bit
13 shorter. As kids get older, those interviews are a little bit
14 longer, because those kids can speak for themselves. So why
15 not conduct an interview now? They want to say because she's
16 already given an interview, but not to a forensic interviewer,
17 not even to a detective, it was to a patrol officer, and not
18 certainly -- not from Officer Kaplan, because she's a patrol
19 officer. We have a detective unit for a reason. They are the
20 ones that investigate, they're the ones that go interview on
21 serious cases. They want to explain away the lack of any
22 physical findings, and again, I wasn't looking for DNA. I sat
23 at that table for 13 years, I know all about DNA. I wouldn't
24 expect to find DNA, but Dr. Rahter talked about the hymen, and
25 she told you that, she gave some studies, she didn't cite the

1 exact study, but she gave some numbers about after 72 hours, I
2 think 85 percent don't show signs, but that encompasses
3 everything from just oral sex to just groped, and whatnot, but
4 that's not what we're talking about here with no findings. She
5 told you that as a hymen becomes estrogenized, it becomes more,
6 I think Ms. Waller used, "flexible," but according to the
7 testimony of **Juvenile**, she was digitally penetrated and
8 everything before she had first period. That's just what Mr.
9 Martin said, when it would have been more rigid, more
10 susceptible to damage. She used a poloscope (ph), or whatever
11 it's called, something to magnify and good light so she could
12 see and she couldn't see any scarring, no transection. She
13 says it grows back, but then she also says that you find
14 remnants in everyone. No damage, no scarring, she couldn't
15 find it, so they've got to explain it away.

16 They talk to you about grooming behavior, and I asked
17 something about escalation, it was a poorly formed question,
18 but as I understand, you start off soft and smooth and you kind
19 of build and you build, until you get to the painful, but they
20 want you to believe that Mr. Moreno finally had sex with his
21 daughter, and then just went backwards, if I understood **Juvenile**
22 **Juvenile**'s testimony, never had sex with her again. Again, they
23 talk about multiple instances, both in opening, and I believe
24 during **Juvenile**'s testimony where they said there was
25 penetration. One time there was intercourse, but multiple

1 times digital penetration, yet, no damage, whatsoever, and I
2 guarantee you if they would have found even one little nick,
3 one little scar in there, they would have been waving that
4 thing like a red hot flag, and say, look here, we've got proof,
5 but they don't have that, so they say, oh, you don't find it.
6 So at this point, after that Friday, Paul Johnson's got a
7 three-page statement, handwritten statement, maybe watched the
8 12-minute video from the Body Camera, maybe not. We don't know
9 what else he did because he said he couldn't remember. Never
10 the less, he brought Rodolfo Moreno in, he called him while he
11 was at work, and Rudy agreed to come to the police department,
12 sit down and be interviewed, he didn't know why he was there.
13 It was ten minutes into the interview before Johnson even told
14 him, **Juvenile** says you touched her. Now, I understand why the
15 state wants to hop on that last ten minutes of interview ten or
16 11 minutes, where he confesses, and while they don't want to
17 talk about the hour before, they don't want to talk about the
18 27, 29, 30 times, Paul Johnson mentions making a mistake,
19 telling Rudy, you made a mistake. They don't want to talk
20 about countless times Rodolfo Moreno denies, flat out denies,
21 and yet Paul Johnson won't believe him. Paul Johnson said he
22 told you he went in there with an open mind, and he can't
23 decide when it flipped over. You saw the interview. You saw
24 how hard he started going pretty quick. Within 30 minutes he
25 called Rodolfo Moreno a liar: You're denying it, Rudy, you're

1 lying. He feeds words to him. If you don't believe me, go
2 back to around the 30-minute mark. It might be 30 minutes and
3 48 seconds into that thing, that's when he's calling him a
4 liar. Mistake after mistake: Maybe you made a mistake, maybe
5 you had a moment of weakness, you f'd up, Rudy, until Paul
6 Johnson sees Mr. Moreno start to break a little bit and started
7 pressuring some, he never gives him a time frame. Paul Johnson
8 reads parts and portions in the statement and combines them
9 together, and Rudy says, yeah, I've watched TV in the bedroom
10 with both my kids. Even at around minute 49, he's saying, if
11 something happened, and they said, who was the bed, and he
12 said, me and **Juvenile** and Alex, because that's what happened,
13 they would watch TV together, and he continues to deny. He
14 says: If she believes I did this. I don't want her to end up
15 as a drug addict, I don't want her to end up in a psych ward.
16 If she's saying this, and if she needs an apology from me, I'll
17 do whatever I have to. I love my daughter, I love her more
18 than life itself, more than anything in the world, I think is
19 probably what he said, but. They talk about his faith. When
20 he first go in he talks about his Knights of Columbus meeting
21 that he's trying to get to and how he's trying to raise the
22 kids in church, and Paul Johnson knows he's a man of faith,
23 knows how involved he is in that church, and he keeps bringing
24 it up: You believe in God, right? Heaven and hell, right?
25 You've got to repent, Rudy. You don't love your children,

1 Rudy, if you don't admit this.

2 Folks, I know it's hard. Just about every person in
3 the world would say, I could never admit to anything I didn't
4 do, especially not with my children, and it's hard. It was
5 hard for me to think about that before I get to interviewing,
6 and then I could see why, how he got led to that direction. As
7 Paul Johnson gave him fact, after fact, after fact. Twenty-one
8 minutes and 55 seconds in: I mean, Rudy, she's telling us that
9 you had sex with her. Rudy responds: I never had sex. Did
10 she see you having sex with somebody? No. But she said the
11 same thing you did, you were all on TV watching in bed
12 together. Of course, she said that, that's what Alex and her
13 did with her dad. And he says: No, sir, never had -- didn't
14 put my hands on her, and paul says: You put on a condom, and
15 you had sex with her. That's the first time he mentions the
16 condom. Then at 34 minutes, 39 seconds in, he says: Rudy,
17 listen, here's what I think happened. He starts laying out a
18 scenario for him. That's where he starts using "a weak moment,
19 "made a mistake," you don't have to, and Rudy responds just a
20 few minutes later: If that's what she's saying, I mean, I
21 guess I can say I had a weak moment, because he doesn't want
22 his daughter to wind up in the psych ward. He's told: If you
23 just admit it, I think you're gonna feel better when you leave
24 here today, and so Rudy's thinking, I'm just going to say
25 whatever he needs me to say so I can leave here today. They

1 tell him: Rudy, it's all right, there's nobody in the room,
2 we're not going to tell anybody. Thirty-eight minutes in,
3 they're talking about sleeping in the room again. Then he
4 says: Rudy, you're sitting there in your boxers with your
5 children. And he says: You got to be honest. Rudy says: I'm
6 being honest. At 43 minutes in he says: Rudy, that ain't what
7 **Juvenile** says. She says your dick was hard, okay? She says
8 that you all had sex. She says it hurt. Okay, you messed up.
9 That's what happened, you messed up. He's telling him what he
10 wants to hear. And yes, he was Mirandized, yes, he was told he
11 was free to leave, does that mean that he felt that way? He's
12 being boxed in, he's being told his child will go to nut house
13 if he doesn't admit it. They talk about Alex. No, Rudy can't
14 remember what time was what. He knows he hasn't seen his kids
15 at that point, in a year, year and a half. He knows he hasn't
16 lived in Conway in some time, he's guessing the times. Mr.
17 Martin says: He admits to being in the Conway house, you heard
18 the statement. Paul Johnson said: Did this happen at the
19 house on Bethel, and he says, yes, sir. This is after he's
20 beat down. If you do go back and look at that interview, even
21 if you fast forward it, I want you to pay attention to Rudy's
22 body language. When he first goes in that room, he's denying
23 everything: I never touched my daughter. When he says, you
24 know, I hugged them a lot, and if she thought I touched her
25 breasts or something accidentally, can happen, and he said,

1 I'll apologize for that, but he can't remember because it never
2 happened, but look at his body language, he's open, he's
3 sitting in that chair, his arms are by his sides. When he's
4 confronted with the allegation he throws his hands up, shakes
5 his head, and he's shocked. I'm watching it and Mr. Moreno
6 seems to take everything real literally: If you don't admit to
7 it your daughter is going to be in a nut house or a drug
8 addict. If you love God then you'll just say what we want you
9 to say. If you love your children you'll just say what we want
10 you to say. Paul Johnson said he wanted the truth, but he
11 didn't want Rudy's truth. He didn't want what Rudy had said,
12 I'm being honest, I'm telling the truth, for 50 minutes. Paul
13 Johnson wanted Paul Johnson's truth. Paul Johnson wanted
14 something to add it up to the statement that **Juvenile** gave.
15 They talk about progressive truth telling. That's one way to
16 say it, folks, but if you beat on him more and more, I'm going
17 to progressively bleed more, too, doesn't mean it's right, it
18 means you're finally getting the point. Paul Johnson finally
19 got tired of him saying, listen, if she thinks: I don't want
20 to hear no more if's! Paul says, it wasn't aggressive, but you
21 be the judges on that, that's your job, and when somebody leans
22 in and puts their hands at you. It's a danger for me to do
23 that to you because that's what I was taught not to do to the
24 jury, because you look like you're getting aggressive with
25 them, and I'm not, I'm just trying to demonstrate that point.

1 Paul had two detectives in there -- Rudy had two detectives,
2 and Rudy, Dustin Small and Paul Johnson. Paul Johnson went out
3 a little bit hard at the end, because he was getting frustrated
4 because he wasn't getting what he wanted. They brought up
5 whenever he came back in the room after that five-minute break,
6 and things started to change. Well, you're dang right they
7 started to change because he come in says: All right, Rudy,
8 here's what we'll do. I just talked with **Juvenile**, I just
9 talked to her. So you all were at a movie laying -- or you all
10 were laying down in bed watching a movie, you started touching
11 her. You said you touched her thigh, her breast, and then you
12 put your hands in her pants. Rudy, I don't think you're a bad
13 guy. This is where he gives him the option: You know, I've
14 had some guys in here that just like to have sex with kids that
15 will look for them, I don't think you're that guy, instead, I
16 think you just had a weak moment. So he doesn't really give
17 him a choice there. Either you're a monster that searches out
18 kids, or you had a weak moment, and Rudy says: I'm not like
19 that, and he continues on: Rudy, I just think you made a
20 mistake, you messed up, I think you had a weak moment, I think
21 something happened. He finishes up with: If you love your
22 daughter, Rudy, he says I do love her. Now, this is at about
23 55 minutes, 25 seconds in is when that starts, and shortly
24 before that break at 49:47, they're asking him, and he says,
25 listen, if this happened, you know, I'm sorry. They said, all

1 right, how was she laying, talking about **Juvenile**? He says,
2 right beside me, and my little boy's on the other side. He's
3 remembering actual facts there because he knows that any time
4 they were watching movies, there were two of them, Alex and
5 **Juvenile**, and they were both in the room, and I questioned the
6 detective on why you didn't try to talk to Alex. They said,
7 well, he didn't see anything. So did they even try to talk to
8 him? Did he notice something, did he notice his sister
9 complaining in pain at any point? Did he notice his sister
10 after what she reports, intercourse, having difficulty? They
11 didn't go talk to Alex, never, because they didn't want
12 anything to disprove what they already believed. He told you
13 he didn't have enough to get a warrant, so he had to get a
14 confession. Just like I said about Carol Rahter, when you're a
15 hammer everything looks like a nail. Paul Johnson has been
16 with SVU, Special Victims Unit Investigating these types of
17 crimes, by his testimony, three-and-a-half to four years at the
18 time of this. That's a long time in the field, folks, and by
19 that point he'd seen kids come in here, and every suspect, he
20 was a hammer, they looked like a nail, and he was going to make
21 doggone sure that he pounded and pounded and pounded until that
22 nail was buried into the board. He lied to Rudy, and he's
23 allowed to do that here in the United States. When Rudy
24 wouldn't say what Paul Johnson wanted, he would get aggressive
25 with it: No more if's, I'm tired of hearing the if's. This is

1 how he would soften up at the end: I'm tired of the if's, but
2 I'm gonna give you one more chance, one more chance to say what
3 I want you to say.

4 Before I close up, I do owe Mr. Martin an apology,
5 and I tried to apologize to the Court earlier. He was just
6 quoting from the transcript, the same as I was, so I want to
7 make it clear, I apologize for that. Folks, the reason I asked
8 you to look at the rest of the story, because I wanted you to
9 go in, not just with, oh, we've got a confession, I wanted you
10 to see the confession, I wanted you to see every part of it.
11 The 50 minutes to an hour of Rudy denying everything, until he
12 was beat down, not really given an option, you saw him at the
13 end, he was surprised he was being arrested. I thought you
14 said if I just told the truth, told your truth, you'd all let
15 me go. He even calmed down and said, you all lied to me. The
16 Horry County Police Department's a machine (ph.,) and they
17 ground him down, and unfortunately, he made statements that he
18 wishes he could take back, statements that don't add up, they
19 don't really add up to what **Juvenile** said, other than the facts
20 and regurgitated what Paul Johnson gave to him. He had facts
21 that can't add up to what actually was happening because there
22 is no way by two witnesses, they're related, they live with
23 him, know exactly when he moved in. You've seen the
24 photographic evidence of when he moved into that house, he was
25 living in Forestbrook in October -- or late October, early

1 November 2018, folks. He was not living in Conway in 2019, not
2 June, not July, no more than three days and he had COVID.

3 Folks, I'm going to ask you to use your common sense.
4 I know this is a difficult case, but look at everything.
5 Again, Mr. Moreno is not the one on trial, it's the State's
6 case, the case that Horry County Police developed. Their case
7 is on trial, and I think if you examine closely and carefully,
8 there's only one verdict to be had, find Rodolfo Moreno not
9 guilty, send him home.

10 THE COURT: Thank you. State, you recognize, Reply?

11 MR. MARTIN: May it please the Court, Your Honor?

12 THE COURT: Yes.

13 **(Attorney Martin presented a Reply on behalf of the**
14 **State at this time)**

15 MR. MARTIN: The defense said, the devil is in the
16 details, so I'll try to be quick, but let's go over a few of
17 those details to need to be ironed out again. We talked about
18 how the victim, **Juvenile**, was interviewed by a patrol officer
19 and interviewed with her mother present. Why in the heck does
20 that matter? Was her mom present when she told Heaven? Was
21 her mom present when she talked to Ms. Prissy? Was her mom
22 present when she walked back inside to fill out her statement?
23 Was her mom present when he was talking to Dr. Rahter?
24 Something was brought up about custody papers and the police
25 didn't go get divorce papers to see who was living with who.

1 Why in the heck does that matter? The victim said who she was
2 living with. The defendant said she stayed with him. Heaven
3 said it. In fact, the defendant's witnesses said it, his
4 fiancé and his step daughter. Let's be clear about a couple
5 misstatements about Dr. Rahter. Dr. Rahter didn't say older
6 kids always give longer interviews. What she said was, every
7 kid's different. Typically, your little kids, the three year
8 olds, they don't talk a lot. You may not expect a longer
9 interview, but the police don't often ask for interviews when
10 an older child who gives a detailed account, has already done
11 so. Dr. Rahter also said that it's uncommon to find any sort
12 of penetrating injury when the sexual assault occurred years
13 prior. I believe she said she's had cases where a young child
14 has given birth, and there was no injury. Some stuff was said
15 about Alex Moreno. If Alex is in the bed sleep, like **Juvenile**
16 said, how's he gonna see what happens maybe under the covers?
17 And do we honestly expect a child who was too uncomfortable to
18 talk to her own mother, do we expect her to tell her
19 11-year-old brother, hey, my vagina hurts? There was some
20 stuff brought up about therapy. Most parents get therapy for
21 their kids if they've had some sort of trauma. They don't just
22 admit to raping their child. You don't get your child help and
23 keep your child out of the nut house by telling the police
24 detective, I raped her, that just doesn't make sense. Paul
25 Johnson didn't know the defendant, he didn't know the victim,

1 he told you he didn't have warrants in hand when he went and
2 met with the defendant. Why was he trying to coerce a
3 confession? He didn't know them. Something that was
4 impactful, and I mean, I touched on it already enough, but one
5 of the last things that Mr. Richardson said that I really
6 thought was impactful: The defendant made statements he wishes
7 he could take back, and I wrote that down and put it in quotes,
8 but that's close: Defendant made statements he wishes he could
9 take back. The defendant also did some horrible things that
10 **Juvenile** wishes he could take back. Thank you.

11 THE COURT: Mr. Foreman, ladies and gentlemen of the
12 jury, I'm going to ask that you return to the jury room and
13 refresh yourselves, but do not discuss the case.

14 **(Jury exited the courtroom at this time)**

15 THE COURT: Anything from the State?

16 MR. MARTIN: No, sir.

17 THE COURT: Anything from the defense?

18 MR. RICHARDSON: No, sir, Your Honor, just at some
19 point we need to modify those pictures, crop them.

20 THE COURT: Might you all approach the bench for a
21 moment?

22 MR. RICHARDSON: Yes, sir.

23 **(Off the record discussion was held at that time**
24 **bench by court and counsel)**

25 THE COURT: We're ready for the jury.

1 **(Jury entered the courtroom at 3:42 p.m.)**

2 THE COURT: Mr. Foreman, ladies and gentlemen of the
3 jury, you've heard all of the evidence in this case, and you've
4 heard the closing arguments. We are approaching 4:00, and what
5 we have left to do is for me to charge you the law, which is an
6 important thing for you to understand, and then you can begin
7 deliberations, but you can't do anything, you can't discuss it
8 amongst yourselves or with anyone else until that point, and
9 that would put us, everybody has things they have to, and I
10 think it would be better for us to charge the law in the
11 morning and begin deliberations fresh in the morning, that way
12 we won't be here until all hours of the night. So that's what
13 we're going to do, and I'm going to ask that you be back at
14 9:30, 9:30 sharp. We're getting into short rows, but it's
15 inappropriate to discuss it amongst yourselves or with anyone
16 else. Once again, no independent investigation, no social
17 media, we'll see you back at 9:30, 9:30 sharp. You're free to
18 leave. Thank you.

19 **(Jury was excused for the day Thursday, May 15, 2025**
20 **at 3:44 p.m.)**

21 THE COURT: Anything from the State?

22 MR. MARTIN: No, Judge.

23 THE COURT: Anything from the defense?

24 MR. RICHARDSON: No, sir, Your Honor.

25 THE COURT: If you all could take a moment and get

1 the exhibits ready, that will be one less thing to do in the
2 morning. Thank you.

3 **(Concluded for the day on Thursday, May 15, 2025 at 3:45 p.m.)**

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20 **(Whereupon proceedings reconvened Friday, May 16, 2025)**

21 THE COURT: I will share with you all my charge on
22 the substitutive law. The rest of it is just general stuff,
23 and I think it would probably be a good idea for me to -- this
24 will outline what I'm going to charge and see you if you have
25 requests for additional charges or any objections. Of course,

1 you all are going to have an opportunity to listen to the
2 charge in its entirety and make requests and objections at that
3 time. I plan on charging to divergent duties of the jury as
4 the trial judge, the fact that indictment's not evidence, how
5 to evaluate the multiple charges, presumption of innocence,
6 reasonable doubt, the credibility of witnesses, expert
7 witnesses, how to evaluate that, direct and circumstantial
8 evidence, and instruction with regard to the defendant not
9 testifying, the fact that they can't consider that, the charge
10 to the substitutive law that you all have already seen. Any
11 additional requests?

12 MR. MARTIN: None from the State, Judge. It sounds
13 like you covered everything.

14 THE COURT: Anything from defense?

15 MR. RICHARDSON: No, sir, Your Honor.

16 THE COURT: All right.

17 MR. RICHARDSON: And I assume you're doing the
18 standard charges on all of those?

19 THE COURT: Yes, sir. With a flair, though. All
20 right. We're ready for the jury.

21 **(The jury entered the courtroom at 9:31 a.m.)**

22 **(Jury Charge)**

23 THE COURT: Mr. Foreman, ladies and gentlemen of the
24 jury, thank you for being here and being here on time. As I
25 mentioned to you already, you've heard all of the evidence

1 that's going to be presented in this case, and I couldn't help
2 but notice that you all have paid very close attention as the
3 witnesses have testified and the lawyers asked questions, you
4 looked at the lawyer when the answer came from the witness
5 stand, you looked at them, clearly you all paid very close
6 attention to that. You have all of the tools necessary to
7 resolve facts that are dispute in this case, but in order for
8 you to fulfill your sworn duty you're going to have to pay
9 attention to the law. Now, I wish that there was an exciting
10 way to do that, but there isn't, but it's important, so I'm
11 going to ask that you perk up a little bit, and pay very close
12 attention.

13 Mr. Foreman and ladies and gentlemen of the jury, you
14 and I have specific duties to perform. As the trial judge, it
15 is my responsibility to preside over the trial, it is your
16 responsibility to consider the testimony which has been
17 presented from the witness stand and any exhibits introduced
18 during this trial. I have also have the duty to charge the
19 law, and as the presiding judge I am the sole judge of the law,
20 and it is your duty as jurors to accept and apply the law as I
21 now state it to you. If you already have an idea as to what
22 that law is or what the law ought to be and it does not agree
23 with what I tell you the law is now, you must abandon this idea
24 because you are sworn to accept the law and apply the law
25 exactly as I state it to you. Your duty is to determine the

1 facts, and in every case the jury is the sole and exclusive
2 judge of the facts. A trial judge cannot suggest, state,
3 comment on, or make any statement to a trial jury about the
4 facts. Since you the jury are the sole judges of the facts you
5 are not to infer from what I've said during the progress of
6 this trial, in the ruling on admissibility of evidence, or
7 otherwise, or anything that I say now during the course of this
8 instruction to you, that I have any opinion about the facts.
9 The law simply does not allow me to have an opinion about the
10 facts, this is matter solely for you to determine. As jurors
11 it is your duty to determine the effect, value and weight of
12 the evidence presented during this trial.

13 The indictment charges the defendant with two counts
14 of criminal sexual conduct with a minor second degree, two
15 counts of criminal sexual conduct with a minor third degree.
16 The fact that the defendant was arrested, charged and indicted
17 is not evidence and cannot be considered by you as evidence of
18 guilt, nor does it present any presumption of inference of
19 guilt. This indictment is simply the formal written instrument
20 which contains the charge made against the defendant. It is
21 the formal document by which this case is brought to court.
22 Each indictment charged is a separate state offense, you must
23 decide each indictment separately on the evidence and the law
24 applicable to it uninfluenced by your decision as to any other
25 indictment. The defendant may be convicted or acquitted on any

1 or all of the offenses charged. You will be asked to write a
2 separate verdict of guilty or not guilty on each indictment.
3 The defendant has pled not guilty to the indictment, and that
4 plea puts the burden on the State to prove the defendant guilty
5 beyond a reasonable doubt. A person charged with committing a
6 criminal offense in South Carolina is never required to prove
7 himself innocent. I charge you that it is a guiding rule of
8 the law that a defendant in a criminal case, no matter how
9 serious the charge is, always is presumed innocent. This
10 presumption of innocence does not end when you begin your
11 deliberation, it accompanies the defendant throughout the trial
12 until you reach a verdict of guilt based on the evidence
13 satisfying you of that guilt beyond a reasonable doubt. The
14 presumption of innocence is like a robe of righteousness placed
15 about the shoulders of the defendant which remains with the
16 defendant until it has been stripped from the defendant by
17 evidence satisfying you of the defendant's guilt beyond a
18 reasonable doubt. The presumption of innocence is not a mere
19 legal theory, it's not just a legal phrase, it's a real and
20 substantial right to which every defendant is entitled in which
21 you the jury are satisfied through the evidence of the
22 defendant's guilt beyond a reasonable doubt.

23 What is reasonable doubt in the law? Reasonable
24 doubt is the kind of doubt that would cause a reasonable person
25 to hesitate to act. To State has the burden of establishing

1 every fact necessary to prove the defendant guilty beyond a
2 reasonable doubt. The law presumes every person charged with a
3 crime to be innocent, and the burden of establishing guilt is
4 placed solely on the State. Some of you have served as a juror
5 in a civil case where you were told that it is only necessary
6 to prove that a fact is more likely true than not true such as
7 by a greater weight or preponderance of the evidence. Other
8 civil cases use the clear and convincing evidence standard. In
9 those cases it is necessary to prove that a fact is highly
10 probable, but this is a criminal case and the State's proof
11 must be more powerful than that. In criminal cases the State's
12 proof must be beyond a reasonable doubt. Proof beyond a
13 reasonable doubt is proof that leaves you firmly convinced of
14 the defendant's guilt. There are very few things in this world
15 that we know with absolute certainty. In a criminal case the
16 law does not require proof that overcomes every possible doubt.
17 If, based on your consideration of the evidence, you are firmly
18 convinced that defendant's guilty of the crime charged, you
19 must find the defendant guilty. The defendant is not required
20 to prove himself innocent. If on the other hand you think
21 there is a real possibility that the defendant is not guilty,
22 you must give the defendant the benefit of every reasonable
23 doubt and find him not guilty.

24 Necessarily, you must determine the credibility of
25 witnesses who have testified. Credibility simply means

1 believability. It is your duty as jurors to analyze and to
2 evaluate the evidence and determine which evidence convinces
3 you of its truth. In determining the believability of
4 witnesses who have testified, you may believe one witness over
5 several witnesses, or several over one witness. You may
6 believe part of the testimony of a witness and reject the
7 remaining part of the testimony of that same witness. You may
8 believe the testimony of a witness in its entirety or object
9 the testimony of a witness in its entirety. You may consider
10 whether any witness has exhibited to you any inference, bias,
11 prejudice, or other motive in this case. You may also consider
12 the appearance or the manner of a witness while on the witness
13 stand and their demeanor.

14 The Rules of Evidence ordinarily do not permit
15 witnesses to testify to opinions or conclusions. An exception
16 to this rule exists with witnesses we call expert witnesses. A
17 witness who by education and experience to become expert in
18 some art, science, profession or calling, may state an opinion
19 as to relevant and material matter in which the witness claims
20 to be an expert and may also state the reasons for the opinion.
21 You should consider any expert opinion received into evidence
22 like any other evidence and give it the weight you think it
23 deserves. If you decide that the opinion of an expert is not
24 based on sufficient education and experience, or if you
25 conclude that the reasons given in support of the opinion are

1 not sound, or that the opinion is outweighed by other evidence,
2 you may disregard the opinion entirely. The expert witness's
3 testimony is to be given no greater weight than an other
4 witness simply because the witness is an expert. Further, you
5 not required to accept an expert's opinion, even though it is
6 not contradicted.

7 There are two types of evidence which are generally
8 presented during a trial, direct evidence and circumstantial
9 evidence. Direct evidence directly proves the existence of a
10 fact and does not require deduction. Circumstantial evidence
11 is proof of a chain of facts and circumstances indicating the
12 existence of a fact. Crimes may be proven by circumstantial
13 evidence. The law makes no distinction between the weight or
14 value to be given to either direct or circumstantial evidence,
15 however, to the extent that the State relies on circumstantial
16 evidence, the circumstances must be consistent with each other,
17 and when taken together point conclusively to the guilt of the
18 accused beyond a reasonable doubt. If these circumstances
19 merely portray the defendant's behavior as suspicious, the
20 proof has failed. The State has the burden of proving the
21 defendant guilty beyond a reasonable doubt. This burden rests
22 with the State regardless of whether the State relies on direct
23 evidence, circumstantial evidence, or some combination of the
24 two.

25 I instruct you and emphasize that the fact that the

1 defendant did not testify is not a factor to be considered by
2 you in any way in your deliberations and in your considerations
3 on the question of guilt or innocence of the defendant. It
4 must not be considered by you in any manner, whatsoever. A
5 defendant has the constitutional right to remain silent, and
6 the assertion of this right must not be considered by you in
7 your deliberations. I repeat, under your oath, you are to draw
8 no conclusion, whatsoever, from the fact that the defendant in
9 this case did not testify. The fact that this defendant did
10 not testify should not be even discussed in the jury room. Mr.
11 Foreman, I'm going to ask that you enforce this rule. There
12 will be no discussion about the fact that the defendant did not
13 testify in this case.

14 The burden of proof, as I have stated to you, is on
15 the State. The defendant is not required to prove his
16 innocence. The burden of proof remains on the State to prove
17 guilt beyond a reasonable doubt. The defendant is charged with
18 two counts of second degree criminal sexual conduct with a
19 minor and two counts of third degree criminal sexual conduct
20 with a minor, and if two or more acts of criminal sexual
21 conduct occurred at or about the same time, each act is a
22 separate crime rather than one continuing crime.

23 Pay very where close attention as I charge you to
24 substitutive law with regard to the crimes charged, the first
25 of which is second degree criminal sexual conduct with a minor.

1 The defendant is charged with second degree criminal sexual
2 conduct with a minor. The State must prove beyond a reasonable
3 doubt the defendant engaged in a sexual battery with the
4 victim. Sexual battery is sexual intercourse, cunnilingus,
5 fellatio, anal intercourse, or any intrusion, however slight,
6 of any part of a person's body or of any object into the
7 genital or anal openings of another person, except when the
8 intrusion is accompanied for medically recognized treatment or
9 diagnostic purposes.

10 The State must prove beyond a reasonable doubt that
11 the victim was at least 11 years old, but not more than 14
12 years old at the time of the sexual battery. Consent,
13 willingness and the difference or ignorance on the part of the
14 minor, if any, as to what was taking place does not in any way
15 affect the charge of criminal sexual conduct with a minor
16 because an unmarried woman under the age of 14 cannot legally
17 consent to sexual intercourse.

18 Third degree sexual conduct, pay very close
19 attention. The defendant is charged with third degree criminal
20 sexual conduct with a minor. The State must prove beyond a
21 reasonable doubt that the defendant engaged in sexual conduct
22 with the victim. The State must prove beyond a reasonable
23 doubt that the defendant was at least 14 years old, and that
24 the defendant willfully and lewdly committed or attempted to
25 commit a lewd or lascivious act upon the body or its parts of a

1 child under 16 years of age with the intent of arousing,
2 appealing to, or gratifying the lust, passions or sexual
3 desires of the defendant or the child. Lewd means obscene,
4 lustful indecent or lecherous. Lascivious means tending to
5 incite, lust, lewd, indecent, obscene or tending to deprave the
6 morals and respect to sexual relations. Consent, willingness,
7 indifference or ignorance on the part of the minor, if any, as
8 to what was taken place, does not in any way affect the charge
9 of criminal sexual conduct with a minor because an unmarried
10 woman under the age of 14 cannot legally consent to sexual
11 intercourse.

12 I'll come forward and share with you the verdict
13 form. Mr. Foreman, I'm going to ask if you could stand. I'm
14 going to share with you the verdict form, and before I get
15 started, of course, as I had mentioned to you in the very
16 beginning, it's your responsibility to preside over the
17 deliberation process, and that essentially is to ensure that
18 everybody's voice is heard. I'm going to go over with you this
19 verdict form, it's two pages, it's pretty self-explanatory.
20 It's got the caption of the case, the case numbers, it's
21 entitled: Verdict Form. We have criminal sexual conduct with
22 a minor, victim 11 to 14, second degree. It has a place to set
23 forth a verdict of "not guilty" or "guilty." The same with
24 regard to criminal sexual conduct with a minor second degree,
25 the second indictment, "not guilty" or "guilty." It goes on

1 with two counts of third degree, "guilty" or "not guilty." You
2 have to find separate verdicts on each of those. The verdict
3 form indicates that the verdict must be unanimous. It can't be
4 eleven to one, six to six, eight to four, everyone has to
5 agree. When you've reached a verdict, I'm going to ask that
6 you notify the bailiff, and we'll receive you back in this
7 courtroom. I'm going to ask that you hold onto this right here
8 and I'm going to talk to you a little bit more when you have a
9 seat.

10 THE FOREMAN: Yes, sir.

11 THE COURT: When I send you back out of the room I
12 always tell you not to begin deliberations, and once again, I'm
13 going to ask you to do the same thing because I'm going to have
14 to ask these very fine lawyers about whether or not they have
15 objections as to the matter in which I've charged the law. If
16 I inadvertently left something out or said something wrong,
17 then we'll come back in and we'll address those issues. If
18 there is no objections then we're going to gather up the
19 documentary evidence, the bailiff is going to bring in the
20 documentary evidence to you and give you instructions to begin
21 deliberations, but do not begin deliberations until you receive
22 the instructions to do so.

23 The other thing that I want to mention to you is that
24 if someone were to get up and use the restroom, stop the
25 deliberations, because everybody has to participate in all of

1 the deliberation process. Throughout your deliberations there
2 might be questions that come up. You've heard the law, and of
3 course, I can't answer the hard questions which is the factual
4 dispute that you all are charged with the responsibility of
5 resolving, but I can answer questions of law. If you have a
6 question as to whether or not a question is a question of law
7 of fact, ask it, and we'll try to resolve it, but I don't
8 anticipate there are going to be any questions, because you all
9 have heard the evidence that's come from this witness stand to
10 pay very close attention to the law. You all have all of the
11 tools necessary to resolve this case, and I'm going to ask that
12 the alternate remain with us, and I'm going to send you all
13 back to the jury room, and once again, do not begin
14 deliberations until you've received instructions to do so.
15 Everyone remain seated as the jury exits the courtroom.

16 **(Jury exited to courtroom at this time)**

17 THE COURT: Any objections from the State?

18

19 MR. MARTIN: Yes, Your Honor, I believe there was one
20 issue that you may have misspoke on. I heard Your Honor say
21 that an unmarried woman under the age of 14 years of age cannot
22 consent to sex. In South Carolina the age of consent is 16.

23 THE COURT: Did I say 14?

24 MR. MARTIN: I believe you did, Judge.

25 THE COURT: Okay. I will make that correction.

1 Anything from the defense?

2 MR. RICHARDSON: No, sir, Your Honor.

3 THE COURT: Let's bring the jury back in, if we
4 could.

5 **(Jury entered the courtroom at this time)**

6 THE COURT: One clarification, pay very close
7 attention. Consent, willingness, indifference or ignorance on
8 the part of the minor, if any, as to what was taking place does
9 not in any way affect the charge of criminal sexual conduct
10 with a minor, because an unmarried under the age of 16 can not
11 legally consent to sexual intercourse, and I inadvertently said
12 14, but it's 16. Does everyone understand that?

13 THE JURY: Yes, Your Honor.

14 THE COURT: Very good. All right, I'm going to ask
15 that you return to the jury room.

16 **(Jury exited the courtroom at this time)**

17 THE COURT: Any further objections or requests for
18 additional charges from the State?

19 MR. MARTIN: No, Your Honor, that cleared it up just
20 fine.

21 THE COURT: Any from the defense?

22 MR. RICHARDSON: No, sir, Your Honor.

23 THE COURT: All right. Let me speak with the
24 alternate before we go any further. I know you feel like
25 you've been invited to a dance and didn't get to dance, but I

1 thank you for being here. You know, we lost one juror and you
2 were sort of like our insurance policy, and I appreciate your
3 being here. Have you ever served on a jury before?

4 THE JUROR: No, sir.

5 THE COURT: Well, I hope that it's been a learning
6 experience and you have learned a little bit more about how our
7 judicial system works. Do you have any questions of me?

8 THE JUROR: No, sir.

9 THE COURT: Nobody ever asks me any questions, but
10 I've got a law clerk and he can answer the hard ones, but none
11 the less, I do appreciate your being here, you will be paid
12 handsomely for your service, I think it's, what, \$15.00 a day,
13 perhaps? It's hardly compensation for what you've contributed
14 here, but it's a small token of our appreciation. I do have
15 some good news. If called upon to serve in this court within
16 the next three years, you have earned an exemption. Tell them
17 that you served this week, and you can exercise your exemption,
18 if you choose to do that. It doesn't apply to magistrate's
19 court, municipal court or federal court, but you're in good
20 standing if it's this court. Thank you for being here, and if
21 you have an interest in the outcome of this case, you're
22 welcome to stay. This is a public forum and you can stay here
23 if you like. If you've got other things that you need to do
24 and you are interested, you can call the Clerk's Office, and
25 they would happily share the verdict with you, but you're free

1 to leave at this time. Thank you very much.

2 THE JUROR: Thank you, sir.

3 THE COURT: You all have previously gone through the
4 documentary evidence. Is everything that's into evidence on
5 that table?

6 MR. MARTIN: That's correct.

7 THE COURT: Is there anything on that table that's
8 not into evidence?

9 MR. MARTIN: There are, but we've separated it.

10 THE COURT: Okay. All right. Well, let's make sure
11 that that doesn't go back.

12 MR. RICHARDSON: This is the stuff that's not, right?

13 MR. MARTIN: Everything sitting up front is not into
14 evidence.

15 THE COURT: The stuff that's actually on the table
16 that's not in front, is that in evidence?

17 MR. MARTIN: This here is, Judge, the State's on this
18 side, defense on this side.

19 THE COURT: Do you agree with that, Mr. Richardson,
20 those two pile into evidence?

21 MR. RICHARDSON: I do, Your Honor, I believe they
22 showed me yesterday that there's a clean laptop back in the
23 jury room.

24 MR. MARTIN: It's actually right here.

25 MR. RICHARDSON: I have no issue with that. I trust

1 that it's a completely clean laptop.

2 THE COURT: Do you all want to send that back or wait
3 and see if they want to watch?

4 MR. MARTIN: We always leave it in the Court's
5 discretion, but it's here, however you want to handle it.

6 THE COURT: If they ask to see something, we'll send
7 that back.

8 MR. MARTIN: Perfect.

9 THE COURT: Otherwise, we'll just send the documents.

10 MR. MARTIN: So as far as the flash drive, do you
11 want it to go back or stay up here?

12 THE COURT: Go back, it's into evidence. Tell them
13 to begin deliberations. I'll ask the State on the record, is
14 there any objection to leaving the computer out here until they
15 ask for it, or do you have an objection to that?

16 MR. MARTIN: No, sir.

17 THE COURT: How about the defense?

18 MR. RICHARDSON: As long as they know that they can
19 request that, Your Honor. As long as they have some
20 instruction, I trust the deputy's gonna instruct them, the
21 bailiff's gonna instruct them.

22 THE COURT: Just tell them if they would like to use
23 the video, we will provide them with the equipment to do so, if
24 they choose to do so.

25 THE BAILIFF: Yes, sir.

1 THE COURT: I'm going to ask if you can come and get
2 the documentary evidence. Let's have quiet. You can tell them
3 to begin deliberations. Anything further from the State?

4 MS. WALLER: No, sir, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. RICHARDSON: No, sir, Your Honor.

7 THE COURT: We'll stand at ease.

8 MR. RICHARDSON: Thank you, Your Honor.

9 MR. MARTIN: Your Honor, I actually did fail to
10 mention one thing on the record.

11 THE COURT: All right.

12 MR. MARTIN: Your Honor, I know we had discussed it
13 yesterday, but we were asking that the defendant be remanded
14 into custody.

15 THE COURT: Well, he can stay here at the defense
16 table.

17 MR. RICHARDSON: Yes, but just if he needs to use the
18 rest room, I guess he needs to go back there?

19 THE COURT: That would be fine, yes, or if the deputy
20 would accompany him.

21 MR. MARTIN: Thank you, Judge.

22 MS. WALLER: Thank you.

23 **(Deliberations began at 10:00 a.m.)**

24 **(Question of the jury)**

25 THE COURT: The first question is: May we see the

1 transcript from the interview? And the answer is: No, it's
2 not into evidence. Do you agree with that?

3 MR. MARTIN: We agree.

4 MR. RICHARDSON: Yes, sir.

5 THE COURT: All right: May we see the Plaintiff's
6 written statement? The answer to that is: No, it's
7 inadmissible hearsay and not into evidence.

8 MR. MARTIN: Correct.

9 THE COURT: What do you think about that?

10 MR. RICHARDSON: I agree, it's not into evidence,
11 Your Honor.

12 THE COURT: Is each charge a separate act on separate
13 date? I don't really know what that means. I would probably
14 say: That's a question of fact for you to resolve. How about
15 that?

16 MR. RICHARDSON: Yes, sir.

17 MS. WALLER: Yes, sir.

18 THE COURT: All right. Does everybody agree on that?

19 MR. MARTIN: Yes, sir.

20 MR. RICHARDSON: Yes, sir.

21 THE COURT: As far as the written statement, it is
22 inadmissible hearsay just to introduce it in its principle
23 form, however, it's not inadmissible if you cross-examine them
24 with it, but probably the better way to do it rather than
25 getting into all that would be just say not into evidence.

1 MS. WALLER: Could you -- that doesn't bother me --
2 there's --

3 THE COURT: Because you just can't introduce a
4 statement into evidence. What you can do is ask him questions
5 about it, and then if it's different, then you can
6 cross-examine them about what they said in the statement, but
7 in its pure form, nobody can introduce his statement.

8 MS. WALLER: And there was no defendant's written
9 statement anyway.

10 THE COURT: Plaintiff's written statement.

11 MS. WALLER: Oh, the victim's written statement. You
12 know, I guess what I would say is, certainly, if the State
13 could have introduced that, we would have. We don't want them
14 to think we were intentionally not introducing something to try
15 to hide anything, but at the same time, I mean, that's the
16 concern the State has, so I would say that it is inadmissible
17 hearsay, or just that it's inadmissible, because we certainly
18 couldn't put it into evidence, or we would.

19 MR. RICHARDSON: It has not been introduced into
20 evidence, I think is the safest.

21 THE COURT: And everybody's in agreement on number
22 three, that it's a factual question for them to resolve?

23 MS. WALLER: Do you mind reading the question again?

24 THE COURT: Is each charge a separate act on separate
25 date? I think one of the things that would be kind of

1 confusing is that, clearly, in a matter such as this nobody
2 knows an exact date and it's a range.

3 MS. WALLER: Uh-huh. So could you say it's a range
4 of dates? That's clear on the face of the indictment.

5 MR. RICHARDSON: I think the indictments speak for
6 themselves. I think that's a factual question for you to
7 determine.

8 THE COURT: All right. We're ready for the jury.

9 MS. WALLER: Your Honor, as to the first one, about
10 the transcript, was it, it just was specifically, could you say
11 they could watch the video?

12 THE COURT: They didn't ask that. It said: May we
13 see the transcript from the interview? And the answer to that
14 is: No, it's not into evidence.

15 MS. WALLER: I just couldn't remember the exact
16 wording. Thank you, Your Honor.

17 THE COURT: Yes. We're ready for the jury. I assume
18 they're talking about the defendant's interview? There is no
19 transcript of that, or is there?

20 MS. WALLER: There's a -- well, we clearly had one,
21 but it's not an official transcript that would be admissible.

22 THE COURT: That's the right response.

23 MR. RICHARDSON: Likewise, mine, Your Honor --

24 THE COURT: Pardon?

25 MR. RICHARDSON: I have one, too, but it's not an

1 official transcript.

2 MS. WALLER: It's just -- yeah.

3 THE COURT: All right. We're ready for the jury, and
4 I assume they're getting them.

5 MS. WALLER: Did we make it clear to the jury, Your
6 Honor, that there is a laptop for their benefit if they want
7 it?

8 THE COURT: I'll tell them again.

9 MS. WALLER: Thank you.

10 **(Jury entered the courtroom at this time)**

11 THE COURT: The question that has been posed: May we
12 see the transcript from the interview? The answer is to that
13 is: No, it's not into evidence. May we see the Plaintiff's
14 written statement? It's not into evidence, so the answer is,
15 no. Is each charge a separate act on a separate date? That's
16 a factual question for you all to resolve. I did not mention
17 previously that we have a laptop. If you desire to look at
18 what's into evidence on the zip drive, that is available for
19 you. Very good. Thank you. You may return to the jury room
20 and resume deliberations.

21 **(Jury exited the courtroom at this time and**

22 **Deliberations resumed at 10:30 a.m.)**

23 THE COURT: Any objections from the State?

24 MR. MARTIN: I don't think so, Judge.

25 THE COURT: Any from the defense?

1 MR. RICHARDSON: No, Your Honor.

2 THE COURT: All right. And I'll make this a part of
3 the record, Madam Court Reporter. We'll stand at ease.

4 MR. RICHARDSON: Thank you, Your Honor.

5 **(Recess taken)**

6 THE COURT: We received a question from the jury:
7 How do we proceed if we're unable to reach a decision on one
8 count? I think the appropriate thing to do is give them the
9 Allen Charge on the balance. What is to State's position?

10 MS. WALLER: I believe that's probably about all we
11 can do, Judge.

12 THE COURT: You know, I've been practicing law for 20
13 years and been on the bench for 20, but I've never had a jury
14 come back where just potentially where they reach a guilty
15 verdict on some and can't make a decision on the other. If
16 that would be today after they further deliberate, what would
17 be the State's position?

18 MR. MARTIN: I think that would be fine. I mean, if
19 they can't agree on the remaining ones and to the issue we
20 think it would be sufficient to move forward --

21 MR. RICHARDSON: I would move for that mistrial,
22 Judge, but I think the Allen Charge is appropriate.

23 THE COURT: What do you think?

24 MS. WALLER: Honestly, I've never had this come up
25 either. I don't think it warrants a mistrial because each

1 indictment is a separate indictment for a specific time period
2 and for a specific crime, so I think, I don't see why it's a
3 problem if the jury says, we have a decision as to this but not
4 to the second thing, but if Your Honor would like us to do
5 research, I mean, we can do that.

6 THE COURT: Well, I'm going to give them an Allen
7 Charge, and I think it would be a good thing to do.

8 MS. WALLER: Okay.

9 THE COURT: It almost appears to me as if, I think
10 that if you can receive the -- if indeed there is -- I don't
11 know what -- they've reached a decision on one. When they say,
12 one count, I assume they mean --

13 MR. MARTIN: Indictment.

14 THE COURT: Probably two, the third and the second.
15 They probably have decided to categorize that as one type
16 offense, but I don't know that, I'm just guessing, and we don't
17 really need to ask them that, but I anticipate that if they
18 unanimously find him not guilty on, say, for instance, the
19 third or the second, then I think that resolves that issue, and
20 then, perhaps, the State can move forward on the other, if they
21 elected to do so.

22 MS. WALLER: Do you mean at a future date?

23 THE COURT: Yes.

24 MS. WALLER: Yes, sir, I agree with that.

25 THE COURT: What do you think about that?

1 MR. RICHARDSON: Your Honor, I feel that we'd have to
2 move for a mistrial, but I understand it's in the Court's ex
3 aequo.

4 THE COURT: I'm not real sure it is, but we're going
5 figure it out --

6 MR. RICHARDSON: Yes, sir.

7 THE COURT: -- and I'm going make sure I give them
8 the Allen Charge.

9 MR. RICHARDSON: I just want to make sure I preserve
10 the record, Judge.

11 THE COURT: All right. Very good. I will make this
12 note a part of the record, and we're ready for the jury.

13 **(Jury entered the courtroom at 12:24 p.m.)**

14 **(Allen Charge)**

15 THE COURT: Mr. Foreman, and ladies and gentlemen of
16 the jury, it's not exactly clear, but it appears as if you've
17 been able to reach a decision on one count and have not been
18 able to reach a decision on the other. Pay very close
19 attention:

20 Ladies and gentlemen, you have stated that you have
21 been unable to agree on the verdict with regards to some of the
22 counts. As I instructed to you earlier, the verdict of the
23 jury must be with you unanimous. When a matter is in dispute,
24 it isn't always easy for even two people to agree, so when 12
25 people must agree it becomes even more difficult. In most

1 cases absolute certainty cannot be reached or expected,
2 however, you have a duty to make every reasonable effort to
3 reach a unanimous verdict. In doing this, you should consult
4 with one another, express your own views, and listen to the
5 opinions of your fellow jurors. Tell each other how you feel
6 and why you feel that way. Discuss your differences with open
7 minds. Although the verdict of the jury must be unanimous,
8 every one of you has the right to your own opinion. The
9 verdict you agree to must be your own verdict, the result of
10 your own convictions, and you should not give up your firmly
11 held beliefs merely to be in agreement with your fellow jurors.
12 The majority should consider the minority's position, and the
13 minority should consider the majority's position. You should
14 carefully consider and respect the opinions of each other and
15 re-evaluate your position for reasonableness, correctness and
16 impartiality. You must lay aside all outside matters and
17 re-examine the questions before you based on the law and the
18 evidence. If you do not agree on a verdict I must declare a
19 mistrial. In that case it does not mean anybody wins, it just
20 means that at some future time I will try this case with some
21 other jury sitting where you sit now. The same participants
22 will come, and the same lawyers will ask, basically, the same
23 answers and get, basically, the same answers, and we will go
24 through the whole process again. You were selected in the same
25 manner and from the same source as any future jury will be, and

1 there is no reason for me to suppose that the case could ever
2 be submitted to 12 more intelligent, impartial, conscientious
3 and competent jurors than you, or that more or clearer evidence
4 will be produced on one side or the other. I therefore ask you
5 to return to the jury room and resume your deliberations.
6 You're free to leave.

7 **(Jury exited the courtroom at 12:27 p.m. to resume**
8 **deliberations)**

9 THE COURT: All right, we will stand at ease. Let's
10 stay close just in case they have another question.

11 MR. RICHARDSON: Yes, sir, Your Honor.

12 **(Recess taken)**

13 THE COURT: We're ready for the jury.

14 MR. RICHARDSON: Judge, just for the record, as we've
15 discussed, I just, I understand the Court's ruling was put on
16 the record, just a typical Allen Charge, I think I ask that if
17 they acquired about a certain charge at this point after a
18 Allen Charge is improper based off of, in part, guessing of the
19 question, but I understand the Court's ruling.

20 THE COURT: Understood. We're ready for the jury.

21 **(Jury entered the courtroom at this time)**

22 THE COURT: Mr. Foreman, the question was previously
23 asked: How do we proceed if we are able to reach a decision on
24 one count? And as a point of clarification, it's completely
25 within your province as a jury to evaluate each one of the

1 counts on the indictment -- or each one of the indictments
2 separately and distinctly. Have you, indeed, reached a
3 unanimous verdict as to one or more?

4 THE FOREMAN: Yes, Your Honor, we have.

5 THE COURT: Okay. That's completely within your
6 province to do that, and I'll ask that you return to the jury
7 room and resume deliberations. Thank you.

8 THE FOREMAN: Yes, sir.

9 **(Jury exited the courtroom and deliberations resumed**
10 **at this time)**

11 THE COURT: Anything further from the State?

12 MR. MARTIN: I don't believe so, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. RICHARDSON: No, Your Honor.

15 THE COURT: We'll stand at ease.

16 **(Recess taken)**

17 THE COURT: I understand they've reached a verdict.
18 I want to mention to everybody who is in the audience that it
19 is incumbent upon me to ensure that there's no outbursts in the
20 courtroom, and this is an important case, it's an emotional
21 case, for both the victims and for witnesses for the State, and
22 I'm going to ask you if you feel as though you can't maintain
23 your control and you feel like there might be an outburst, it
24 would probably be a good time for you to leave right now
25 because if there is an outburst these very fine law enforcement

1 officers are going to take you into custody, and we will
2 revisit the matter Monday morning, but do not under any
3 circumstances show a reaction to the verdict, regardless of
4 what it is. We're ready for the jury.

5 **(Jury entered the courtroom at 2:41 p.m.)**

6 **(Verdict)**

7 THE COURT: Mr. Foreman, and ladies and gentlemen of
8 the jury, have you reached a verdict?

9 THE FOREMAN: Yes, Your Honor.

10 THE COURT: Is it unanimous?

11 THE FOREMAN: Yes, Your Honor.

12 THE COURT: I'm going to ask that you give the
13 verdict form to the bailiff. The verdict form is in proper
14 order. Madam Clerk, can you publish it, and I'm going ask the
15 Defendant if he can stand.

16 THE CLERK: Indictment Numbers 2022-GS-26-04226,
17 2023-GS-26-00112, 2023-GS-26-03244, and 2023-GS-26-03245, the
18 State of South Carolina, County of Horry versus Rodolfo Moreno,
19 as to the count of criminal sexual conduct with a minor second
20 degree, as to the offense of criminal sexual conduct with a
21 minor, victim 11 to 14 years second degree occurring on or
22 about June 1, 2019 to on or about June 30, 2019, we the jury,
23 by unanimous consent, find the Defendant: Guilty.

24 Count Number two, criminal sexual conduct with a
25 minor second degree, as to the offense of criminal sexual

1 conduct with a minor, victim 11 to 14 years second degree,
2 occurring on or about July 1, 2019 to on or about March 19,
3 2021, we the jury by unanimous consent, find the defendant:
4 Guilty.

5 As to Count Number three, criminal sexual conduct
6 with a minor third degree, occurring on or about June 1, 2019
7 to on or about June 30, 2019, we the jury, by unanimous
8 consent, find the Defendant: Guilty.

9 Count Number four, criminal sexual conduct with a
10 minor third degree, occurring on or about July 1, 2019 to on or
11 about March 19, 2021, we the jury, by unanimous consent, find
12 the Defendant: Guilty.

13 Signed by Foreperson, Jacob Thomas, dated May 16,
14 2025. Ladies and gentlemen of the jury, if this is your
15 verdict, please so signify by raising your right hand. Thank
16 you.

17 THE COURT: Any additional requests to poll?

18 MR. RICHARDSON: Yes, Your Honor. I'm going ask that
19 they be polled.

20 **(Polling of Jury)**

21 THE CLERK: Please stand when I call your number.
22 I'm going to ask you two questions. After you answer them, you
23 may be seated. Juror Number 378. Is this your verdict?

24 THE JUROR: Yes, ma'am.

25 THE CLERK: Is this still your verdict?

1 THE JUROR: Yes, ma'am.

2 THE CLERK: Thank you. Juror Number 172. Is this
3 your verdict?

4 THE JUROR: Yes, ma'am.

5 THE CLERK: Is this still your verdict?

6 THE JUROR: Yes, ma'am.

7 THE CLERK: Thank you. Juror Number 373.
8 Is this your verdict?

9 THE JUROR: Yes, ma'am.

10 THE CLERK: Is it still your verdict?

11 THE JUROR: Yes, ma'am.

12 THE CLERK: Thank you. Juror Number 107. Is this
13 your verdict?

14 THE JURY: Yes, ma'am.

15 THE CLERK: Is it still your verdict?

16 THE JUROR: Yes, ma'am.

17 THE CLERK: Thank you. Juror Number 51. Is this
18 your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Thank you. Juror Number 286. Is this
23 your verdict?

24 THE JUROR: Yes, ma'am.

25 THE CLERK: Is it still your verdict?

1 THE JUROR: Yes, ma'am.

2 THE CLERK: Juror Number 313. Is this your verdict?

3 THE JUROR: Yes, ma'am.

4 THE CLERK: Is it this still your verdict?

5 THE JUROR: Yes, ma'am.

6 THE CLERK: Thank you. Juror Number 353. Is this

7 your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Is it still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Thank you. Juror Number 301. Is this

12 your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Is it still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Thank you. Juror Number 409. Is this

17 your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Thank you. Juror Number 296. Is this

22 your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Is this still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror Number 76. Is this your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is this still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Thank you.

6 THE COURT: Ladies and gentlemen of the jury, as
7 you've heard the law, the law doesn't really give me the
8 ability to comment on a particular verdict, because that's your
9 job, but what I can do is thank you for your time that you've
10 dedicated to it this week. You've clearly taken your oath very
11 seriously, and for that I'm appreciative. I've got good news
12 in that you're discharged from duty for this week, and if
13 called upon to serve in this court within the next three years
14 you can exercise your exemption, if you so choose to do so.
15 You'll be paid handsomely for your service, I think it's like
16 \$15.00 a day and ten cents a mile. It's hardly just
17 compensation for your service, but it's a token of appreciation
18 on behalf of the State of South Carolina. Does anybody have
19 any questions?

20 THE JURY: No, Your Honor.

21 THE COURT: At this juncture, the law requires that I
22 have to sentence an individual who has been convicted or pled
23 guilty to a crime. This is a public forum. You're welcome to
24 stay and preserve that, but you're not required to. You've
25 discharged your duty, but you've got a lot investigated in this

1 case, if you would like to see what the sentence was, you're
2 certainly welcome to do that. It might be just as easy for
3 those who would like to stay and watch this proceeding, you can
4 do that, and for those who would like to go on with their
5 business, you can leave at this juncture. Now is the
6 opportunity if you have something else to do, if you all would
7 like to stay, just keep your seat. You're free to leave if you
8 would like.

9 (Sentencing)

10 THE COURT: State, you recognize. I'm going ask if
11 the Defendant can come up here.

12 MR. MARTIN: Your Honor, we need one moment to get
13 the sentencing sheets for Your Honor.

14 THE COURT: Mr. Richardson, how much time was he
15 incarcerated?

16 MR. RICHARDSON: It was just two days, Your Honor.
17 He hasn't been on an ankle monitor or anything.

18 THE COURT: One moment. I'm glad to hear from the
19 State with regard to sentencing.

20 MR. MARTIN: Thank you, Your Honor. Your Honor, this
21 has been an emotional roller coaster this week for **Juvenile**.
22 She's had to come to court and do something that is very
23 difficult to do, and I can't imagine the emotions that are
24 going through her right now. On her behalf, the State would
25 ask that this defendant be sentenced to the maximum penalty

1 under the law. I asked her if she would like to address the
2 Court. She indicated to me that she would, but she would like
3 for me to read a letter on her behalf. Would that be okay with
4 Your Honor?

5 THE COURT: Certainly.

6 MR. MARTIN: Dear Your Honor, I am **Juvenile**,
7 the daughter of the monster standing before you. I am the
8 victim of child sexual abuse from this man that occurred in my
9 younger years. I was only 12 years old when he first started
10 touching me, and it got worse after that. I used to think
11 being called a daddy's little girl was an honor, but now it has
12 become the biggest heartache and pain to overcome in my life.
13 The things he did was disgusting and disrespectful to me. The
14 things experienced from his actions have caused me physical,
15 emotional, mental and social damage and problems. I have
16 experienced periods of dark, lonely times that caused me to
17 become depressed and develop anxiety that led to me cutting
18 myself and thinking that that was the only way out. I have had
19 many nights of crying myself to sleep and being awakened by
20 nightmares of him attacking and hurting me. I have trouble
21 trusting others, especially male figures in my life. I have
22 become shy and timid, making me insecure about myself,
23 difficulty building relationships by not opening up well with
24 others, questioning my sexuality, and not feeling confident in
25 myself. I feel he should be sentenced to no less than 15 years

1 in prison. I also think he should be registered on the sex
2 offenders list for the rest of his life, especially since his
3 actions occurred with me, his biological daughter. Counseling
4 should be something he must be involved in for at least three
5 years after prison. I'm learning to become a survivor from the
6 abuse that I had to endure by him with the help of my family,
7 friends, counselor, and my bacca (phonetic) family. Even
8 though I know it would take some time to completely heal, if
9 ever, I am grateful he is out of my life. I only ask for the
10 justice that I deserve and that this monster pays for what he
11 has done to me. I want to thank you, Your Honor, for your time
12 and hope you grant me the justice that I deserve. Your Honor,
13 she said this better than anything I could do, so I have
14 nothing more to say.

15 THE COURT: I'd be glad to hear from the defense.

16 MR. RICHARDSON: Yes, sir, Your Honor. Mr. Moreno
17 has worked with another Brad Richardson in Marion, they put in
18 sewer lines, and whatnot, in new developments. He's been there
19 for over 20 years now. He's hardworking, he's run a crew.
20 Your Honor, I talked to **Juvenile** and Nikki, I think their
21 testimony speaks to what they think of him. Your Honor, I
22 think we made our position known throughout the case. We'd ask
23 for any mercy the Court could grant in this. Whatever the
24 sentence is, he will be on the registry for the remainder of
25 his life. He will be forced to wear a monitor upon his

1 release.

2 THE COURT: Mr. Moreno, I have taken into
3 consideration your lack of prior criminal history. I've taken
4 into consideration this is a non-parolable offense, and I
5 typically don't say anything about crimes, but I think it needs
6 to be said, that this not only is illegal but, it's a crime
7 against nature, and if there's anything that the Court should
8 do, it's to protect the people in the shadows of our life, old
9 people, young children and the infirm. I think my sentence
10 will reflect that.

11 On indictment 2022-GS-26-04226, criminal sexual
12 conduct with a minor, the sentence of the Court is that you be
13 committed to the State Department of Corrections for a period
14 of 15 years. The sentence shall run concurrent to credit for
15 two days, no contact with the victim, Sex Offender Registry and
16 Sex Offender Counseling pursuant to community supervision upon
17 your release.

18 With regard to indictment 2023, and I can't read that
19 indictment, but it's the indictment for criminal sexual conduct
20 second degree. The sentence of the Court is you be committed
21 to the State Department of Corrections for a period of 15
22 years. The sentence will run concurrent, credit for two days,
23 no contact with the victim, Sex Offender Registry, Sex Offender
24 Counseling upon release.

25 With regard to indictment 2023-GS-26-00112, criminal

1 sexual conduct with a minor third degree, the sentence of the
2 Court is you be committed to the State Department of
3 Corrections for a period of 15 years. The sentence shall run
4 concurrent with credit for two days, no contact with the
5 victim, Sex Offender Registry, Sex Offender Counseling.

6 With regard to indictment 2023-GS-26-003245, the
7 sentence of the Court is that you be committed on sex
8 offender -- I mean on criminal sexual conduct with a minor
9 third degree, and which you'll be committed to the State
10 Department of Corrections for a period of 15 years. The
11 sentence shall run concurrent with credit for two days, no
12 contact with the victim, Sex Offender Registry, Sex Offender
13 Counseling. The sentencing sheets are illegible with regard to
14 the indictment numbers, I'm going to ask the State if they will
15 pencil that in so they can be read. All right. Anything
16 further from anybody?

17 MR. RICHARDSON: No, Your Honor.

18 THE COURT: Any post-trial motions?

19 MR. RICHARDSON: Your Honor, I'll be filing a Notice
20 of Appeal.

21 THE COURT: Okay. I think it's incumbent upon you to
22 state your grounds within ten days. Do you want additional
23 time to do that or do you want to do that --

24 MR. RICHARDSON: I believe I can handle it within ten
25 days, Your Honor, on the Notice of Appeal. I've got the forms,

1 I've done this.

2 THE COURT: Very good.

3 MR. RICHARDSON: Thank you, Your Honor.

4 THE COURT: Good luck to you.

5 MR. RICHARDSON: Thank you, Your Honor.

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1 CERTIFICATE

2 STATE OF SOUTH CAROLINA

3 COUNTY OF HORRY

4 I, Julie A. Kevish, Official Court Reporter
5 for the State of South Carolina, do hereby certify that the
6 foregoing is a true, accurate and complete Transcript of Record
7 of the proceedings had and evidence introduced in the Court of
8 General Sessions for Horry County, South Carolina, on the 16th
9 day of May, 2025.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12 May 16, 2025

13

14



15

JULIE A. KEVISH
OFFICIAL COURT REPORTER

16

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Horry County Police Department

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Advisement of Miranda Rights

Graduate ____ Year ____
Influ. A/D ____ R/W ____
Phys. Discomf. ____

Subject's Name: <u>Rodolfo morro</u>	Date of Birth: [REDACTED]	Case #: <u>2022074954</u>
Officer's Name: <u>P. Johnson</u>	Badge #: <u>445</u>	Date & Time: <u>7/10/22-1708</u>
Location: <u>HC PD</u>		

Advisement of Miranda Rights

- RS1 1. You have the right to remain silent.
- RS2 2. Anything you say can and will be used against you in a court of law.
- RS3 3. You have the right to talk with a lawyer and have him present with you while you are being questioned.
- RS4 4. If you cannot afford to hire a lawyer, one will be appointed to represent you at no cost to you, before any questioning, if you so desire.
- RS5 5. If you make a statement or answer any questions, you have the right to stop at any time.

Do you understand these rights? Yes / No _____

Subject's Printed Name: Rodolfo morro

Subject's Signature: Rodolfo morro

Officer (Print & Sign): Paul Johnson / P

Witness (Print & Sign): Summa Gasque

(Updated 12/2019)



FILE NAME: Axon_Interview_-_Interview_Room_2_-_Strobe2.mp4

Date: not given

Time: not given

Participants: [information filled in by prosecutor]

ABBREVIATIONS

MV1 = Male voice 1 [Voz masculina I] FV = Female voice [Voz femenina]

[U/I] = Unintelligible [I/I] = Ininteligible [PH] = Phonetic [F] = Fonética

TTE's note: [Anotaciones del experto en transcripción/traducción (ETT)] Provide information regarding context, meaning, and cultural factors

Italics= Utterance originally in English [Declaración articulada en inglés en la versión original]

//....// = Overlapping speech [Hablan a la vez]

1st Phone Call

- Approximately 3 minutes
- Starts at 1:25:25 (or 18:17:59)
- Ends at 1:28:21 (or 18:20:54)

Voices	Transcription	Translation
	[Principio de la conversación telefónica]	[Beginning of telephone conversation]
	[Suena el teléfono]	[Telephone rings]
MV1:	Hey, ven aquí al, aquí al departamento donde está el <i>post office</i> ven. Me van a encerrar...mmm por algo mami, ven te explico y eso. Vente tú sola, oh para que recojas la, //....// para darte las llaves de la troca. Me vas, me vas a odiar, sí.	Hey, come here to the department by the post office, come. They are going to lock me up, hmm, for something babe, come, I'll explain it to you and so. Come alone, oh, to pick up the truck, //....// to give you the keys to the truck. You are going to, you are definitely going to hate me.
FV:	¿Qué pasó? [I/I]	What happened? [U/I]
MV1:	Esta, Juvenile dijo que yo la toqué y eso y yo les dije que pos sí pa' que.	This, Juvenile said I touched her and so forth, and I told them, well, yes, what for? .
FV:	¿Ah?	Huh?



MV1:	Juvenile dijo que yo la toqué.	Juvenile said I touched her.
FV:	Ajá	Aha.
MV1:	Que la toqué y todo.	That I touched her and everything.
FV:	¿Y, pero cómo va a decir eso? Ella no ha venido acá.	But, how can she say that? She hasn't been here.
MV1:	Porque, que ya tiene tiempo que le digo, que eso.	Because it was a while back, I'm telling you, that's why.
FV:	[I/I] ¿Y eso qué?	[U/I] And what does that mean?
MV1:	Pues me van a encerrar.	Well, I'm gonna get locked up.
FV:	Pero, pero...	But, but...
MV1:	Porque yo les dije que sí la toqué sin querer queriendo.	Because I told them I did, that I touched her, accidentally on purpose.
FV:	¿Pues cómo va a decir que la tocó?	But how can you say that you touched her?
MV1:	Pues sí la toqué y ahí como dicen que, porque así cuando estábamos jugando, dice que, que la toqué.	Well, yes, I touched her, and like they say, because, like when we were playing, [she] says that, that I touched her.
FV:	¿Qué, qué, qué estaba qué?	What, what? That you were what?
MV1:	Cuando estábamos jugando que le, que le toqué los pe-senos [sic] y eso, que según que le metí la mano y todo.	When we were playing, that I, that I touched her be-breasts [sic] and so forth, they say I even put my hand in her.
FV:	¿Ay, pero cuando pasó, dónde pasó eso?	Oh, but when did it happen? Where did that happen?
MV1:	Ay, yo no sé, es lo que están diciendo, que cuando que, quedaba acá con nosotros, en la casa, en mi casa.	Oh, I don't know, that is what they are saying, that when, that when she stayed here with us, at the house, in my house.
FV:	[I/I] //....//	[U/I] //....//
MV1:	Oh sí la toqué así, pero no la toqué, así como piensan que la toqué ella.	Oh, yes, I touched her like that, but I didn't touch her, like they think I touched her.
FV:	[I/I]	[U/I]
MV1:	Yo no sé mami...	I don't know babe...
FV:	[I/I] Ya voy a salir para allá.	[U/I] I'm going over there now.
MV1:	Vaya nomás ven por la llave de la troca.	Ok, come get the truck keys.

FV:	¿...lo puedo ver? [I/I]	...can I see you? [U/I]
MV1:	No sé si me vaya a poder ver, va a tener que echar una mano, [I/I] y hablarle a Jacob.	I don't know if you'll be able to see me, you are gonna have to help me out and call Jacob. [U/I]
FV:	¿Ah?	Huh?
MV1:	Pues yo les dije, pues yo les dije que sí la toqué.	Well, I told them, I told them yes, that I touched her.
FV:	[I/I] ¿Ah? ¿Pues cómo va a decir que la tocó?	[U/I] Huh? But how can you say that you touched her?
MV1:	Oh sí, porque, sí dicen que la toqué cuando, antes.	Oh yes, because, they did say that I touched her when, before.
FV:	¿Ah?	Huh?
MV1:	Cuando se quedaba en la casa.	When she would stay at the house.
FV:	¿Pero cuando usted la tocó, ahora?	But when did you touch her, now?
MV1:	Pero yo no la toqué, así como dicen.	But I didn't touch her like they say I touched her.
MV2:	<i>Hey man, is she coming to get the truck?</i> [I/I]	Hey man, is she coming to get the truck? [U/I]
MV1:	¿Va a venir por la troca?	Are you coming to get the truck?
FV:	[I/I]	[U/I]
MV1:	<i>Ok. I love you, bye.</i>	Ok. I love you, bye.
	[Fin de la conversación telefónica]	[End of telephone conversation]

2nd Phone Call

- Approximately 8 minutes
- Starts at 1:34:33 (or 18:27:06)
- Ends at 1:42:28 (or 18:35:01)

Voices	Transcription	Translation
	[Principio de la conversación telefónica]	[Beginning of telephone conversation]
	[Suena el teléfono]	[Telephone rings]
MV1:	¿Ya vienes?	Are you coming?
FV:	[I/I]	[U/I]
MV1:	Es que dice que yo, que yo tuve relaciones con ella, pero yo nunca tuve relaciones con ella, Leira. [F]	The thing is [she] says that I, that I had sex with her, but I never had sex with her, Leira. [PH]
FV:	[I/I]	[U/I]
MV1:	Ma, ma, cuando se quedaba en la casa, un día que estábamos ahí, que le toqué la pierna y que le toqué el, el seno y dice que el, que el, que la, que quizás, quizás, quizás que hice el amor con ella. Yo le di, pues mami este tipo me está diciendo, me están presionando, y me dicen que...	Babe, babe, when she would stay at the house, one day when we were there, [she says] that I touched her leg and that I touched her, her breast and [she] says that it, that it, that maybe, maybe, maybe I made love to her. I said, well, babe this guy is telling me, they're putting pressure on me, and they tell me that...
FV:	[I/I]	[U/I]
MV1:	Por eso le estoy diciendo mami que yo no lo hice. Pero ¿qué, qué quiere que haga?	That's why I'm telling you babe I didn't do it. But what, what do you want me to do?
FV:	[I/I]	[U/I]
MV1:	Pues es que, es que no van a dejar aquí, van a estar presionando a uno a cada ratito.	Well, the thing is, the thing is that they are not going to stop here, they are going to constantly be putting pressure on me.
FV:	[I/I]	[U/I]
MV1:	Por eso dice que la examinaron [sic] y que, que tiene eso. Yo le digo, yo no sé si ella lo	That's why [he/she unclear] says she was examined and that she has that. I say [to him/her unclear], I don't know if she's done it

	ha hecho con alguien. Dice que yo lo hice con ella.	with somebody. [He/She unclear] says that I did it with her.
FV:	[I/I] ¿Cuándo pasó?	[U/I] When did it happen?
MV1:	Yo no sé, yo no sé. No me dejaron ver los papeles y que fueron varias veces. Y yo nunca, yo nunca he hecho eso Leira. [F] Ahora me van a encerrar.	I don't know, I don't know. They didn't let me see the papers, and they said it happened several times. And I have never, I have never done that Leira. [PH] Now I'm gonna get locked up.
FV:	[I/I]	[U/I]
MV1:	Yo no sé, tengo el diablo en mi lado yo creo mami, uno, uno anda derecho y todo y pasan pendejadas así.	I don't know. I think the devil is by my side babe. You, you stay in line and everything, and bullshit like this happens.
FV:	[I/I]	[U/I]
MV1:	Yo no sé. Pues dice, dice que, por eso, que por eso no me contestan. Bueh...	I don't know. Well, they say, they say that because of that, because of that they aren't answering me. Well...
FV:	[I/I]	[U/I]
MV1:	Yo no la toqué así intencionado, Leira, [F] así nomás. No, no la toqué, ya. Yo no la toqué mami.	I didn't intentionally touch her, Leira [PH], that was it. No, I didn't touch her, for sure. I didn't touch her babe.
FV:	[I/I] ¿Pero cómo...?	[U/I] But how...?
MV1:	No, no la toqué, ya. Yo no la toqué mami.	I didn't touch her, for sure. I didn't touch her babe.
FV:	¿Ah? [I/I] ¿Pero cómo la va a tocar....?	[U/I] Huh? But why would you touch her...?
MV1:	No, es que dicen que yo me puse [sic], le puse la cosa ahí, se la puse adentro. Yo nunca he hecho eso.	No, the thing is they say that I put on [sic], I put the thing there, I put it inside of her. I've never done that.
FV:	¿Pero cuando se supone que pasó eso?	But when did that supposedly happen?
MV1:	Yo no sé. Cuando se quedaba, que se quedaba aquí en la casa, en la traila [sic] conmigo.	I don't know. When [she] would stay, [she] said when she would stay here at the house, in the trailer with me.
FV:	¿En tu traila [sic]?	In your trailer?
MV1:	Sí	Yes

FV:	... ¿Cómo no va a saber las cosas...? ¿Cómo va a decir que sí? [I/I]	[U/I] But how come you don't know about these things? How can you say you did it? [U/I]
MV1:	Yo no sé.	I don't know.
FV:	[I/I] ¿Ah?	[U/I] Huh?
MV1:	Pues yo no sé mami, yo no sé.	Well, babe, I don't know, I don't know.
FV:	¿Cómo no lo va a saber? ¿Cómo va a decir que sí? [I/I]	[U/I] How come you don't know it? How can you say you did it?
MV1:	Pues es que, pues yo ya no sabía ni qué chingadas decir mami.	Well, well, I didn't know what the fuck to say babe.
FV:	[I/I] No, ¿cómo no va a saber?	[U/I] No, how come you don't know?
MV1:	Cuala [F] sí, yo sé, que la forma que la toqué, yo nunca la toqué así.	What-uh [PH] Yes, I know, I know that the way I touched her, I never touched her like that.
FV:	[I/I]	[U/I]
MV1:	Que la toqué, que le, que le quise ponérsela adentro. Yo nunca se la puse mami.	That I touched her, that I, that I tried to put it inside of her. I never put it in her babe.
FV:	...¿Cómo que la tocó?	...How did you touch her?
MV1:	Yo la toqué así. La abracé y eso.	I touched her like this. I hugged her and so forth.
FV:	[I/I]	[U/I]
MV1:	Yo sé, yo sé, yo lo sé, yo lo sé,	I know, I know, I know it, I know it.
FV:	[I/I]	[U/I]
MV1:	Oh, que según que la examinaron y que yo la... que yo la penetré.	Oh, they say was examined and that I ... that I penetrated her.
FV:	[I/I]	[U/I]
MV1:	<i>I don't know mami, I know. Yo sé. //....//</i>	I don't know babe, I know. I know //....//
FV:	¿Como va a decir eso?... Sí, la toqué. [I/I]	How can you say that?... Yes, I touched her. [U/I]
MV1:	Pues venga por la troca, ahí, las llaves y ahí. A ver que hay, mañana a ver cómo me sacan, por favor.	Well, come get the truck, there, the keys. Let's see what's up, tomorrow let's see how you get me out, please.
FV:	[I/I]	[U/I]

MV1:	Aquí donde está junto al <i>Post Office</i> . Le mando la dirección. Sí, aquí, el Departamento de Policía, aquí junto al <i>Post Office</i> , ahí le mando la, sí, sí. //....//	Here, it is next to the Post Office. I'll send you the address. Yes, here, the Police Department, here next to the Post Office. I'll send you the, yes, yes. //....//
FV:	[I/I]	[U/I]
MV1:	Pos, no sé de qué a llamarle. No, no. Si le llama ahí van a empezar con todas las pendejadas. Si le llama se va a poner mala mi amá.	Well, I don't know what to call [her/him] for. No, no. If you call [her/him] they're gonna start up with all that bullshit. If you call her, my Mom'll be upset.
FV:	[I/I]	[U/I]
MV1:	No...	No...
FV:	[I/I]	[U/I]
MV1:	Siem, siempre pasa algo mami, siempre me pasa. Tengo el diablo yo, tengo el diablo a mi lado yo creo. Cuando va todo vía bien, salen pasan cosas mami, <i>I am sorry, I am sorry</i> que pasó eso, ya. //....//	Something alwa, always happens to me babe, it always happens to me. I have the devil I think, I've got the devil by my side. When everything's going well, things happen babe. I am sorry, I am sorry that that happened, ok. //....//
FV:	[I/I]... Usted lo sabe...	[U/I]...You know it...
MV1:	Yo sé, yo sé, pues me van, pues venga por mi cartera, me van, me van a llevar ahorita en un ratito, ya que llegue usted.	I know, I know. Well, they will... come for my wallet, they are going to, they are going to take me right now, in a bit, after you arrive.
FV:	¿Se lo puede ver?	¿Can I see you?
MV1:	<i>I don't know.</i> Si me van... <i>Would my girlfriend be able to see me?</i>	I don't know. If they're going to... Would my girlfriend be able to see me?
MV2:	<i>Huh, I don't know ...</i> [I/I]	Huh, I don't know [U/I]
FV:	¿Ah?	Huh?
MV1:	Que no sabe, vienen ahorita por mí.	He says he doesn't know. They're coming to take me now.
FV:	[I/I]	[U/I]
MV1:	No, apenas le estoy avisando a usted.	No, I am just letting you know.
FV:	... ¿Y qué quiere que yo haga? [I/I]	...And what do you want me to do? [U/I]
MV1:	Pos, llámale a Jacob, mándale un mensaje y a ver, espérese mañana a ver cuánto me ponen en el <i>bail</i> pa' salir.	Well, call Jacob. Send him a message and let's see. Wait until tomorrow to see how much they set bail at for me to get out?

FV:	...[I/I] ¿Cómo va a decir de que [sic] la tocó?	...[U/I] How can you say that you touched her?
MV1:	No, Leira. [F] Ya me tengo que ir mami, ya vienen por mí, ya ahí ya vienen por mí.	No, Leira [PH] I have to go now babe. They are coming to take me. They're on the way to take me.
FV:	...[I/I]	...[U/I]
	[Fin de la conversación telefónica]	[End of telephone conversation]

SANDRA AIDAR-MCDERMOTT

Certified Court Interpreter • English - Spanish • ATA Certified Translator • Conference Interpreter

Certification of Accuracy

Re: Transcription and translation of : **Axon Interview - Interview_Room_2 - Motion2.mp4**
Axon Interview - Interview_Room_2 - Strobe2.mp4

I, SANDRA AIDAR-MCDERMOTT, certified by the National Center for Sates Courts with ID NC 13963 for Spanish-English court interpreting and certified by the American Translation Association for English into Spanish translation with ID 250508 do hereby declare that the eight-page document identified as **Transcription Translation Axon Interview.docx**, is a true and correct transcription and Spanish to English translation of the original video files:

Axon Interview - Interview_Room_2 - Motion2.mp4 Axon Interview - Interview_Room_2 - Strobe2.mp4 provided to me. The transcription and translation are accurate to the best of my knowledge and ability.



Verify at www.atanet.org/verify

SANDRA AIDAR-MCDERMOTT, CT #501026

8/2/2024

9 NEW GRANT COURT, COLUMBIA, SC 29209

sandraaidar@hotmail.com

Certification credentials may be verified online at

www.atanet.org/verify

SANDRA AIDAR-MCDERMOTT

Certified Court Interpreter • English - Spanish • ATA Certified Translator • Conference Interpreter

Certification of Accuracy

Re: Transcription and translation of : **Axon_Interview_-_Interview_Room_2_-_Motion2.mp4**
Axon_Interview_-_Interview_Room_2_-_Strobe2.mp4

I, SANDRA AIDAR-MCDERMOTT, certified by the National Center for Sates Courts with ID NC 13963 for Spanish-English court interpreting and certified by the American Translation Association for English into Spanish translation with ID 250508 do hereby declare that the eight-page document identified as **Transcription Translation Axon_Interview.docx**, is a true and correct transcription and Spanish to English translation of the original video files: **Axon_Interview_-_Interview_Room_2_-_Motion2.mp4** **Axon_Interview_-_Interview_Room_2_-_Strobe2.mp4** provided to me. The transcription and translation are accurate to the best of my knowledge and ability.

Verify at www.atanet.org/verify

SANDRA AIDAR-MCDERMOTT, CT #501026

5/2/2024

9 NEW GRANT COURT, COLUMBIA, SC 29209
 Certification credentials may be verified online at
www.atanet.org/verify

Subscribed and sworn to before me

on this 2nd day of MAY, 2025

Notary Public in and for South Carolina

My Commission Expires: 12/01/2033

SANDRA AIDAR-MCDERMOTT

Certified Court Interpreter ▪ English - Spanish ▪ ATA Certified Translator ▪ Conference Interpreter

Certification of Accuracy

Re: Transcription and translation of : **Axon_Interview_-_Interview_Room_2_-_Motion2.mp4**
Axon_Interview_-_Interview_Room_2_-_Strobe2.mp4

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SANDRA AIDAR-MCDERMOTT, CT #501026

5/2/2024

9 NEW GRANT COURT, COLUMBIA, SC 29209
 Certification credentials may be verified online at
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ARREST WARRANT

2022A2610700571

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

2022074954

against

Rodolfo S Moreno

Address:

Phone:

Sex M Race W Height 5' 5" Weight 190DL State SC DL # SSNDOB: [REDACTED] Agency ORI #: SC0260400Prosecuting Agency: Horry County Police DepartmentProsecuting Officer: Summer A Gasque - 10160

Offense: Sex / Criminal sexual conduct with minor, or

Attempt - victim 11 to 14 yrs of age inclusive -

Offense Code: 0396Code/Ordinance Sec: 16-03-0655(B)(1)This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant. Rodolfo S Morenoon July 19, 2022

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Summer A Gasquebeing duly sworn deposes and says that defendant Rodolfo S Morenodid within this county and state on or about 7/10/2022State of South Carolina (or ordinance of - ☒ County/ ☐ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second

deg.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On July 10, 2022 the victim advised Horry County Police Officers that her father sexually assaulted her in June 2019. On July 18, 2022 the suspect made a post miranda statement that he did inappropriately touch his daughter and advised that while laying in bed he placed a condom on his penis and placed his penis on her private area. At this time of the incident the victim was believed to be 12 years old and the suspect was 40 years old. This incident occurred at Bethel Drive which is located in the Conway section of Horry County, South Carolina. 2022074954 W P Johnson

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address

2560 North Main Street

Conway, SC 29526-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/10/2022 defendant Rodolfo S Moreno

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 7/19/2022

Signature of South Judge

Bradley J. Myers

Judge Code: 5081

(L.S.)

Judge's Address

Conway, SC 29526-5105

Judge's Telephone (843) 915-5290Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

William P Johnson
Horry County Police Department

Sana Davis

DOCKET NO. 2023GSS2603244

The State of South Carolina

County of Horry

George Henry Martin, III
22H03511

COURT OF GENERAL SESSIONS

JULY, 2023 TERM

ARREST WARRANT NUMBER

2023D12600197

CDR: 0396 16-03-0655(B)

DOA: 7/19/2022

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date: JUL 19 2023

VERDICT

vs.

Rodolfo S Moreno
W/ M

DOB:
SSN:

ATTORNEY: Bradley C Richardson

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
SECOND DEGREE

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

RECEIVED

MAY 28 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

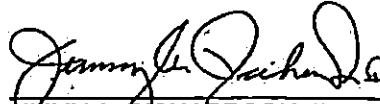
At a Court of General Sessions, convened on JULY 19, 2023, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0396 16-03-0655(B)

That Rodolfo S Moreno did in Horry County, State of South Carolina, on or about or between the dates of July 1, 2019 and March 19, 2021, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was at least fourteen (14) years or less but who was at least eleven (11) years of age, to wit: [REDACTED], DOB: [REDACTED], in violation of Section 16-3-655(B) [formerly Section 16-3-655(2)], S. C. 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

William P Johnson
Horry County Police Department

Samuel Davis

DOCKET NO. 2023GS2603245

The State of South Carolina

County of Horry

George Henry Martin, III
22H03511

COURT OF GENERAL SESSIONS

JULY, 2023 TERM

ARREST WARRANT NUMBER

2023DI2600198
CDR: 3661 16-03-0655(C)
DOA: 7/19/2022

THE STATE

VS.

Rodolfo S Moreno
W/ M

ACTION OF GRAND JURY
TRUE BILL

DOB:
SSN:

ATTORNEY: Bradley C Richardson

[Signature]
Foreperson of Grand Jury
Date: JUL 19 2023
VERDICT

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
THIRD DEGREE

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

RECEIVED
MAY 23 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

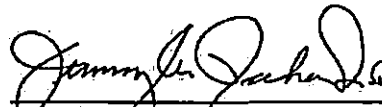
INDICTMENT

At a Court of General Sessions, convened on JULY 19, 2023, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR – 3RD DEGREE
 CDR: 3661 16-03-0655(C)

That Rodolfo S Moreno did in Horry County on or about or between the dates of July 1, 2019 and March 19, 2021, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of a child, less than sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, [REDACTED] DOB: [REDACTED], in violation of Section 16-03-0655(C), S. S. 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.



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

William P Johnson
Horry County Police Department

Summer Gooden

DOCKET NO. 2023GSS2600112

The State of South Carolina

County of Horry

George Henry Martin, III

22H03511

COURT OF GENERAL SESSIONS

MAY, 2023 TERM

ARREST WARRANT NUMBER

2023DI2600006

CDR: 3661 16-03-0655(C)

DOA: 7/19/2022

ACTION OF GRAND JURY
TRUE BILLRodolfo S Moreno
W/M

VS.

THE STATE

DOB:
SSN:

ATTORNEY: Bradley C Richardson

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
THIRD DEGREE

Jimmy A. Richardson, II, Solicitor

Foreperson of Grand Jury
Date: *May 2*

VERDICT

Foreperson of Petit Jury
Date:**ORIGINAL**

RECEIVED
MAY 23 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

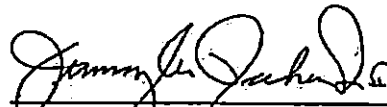
INDICTMENT

At a Court of General Sessions, convened on MAY 24, 2023, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR – 3RD DEGREE
CDR: 3661 16-03-0655(C)

That Rodolfo S Moreno did in Horry County on or about or between the dates of June 1, 2019 and June 30, 2019, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of a child, less than sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, [REDACTED] DOB: [REDACTED], in violation of Section 16-03-0655(C), S. S. 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

William P Johnson
 Horry County Police Department

True

ARREST WARRANT NUMBER

2022A2610700571

CIDR: 0396 16-03-0655(B)

DOA: 7/19/2022

ACTION OF GRAND JURY

TRUE BILL

Randy Kind

Foreperson of Grand Jury OCT 12 2022

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2022GSS2604226

The State of South Carolina

County of Horry

George Henry Martin, III

22H03511

COURT OF GENERAL SESSIONS

OCTOBER, 2022 TERM

THE STATE

vs.

Rodolfo S Moreno
 W/M

DOB:
 SSN:

ATTORNEY:

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
 SECOND DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

RECEIVED

MAY 23 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

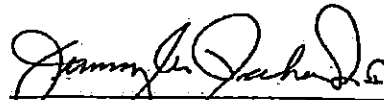
At a Court of General Sessions, convened on OCTOBER 12, 2022, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0396 16-03-0655(B)

That Rodolfo S Moreno did in Horry County, State of South Carolina, on or about or between the dates of June 1, 2019 and June 30, 2019, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was at least fourteen (14) years or less but who was at least eleven (11) years of age, to wit: [REDACTED] whose date of birth is [REDACTED], in violation of Section 16-3-655(B) [formerly Section 16-3-655(2)], S.C. 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

STATE vs.

Rodolfo S Moreno

AKA:

SSN:

RACE: W

SEX: M

DOB:

) INDICTMENT/CASE#: 2023GS23032-5 2023GS26433-5
) AWW#: 2023DI2600198
) Date of Offense: 06/01/2019
) S.C. Code§: 16-03-0655(C)
) CDR Code #: 3661
) Range of Offense: (NMT 15 years & 6 months & 1 day)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☐ PLEADS

TO: Criminal Sexual Conduct with a Minor, Third Degree

Range of Offense Pled: (NMT 15 years & 6 months & 1 day)

In violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45
(CSC with minor 1st or CSC with minor 3rd)

The charge is: ☐ As indicted

☐ Lesser Included Offense

☐ Defendant Waives Prosecution to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation:

101799

68305

George Henry Martin,
III, Solicitor

SC Bar #

Bradley C. Richardson,
Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 15 days/months/years/Time Served ☐ YOANTE years and/or shall pay a fine
of \$; provided that upon the service of days/months/years/Time Served and/or payment
of \$ plus costs and assessments as applicable*; 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: 5-16-25

☐ 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
2 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

☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other:

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during
probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Fine/Costs and Assessments are to be paid to the Clerk
of Court within \$25.00 days/monthly

beginning 6-16-2040

FINE:

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TED

\$300

\$10

TOTAL

\$100.00

\$100.00

\$

\$

\$25.00

\$

\$

\$

\$

\$3.75

\$

\$

\$128.75

Clerk of Court/Deputy Clerk

Renee Elvis

Julie Kevish

2140

Court Reporter

Judge Code

5-16-25

Sentence Date

Michael H. Hutto
(Presiding Judge)

RECEIVED

MAY 23 2025

SC Court of Appeals

IN THE COURT OF GENERAL SESSIONS

2025 MAY 23 14

STATE OF SOUTH CAROLINA
434 COUNTY OF HORRY

SENTENCE ORDER

GENERAL SESSIONS

STATE vs.

Rodolfo S Moreno

AKA:

SSN:

RACE: W

SEX: M

DOB:

) INDICTMENT/CASE#: 2023DI2600197 2023G52603244
) AWW#: 2023DI2600197
) Date of Offense: 05/01/2012
) S.C. Code§: 16-03-0555(B)
) CDR Code #: 0396
) Range of Offense: (NMT 20 years)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☐ PLEADS
TO: Criminal Sexual Conduct with a Minor, Second Degree Range of Offense Pled: (NMT 20 years)
In violation of § 16-03-0555(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPR
(CSC w/minor 1st or CSC w/minor 2nd)

The charge is: ☐ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury
The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

101799

00303

George Henry Martin,
III, Solicitor

SC Bar #

Bradley C. Richardson,
Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration
for a determinate term of 15 days/months/years Time Served ☐ YOANTE years and/or pay a fine
of \$; provided that upon the service of days/months/years Time Served and/or payment
of \$ plus costs and assessments as applicable*; 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: 5-16-25
☐ 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
2 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
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☐ Other:

☐ Hold for Inpatient Treatment
☐ SAC/CMC if necessary

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during
probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Fine/Costs and Assessments are to be paid to the Clerk
of Court within \$ 25.00 days/months/

beginning 6-16-2040

	FINE:	
\$100	\$	100.00
\$100	\$	
\$12	\$	
\$25	\$	
\$25	\$	25.00
\$150	\$	
\$41	\$	
\$50	\$	
\$40/sc	\$	
TSD	\$	3.75
\$500	\$	
\$40	\$	
TOTAL	\$	128.75

Clerk of Court/Deputy Clerk

Renee Elvis

Julie Kevish

2140

Court Reporter

Judge Code

5-16-25

Sentence Date

Michael H. Hester

Presiding Judge

SCCA2173

01/27/2025

RECEIVED

MAY 23 2025

SC Court of Appeals

GENERAL SESSIONS

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

435

STATE vs.

Rodolfo S Moreno

AKA:

SSN:

RACE: W

SEX: M

DOB:

) INDICTMENT/CASE#: 2022GS2604226

) AWW#: 2022A2610700571

) Date of Offense: 06/01/2019

) S.C. Code§: 16-03-0655(B)

) CDR Code #: 0396

) Range of Offense: (NMT 20 years)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☐ PLEADS

TO: Criminal Sexual Conduct with a Minor, Second Degree

Range of Offense Pled: (NMT 20 years)

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ MANDATORY GPS

☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted

☐ Lesser Included Offense

☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

101799

68305

George Henry Martin,
III, Solicitor

SC Bar #

Bradley C. Richardson,
Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 15 days/months/years/Time Served ☐ YOANTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ plus costs and assessments as applicable*; 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: 5-16-25

☐ 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

2 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:

sex offender counseling

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Fine/Costs and Assessments are to be paid to the Clerk
of Court within \$25.00 days/months/

beginning 6/16/2025

Restitution	\$
FINE:	\$
	\$
	\$
\$100	\$100.00
\$100	\$
\$12	\$
\$25	\$
\$25	\$25.00
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$3.75
\$500	\$

\$40 \$
TOTAL \$128.75

Clerk of Court/Deputy Clerk Renee Elvis

Julie Kevish

2140

Court Reporter

Judge Code

5.16.25

Sentence Date

Michael White
Presiding Judge

SCCA217B

01/27/2025

RECEIVED

MAY 23 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
436 COUNTY OF HORRY

SENTENCE ORDER

IN THE COURT OF

STATE vs.

Rodolfo S Moreno

AKA:

SSN:

RACE: W

SEX: M

DOB:

) INDICTMENT/CASE#: 2023GS2600112 2023GS2600112
) AWW#: 2023DI2600006
) Date of Offense: 06/01/2019
) S.C Code§: 16-03-0655(C)
) CDR Code #: 3661
) Range of Offense: (NMT 15 years &/or discretionary fine)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☐ PLEADS

TO: Criminal Sexual Conduct with a Minor, Third Degree

Range of Offense Plad: (NMT 15 years &/or discretionary fine)

In violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted

☐ Lesser Included Offense

☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

101799

68305

George Henry Martin,
III, Solicitor

SC Bar #

Bradley C. Richardson,
Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 15 days/months/years/Time Served ☐ YOANTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable*; 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: 5-16-25

☐ 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
20 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 See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during
probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Fine/Costs and Assessments are to be paid to the Clerk
of Court within \$25.00 days/monthly

beginning 6-16-2040

Restitucir \$
FINE: \$
\$
\$100 \$100.00
\$100 \$
\$12 \$
\$25 \$
\$25 \$25.00
\$150 \$
\$41 \$
\$50 \$
\$40/ea \$
TBD \$3.75
\$500 \$
\$40 \$
TOTAL \$128.75

Clerk of Court/Deputy Clerk Renee ELVIS

Julie Kevish
Court Reporter

2140
Judge Code

5-16-25
Sentence Date

[Signature]
Presiding Judge

SCCA217B
01/27/2025

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MAY 23 2025

SC Court of Appeals

GENERAL SESSIONS

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM HORRY COUNTY

437

THE HONORABLE MICHAEL G. NETTLES, PRESIDING JUDGE

NO. 2022-GS26-4226, 2023-GS26-0112, 2023-GS26-3244 and 2023-GS26-3245

The State of South Carolina,

Respondent.

against

Rodolfo S. Moreno,

Appellant.

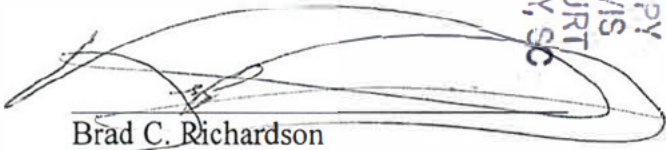
FILED
HORRY COUNTY
2025 MAY 21 P 2:04
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

NOTICE OF INTENT TO APPEAL

Rodolfo S. Moreno appeals from his trial conviction for Two (2) Counts of Criminal Sexual Conduct with a Minor in the Second (2nd) Degree and Two (2) Counts of Criminal Sexual Conduct in the Third (3rd) Degree and the sentence imposed on May 16, 2025 in the Court of General Sessions for Horry County, South Carolina.

This appeal is filed at the Request of the Appellant.

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC


Brad C. Richardson
The Law Office of Brad C. Richardson
P.O. Box 345
Conway, South Carolina 29528
Phone: 843-488-4321
Email: Brad@BradRichardsonLawFirm.com
Attorney for Appellant

May 21st, 2025

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MAY 23 2025

SC Court of Appeals

Other Counsel of Record:

Solicitor Jimmy A. Richardson, II
Fifteenth Circuit Solicitor
P.O. Box 1276
Conway, South Carolina 29528
(843) 915-5460

George Henry Martin
Assistant Solicitor
Fifteenth Circuit Solicitor
P.O. Box 1276
Conway, South Carolina 29528
(843) 915-5460

Leigh Waller
Senior Assistant Solicitor
Fifteenth Circuit Solicitor
P.O. Box 1276
Conway, South Carolina 29528
(843) 915-5460

South Carolina Office of the Attorney General
Attn: Criminal Appeals
P.O. Box 11549
Columbia, South Carolina 29211

FILED
Horry County
2025 MAY 21 P 2:04
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Dayne C. Phillips, Esq.
SC Bar No. 77712
Price Benowitz LLP
1614 Taylor Street, Suite D
Columbia, SC 29201
(803) 807-0234

ATTORNEY FOR APPELLANT

October 20, 2026

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Oct 20 2026

SC Court of Appeals