

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

Brooks P. Goldsmith, Circuit Court Judge

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SEP 26 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL D. WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2012-212501

RECORD ON APPEAL

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SC Court of Appeals

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**** STATE'S #1, (DVD), IS BEING TRANSPORTED TO THE COURT OF
APPEALS. ****

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF FAIRFIELD
4 2008-GS-20-500 to 507
5

6 State of South Carolina

7 vs.

8 Michael D. Williams
9

10

11 Winnsboro, South Carolina

12 July 9-12, 2012

13 Before the Honorable Brooks P. Goldsmith
14

15 APPEARANCES

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17 For the Defendant: Jack Swerling
18

19 Reported by: Michael C. Watkins

20 Official Court Reporter
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OPENING STATEMENTS

1 left, what happened in the interim and what happened when
2 they came back and you have to decide does it make sense
3 that if these allegations were made and are true and were
4 taking place during the early timeframe when these children
5 were there, if those allegations were true then why in
6 heaven would you bring them back? Why would the children
7 want to go back into the same situation? And I think you're
8 going to find that's going to be the crux of the case. So I
9 ask you to pay attention, I know you will. I appreciate you
10 being here. It's a lot cooler in here today than it was
11 yesterday. I just want to tell you I appreciate you being
12 here, we look forward to trying the case with you and at the
13 end of the case we'll have an opportunity, both the State
14 and me, to kind of summarize for you what we would like for
15 you to consider in the case and we will be able to do it in
16 a little bit more detailed fashion because at that time you
17 will have heard all of the evidence. We appreciate you
18 being here.

19 THE COURT: Thank you, Mr. Swerling. Solicitor, you
20 may call your first witness.

21 MS. SUTTON: Thank you, Your Honor. The State calls
22 Susan Rowles to the stand.

23 The witness, SUSAN ROWLES, was first duly sworn
24 and testified as follows, on:

25 DIRECT EXAMINATION

TESTIMONY OF SUSAN ROWLES

- 1 BY MS. SUTTON:
- 2 THE CLERK: State your name for the record.
- 3 THE WITNESS: Susan Rowles.
- 4 Q. Ms. Rowles, where do you currently live?
- 5 A. In the Great Falls area.
- 6 Q. That's here in Fairfield County?
- 7 A. It's actually -- I live in Chester County now.
- 8 Q. How long have you lived at your current residence?
- 9 A. I've been at my current residence since January, I've
- 10 been in the Great Falls area since 2000.
- 11 Q. Where are you originally from?
- 12 A. Pennsylvania.
- 13 Q. You were born and raised there?
- 14 A. Yes, ma'am.
- 15 Q. And where is most of your immediate family?
- 16 A. My immediate family lives in Pennsylvania.
- 17 Q. Do you have any family in South Carolina?
- 18 A. Just my children.
- 19 Q. What brought you to the charming state of South
- 20 Carolina?
- 21 A. In 2000 I got married and we moved to Great Falls.
- 22 Q. Who did you marry in 2000?
- 23 A. Jeffrey Rowles.
- 24 Q. And did y'all have any children?
- 25 A. We did. I had my oldest daughter from a previous

TESTIMONY OF SUSAN ROWLES

1 relationship, [Child 1] and then him and I together had my
2 daughter, [Child 2] and our son, [Brother 1]

3 Q. And when was [Child 2] born?

4 A. [Child 2] was born

5 Q. So right now she's currently , going on ?

6 A. Yes, ma'am.

7 Q. And [Child 1] what is her birthday?

8 A.

9 Q. And now [Child 1] is ?

10 A. Yes, ma'am.

11 Q. Were they born here in South Carolina?

12 A. [Child 2] was born in Chester.

13 Q. Where are you currently working?

14 A. I work in Charlotte.

15 Q. What company?

16 A. With Wells Fargo.

17 Q. How long have you been working there?

18 A. I have been employed there since 2008.

19 Q. Prior to that where were you employed?

20 A. I worked for a company called Equifirst, I worked there
21 from 2003 to 2008 when I got laid off.

22 Q. Let me kind of back up. When you first got married and
23 were living -- and moved to South Carolina, were you working
24 at that time?

25 A. No. I got married and then I found out I was pregnant

TESTIMONY OF SUSAN ROWLES

1 so I stayed home until Child 2 was about a year and a half
2 and then we had family members. Jeff and I would alternate
3 when we would work and stuff, and then I got my job at
4 Equifirst and when I started there in 2003 is when the kids
5 started going to daycare.

6 Q. When they started going, was it just the two younger
7 ones or was it all of the children?

8 A. I don't really remember at first if all of them went, I
9 know the younger ones definitely did. I was divorced in
10 2004 and at that time I know that all of them were going
11 there.

12 Q. When you placed your children in daycare I think you
13 said around 2003, where did they go?

14 A. They went to Mike and Dorothy Williams' home.

15 Q. How did they come to go there?

16 A. I was looking for a daycare, I don't remember if I saw
17 an advertisement or if it was a referral through word of
18 mouth, there's not a whole lot of daycares in Great Falls so
19 I was calling around and I went and met with Dorothy and
20 they began going there at that time.

21 Q. Let me kind of ask for clarity, was it just Brother 1
22 and Child 2 or was it Child 2 Brother 1 and Child 1

23 A. I don't remember at very first if all of them were
24 going. But I know when I got divorced in 2004, I separated
25 in December of 2004, all three of my children were going to

TESTIMONY OF SUSAN ROWLES

1 Mike and Dorothy Williams at that time.

2 Q. And so you've known, I guess, Dorothy and Mike Williams
3 since about 2003?

4 A. Yes, ma'am.

5 Q. How would you describe the nature of your relationship
6 with them?

7 A. Well, they were my daycare providers but they were
8 also -- I considered them very close friends especially -- I
9 didn't have anyone and I really appreciated them. Whenever
10 something would break at my house Mike would be the one that
11 would help me and I really considered them like second
12 parents to me.

13 Q. So your relationship went beyond that daycare provider
14 and parent, but you considered them friends?

15 A. I did. Dorothy and I would have dinner, I would stay
16 and talk to her after I picked up the kids because I didn't
17 have anyone there. I knew their family, the kids knew their
18 family, they called her Me-maw and he was Mike Mike and they
19 were the people I counted on.

20 Q. At some point your oldest daughter, **Child 1** stopped
21 going there. What time was that?

22 A. In late 2005 and 2006. Being a single mom the daycare
23 expense was kind of burdensome and another lady offered to
24 do it for almost half as much so we switched daycares at
25 that point and **Child 1** never went back to Mike and Dorothy's

TESTIMONY OF SUSAN ROWLES

1 at that point. Because by the time -- what happened with my
2 other daycare, the lady passed away and at that time Child 1
3 said, "Mom, I'm old enough, I can stay by myself, I don't
4 want to go back there," and so that's what I did. I just
5 put the youngest two in daycare then.

6 Q. So between 2005 and 2006 none of your children were
7 attending daycare.

8 A. No. But I would stop and see Dorothy every now and
9 then, and I know that on occasion she watched Child 1 for me
10 one weekend when I went away for the weekend and the little
11 kids were with their dad.

12 Q. So there was one -- explain to us about that weekend
13 that she watched Child 1

14 A. It was when they were going to Donna's so it would have
15 been 2006, I was going away for the weekend for a personal
16 thing and Dorothy had told me that her granddaughter would
17 be there so she would watch her. So I paid her to watch
18 Child 1 for me over the weekend because the other ones had
19 gone with their dad.

20 Q. So she actually -- Child 1 spent more than just the day,
21 she spent the night there?

22 A. Yes.

23 Q. But outside of the 2006 at that time she didn't go
24 back?

25 A. No.

TESTIMONY OF SUSAN ROWLES

1 Q. And what about Child 2 did she go back after 2006?

2 A. When Donna passed away she -- her and Brother 1 started
3 doing that full-time again.

4 Q. When did Child 2 stop going to the daycare?

5 A. Child 2 stopped going to the daycare in 2008. We
6 were -- I had picked them up one evening and there was a
7 comment made about some inappropriate touching, and at that
8 time Dorothy was driving my kids to school. So the next day
9 I had her drive them to school, I called my ex-husband and I
10 told him he needed to find out what that meant.

11 Q. Well, you said it was inappropriate touching. Who told
12 you that?

13 A. Child 2 did.

14 Q. Did she tell you where that occurred?

15 A. She made the comment that he --

16 MR. SWERLING: Your Honor, I'm going to have to ask
17 they limit it to time and place.

18 THE COURT: Sustained.

19 Q. Just tell us where and at what time.

20 A. It was in my living room. She was actually on the
21 floor in front of me at the time and Child 1 was with me at
22 the time, too.

23 Q. And she told you -- where did she tell you the
24 inappropriate touching occurred?

25 A. She made the comment to me -- well, Child 1 started,

TESTIMONY OF SUSAN ROWLES

1 Child 1 told me I shouldn't take my children there anymore.

2 MR. SWERLING: Your Honor, I object to the hearsay.

3 THE COURT: Sustained.

4 Q. I guess --

5 THE COURT: Try to narrow your questions.

6 MS. SUTTON: Yeah.

7 Q. Did she say that it occurred at the street or in the
8 home, where did Child 2 say that she was inappropriately
9 touched? Where was she when she was inappropriately
10 touched?

11 A. She was at the daycare.

12 Q. And you stated that at that point you contacted your
13 ex-husband, Jeff.

14 A. Yes.

15 Q. And you told him to find out more information.

16 A. Yes.

17 Q. And did you contact the police or did somebody else
18 contact the police?

19 A. Jeff contacted the police.

20 Q. And after things were reported to the police, what
21 things did you do with the children to assist I guess in the
22 investigation? What actions did you do?

23 A. Once the police were contacted I had to take Child 2 to
24 Columbia to the ARC Center where she met with a psychologist
25 and some forensic psychologist at that time to interview her

TESTIMONY OF SUSAN ROWLES

1 and go through -- hear her story.

2 Q. Since 2008 have you had any contact with Mike Williams?

3 A. No, ma'am.

4 Q. Just one follow-up question, Mrs. Rowles, Susan. You
5 stated that when **Child 2** disclosed that she was fondled, that
6 at that point you didn't ask anymore questions, you
7 contacted your ex-husband.

8 A. Yes, ma'am.

9 Q. Why didn't you ask her anymore questions?

10 A. I didn't want to believe that it was true, I didn't
11 want to believe that about Mike and Dorothy.

12 MS. SUTTON: No further questions.

13 CROSS EXAMINATION

14 BY MR. SWERLING:

15 Q. Good morning, Ms. Rowles. I wanted to ask you -- go
16 back over some of the questions that -- well, maybe I'll
17 stand over here and make it a little bit easier so you can
18 look at the jury. There's no question I think from your
19 testimony that y'all established a very close relationship
20 with the Williams family.

21 A. Yes.

22 Q. And it started I think you would say 2003, is that when
23 you pinpoint the time?

24 A. Yes.

25 Q. And what was your marital situation at that time? Were

TESTIMONY OF SUSAN ROWLES

- 1 you married or were you divorced, separated?
- 2 A. The end of -- in 2003 I was still married.
- 3 Q. So when they went over there you were still married?
- 4 A. Yes.
- 5 Q. And so that would be somewhere around 2003?
- 6 A. Yes.
- 7 Q. At that time Child 2 would have been three years old?
- 8 A. Yes.
- 9 Q. Three or four years old, in that range, she was born in
- 10 2000?
- 11 A. Yes, sir.
- 12 Q. And then Child 1 was born in '95 so she would have been
- 13 eight?
- 14 A. Yes.
- 15 Q. Eight to nine year timeframe; is that correct?
- 16 A. Yes.
- 17 Q. And then you had another child, Brother 1
- 18 A. Yes.
- 19 Q. Now, there were other children at that daycare center
- 20 as well.
- 21 A. Yes, on and off there were different children.
- 22 Q. And they were there I guess for what, about three
- 23 years?
- 24 A. The first time they were there for almost three years.
- 25 Q. And during that interim -- during that period of time

TESTIMONY OF SUSAN ROWLES

1 you and your husband separated and then got a divorce.

2 A. Yes, in 2004.

3 Q. So in that time -- did you move to another house,
4 another location at that time?

5 A. Yes, I did.

6 Q. And you were a single mom at that point.

7 A. Yes.

8 Q. From what you're saying for three years you had
9 absolutely no concerns about what was going on; isn't that
10 true?

11 A. No. I had no -- I loved Mike and Dorothy.

12 Q. And they loved you.

13 A. Yes.

14 Q. And the children loved them as well.

15 A. Yes.

16 Q. Is it fair to say that the kids, all three of your
17 children were very excited when they would go over there for
18 daycare?

19 A. They loved Mike and Dorothy.

20 Q. And when we say that they loved Mike and Dorothy, they
21 would go up and they would hug them and they were very warm
22 to them, specifically Mike and Dorothy were warm to them,
23 they were warm to Mike and Dorothy.

24 A. Yes.

25 Q. Is that correct?

TESTIMONY OF SUSAN ROWLES

1 A. Yes.

2 Q. And I guess what -- I was trying to follow-up on one of
3 the questions, if I could follow-up, is when they would come
4 up or when Mike would come home and you would observe they
5 ran to Mike, didn't they?

6 A. Yeah.

7 Q. And they called him Mike Mike.

8 A. Yes.

9 Q. And they called Dorothy -- what did you say they called
10 Dorothy?

11 A. Me-maw.

12 Q. So it was actually more from what you're describing
13 than a daycare/client relationship, it was actually a
14 familial relationship.

15 A. Yes.

16 Q. Is it fair to say, or isn't it fair to say, that the
17 Williams, their family, Mike and Dorothy, basically almost
18 acted as surrogate grandparents to the children?

19 A. In some ways.

20 Q. As far as I'm talking about the relationships.

21 A. Yes.

22 Q. And the kids looked at them in that way too, did they
23 not?

24 A. Yes.

25 Q. They from -- let me ask you this, from time to time

TESTIMONY OF SUSAN ROWLES

1 they would -- they didn't necessary want to leave there when
2 you would come and pick them up, they would like to stay,
3 correct?

4 A. To play, yes.

5 Q. To play. And you would go over to the house when you
6 would pick up the children and you felt very welcome there
7 and actually stayed for dinner on a number of occasions and
8 sat and talked with Dorothy in the house.

9 A. Yes.

10 Q. Mike would be there sometimes and it would have been --
11 Mike was working -- do you know where Mike was working at
12 that time?

13 A. He was a paramedic.

14 Q. For EMS, Chester County EMS?

15 A. Yes, sir.

16 Q. And he also had a couple of other jobs that he was
17 working as well.

18 A. Yes, sir.

19 Q. And so your relationship not really was just with
20 Dorothy, you had a relationship with him as well, a very
21 close relationship.

22 A. Yes.

23 Q. When the divorce came about or the separation came
24 about things got financially difficult, did they not?

25 A. Being a single mother it was financially difficult,

TESTIMONY OF SUSAN ROWLES

- 1 yes.
- 2 Q. Absolutely. And when you needed something Mike was the
- 3 guy who was there to give you some assistance; is that
- 4 right?
- 5 A. Yes.
- 6 Q. If you needed a hot water heater --
- 7 A. Yes.
- 8 Q. -- Mike got you a hot water heater.
- 9 A. Yes.
- 10 Q. And he put it in. As a matter of fact that was one of
- 11 the part-time jobs he had, isn't that true, he worked
- 12 heating and air conditioning.
- 13 A. Yes, sir.
- 14 Q. He had been doing that for years and years in addition
- 15 to doing EMS. You needed furniture and the Williams gave
- 16 you some furniture.
- 17 A. Yes.
- 18 Q. The kids sometimes would need clothes and they would
- 19 get the kids clothes.
- 20 A. Yes, sir.
- 21 Q. They would take the kids shopping for clothes.
- 22 A. Yes, sir.
- 23 Q. Both of them.
- 24 A. Yes.
- 25 Q. There were times when your automobile needed fixing and

TESTIMONY OF SUSAN ROWLES

1 Mike would fix your automobile.

2 A. Yes, sir.

3 Q. He would come over to the house and fix your
4 automobile.

5 A. Yes, sir.

6 Q. There were times I think you needed some siding on your
7 house or some repairs to the house and Mike did those.

8 A. Yes, sir.

9 Q. So what we're describing here is a very close
10 relationship not only with the children but with you trying
11 to help you through this very difficult time.

12 A. Yes.

13 Q. Correct?

14 A. Yes.

15 Q. And this was in the first period when the kids were
16 there; is that correct?

17 A. Well, it went on.

18 Q. It went on, but it started in that first three year
19 period when you got divorced when you were a single mom.

20 A. Yes.

21 Q. At some point in time I think you described when Mike
22 would come home the kids would run to him and they would
23 play with him.

24 A. Yes.

25 Q. And he would -- they would jump in the pool. Didn't

TESTIMONY OF SUSAN ROWLES

- 1 they have an above the ground pool?
- 2 A. Yes.
- 3 Q. He would get on the computer.
- 4 A. Yes.
- 5 Q. They would roll around on the floor and wrestle and do
6 what fathers or grandfathers do with their kids.
- 7 A. Yes.
- 8 Q. And that was all three of them.
- 9 A. Yes.
- 10 Q. At no time from what I understand did you pick up on
11 anything that was wrong with the relationship between the
12 children and Mike or Dorothy.
- 13 A. No, sir.
- 14 Q. Is that right?
- 15 A. Yes, sir.
- 16 Q. So when you left and took the kids out, the reason you
17 left as I understand it was financial reasons, another woman
18 in town was doing the daycare for a little bit cheaper.
- 19 A. It was a lot cheaper, yes.
- 20 Q. A lot cheaper.
- 21 A. Yes.
- 22 Q. The kids when they were at Dorothy's, what were the
23 hours? And I know this may sound silly but what were the
24 hours they were there? And I'm talking about the first
25 time.

TESTIMONY OF SUSAN ROWLES

1 A. I had my husband and -- I worked in a car lot so I
2 would drop them off between 7:00 and 7:30 and I would work
3 from like 8:30 to 5:30, sometimes 6:30 if we had to do
4 overtime and I wouldn't get home until 7:30 at night
5 sometimes.

6 Q. So it could be -- during the summer it would be all
7 day.

8 A. Yes.

9 Q. And during the school year the kids would go to school,
10 the ones that were going to school.

11 A. Yes.

12 Q. And Dorothy or Mike would drop them off at the bus stop
13 and they would take them to the school.

14 A. Dorothy the last couple of months was driving them.

15 Q. And picked them up as well.

16 A. The bus would drop them off, yes.

17 Q. The bus would drop them off and she would pick them up,
18 or was it right there at the house?

19 A. It was right there at the house.

20 Q. So there was a lot of time that the kids were at the
21 house. And on the weekends, of course, you had the
22 children.

23 A. Yes.

24 Q. And you didn't need daycare on the weekends unless you
25 were working.

TESTIMONY OF SUSAN ROWLES

1 A. Correct.

2 Q. So you went to, is it Donna McManus?

3 A. Yes.

4 Q. And the kids did not want to leave Dorothy and Mike;
5 isn't that true?

6 A. Child 1 actually didn't care if we left.

7 Q. She never said anything like that to you about Mike and
8 Dorothy, did she?

9 A. No.

10 Q. She just -- she was getting older. In 2006 she was,
11 what, 11 years old already?

12 A. She was, but she knew that -- she had actually through
13 a friend heard about Donna, Donna offered to watch at
14 substantially less, she was like, "Mom, I have a friend
15 there, you know, that -- I think you should consider
16 switching."

17 Q. But again, here is the point of my question, they --
18 none of the kids said they wanted to leave for any
19 inappropriate reasons.

20 A. No, sir.

21 Q. And she may have just said that, "Let's go over to
22 Donna McManus," but that was already a decision to be made
23 because of the financial situation.

24 A. Yes, sir.

25 Q. She never expressed to you at that point in time that

TESTIMONY OF SUSAN ROWLES

1 there was anything going on or anything inappropriate.

2 A. No, sir.

3 Q. And so for a period of time -- and again, let me get
4 back to the original question, let's just say the two
5 younger, they didn't want to leave, they enjoyed Dorothy and
6 Mike and so did Child 1 correct?

7 A. True.

8 Q. Even when they left to go to Donna McManus' they were
9 still having that affectionate relationship between Mike and
10 Dorothy, and Mike and Dorothy were having an affectionate
11 relationship with them.

12 A. Yes.

13 Q. Even at that time.

14 A. Yes.

15 Q. And the Williams didn't want them to leave.

16 A. No.

17 Q. But because the kids were there so long it was a
18 question of what was going to be a fair charge, correct?

19 A. It came down to I was a single mom, yes.

20 Q. Sure, financially. It was just strictly a financial
21 decision is what I'm trying to say.

22 A. Yes.

23 Q. At that point in time -- and I don't remember hearing
24 it on direct examination so I just wanted to followup, when
25 you went and took the kids to McManus we know that Child 1

TESTIMONY OF SUSAN ROWLES

1 never said anything happened inappropriately with her,
2 Child 2 never said anything inappropriate to her, correct?

3 A. Correct.

4 Q. But Child 1 did mention to you something about Minor 2
5 Mr. Williams and Mrs. Williams' grandchild, correct?

6 A. Yes.

7 Q. And she told you that Minor 2 had said that she did not
8 like going over to her grandfather and grandmother's house
9 because the defendant touched her; isn't that correct?

10 A. Not those words, no, sir.

11 Q. Well, what words were they?

12 A. She said something about Minor 2 said that Mike touched
13 her bottom.

14 Q. Touched her?

15 A. Her bottom.

16 Q. And that was something that she thought was worth
17 telling you about?

18 A. Honestly I didn't really -- I just -- I overlooked it.

19 Q. Pardon?

20 A. I overlooked it.

21 Q. Well, you overlooked it, but I mean, if that was said
22 that's sort of a little bit of a red flag if that's correct,
23 isn't that true, that he was touching his granddaughter?

24 A. No. Because to me I didn't know Minor 2 I don't know
25 her and I had a really close relationship with them. That

TESTIMONY OF SUSAN ROWLES

1 comment wasn't made until I think later and I had seen Mike
2 and Dorothy around the kids.

3 Q. When you said it was not made until later, what were
4 you talking about? Because my understanding, you correct me
5 if I'm wrong, it was when you left to go over to Mr. and
6 Ms. McManus' that she mentioned this thing that **Minor 2** had
7 told her, thought it was important enough to tell her.

8 A. It wasn't when we first left, it was after 2006 when
9 they spent the weekend at their house.

10 Q. But you were not going there that period of time.

11 A. No, sir.

12 Q. The kids were not going there.

13 A. No.

14 Q. You were saying that she told you that after she spent
15 the weekend at the house.

16 A. It was a little while after she spent the weekend at
17 the house, yes.

18 Q. And **Minor 2** said she didn't like going there because the
19 grandfather --

20 A. Well, I don't remember the thing about **Minor 2** didn't
21 like going there. She just made a comment that she didn't
22 really care for Mike, that **Minor 2** said something about him
23 touching her butt.

24 Q. All right. Notwithstanding that, you never made any
25 inquiry about that, did you, according to what you're

TESTIMONY OF SUSAN ROWLES

1 saying?

2 A. No.

3 Q. It wasn't -- certainly the State didn't ask you about
4 that on direct examination.

5 A. No.

6 Q. Ms. McManus died.

7 A. Yes.

8 Q. Now, let me ask you, during the period of time between
9 you left the Williams and the time you went back to the
10 Williams the kids would go over there periodically, correct?

11 A. Yeah, I went with them. We --

12 Q. You went with them. The relationship wasn't broken, it
13 was just a financial reason for you to go to the other
14 place.

15 A. Yes.

16 Q. But the relationship continued during that period of
17 time and all of the actions that we just talked about, the
18 affection between the kids and them and them and the kids.

19 A. Right.

20 Q. And you personally observed it?

21 A. Yes.

22 Q. And even **Child 1** you said went over there and spent the
23 night with **Minor 2**

24 A. Yes, and Dorothy.

25 Q. **Minor 2** and she are about the same age, close in age?

TESTIMONY OF SUSAN ROWLES

1 A. I think so, yes.

2 Q. And she did that on more than one occasion as I
3 understand it. No?

4 A. I don't really know.

5 Q. At some point you decided to go back to -- Ms. McManus
6 died and then there was another babysitter that you went to
7 for awhile.

8 A. Not very long, just in the interim.

9 Q. But Ms. McManus, obviously you left her because she
10 passed away, you had to find somebody else. Who did you go
11 to next?

12 A. A lady named Thery.

13 Q. And why did you leave her?

14 A. Just her situation. She had a bunch of kids and they
15 all played together, just the situation. Mike and Dorothy
16 had openings and I was close to them.

17 Q. Was there something about her house, too, you didn't
18 like or something like that?

19 A. Yeah, he had some issues.

20 Q. Well, what kind of issues?

21 A. He would drink a couple of beers.

22 Q. Were they just alcohol or was there sexual related
23 issues or anything like that?

24 A. No.

25 Q. Just alcohol?

TESTIMONY OF SUSAN ROWLES

- 1 A. It was alcohol.
- 2 Q. So you decided to go back to Mike and Dorothy's?
- 3 A. Yes.
- 4 Q. And they took you. Of course, the relationship never
5 ended except business wise, but the friendship never ended
6 and you went back.
- 7 A. Yes.
- 8 Q. Notwithstanding -- now, as I understand it whatever
9 Child 1 said about Minor 2 what Minor 2 said, you just
10 disregarded.
- 11 A. Yes.
- 12 Q. That was of no concern to you whatsoever?
- 13 A. I really didn't think about it because I didn't know
14 Minor 2.
- 15 Q. But the fact that someone would say someone was
16 touching someone didn't concern you at that point, you
17 brought the kids back.
- 18 A. I didn't think anything of it.
- 19 Q. And so the kids went back and they were there for about
20 a year before the allegations arose.
- 21 A. I think a little over a year maybe, yeah.
- 22 Q. Little over a year. And at that point Child 1 was not
23 going back, she was staying by herself.
- 24 A. Correct.
- 25 Q. And she was that would have been about 11 or 12,

TESTIMONY OF SUSAN ROWLES

1 somewhere around that range?

2 A. Yes.

3 Q. Did she stay by herself?

4 A. Yes.

5 Q. Did she go to some other house and live during that
6 period of time?

7 A. No.

8 Q. Did she do that later?

9 A. **Child 1** has never not lived with me.

10 Q. Okay. I just wondered if she went to live somewhere.

11 Okay. And so she would continue to go over there, even
12 though she was not a client anymore or a member of the
13 daycare she would go over periodically to see the Williams,
14 correct?

15 A. If I wanted to see the Williams sometimes she would go
16 with me, yes.

17 Q. And same relationship, same feelings, same everything;
18 is that right?

19 A. Yes.

20 Q. And during that period of time **Brother 1** and **Child 2** had
21 the same relationship, same feeling, same affection and it
22 was mutual both ways.

23 A. Yes.

24 Q. And during that period of time Mr. Williams would
25 continue to help you whenever he could or whenever you

TESTIMONY OF SUSAN ROWLES

1 needed some assistance; is that right?

2 A. Yes.

3 Q. Whatever happened happened on -- or the disclosure was
4 made somewhere around September 8th, September 9th of 2008;
5 is that correct?

6 A. I don't know the date.

7 Q. If you accepted that that's about when it was. Did you
8 ever discuss with Child 2 what she contended happened?

9 A. No.

10 Q. So between September of '08 and the time she went to
11 the interview in Columbia on October 3rd you and she had no
12 discussions about it?

13 A. I honestly -- I let my husband deal with that, my
14 ex-husband, because I couldn't wrap my head around it. I
15 couldn't see Mike as the person he was to me and the little
16 bit that I got I wanted it to be investigated.

17 Q. You couldn't see it happening based upon the
18 relationships you all had.

19 A. I didn't want to believe it, not because I couldn't see
20 it -- hindsight is 20/20, but I didn't want to believe it at
21 first. But my little girl, I believed her.

22 MR. SWERLING: Well, I would move that be stricken,
23 Judge, and the jury instructed that that is just not an
24 issue, whether she believes them or not, it's not the
25 matter.

TESTIMONY OF SUSAN ROWLES

1 THE COURT: It's not responsive to the question. I
2 would order you to disregard the last remark of the witness
3 and order it be stricken from the record. Your next
4 question.

5 Q. Did you ever discuss with Child 1 between September 8th
6 and October 3rd what happened, what she contended happened?

7 A. We had a couple comments made and that was it.

8 Q. So it doesn't sound like you were doing any in-depth
9 questioning of these children yourself?

10 A. It was -- no. I never went in-depth with the
11 questioning.

12 Q. You were -- when she went down to the ARC, which is in
13 Columbia, the forensic interview, that was October 3rd, if
14 you would just accept that is the date you went with her; is
15 that correct?

16 A. Yes.

17 Q. You were what they call the reporter back then, you
18 were the one giving the background information about Child 2

19 A. Yes.

20 Q. Because she was the one that was being interviewed.

21 A. Yes.

22 Q. No one ever -- there was never any forensic interview
23 done of Child 1 isn't that true?

24 A. That's true.

25 Q. No ARC interview. She may have spoken to an

TESTIMONY OF SUSAN ROWLES

1 investigator, she may have spoken to somebody from DSS but
2 nobody ever thought about doing an ARC interview with her;
3 is that correct?

4 A. Well, I'm not the one who -- I didn't know what they
5 were.

6 Q. I know. Nobody suggested that an ARC interview be done
7 for Child 1

8 A. Correct.

9 Q. And she was only -- at that point she would have been
10 13.

11 A. Correct.

12 Q. When you went down there you sat down and gave
13 information to the people, you filled out some applications
14 or filled out some assessment forms, correct?

15 A. I don't remember.

16 Q. And let me show you one and see if you remember this
17 form.

18 MR. SWERLING: May I approach, Your Honor?

19 THE COURT: Sure.

20 A. Yes.

21 Q. That's your handwriting?

22 A. Yes.

23 Q. This is what they call an intake form questionnaire for
24 the forensic interview, correct?

25 A. Yes.

TESTIMONY OF SUSAN ROWLES

1 Q. And did you answer all of these questions accurately
2 and truthfully?

3 A. Yes.

4 MR. SWERLING: Judge, can I approach the bench with
5 Ms. Hickman for a moment and discuss something with you?

6 THE COURT: Sure.

7 (Bench conference was held.)

8 THE COURT: You may continue.

9 MR. SWERLING: Thank you, Judge.

10 BY MR. SWERLING:

11 Q. The form that I just showed you, you recognize that
12 form as the assessment and resource center caregiver
13 questionnaire for a forensic interview?

14 A. Yes.

15 Q. And this is the form that you filled out on October 3rd
16 when you went down for the ARC interview, where your
17 daughter went down for the ARC interview; is that correct?

18 A. Yes.

19 Q. And directing your question to number five, "Has there
20 ever been a child abuse investigation involving this child
21 or the family before," your answer that you checked was no;
22 is that correct?

23 A. There was never any investigation on **Child 2** before.

24 Q. I didn't ask you that. You said has there ever been a
25 child abuse investigation about the child or the family

TESTIMONY OF SUSAN ROWLES

1 before and you checked no.

2 A. Yes.

3 MR. SWERLING: Just a couple of more questions, Judge.

4 Q. Do you remember also at some point speaking with the
5 folks from DSS when you were what they would call the
6 reporter filling out information for DSS?

7 A. I don't really know.

8 Q. Do you remember meeting with somebody named Shanay
9 Moore?

10 A. I don't really remember all of that, I'm sorry.

11 MR. SWERLING: If the Court would just indulge me for a
12 second.

13 Break in proceedings.)

14 MR. SWERLING: No further questions, Your Honor.

15 THE COURT: Any redirect solicitor?

16 MS. SUTTON: Not from the State.

17 THE COURT: Thank you, ma'am, you may step down. You
18 may call your next witness.

19 MS. MINGO: Your Honor, the State calls Child 2

20 The witness, Child 2 was first duly
21 sworn and testified as follows, on:

22 DIRECT EXAMINATION

23 BY MS. MINGO:

24 THE CLERK: State your name.

25 THE WITNESS: My name is Child 2

TESTIMONY OF Child 2

- 1 Q. How old are you, Child 2
- 2 A. I'm 11.
- 3 Q. Are you doing okay today?
- 4 A. Yes.
- 5 Q. Who are your parents?
- 6 A. Susan Rowles and Jeffrey Rowles.
- 7 Q. Who do you live with?
- 8 A. I live with Susan Rowles.
- 9 Q. Where do you go to school?
- 10 A. Great Falls Elementary.
- 11 Q. What grade are you going into when school starts back?
- 12 A. Sixth.
- 13 Q. What are you doing all summer long?
- 14 A. Excuse me?
- 15 Q. What have you been doing all summer?
- 16 A. I have been swimming and stuff like that.
- 17 Q. Are you ready for school to start back?
- 18 A. No.
- 19 Q. Do you have any siblings?
- 20 A. Yes, ma'am. I have a sister, Child 1 I have a
- 21 brother named Brother 1, and I have two other brothers
- 22 named Brother 2 and Brother 3 and I have another sister
- 23 named Child 2
- 24 Q. You've got a lot of siblings.
- 25 A. Yes.

TESTIMONY OF Child 2

1 Q. Which of the children are your mom's children, her
2 biological children?

3 A. Brother 1 and Child 1

4 Q. You're 11. Do you know the difference between a truth
5 and a lie?

6 A. Yes.

7 Q. So if I were to tell you, "Child 2 you are wearing all
8 black today," is that the truth or a lie?

9 A. A lie.

10 Q. If I said you are 11 years old, is that the truth or a
11 lie?

12 A. Truth.

13 Q. I'm going to show you a photo.

14 MS. MINGO: Your Honor, permission for the witness to
15 step down?

16 THE COURT: Certainly.

17 Q. I'm just going to ask you a few questions about body
18 parts so I will understand what you call certain things,
19 let's step over here so the jury can see. What do you call
20 these?

21 A. Boobs.

22 Q. Is this a girl or a boy?

23 A. It's a girl.

24 Q. And speak up louder. What are these?

25 A. Boobs.

TESTIMONY OF Child 2

1 THE COURT: Let me interrupt you, Solicitor. You may
2 end up having to ask the witness to come around this side so
3 that she will be facing the jury so they can hear her
4 responses. I think they're going to have a hard time
5 understanding her if she has her back to the jury.

6 MS. MINGO: Yes, Your Honor.

7 Q. Let's start over.

8 A. Call those boobs.

9 Q. What would you refer to this as?

10 A. Vagina.

11 THE COURT: You're going to have to try to get her to
12 speak up louder, the court reporter can't hear her.

13 Q. Talk up a little bit louder. Okay?

14 A. The belly button.

15 Q. And how about this?

16 A. Private part.

17 Q. And how about this?

18 A. Butt.

19 Q. And the same on a boy, what do you call these? You
20 don't know?

21 A. No.

22 Q. That?

23 A. Belly button.

24 Q. What do you call this?

25 A. Private part.

TESTIMONY OF Child 2

- 1 Q. What do you refer to this as?
- 2 A. Butt.
- 3 Q. All right. You can go have a seat back up there. I'm
- 4 going to ask you another question. Has anyone ever touched
- 5 you in any way you didn't like?
- 6 A. Yes, ma'am.
- 7 Q. And can you tell me who did that?
- 8 A. Mike Williams.
- 9 Q. How do you know Mike Williams, or how did you come to
- 10 know Mike Williams?
- 11 A. He his wife, Dorothy, baby-sitted me.
- 12 Q. Do you know about how long she baby-sitted you?
- 13 A. I think it was a couple of years.
- 14 Q. What did you do normally when you are at Dorothy and
- 15 Mike's house?
- 16 A. I would play on the computer, when they had the pool
- 17 out we would go swimming.
- 18 Q. Did he also -- or did Dorothy also keep your siblings?
- 19 A. Yes.
- 20 Q. Were there other children there as well?
- 21 A. Yes.
- 22 Q. You indicated that he touched you in a way you didn't
- 23 like. Where were you touched?
- 24 A. I was touched on my private part.
- 25 Q. Did he do this one time or more than one time?

TESTIMONY OF Child 2

1 A. More than one time.

2 Q. Are you able to recall where these incidents occurred?

3 A. They occurred in the computer room and once in a while
4 in the bedroom.

5 Q. Tell me about the computer room. Do you remember about
6 the first time -- well, how old you were the first time he
7 touched you approximately?

8 A. No, ma'am, I don't remember.

9 Q. Can you tell me about the time he touched you in the
10 computer room?

11 A. The time he touched me in the computer room was I had
12 told him that it hurt and he said, "It's supposed to feel
13 good." And I said, "If you don't stop I'm going to go tell
14 Dorothy," and I got off his lap to go and he pulled me back
15 in the chair.

16 Q. Let's stop for a minute. You were in the computer
17 room. Do you remember what all was in this computer room?

18 A. There was a tanning bed, there was a closet, there was
19 a computer with a stand like that it sat on and it had a
20 chair that pushed in.

21 Q. Now, this specific incident that you started telling us
22 about, were there other children in the room?

23 A. Yes, there was one girl.

24 Q. Other than the other girl, you and the defendant, no
25 one else, correct?

TESTIMONY OF Child 2

- 1 A. Yes.
- 2 Q. He touched you in the computer room. How were you
3 postured in relation to him?
- 4 A. I was on his lap.
- 5 Q. And how did you get on his lap?
- 6 A. He would be sitting down and I would walk over and sit
7 on his lap.
- 8 Q. What was he doing while he was sitting down --
- 9 A. He --
- 10 Q. -- before you got on his lap?
- 11 A. He was playing on the computer.
- 12 Q. Did you go over to his lap and sit on his lap
13 voluntarily or did he ask you to come and sit on his lap?
- 14 A. I went over there voluntarily.
- 15 Q. Once you got on his lap what did he do?
- 16 A. Well, it was a couple of minutes, then he put his hand
17 down and touched me and it hurt.
- 18 Q. Did he touch you on your skin or on top of your
19 clothes?
- 20 A. On my skin.
- 21 Q. Did he touch you inside your private part or just on
22 the outside? Does that make sense?
- 23 A. Yes. He mostly did it outside, there was only a few
24 times when he did it inside.
- 25 Q. Did he say anything while he did it or after he did it?

TESTIMONY OF Child 2

1 A. No, ma'am.

2 Q. Was the door opened or closed to this computer room?

3 A. Opened.

4 Q. Do you know where Dorothy was at the time?

5 A. I'm pretty sure she was either in the kitchen cooking
6 or she was in the living room watching TV.

7 MR. SWERLING: Judge, can we approach the bench for a
8 side bar?

9 THE COURT: Bear with us, ladies and gentlemen.

10 (Bench conference was held.)

11 THE COURT: Ladies and gentlemen, we're going to take a
12 ten minute recess. I'll ask you if you would please step in
13 the jury room and remind you it's too early to begin
14 discussing the case, be back with you shortly.

15 (The jury left the courtroom.)

16 THE COURT: The witness may step down. Any objection?

17 MS. MINGO: No, Your Honor.

18 THE COURT: Well let's -- the reason for the side bar
19 that we had last was?

20 MR. SWERLING: Judge, while Ms. Rowles was on the stand
21 I showed her a document which was the Assessment Resource
22 Center caregiver questionnaire for the forensic interview,
23 it was done on October 3rd of 2008. This is a -- she said
24 she filled it out, I guess we ought to make this a Court
25 Exhibit.

TESTIMONY OF Child 2

1 THE COURT: Okay.

2 MR. SWERLING: So Judge, this is a document that is
3 used when someone goes for an ARC interview and Ms. Rowles
4 was the reporter, filled it out in her own handwriting. On
5 question number five it says, "Has there ever been a child
6 abuse investigation involving this child or family before?
7 If yes describe," and she answered no. My intent at that
8 time was to go ahead and impeach her about the events that
9 we discussed yesterday that actually are not on the record
10 yet, but in -- and I don't know that there is a dispute
11 about what happened in 2004 but let me state what I think
12 would be an acceptable stipulation, if they would stipulate
13 rather than have to put up this testimony. But in April of
14 2004 there was a report made to the sheriff's department --
15 Fairfield County Sheriff's Department through DSS by Jeffrey
16 Rowles, the father, that said that he had had a conversation
17 with a -- that his son, Brother 3 who is his son,
18 admitted to requiring or forcing Child 1 to have oral
19 sex with him over a period of time. At that time she would
20 have only been eight -- between the ages of eight and nine,
21 he would have been I think 15. That matter was
22 investigated, there is an incident report and I'll put that
23 in as an exhibit as well. Julian Hamilton was the one that
24 came from the Fairfield County Sheriff's Department, he
25 turned it over to Mary Anne Phillips and the family was

TESTIMONY OF Child 2

1 spoken to, there was no dispute as to whether or not the
2 actions happened, whether or not Brother 3 forced Child 1
3 to have oral sex with him over a period of time. The
4 matter was discussed with the family, the family said they
5 would handle the matter internally, did not want to go
6 through the court system and as a result of that DSS did not
7 do an investigation nor did the Fairfield County Sheriff's
8 Department do anything further, they closed their file. And
9 it was -- it has been our contention that that conduct is
10 very relevant in this case because Child 1 at the age
11 of eight or nine was exposed herself to sexual abuse. We're
12 certainly not offering it for -- to impugn her chastity
13 under the Rape Shield Statute but to be able to show that a
14 child at the age of eight or nine goes through incredible
15 psychosexual changes, psychological changes which could
16 affect her in her development and would have an impact on
17 this case. Also it shows that she would have a source of
18 knowledge about sexual activity independent completely of
19 whatever she alleges Mr. Williams did. We haven't gotten to
20 that point yet, I know about Groversteen and we've discussed
21 that case actually informally in chambers, but what I'm
22 seeking to do now is use that information for impeachment
23 purposes since the document was not answered truthfully
24 because there was, in fact, an investigation involving the
25 family before. Let me just add, does anybody have any

TESTIMONY OF Child 2

1 dispute about what the facts were in 2004?

2 MS. SUTTON: Judge, we don't dispute the facts. I
3 think they're as listed on the incident report concerning
4 the incident between Child 1 and the stepbrother, Brother 3
5 Brother 3 I think that was also stated in chambers, that's not
6 something that we necessarily dispute. But there were other
7 reasons as far as the State objecting to that information
8 coming in.

9 MR. SWERLING: I'm just at this point -- just for the
10 offer of proof that we all accept that's what happened. And
11 I will offer a copy of the incident report as an accurate
12 report of what happened in 2004. So my purpose was for
13 impeachment purposes that the questionnaire was not filled
14 out properly.

15 THE COURT: Right. And at the side bar the Court
16 sustained an objection to that request finding that that was
17 not relevant at least at this time, that it would be a
18 collateral impeachment, that she did answer the question by
19 saying that how she had answered -- how she had answered
20 that questionnaire, and I think that whether or not it was
21 truthful or not has not been shown to be relevant at this
22 stage. That was the ruling at the side bar and it continues
23 to be the ruling on the record.

24 MR. SWERLING: Your Honor, this is the 2004 incident
25 report.

TESTIMONY OF Child 2

1 THE COURT: Yes. You may still as I understand it make
2 another motion at the conclusion of the State's case
3 concerning the admissibility of that investigation separate
4 and apart from this; is that correct?

5 MR. SWERLING: Yes, sir. And I may depending upon
6 what's presented by the State in the case see if I can
7 establish the relevancy of it.

8 THE COURT: Right. Anything else?

9 MR. SWERLING: Not at this time.

10 THE COURT: Let's take our five minute break then.

11 (A recess was taken.)

12 THE COURT: State ready for the jury?

13 MS. MINGO: Yes, sir.

14 THE COURT: Defense ready for the jury?

15 MR. SWERLING: Yes, sir.

16 THE COURT: Let's bring our jury back in.

17 (The jury returned to the courtroom.)

18 THE COURT: Welcome back, ladies and gentlemen. I
19 believe we are ready to resume with the examination of the
20 witness.

21 MS. MINGO: Thank you, Your Honor.

22 BY MS. MINGO:

23 Q. Child 2 I believe when you were last speaking you were
24 telling the jury about a time you were sitting on Mike's lap
25 in the computer room.

TESTIMONY OF Child 2

1 A. Yes, ma'am.

2 Q. And he touched you on your private part, is that what
3 you told us?

4 A. Yes, ma'am.

5 Q. And I can't remember exactly how far we got. Did you
6 indicate he touched you inside your private part or on top
7 of your private part, do you remember?

8 A. He mostly did it on top but sometimes on the inside.

9 Q. This particular day that you're telling me about, was
10 that inside your private part or on top of your private
11 part?

12 A. On top.

13 Q. After he did that, did you do anything?

14 A. No. I just played on the computer.

15 Q. So while he did it you were playing on the computer?

16 A. (Nods head yes.)

17 Q. Was he saying anything while he did it?

18 A. No, ma'am.

19 Q. Did you attempt to tell Dot?

20 A. No. Because I didn't know what he was doing because I
21 was only little.

22 Q. This particular time?

23 A. Yes, ma'am.

24 Q. Were there other times he touched you in the computer
25 room?

TESTIMONY OF Child 2

- 1 A. Yes, ma'am.
- 2 Q. Well, let me ask you about this, I think you indicated
- 3 that he touched you in the bedroom before as well?
- 4 A. Yes, ma'am.
- 5 Q. Whose bedroom was it?
- 6 A. It was Mike's and Dorothy's.
- 7 Q. Okay. What were you doing in the bedroom?
- 8 A. Me and this one girl, we were laying on the bed
- 9 watching TV and he was laying in the middle of us.
- 10 Q. Was this daytime, nighttime?
- 11 A. Daytime.
- 12 Q. Did Ms. Williams generally keep you in the daytime
- 13 while your parents worked?
- 14 A. Yes, ma'am.
- 15 Q. Are you facing him or is your back to him?
- 16 A. I was -- I was laying on the back and he was just
- 17 laying in the middle.
- 18 Q. Were you under the covers?
- 19 A. No, I was laying on top.
- 20 Q. Was he on top as well?
- 21 A. Yes, ma'am.
- 22 Q. And what did he do while you were lying in the bed with
- 23 him?
- 24 A. He took his hand and put it down my pants.
- 25 Q. You were wearing pants?

TESTIMONY OF Child 2

- 1 A. Yes, ma'am.
- 2 Q. And that time did he touch you -- was it on your skin
3 directly?
- 4 A. Yes, ma'am.
- 5 Q. Did he touch you on top of your private part or inside
6 your private part that time?
- 7 A. On top.
- 8 Q. Any exchange of words between the two of you? Did he
9 say anything?
- 10 A. No, ma'am.
- 11 Q. About how long did that go on, do you remember?
- 12 A. No, ma'am.
- 13 Q. Was it a short while or a long while?
- 14 A. I would have to say short.
- 15 Q. You described two specific incidents. Is there
16 anything else you remember about Mike touching you? You
17 said it happened several times, where were these other
18 times?
- 19 A. There wasn't any.
- 20 Q. Did he just touch you those two times?
- 21 MR. SWERLING: Objection, she already said there's no
22 other times.
- 23 MS. MINGO: Your Honor, I'm just asking her to clarify.
- 24 THE COURT: Overruled. Go ahead.
- 25 A. Like there was other times, I just -- I can't remember

TESTIMONY OF Child 2

1 where.

2 Q. You can't specifically recall the details?

3 A. Yes, ma'am.

4 Q. Do you even know where the other incidents took place?

5 A. They were either in the computer room or the bedroom,
6 there was no other place.

7 Q. How often did it happen, do you remember that?

8 A. Every time he was there and she was babysitting us.

9 Q. Every time he did it was she there in the house?

10 A. Most of the time, yes.

11 Q. What about other times?

12 A. Sometimes she would go to the store and if he was there
13 he would watch us and he would do it.

14 Q. Did you ever try to tell Ms. Williams or attempt to
15 tell her?

16 A. No, ma'am.

17 Q. I believe when I asked you about what was going on in
18 the computer room you said you went and sat on his lap.
19 While all of this was going on were you afraid of
20 Mr. Williams? What were your feelings towards him?

21 A. I don't remember.

22 Q. All right. That's fine. You indicated sometimes he
23 touched you on top of your private part, sometimes inside of
24 your private part. Do you remember today any time he
25 touched you inside of your private part?

TESTIMONY OF Child 2

- 1 A. No, ma'am.
- 2 Q. Did you ever tell anyone about what was going on?
- 3 A. No, ma'am.
- 4 Q. You never spoke to anyone about this?
- 5 A. No, ma'am.
- 6 Q. How did it all come out?
- 7 A. It came out -- one night my sister had asked me if he
- 8 had ever touched me and I had told her yes.
- 9 Q. So you told your sister?
- 10 A. Yes, ma'am.
- 11 Q. What sister did you tell?
- 12 A. Child 1
- 13 Q. Did you tell your mom or dad eventually?
- 14 A. No. She told them and then they had asked me and I had
- 15 told my mom that he had touched me in my pants.
- 16 Q. At the time that you told Child 1 and told your parents,
- 17 do you remember how old you were at that time?
- 18 A. No, ma'am.
- 19 Q. Was it still going on at that time or had it stopped?
- 20 A. It was still going on.
- 21 Q. Well, let me ask you this, Child 2 was there a reason
- 22 you didn't tell your mom sooner or when it first happened?
- 23 A. Because I was only like four and you don't really learn
- 24 about that stuff in school so you didn't know about it and I
- 25 didn't really know what the difference was.

TESTIMONY OF Child 2

1 Q. You didn't know it was wrong, is that what you're
2 saying?

3 MR. SWERLING: Objection, leading.

4 THE COURT: I will sustain the objection. Disregard
5 the last question of the attorney, order it to be stricken
6 from the record.

7 Q. Child 2 let me ask you a few more questions. When
8 these incidents occurred, did they occur in the daytime or
9 nighttime?

10 A. Most of the time in the daytime.

11 Q. And you talked about times where Mr. Williams touched
12 you. Did you ever touch him anywhere?

13 A. No, ma'am.

14 Q. Did you ever see his private parts at all?

15 A. Yes, ma'am.

16 Q. Can you tell me about a time where you saw his private
17 part?

18 A. We were in the computer room and he wore these really
19 short orange shorts, and I don't know if he did it purposely
20 but somehow his thing fell out of his pants and I saw it.

21 Q. You said these were short orange shorts?

22 A. Yes, ma'am.

23 Q. Did he say anything?

24 A. No, ma'am.

25 Q. Was that the only time you had seen it?

TESTIMONY OF Child 2

1 A. No, ma'am.

2 Q. Can you tell me about another time?

3 A. Another time we were in the computer room and he told

4 me to get down on my knees and I was beside him on my knees

5 on the floor and he was in the chair and he was wearing

6 those short orange shorts and it fell out and he told me to

7 stick it back into his shorts, but after that there was like

8 this stuff that came out.

9 Q. Came out of where?

10 A. Out of his private part. I guess it's like where he

11 pees out of, I'm not really sure about that.

12 Q. All right. He had asked you to put his private back in

13 his shorts?

14 A. Yes, ma'am.

15 Q. Was that before -- did you do it?

16 A. No, ma'am.

17 Q. Did the liquid come out after he asked you that or

18 before, do you remember?

19 A. After.

20 Q. What was he doing in the computer room that particular

21 time?

22 A. He was just on the computer.

23 Q. What were you doing?

24 A. I was just in there with him, we were just playing

25 around.

TESTIMONY OF Child 2

1 Q. Until he told you to get on the floor; is that right?

2 A. Yes.

3 MS. MINGO: Beg the Court's indulgence, Your Honor.

4 (Break in proceedings.)

5 Q. What did Mike refer to you as, what did he call you?

6 A. He sometimes would call me Honey Bunny and Child 2 and
7 girlfriend and that was all.

8 Q. And you referred to him as?

9 A. Mike Mike.

10 MS. MINGO: Answer anything Mr. Swerling has.

11 MR. SWERLING: Can we approach one second, Judge?

12 (Bench conference was held.)

13 CROSS EXAMINATION

14 BY MR. SWERLING:

15 Q. Ms. Rowles, how are you doing?

16 A. Good.

17 Q. Can I call you Child 2

18 A. Yes, sir.

19 Q. How old are you now?

20 A. I'm 11.

21 Q. Where do you go to school?

22 A. Great Falls Elementary.

23 Q. What grade are you in?

24 A. Going in to six.

25 Q. You do pretty good in school?

TESTIMONY OF Child 2

- 1 A. Yes, sir.
- 2 Q. You were born in the year 2000?
- 3 A. Yes, sir.
- 4 Q. And so based upon what you've testified a few moments
- 5 ago this started when you were about three or four?
- 6 A. Yes, sir.
- 7 Q. And you remember things from being when you were three
- 8 or four?
- 9 A. Yes, sir.
- 10 Q. Let me -- you actually went to Mike and Dorothy's on
- 11 two different occasions; is that right?
- 12 A. Yes, sir.
- 13 Q. There was a period in the early 2000's after you were
- 14 two or three, four years old after Ms. McManus died and you
- 15 went back to the Williams residence; is that correct?
- 16 A. Yes, sir.
- 17 Q. And my understanding -- well, you tell me actually -- I
- 18 understand you had a really close relationship with Mike and
- 19 Dorothy.
- 20 A. Yes, sir.
- 21 Q. It was very -- like family.
- 22 A. Yes, sir.
- 23 Q. You looked forward to going over there.
- 24 A. Yes, sir.
- 25 Q. And so did Child 1 and so did Brother 1

TESTIMONY OF Child 2

- 1 A. Yes, sir.
- 2 Q. Is that right?
- 3 A. Yes, sir.
- 4 Q. It was fun there.
- 5 A. Yes, sir.
- 6 Q. You got to play and you got on the computer.
- 7 A. Yes, sir.
- 8 Q. You used to like getting on the computer too, correct?
- 9 A. Yes, sir.
- 10 Q. Did Everything Girls.com or something like that, it's
- 11 kind of like a game thing for girls.
- 12 A. Yes, sir.
- 13 Q. In fact, you had your own password on the computer; is
- 14 that right?
- 15 A. Yes, sir.
- 16 Q. And my understanding is you were -- you and Brother 1
- 17 and Child 1 were very affectionate with Mike and Dorothy.
- 18 A. Yes, sir.
- 19 Q. Treated them like family.
- 20 A. Yes, sir.
- 21 Q. And reciprocally they would actually treat you the same
- 22 way, like grandchildren.
- 23 A. Yes, sir.
- 24 Q. Right? Is that right?
- 25 A. Yes, sir.

- 1 Q. When -- and I'm talking about both periods of time when
2 you were there you spent an awful lot of time at their house
3 when you were not in school.
- 4 A. Yes, sir.
- 5 Q. Sometimes all day.
- 6 A. Yes, sir.
- 7 Q. And then sometimes in the evening when you had dinner.
- 8 A. Yes, sir.
- 9 Q. Because your mom worked and there was a period of time
10 in there when you were in school and there was a period of
11 time when you were not in school.
- 12 A. Yes, sir.
- 13 Q. And is it true that Mike would come home, you and
14 Brother 1 and Child 1 would just give him a big hug and say
15 hello.
- 16 A. Yes, sir.
- 17 Q. Because you were excited to see him.
- 18 A. Yes, sir.
- 19 Q. And that was the same with Dorothy as well; is that
20 correct?
- 21 A. Yes, sir.
- 22 Q. And they treated you like they were -- you were their
23 own I guess is what I was trying to get out; is that right?
- 24 A. Yes, sir.
- 25 Q. And when Mike would be around y'all would play

TESTIMONY OF Child 2

1 together, you -- and I say you and the other people the
2 other kids in the house and your sister and your brother.

3 A. Yes, sir.

4 Q. Mike was a lot of fun to play with.

5 A. Yes, sir.

6 Q. He would role around in the floor with you.

7 A. Yes, sir.

8 Q. Take you outside in the yard.

9 A. Yes, sir.

10 Q. There was times in the pool.

11 A. Yes, sir.

12 Q. Games.

13 A. Yes, sir.

14 Q. All of that stuff, he would treat you like a grandchild
15 and you would treat him like a grandfather.

16 A. Yes, sir.

17 Q. And the same thing would be Dorothy.

18 A. Yes, sir.

19 Q. But Mike was a little bit more playful, wasn't he? He
20 was the one that actually interacted with the kids most.

21 A. Yes, sir.

22 Q. And not only people at the daycare but other kids you
23 saw him in a relationship with, everybody loved Mike, didn't
24 they?

25 A. Yes, sir.

TESTIMONY OF Child 2

- 1 Q. And you called him Mike Mike.
- 2 A. Yes, sir.
- 3 Q. And you went to the school or daycare center for three
- 4 years during the early 2000 period, and that is when you
- 5 said all of this was going on.
- 6 A. Yes, sir.
- 7 Q. Is that right?
- 8 A. Yes, sir.
- 9 Q. But it never seemed to have changed your attitude
- 10 towards Mike because you were always playing with Mike and
- 11 having fun with Mike and you and him and the other kids
- 12 around you; is that right?
- 13 A. Yes, sir.
- 14 Q. And it never diswayed you from wanting to go to the
- 15 house and play at the house and be at the house. You always
- 16 wanted to go there.
- 17 A. Yes, sir.
- 18 Q. And you didn't like to leave either I understand. When
- 19 time came to leave you wanted to continue -- you and your
- 20 brother and Child 1 all wanted to continue to stay and play.
- 21 A. Yes, sir.
- 22 Q. And there were times when your mom would come and she
- 23 would sit down after a hard day at work on the couch, plod
- 24 down and she and Dorothy would talk about all sorts of
- 25 things, right?

TESTIMONY OF Child 2

- 1 A. Yes, sir.
- 2 Q. And you would still be doing your thing with the other
- 3 kids or with Mike having fun.
- 4 A. Yes, sir.
- 5 Q. Is that right?
- 6 A. Yes, sir.
- 7 Q. Because it was all about -- when you were in a daycare
- 8 it was all about having fun, right? That's what you wanted
- 9 to do.
- 10 A. Yes, sir.
- 11 Q. Right?
- 12 A. Yes, sir.
- 13 Q. But you had pretty much run of the house, did you not?
- 14 You could go anywhere in the house.
- 15 A. Yes, sir.
- 16 Q. It was a small house.
- 17 A. Yes, sir.
- 18 Q. But you would walk in the living room, and then from
- 19 the living room it was kind of small, you would walk into
- 20 the kitchen, correct?
- 21 A. Yes, sir.
- 22 Q. Then you would make a left and you would go into the
- 23 hall and there would be a bedroom straight ahead, right?
- 24 A. Yes, sir.
- 25 Q. Then there would be the master bedroom.

TESTIMONY OF Child 2

- 1 A. Yes, sir.
- 2 Q. And across from the master bedroom when you made a left
- 3 would be the computer room.
- 4 A. Yes, sir.
- 5 Q. And that computer room door -- when anything was going
- 6 on in the computer room the computer room door was open; is
- 7 that right?
- 8 A. Yes, sir.
- 9 Q. Nobody ever locked the computer room door.
- 10 A. No, sir.
- 11 Q. Nobody ever locked the bedroom door.
- 12 A. No, sir.
- 13 Q. Even the times when you said this was going on, these
- 14 things were going on --
- 15 A. Yes, sir.
- 16 Q. -- the doors were open.
- 17 A. Yes, sir.
- 18 Q. Right? And Dorothy would be in the house.
- 19 A. Yes, sir.
- 20 Q. And she would be in the kitchen.
- 21 A. Yes, sir.
- 22 Q. She would be in the bedroom.
- 23 A. Yes, sir.
- 24 Q. She would be in the living room.
- 25 A. Yes, sir.

TESTIMONY OF Child 2

1 Q. But you say this was all taking place either in the
2 computer room or the bedroom with the doors wide open and
3 Dorothy right in the house; is that right?

4 A. Yes, sir.

5 Q. Mike and Dorothy were also good to you because I think
6 your mom was going through some financial problems.

7 A. Yes, sir.

8 Q. And so they bought you stuff.

9 A. Yes, sir.

10 Q. Bought you toys, presents.

11 A. Yes, sir.

12 Q. Took you shopping.

13 A. Yes, sir.

14 Q. Not only you but Brother 1 and Child 1 as well, right?

15 A. Yes, sir.

16 Q. Came out to the house and helped your mom fix things
17 for her at the house.

18 A. Yes, sir.

19 Q. The heating, the air conditioning, the car, siding; is
20 that right?

21 A. Yes, sir.

22 Q. Brought you -- there was furniture brought to you as
23 well.

24 A. Yes, sir.

25 Q. So from what you are telling this jury here there was a

TESTIMONY OF Child 2

- 1 really close relationship with the Williams family.
- 2 A. Yes, sir.
- 3 Q. Right? When you -- there was a period of time when you
- 4 went back where you left the Williams family and you went
- 5 over to the Ms. McManus' house for awhile.
- 6 A. Yes, sir.
- 7 Q. And then I think Sherry Taylor for a period of time.
- 8 A. Yes, sir.
- 9 Q. There was somebody else in the interim. And without
- 10 going back over what your mom had said about why, you didn't
- 11 want to leave the Williams house, did you?
- 12 A. No, sir.
- 13 Q. There was no reason to, you were having fun.
- 14 A. Yes, sir.
- 15 Q. It was a good place to be.
- 16 A. Yes, sir.
- 17 Q. And so that was a little bit of a separation anxiety on
- 18 your part, you did not want to leave going to daycare over
- 19 there; is that true?
- 20 A. Yes, sir.
- 21 Q. And neither did Brother 1 and Child 1
- 22 A. No, sir.
- 23 Q. So despite what everybody says was going on, none of
- 24 you wanted to leave and you were not happy about having to
- 25 leave and go over to Ms. McManus' house, correct?

TESTIMONY OF Child 2

1 A. Yes, sir.

2 Q. Is that right?

3 A. Yes, sir.

4 Q. Now, when you were going over to Ms. McManus' house
5 there was also a period of time where you would still come
6 back over there once in a while with your mom.

7 A. Uh-huh.

8 Q. And see the Williams folks.

9 A. Yes, sir.

10 Q. Because they were like family.

11 A. Yes, sir.

12 Q. And even when you were at this Sherry's house you would
13 go over to the Williams' house to see them because they were
14 like family.

15 A. Yes, sir.

16 Q. And your reaction and Sierra's reaction and Nathaniel's
17 reaction was the same as it always has been, you saw Mike
18 and got excited, didn't you?

19 A. Yes, sir.

20 Q. You saw Mike and you smiled.

21 A. Yes, sir.

22 Q. You saw Mike and Dorothy and you hugged them.

23 A. Yes, sir.

24 Q. You saw Mike and Dorothy and they hugged you.

25 A. Yes, sir.

TESTIMONY OF Child 2

- 1 Q. And Child 1 and Brother 1 correct?
- 2 A. Yes, sir.
- 3 Q. And when you went back there you had the same
- 4 relationship.
- 5 A. Yes, sir.
- 6 Q. You went back there for about a year before these
- 7 events took place; is that correct?
- 8 A. Yes, sir.
- 9 Q. And when you went back the relationship hadn't changed
- 10 at all.
- 11 A. Yes, sir.
- 12 Q. It was still like grandparents and still like
- 13 grandchildren.
- 14 A. Yes, sir.
- 15 Q. Now, in fact, you went -- Mike worked for the EMS,
- 16 right, Chester County EMS?
- 17 A. Yes, sir.
- 18 Q. You would go over to the EMS sometimes with Dorothy or
- 19 with your mom and stop in and see the ambulances and
- 20 everything, correct?
- 21 A. Yes, sir.
- 22 Q. Mike was always wanting and willing to entertain you
- 23 and the other kids and play with them.
- 24 A. Yes, sir.
- 25 Q. And not inappropriately, just having fun.

TESTIMONY OF Child 2

- 1 A. Yes, sir.
- 2 Q. Now, from what you were describing there was a period
3 of time when you in the early 2000's, were you aware -- not
4 you -- well, I guess you weren't, you weren't aware of
5 anything that was going on with Child 1 is that right?
- 6 A. Yes, sir.
- 7 Q. Were you?
- 8 A. Oh, no, sir.
- 9 Q. She was there at the same time.
- 10 A. Yes, sir.
- 11 Q. This period of time when you were there and you said
12 some things were going on, Child 1 was also in the house.
- 13 A. Yes, sir.
- 14 Q. And she's your older sister?
- 15 A. Yes, sir.
- 16 Q. How much older than you is she?
- 17 A. Six years.
- 18 Q. And I guess she would be in the house when any of this
19 stuff that you were describing to the jury was going on.
- 20 A. Yes, sir.
- 21 Q. And other kids would be in the house.
- 22 A. Yes, sir.
- 23 Q. And you never saw Mike do anything to Child 1 did you?
- 24 A. No, sir.
- 25 Q. And you're not aware of whether or not Child 1 -- you're

TESTIMONY OF Child 2

- 1 not aware of it -- whether Child 1 ever saw anything happen
2 to you.
- 3 A. I don't think so.
- 4 Q. Yet everybody was in this very small house with just a
5 few rooms with the doors wide open and nobody saw anything;
6 is that right?
- 7 A. Yes, sir.
- 8 Q. Is that correct?
- 9 A. Yes, sir.
- 10 Q. And you said that -- I think the solicitor was asking
11 you a question about why didn't you tell anybody, did you
12 say you didn't know whether it was appropriate or not?
- 13 A. Yes, sir.
- 14 Q. Are you sure you didn't know at that time it was not
15 appropriate?
- 16 A. I'm positive.
- 17 Q. You may have never said in the past that you knew it
18 was inappropriate.
- 19 A. No, sir.
- 20 Q. Do you remember after September 8th when the thing was
21 reported that you had an interview by the ARC people, and do
22 you remember Heather Smith?
- 23 A. Yes, sir.
- 24 Q. Back in October 3rd of 2008?
- 25 A. Yes, sir.

TESTIMONY OF Child 2

1 Q. And you did an extensive interview with her; is that
2 right?

3 A. Yes, sir.

4 Q. Let me ask you something, have you seen that interview?

5 A. Yes, sir.

6 Q. When was the last time you saw them?

7 A. I haven't.

8 Q. You've never seen it since that time?

9 A. No, sir.

10 Q. Now, are you sure about that? Nobody has played you
11 the video in preparation for the case?

12 A. No, sir.

13 Q. Have you seen a transcript of it since then?

14 A. No, sir.

15 Q. So the solicitor has never played it for you?

16 A. No, sir.

17 Q. Kelly Melzer, do you remember her from PCASA?

18 A. Yes.

19 Q. She never played it for you?

20 A. No, sir.

21 Q. And nobody in law enforcement has ever played it for
22 you?

23 A. No, sir.

24 Q. Do you remember the interview?

25 A. Yes, sir.

TESTIMONY OF Child 2

- 1 Q. Let me ask about, you have I am sure, have you not,
2 gone over your testimony with Ms. Melzer? Wasn't she
3 preparing you for court testimony for a long time? You know
4 who I'm talking about?
- 5 A. No, sir.
- 6 Q. From the PCASA, Palmetto Alliance, you remember you
7 used to go to her periodically?
- 8 A. I don't know.
- 9 Q. You don't remember her?
- 10 A. No.
- 11 Q. Do you remember her telling you to keep a journal?
- 12 A. Yes.
- 13 Q. You remember who I'm talking about now?
- 14 A. Yes, sir.
- 15 Q. She would go over what to expect in court and how to
16 testify in court, correct?
- 17 A. Yes, sir.
- 18 Q. And she also asked you and your sister to keep a diary
19 of everything you thought about and everything you remember.
- 20 A. Yes, sir.
- 21 Q. Did you do that?
- 22 A. Yes, sir.
- 23 Q. Do you have it with you?
- 24 A. No, sir.
- 25 Q. Do you remember I gave a subpoena yesterday for you to

TESTIMONY OF Child 2

1 bring that journal with you? Where is the journal?

2 A. I stopped writing in it because my dad didn't want me
3 to because he thought I was writing negative things,
4 thinking it was all of my fault so he ripped out all of the
5 pages and threw them away.

6 Q. Is that what you told the solicitor happened to it,
7 that your father threw it away or is that something -- you
8 told the solicitor something else, actually that you lost
9 it, didn't you?

10 A. No, sir.

11 Q. Pardon?

12 A. I didn't lose it, it's at my house, there's nothing in
13 it.

14 Q. It's still at your house but there's nothing in it.

15 A. Yes, sir.

16 Q. But you didn't bring it with you as you were requested
17 in the subpoena.

18 A. No, sir.

19 Q. And Ms. Melzer was telling you to write it down as you
20 remembered the events.

21 A. Yes, sir.

22 Q. And did you do that?

23 A. Can you rephrase that?

24 Q. Ms. Melzer was telling you to keep that journal in that
25 diary because it was important to record the events as you

TESTIMONY OF Child 2

- 1 remember them, do you remember that?
- 2 A. Yes, sir.
- 3 Q. And did you do that?
- 4 A. No, sir.
- 5 Q. You did keep a journal?
- 6 A. Yes, sir.
- 7 Q. And you did keep comments about this case?
- 8 A. Yes, sir.
- 9 Q. But you're saying your father took them and tore them
- 10 out.
- 11 A. Yes, sir.
- 12 Q. And what did he do with the pages?
- 13 A. He threw them away.
- 14 Q. What happened to Sierra's journal?
- 15 A. I don't know.
- 16 Q. Well, in getting ready for the case here have you met
- 17 with the solicitor?
- 18 A. Yes, sir.
- 19 Q. You've talked about the case.
- 20 A. Yes, sir.
- 21 Q. Talked about your testimony.
- 22 A. Yes, sir.
- 23 Q. How many times have y'all talked and sat down together?
- 24 A. Like three times.
- 25 Q. Did you ever come in here on the stand and practice?

TESTIMONY OF Child 2

1 A. No, sir.

2 Q. Did she ever tell you what it was going to be like to
3 be examined and cross examined?

4 A. No, sir.

5 Q. But they went over with you what you contended happened
6 in the case.

7 A. Yes, sir.

8 Q. Is that right?

9 A. Yes, sir.

10 Q. And you had plenty of time with them to prepare to
11 testify as to what you recall happened in the case.

12 A. Yes, sir.

13 Q. When they would prepare you they were -- weren't they
14 referring to things that you may have said on the video?

15 A. No.

16 Q. Asking you to refresh your memory about it?

17 A. No, sir.

18 Q. I'm not suggesting there's anything wrong with talking
19 to the solicitor, everybody -- lawyers talk to their
20 witnesses, okay? But you went over a list of questions I
21 would think about everything that happened to you.

22 A. Yes, sir.

23 Q. Is that true?

24 A. Yes, sir.

25 Q. Now, let me go over that for a minute with you because

TESTIMONY OF Child 2

- 1 I want to make sure I understand exactly what you're saying.
- 2 You said that he touched you on your private parts.
- 3 A. Yes, sir.
- 4 Q. More than one time.
- 5 A. Yes, sir.
- 6 Q. And that happened in what rooms?
- 7 A. In the computer room and their bedroom.
- 8 Q. And how did he do that?
- 9 A. He took his hand and he put it down my pants and
- 10 underwear and he started rubbing around.
- 11 Q. Now, were you standing up or sitting down?
- 12 A. I was sitting down.
- 13 Q. On his lap?
- 14 A. Yes, sir.
- 15 Q. In front of the computer?
- 16 A. Yes, sir.
- 17 Q. Is that right?
- 18 A. Yes, sir.
- 19 Q. And so what he was doing is he would -- you would be on
- 20 his lap and you're saying he would have his hand down the
- 21 front of your pants touching your private parts.
- 22 A. Yes, sir.
- 23 Q. Is that right? What kind of pants did you have on?
- 24 Did you wear shorts or long pants?
- 25 A. Jeans.

TESTIMONY OF Child 2

1 Q. And when you were in the computer room and you were
2 sitting on his lap, was it always your back was toward
3 Mr. Williams, correct?

4 A. Yes, sir.

5 Q. And you were looking at the computer.

6 A. Yes, sir.

7 Q. You initially said that you did not remember the age
8 but you now came back and you said a few minutes ago that it
9 was about four years old.

10 A. Yes, sir.

11 Q. Three to four years old, is that about accurate?

12 A. No, sir.

13 Q. Four?

14 A. Yes, sir.

15 Q. Which is it, is it four?

16 A. Yes, sir.

17 Q. By the way, speaking about that, when you went back
18 to -- when your mom wanted to take you back to the Williams,
19 you were more than happy to go, weren't you?

20 A. Yes, sir.

21 Q. You wanted to have fun again over there.

22 A. Yes, sir.

23 Q. You never told your mom anything about what was going
24 on and what you say is going on now.

25 A. No, sir.

TESTIMONY OF Child 2

- 1 Q. Or what you're testifying to now, you never said
2 anything about that.
- 3 A. No, sir.
- 4 Q. And you never said anything to Child 1 about that.
- 5 A. Not until she asked me.
- 6 Q. In September of '08, that was the last time you went to
7 the Williams'.
- 8 A. Yes, sir.
- 9 Q. All of that time when you were at the place together
10 for those three years, 2003 to 2006, you and she never
11 discussed anything about what he might have been doing to
12 you or her?
- 13 A. No, sir.
- 14 Q. You're sisters.
- 15 A. Yes, sir.
- 16 Q. You are sisters, right?
- 17 A. Yes, sir.
- 18 Q. And you're close.
- 19 A. Yes, sir.
- 20 Q. You and she have talked about this thing an awful lot I
21 would think.
- 22 A. Not really.
- 23 Q. No? Back when it was first discussed I guess in
24 September of '08 you and she discussed it, didn't you?
- 25 A. Yes, sir.

TESTIMONY OF Child 2

1 Q. You talked to her and told her some things, she told
2 you some things. No? She didn't tell you anything?

3 A. No.

4 Q. So you just told her -- you opened up to her?

5 A. Yes, sir.

6 Q. And from September of '08 when this thing came about
7 until your interview in October, did the two of you talk
8 about the thing, about what happened?

9 A. Not really.

10 Q. Not really?

11 A. No, sir.

12 Q. No interest in what the other one was -- what they were
13 feeling or what happened or anything like that?

14 A. No, sir.

15 Q. After your interview you both went to the same
16 counselor, Kelly --

17 A. Yes, sir.

18 Q. -- for some period of time, correct? Obviously y'all
19 would discuss what was being talked about and what was
20 happening.

21 A. Yes, sir.

22 Q. And you and she would discuss the events. That was
23 back starting in late 2008 and it was four years later, you
24 all have talked about this thing a lot of times, haven't
25 you?

TESTIMONY OF Child 2

- 1 A. No, sir.
- 2 Q. You talked to your mom a lot of times about it.
- 3 A. Yes, sir.
- 4 Q. And you talked to your dad a lot of times about it.
- 5 A. Yes, sir.
- 6 Q. And Kelly a lot of times about it.
- 7 A. Yes, sir.
- 8 Q. And you told your mom what happened back then, didn't
- 9 you?
- 10 A. Yes, sir.
- 11 Q. Your mom would have been curious as to what happened
- 12 and you told her.
- 13 A. Yes, sir.
- 14 Q. I'm talking about after it all came out like when
- 15 Child 1 brought it up; is that right?
- 16 A. Yes, sir.
- 17 Q. Now, one of the times you said -- and right now I'm
- 18 just going over what you said before, you said there were
- 19 only a few times it happened. Now, is that correct or not
- 20 correct?
- 21 A. Can you repeat that, please?
- 22 Q. Well, I wrote down when the solicitor asked you a
- 23 question, you said it only happened a few times and I was
- 24 trying to determine what you were talking about.
- 25 A. What only happened a few times?

TESTIMONY OF Child 2

- 1 Q. I don't know. I guess the rubbing, is that what you
2 were referring to? Or did that happen more than a few
3 times?
- 4 A. That happened more than a few times.
- 5 Q. Do you know what you might have been referring to when
6 you said a few times?
- 7 A. When he went inside my private part.
- 8 Q. So how many times did he do that?
- 9 A. Just a few, it wasn't very many.
- 10 Q. So he did do that a few times?
- 11 A. Yes, sir.
- 12 Q. Is that right?
- 13 A. Yes, sir.
- 14 Q. And where did he do that?
- 15 A. In the computer room.
- 16 Q. All of that happened in the computer room?
- 17 A. Yes, sir.
- 18 Q. And you were sitting on his lap?
- 19 A. Yes, sir.
- 20 Q. And you were sitting on his lap as usual with your back
21 to him looking at the computer; is that right?
- 22 A. Yes, sir.
- 23 Q. Well, would you say it happened one time, five times,
24 ten times?
- 25 A. More like five.

TESTIMONY OF Child 2

- 1 Q. Five times? And that's actually when he actually went
2 inside?
- 3 A. Yes, sir.
- 4 Q. Is that right? Then you said it happened also in the
5 bedroom.
- 6 A. Yes, sir.
- 7 Q. Did that ever happen in the bedroom?
- 8 A. No, sir.
- 9 Q. Pardon?
- 10 A. No, sir.
- 11 Q. The solicitor initially asked you if it happened any
12 other times and you said initially no other times, but then
13 you said -- changed that and you said it happened other
14 times.
- 15 A. Yes, sir.
- 16 Q. Why is there a change in that? Why is there a
17 difference?
- 18 A. I didn't actually mean to say that it happened more, I
19 didn't, with the questions she was asking me.
- 20 Q. The solicitor asked you whether or not you ever touched
21 him.
- 22 A. Yes, sir.
- 23 Q. My understanding is you said no; is that correct?
- 24 A. Yes, sir.
- 25 Q. He never asked you to touch him, well, except that time

TESTIMONY OF Child 2

- 1 to put it back in his pants but you didn't do that.
- 2 A. No.
- 3 Q. Where did that happen when he said for you to put it
- 4 back in his pants?
- 5 A. It was in the computer room.
- 6 Q. Which was open and Dorothy was in the house.
- 7 A. Yes, sir.
- 8 Q. And that was the time that you said it just fell out of
- 9 his pants leg or something like that.
- 10 A. Yes, sir.
- 11 Q. It didn't touch you, did it?
- 12 A. No, sir.
- 13 Q. So he never touched you with it.
- 14 A. No, sir.
- 15 Q. When he said to do something like that you didn't do it
- 16 and he didn't pursue that any further; is that right?
- 17 A. Yes, sir.
- 18 Q. When you went back to the Williams the second time
- 19 after Ms. McManus died Sierra never said anything about what
- 20 might have happened to her, did she?
- 21 A. No, sir.
- 22 Q. You didn't have to go back, right?
- 23 A. Excuse me?
- 24 Q. You did not have to go back to the Williams.
- 25 A. I think I had to.

TESTIMONY OF Child 2

1 Q. Well, your mom could have gotten another place if you
2 would have told her what was going on, correct?

3 A. Yes, sir.

4 Q. And I think I asked you this but I want to make sure,
5 even after -- when you went back with Brother 1 the second
6 time Child 1 continued to come over, too, she didn't have to
7 come over either, did she? Nobody was making her come over,
8 were they?

9 A. I don't know.

10 Q. When you were being first asked after September 8th by
11 your mother or by anybody else until that October 3rd
12 interview, you never told anybody that he penetrated you
13 with his finger, did you?

14 A. No, sir.

15 Q. So between September 8th up until October 3rd that had
16 never been -- that statement had never been made by you; is
17 that right?

18 A. Yes, sir.

19 Q. The only thing you had said at that point was about him
20 touching you, correct?

21 A. Yes, sir.

22 Q. Well, let me ask you this: What you're saying to the
23 jury today was your recollection of everything that happened
24 back in -- from the first time you were there for that three
25 years and then for the year afterwards; is that correct?

TESTIMONY OF Child 2

1 A. Yes, sir.

2 MR. SWERLING: Judge, subject to what they said about
3 if they play the CD I would like to go ahead and reserve
4 cross examination for then.

5 THE COURT: Okay. I understand. Any redirect,
6 Solicitor?

7 MS. MINGO: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. MINGO:

10 Q. Child 2 Mr. Swerling asked you about a journal. How
11 many times did you write in the journal?

12 A. I only wrote like three pages, I think.

13 Q. Do you remember how long ago that was?

14 A. It has been a couple of years.

15 Q. Not recently?

16 A. No, ma'am.

17 Q. The times you were in the computer room on Mike's lap,
18 do you remember how long those incidents lasted? I know you
19 can't tell me exactly, was it seconds, minutes or longer?

20 A. It was minutes.

21 Q. Was Dorothy there? You said sometimes she was there
22 sometimes she wasn't there, correct?

23 MR. SWERLING: Your Honor I object to the leading.

24 MS. MINGO: Your Honor, I believe she stated prior
25 sometimes her babysitter was there, sometimes she wasn't

TESTIMONY OF Child 2

1 there, just getting clarification on that.

2 THE COURT: All right. Overruled, go ahead.

3 Q. The times she was there, what was she doing?

4 A. When she was there she was watching TV or she was
5 cooking or there was a little baby that was there and she
6 would be taking care of her.

7 Q. So did she have those things going on at the time he
8 was touching you?

9 A. Yes, ma'am.

10 Q. There was a conversation about -- or between you and
11 Child 1 about Mr. Williams; is that correct?

12 A. Yes, ma'am.

13 Q. Do you remember how the conversation came up?

14 A. She had come to the bedroom and she asked me if Mike
15 had ever touched me and I said yes, and she went and told my
16 mom and --

17 Q. All right. Mr. Swerling asked you did the two of you
18 talk about it extensively, you're sisters, you're close. Is
19 there a reason the two of you didn't discuss it?

20 A. No, ma'am.

21 Q. You just didn't?

22 MR. SWERLING: She didn't say that, Judge, she didn't
23 say she didn't discuss it, that's the solicitor saying that.

24 MS. MINGO: Your Honor, that was my memory of what she
25 said.

TESTIMONY OF Child 2

1 THE COURT: I'll let the jury decide what they recall
2 the evidence being.

3 Q. Mr. Swerling also asked you about a video. Do you
4 remember what that is or what was on it? You never saw the
5 video; is that correct?

6 A. Yes, ma'am.

7 Q. You did not see it?

8 A. No, I did not see it.

9 Q. And you met with me and you met with Ms. Sutton prior
10 to trial, did you tell us what to say -- or did you tell us
11 what happened or did we tell you what happened?

12 A. I told you what happened.

13 Q. And you also indicated there were a few times where
14 Mr. Williams went inside your private part. If you can, can
15 you describe what it felt like?

16 A. It hurt, that's all I want to say.

17 Q. Did you ever tell Mr. Williams it hurt?

18 A. That one time when I threatened to go tell Dorothy but
19 that was only --

20 Q. Tell me about that.

21 A. That was one of the times when he went inside and I had
22 said it hurt and I said, "If you don't stop I'm going to
23 tell Dorothy," and I got off his lap to go tell and he
24 pulled back at my shirt.

25 Q. Did he say anything?

TESTIMONY OF Child 2

1 A. He said don't go tell.

2 MS. MINGO: Beg the Court's indulgence.

3 (Break in proceedings.)

4 MS. MINGO: That's all, Your Honor.

5 MR. SWERLING: Just one question.

6 RECROSS EXAMINATION

7 BY MR. SWERLING:

8 Q. Where were you when you said you were going to tell
9 Dorothy and he pulled your shirt?

10 A. We were in the computer room.

11 MR. SWERLING: Thank you.

12 THE COURT: Thank you, ma'am, you may step down and
13 return to your seat. Call your next witness.

14 MS. MINGO: Your Honor, the State would call Child 1

15

16 The witness, Child 1, was first duly
17 sworn and testified as follows, on:

18 DIRECT EXAMINATION

19 BY MS. MINGO:

20 THE CLERK: State your name for the record.

21 THE WITNESS: My name is Child 1

22 Q. Child 1 how old are you?

23 A. I'm 17.

24 Q. And where do you live?

25 A. In Great Falls.

TESTIMONY OF [REDACTED] Child 1

- 1 Q. Do you have any siblings?
- 2 A. Yes, ma'am. I have a little brother and a little
- 3 sister.
- 4 Q. Is Child 2 [REDACTED] your sister?
- 5 A. Yes, ma'am.
- 6 Q. You share both parents, or you're half siblings?
- 7 A. We are half siblings.
- 8 Q. Are you still in school?
- 9 A. Yes, ma'am.
- 10 Q. What school do you attend?
- 11 A. Great Falls High School.
- 12 Q. What year are you going into? Will you be a senior
- 13 this year?
- 14 A. Yes, ma'am.
- 15 Q. How do you know the defendant, Mike Williams?
- 16 A. I went to his daycare.
- 17 Q. And do you remember how old you were when you began
- 18 going there?
- 19 A. No, ma'am.
- 20 Q. Do you remember approximately how long you went?
- 21 A. No, ma'am.
- 22 Q. Did your siblings go there as well?
- 23 A. Yes, ma'am.
- 24 Q. Were there other children?
- 25 A. Yes, ma'am.

TESTIMONY OF Child 1

- 1 Q. The other kids that Ms. Williams -- and Mr. Williams
2 his wife, Dorothy Williams, she was your babysitter; is that
3 correct?
- 4 A. Yes, ma'am.
- 5 Q. Did she keep other children that you remember?
- 6 A. Yes, ma'am.
- 7 Q. Were they older than you, younger than you?
- 8 A. They were younger.
- 9 Q. Was Mr. Williams there when you were being babysat by
10 Ms. Williams?
- 11 A. No, not all of the time.
- 12 Q. Sometimes?
- 13 A. Sometimes.
- 14 Q. Was he working, do you remember, during that time?
- 15 A. I don't remember.
- 16 Q. Okay. That's fine. When she babysat you other than
17 Mr. Williams occasionally were other adults in the home or
18 was it just the two of them?
- 19 A. I think it was the two of them if I remember correctly.
- 20 Q. And while she babysat you, where were your parents?
- 21 A. They were at work.
- 22 Q. They were working. Did you like going there?
- 23 A. I liked being around Dorothy.
- 24 Q. What about Mr. Williams?
- 25 A. I'm sorry, can you repeat the question?

TESTIMONY OF Child 1

1 Q. Sure. I asked you if you liked being around the
2 Williams, you indicated you liked going around Dorothy, I'm
3 going to ask about Mr. Williams.

4 A. I didn't like being around him.

5 Q. Was there a reason why?

6 A. Yes, ma'am.

7 Q. Can you tell me why?

8 A. Because when we would be alone he would touch me.

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

10 A. More than one time.

11 Q. Do you have any idea as to how frequent it was?

12 A. No.

13 Q. Do you remember the first time or how it started?

14 A. No, ma'am.

15 Q. Where were you when he touched you, do you remember
16 that?

17 A. It was different places. I was in the pool, I was in
18 the computer room and I was in his bedroom.

19 Q. The pool, is that at his residence or somewhere else?

20 A. It was at their house.

21 Q. Let me ask you some questions specifically concerning
22 the location. The swimming pool, where did he touch you in
23 the swimming pool?

24 A. He touched down inside of my pants, I don't know what
25 they referred to it as, my private area, is that --

TESTIMONY OF Child 1

- 1 Q. Okay.
- 2 A. And --
- 3 Q. Go ahead, I'm sorry.
- 4 A. Go ahead.
- 5 Q. Were there other people in the pool?
- 6 A. The time I remember we were alone but I really don't
- 7 know.
- 8 Q. Was it daytime or nighttime?
- 9 A. It was daytime.
- 10 Q. And you don't remember if other people were in the pool
- 11 or not?
- 12 A. No, ma'am.
- 13 Q. Was this a special occasion or was this just a regular
- 14 day that Ms. Williams babysat you?
- 15 A. It was a regular day.
- 16 Q. Do you remember what you had on in the pool?
- 17 A. No, ma'am.
- 18 Q. Do you remember what Mr. Williams had on?
- 19 A. No, ma'am.
- 20 Q. Can you tell the Court or kind of lead up to the events
- 21 of him touching you while you were in the pool? What was
- 22 going on?
- 23 A. All I know -- all I remember is he was just kind of
- 24 holding me a little bit and then he put his finger down in
- 25 my bikini, then he put his finger inside me.

TESTIMONY OF Child 1

1 Q. I asked you a little bit if you remembered what you
2 were wearing, was that what you were wearing?

3 A. Yes.

4 Q. Do you remember him saying anything?

5 A. I don't remember.

6 Q. Do you remember if that was the first time?

7 A. No, ma'am.

8 Q. You don't remember or it wasn't the first time? What

9 kind of pool was this? Was it some type of kiddie wading

10 pool or big pool?

11 A. It was big. I guess it was -- they had a patio that

12 was leading up to it, it was probably about 4 feet if I had

13 to guess.

14 Q. What happened after he touched you?

15 A. After he stopped we just went on, nothing really

16 happened.

17 Q. So you just went on in the house later on, nothing else

18 was said about that incident?

19 A. No, ma'am.

20 Q. Were there other locations?

21 A. Yes, ma'am.

22 Q. Tell me about another location.

23 A. The computer room.

24 Q. What happened in the computer room? Who was present in

25 the computer room when the incident occurred?

TESTIMONY OF Child 1

- 1 A. Just me and him.
- 2 Q. Can you tell us what happened in the computer room?
- 3 A. Yes, ma'am. I was sitting on his lap and I guess he
- 4 stopped doing something on the computer and then he put his
- 5 hand back down my pants.
- 6 Q. Let's back up. Did you say he was sitting?
- 7 A. Yes, ma'am.
- 8 Q. Sitting where?
- 9 A. On the computer chair.
- 10 Q. What were you doing?
- 11 A. I was sitting on his lap looking at the computer
- 12 screen.
- 13 Q. Now, tell us what happened. I just want to make sure I
- 14 was clear.
- 15 A. He just stopped what he was doing on the computer I
- 16 guess, that's what I'm guessing, and he just put his hand
- 17 down my pants and started rubbing me and then he progressed
- 18 to start putting his finger inside me.
- 19 Q. Okay. Are you aware of anyone else walking in seeing
- 20 this?
- 21 A. No, ma'am.
- 22 Q. Where were the others?
- 23 A. I don't know.
- 24 Q. Do you remember if children were there that day?
- 25 A. No, ma'am.

TESTIMONY OF Child 1

1 Q. How about Ms. Williams, was she there during this time?

2 A. More than likely. If she was she was probably out in
3 the living room.

4 Q. I believe you also indicated one time was in his room?

5 A. Yes, ma'am.

6 Q. Did that occur at day or night?

7 A. It was daytime. It was when I spent the night with his
8 granddaughter, Minor 2 and him. I don't know where Dorothy
9 was, but I know that we were about to go to sleep and it was
10 on his bed and there's me, Mike and Minor 2 on the other
11 side.

12 Q. Okay.

13 A. And then --

14 Q. So three of you were in the bed.

15 A. Yes, ma'am.

16 Q. And -- I'm sorry, who is Minor 2 I interrupted you.

17 A. It's his son's daughter? I'm not sure.

18 Q. All right.

19 A. And when he thought I was asleep he started going down
20 my pants or under what I was wearing and rubbing me and
21 fingering me.

22 Q. All right. Was this directly on your skin or on top of
23 your underwear?

24 A. Directly on my skin.

25 Q. Let me make sure I understand, he was in the middle?

TESTIMONY OF Child 1

- 1 A. Yes, ma'am.
- 2 Q. Did he actually sleep in the bed all night with you and
- 3 Minor 2
- 4 A. I think so, yes.
- 5 Q. So you were awake when this started happening?
- 6 A. Yes, ma'am.
- 7 Q. Did he ever say anything?
- 8 A. No, ma'am.
- 9 Q. Could you tell if Minor 2 was awake?
- 10 A. No, I couldn't tell. I think she was asleep.
- 11 Q. Do you know approximately how long that lasted?
- 12 A. No.
- 13 Q. When that incident occurred were you still going there
- 14 on a regular basis?
- 15 A. No, ma'am, it was just me. And my mom had to work and
- 16 she didn't --
- 17 Q. But you had already stopped going at that point?
- 18 A. Yes.
- 19 Q. Prior to those incidents when were you in the computer
- 20 room or in the pool, were you still regularly going at that
- 21 time?
- 22 A. Yes, ma'am.
- 23 Q. Do you know how old you were when he touched you in the
- 24 bed?
- 25 A. No, ma'am.

TESTIMONY OF Child 1

- 1 Q. Did you ever tell anybody?
- 2 A. No, ma'am.
- 3 Q. Did you eventually tell anyone about it?
- 4 A. Yes, ma'am.
- 5 Q. Who did you tell initially?
- 6 A. Well, I -- it happened after Child 2 told me what
7 happened to her and then everything came out and the
8 counselors --
- 9 Q. Let me ask you this: Do you remember how old you were
10 when you disclosed this information? Who did you -- what
11 adult did you tell first?
- 12 A. It might be Kelly, my counselor, that helped me.
13 Because I wrote it on the statement when they came to the
14 school but I never fully told anybody else.
- 15 Q. You didn't tell your mother?
- 16 A. Not everything.
- 17 Q. So let me make sure I understand, when you finally
18 disclosed, were you going to the Williams residence at that
19 time or had it stopped?
- 20 A. No. I was watching myself so it stopped.
- 21 Q. Was there a reason why you didn't tell while it was
22 going on?
- 23 A. I don't know, I just -- I really cared about those
24 people.
- 25 Q. You felt close to them?

TESTIMONY OF Child 1

1 A. I'm sorry.

2 Q. That's okay. Did you want to say something? I didn't
3 want to cut you off.

4 A. I don't know why I didn't tell anybody.

5 Q. Let me just ask briefly about the incidents. You told
6 me about three times, were those the only times that it
7 happened?

8 A. That I remember.

9 Q. The time that he touched you in the swimming pool, do
10 you remember what time of the year it was?

11 A. Summer.

12 Q. It was summer? Okay. How about when you were in the
13 bed?

14 A. I don't remember.

15 Q. You don't remember the year exactly, do you?

16 A. No.

17 Q. Child 1 I asked you a few minutes ago if you told your
18 mom and you said, "I didn't tell her everything." What led
19 up to you telling your mom?

20 A. I'm not sure. We picked up Child 2 and taking her to
21 daycare and I just started thinking about it, and I just
22 thought if he did it to me why wouldn't he do it to her?
23 And so I got her alone in my room and I asked her if Mike
24 had ever touched her and she said no, and I said, "You can
25 tell me, I ain't going to tell anybody." And she told me

TESTIMONY OF Child 1

1 that he did and I went to my mom.

2 Q. So that's how it all came out?

3 A. Yes, ma'am.

4 Q. Did you tell your mom that same day?

5 A. Yes, ma'am.

6 Q. Did you tell her on that day about you as well or just

7 Child 2

8 A. I said that he touched me and her.

9 MS. MINGO: Thank you, ma'am. One moment.

10 (Break in proceedings.)

11 MS. MINGO: No further questions, Your Honor.

12 CROSS EXAMINATION

13 BY MR. SWERLING:

14 Q. Ms. Linton, how are you? Can I call you Child 1

15 A. Sir?

16 Q. Can I call you Child 1

17 A. Yes, sir.

18 Q. Child 1 you said -- you're telling the jury as I

19 understand it now that there were at least three times that

20 he actually inserted his finger in your vagina.

21 A. Yes, sir.

22 Q. Were there more than that?

23 A. There could be but I don't remember.

24 Q. You were asked to keep a journal.

25 A. Yes, sir.

TESTIMONY OF Child 1

- 1 Q. By Kelly. And she was the counselor for PCASA,
2 Palmetto Alliance. Where is the journal?
- 3 A. I don't know, sir.
- 4 Q. You got a subpoena to bring it to court with you
5 yesterday, where is it?
- 6 A. We moved and it must have got misplaced, I'm not sure.
- 7 Q. Do you know where Aubrey's is?
- 8 A. No, sir.
- 9 Q. Was hers misplaced too?
- 10 A. I don't know.
- 11 Q. Y'all moved together, didn't you?
- 12 A. Yes, sir.
- 13 Q. But it was emphasized to you how important that journal
14 was and to keep that journal and record your events,
15 correct?
- 16 A. Yes, sir.
- 17 Q. And the journal was important and you were asked about
18 it, whether you were keeping the journal by Mr. Melzer, and
19 you -- when did you tell somebody that it was lost or
20 misplaced or whatever it is?
- 21 A. I didn't tell anybody.
- 22 Q. You told the solicitor last week, didn't you?
- 23 A. I didn't tell anybody whenever I lost it.
- 24 Q. But when you were asked to bring it at my request it
25 became lost, correct? It's just not random.

TESTIMONY OF Child 1

- 1 A. It became lost before you asked.
- 2 Q. But in there it had a lot of the events or things that
- 3 you were describing recording your thoughts and memories,
- 4 correct?
- 5 A. Yes, sir.
- 6 Q. And you just can't explain to the jury where it is
- 7 right now.
- 8 A. No, sir.
- 9 Q. How old are you now?
- 10 A. Seventeen.
- 11 Q. You're at what school?
- 12 A. Great Falls High School.
- 13 Q. I guess in the last couple of years you have spent some
- 14 time with Kelly and with other people getting ready to
- 15 testify here in court, correct?
- 16 A. Yes, sir.
- 17 Q. And you were given some ideas about what to expect when
- 18 you came to court.
- 19 A. Yes, sir.
- 20 Q. You were even given a little bit by Kelly with Palmetto
- 21 Alliance about how to testify in court.
- 22 A. Yes, sir.
- 23 Q. Is that correct?
- 24 A. Yes, sir.
- 25 Q. Did you ever run through your testimony or practice

TESTIMONY OF Child 1

1 your testimony with Ms. Melzer or with the solicitor's
2 office?

3 A. No, sir.

4 Q. Did you ever come in the courtroom to see what it was
5 like to sit in that chair?

6 A. We came in the courtroom and she showed us where we
7 were going to be sitting, but no, sir.

8 Q. Spent a lot of time with the solicitor getting ready
9 for your testimony.

10 A. Yes, sir.

11 Q. Who else did you spend time with getting ready for your
12 testimony?

13 A. Just my family, my mom, we talked about it, and Kelly
14 we have mentioned already.

15 Q. So you talked to -- you and Child 2 have talked about
16 what happened over that period.

17 A. No, sir.

18 Q. You have not?

19 A. No, sir.

20 Q. So are you saying since -- I guess since September 8th
21 you and Child 2 have not discussed the case?

22 A. Ever since -- if we did it was vaguely. Ever since she
23 came out to me about it and I went to my mom about it
24 afterwards we never just talked about it.

25 Q. Four years you never discussed it?

TESTIMONY OF Child I

1 A. Not in detail.

2 Q. Well, detail or did you not discuss it?

3 A. Well, we would go visit whenever we have scheduled
4 appointments to get prepared for court we talk about it but
5 it was like afterwards we talk about. We don't talk about
6 what happened to us, I don't ask that about her, I don't
7 want to know.

8 Q. Well, she's your sister, right?

9 A. Yes, sir, she's my sister.

10 Q. And as a sister y'all don't talk about the details?

11 A. No, sir.

12 Q. Did you tell her what happened to you?

13 A. I didn't tell her but she has been around when I talked
14 about it with my mom.

15 Q. And you've been around when she's talked about it with
16 your mom?

17 A. Yes.

18 Q. And she and your mom have had a number of discussions
19 about this, right?

20 A. Yes. But even my mom didn't tell all.

21 Q. But she and your mom have had a number of discussions.

22 A. Yes, sir.

23 Q. When she first made this disclosure to you she never
24 said anything about any kind of digital penetration, isn't
25 that true? When you first asked her it had nothing to do

TESTIMONY OF Child 1

1 with digital penetration. Do you know what I'm talking
2 about?

3 A. No.

4 Q. Digital penetration?

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

6 Q. When you and Child 2 -- how old are you?

7 A. Seventeen.

8 Q. When you and Child 2 first talked about this thing
9 Child 2 never told you anything about digital penetration
10 with a finger in her vagina; isn't that true?

11 A. I don't remember.

12 Q. If you had your journal you would. Let me ask you
13 something, you were -- nobody ever interviewed you, did
14 they? You never were brought in for a forensic interview on
15 tape.

16 A. Not on tape. I don't remember if anybody came in and
17 interviewed me, DSS came and asked me questions but.

18 Q. Right. But did the police department ask you
19 questions?

20 A. Not that I remember.

21 Q. But you did speak with somebody at DSS but didn't give
22 a handwritten statement.

23 A. Yeah. They asked me like what he did and I said it
24 vaguely and then they asked me to write it down.

25 Q. And you wrote it down in your own handwriting?

TESTIMONY OF Child 1

1 A. Yes, sir.

2 Q. We will go over that in a couple of minutes. Okay?

3 A. Yes, sir.

4 Q. So let me see, I don't remember if I actually got an
5 answer. When Child 2 spoke with you she never mentioned to
6 you that she was digitally penetrated in the vagina; is that
7 true?

8 A. I don't remember.

9 Q. You just don't remember that?

10 A. I remember that he touched her. She might have, I'm
11 not saying she didn't, but after that I just started going
12 to my mom.

13 Q. Now, she had an actual forensic interview. Have you
14 ever looked at the tape?

15 A. No, sir.

16 Q. Or heard the tape?

17 A. No, sir.

18 Q. Ever looked at the transcript of the tape?

19 A. No, sir.

20 Q. Ever discussed what was on the tape with her or with
21 Kelly or with the solicitor's office or anybody else? You
22 know what I'm talking about, the CD?

23 A. I know what you're talking with the tape that she did
24 with Child 2 we never talked about what was on it but we did
25 talk about the tape.

TESTIMONY OF Child 1

- 1 Q. Did either you or Child 2 ever see the tape?
- 2 A. I'm not sure if she did but I didn't.
- 3 Q. How about your mom, do you know?
- 4 A. I don't know.
- 5 Q. The solicitor started off asking you questions about
- 6 did you like the Williams and you said -- I wrote down --
- 7 you said you liked Dorothy. You were going -- or let's see,
- 8 you were born in 1995 and so you started going there when
- 9 you were about eight years old, correct?
- 10 A. Yes, sir.
- 11 Q. What grade will you be in the eighth grade?
- 12 A. I'm sorry?
- 13 Q. What grade would you be in in the eight grade? I'm
- 14 sorry, I can't remember it has been too long ago.
- 15 A. In eight grade?
- 16 Q. What grade would you be in when you are eight? I'm
- 17 sorry.
- 18 A. I'm not sure.
- 19 Q. You and Child 2 and -- Brother 1 was probably not born
- 20 right away because he was born shortly after that you
- 21 started going to Ms. Williams and Mike Williams' house for
- 22 daycare; is that correct?
- 23 A. Yes, sir.
- 24 Q. And when you were at their house you would get dropped
- 25 off in the morning, you were old enough to go to school, who

TESTIMONY OF Child 1

- 1 took you to school?
- 2 A. I don't remember.
- 3 Q. Who picked you up from school?
- 4 A. I don't remember.
- 5 Q. Were you -- did you go back -- did you go to the
- 6 Williams house before school?
- 7 A. When I was little?
- 8 Q. When you started going there in the period of 2003 and
- 9 2006.
- 10 A. I don't remember.
- 11 Q. Did you go back there after school?
- 12 A. Yes, after school.
- 13 Q. And I mean, I'm not sure you liked Mike Williams. You
- 14 were affectionate to Mike Williams weren't you?
- 15 A. Yes.
- 16 Q. And Mike Williams was -- well, when you would see Mike
- 17 Williams you would run up to him and hug him and you were
- 18 affectionate to him, weren't you?
- 19 A. Yes.
- 20 Q. And he was affectionate to you as well.
- 21 A. Yes, sir.
- 22 Q. So was Dorothy.
- 23 A. Yes, sir.
- 24 Q. They treated you like grandchildren.
- 25 A. Yes, sir.

- 1 Q. You treated them like grandparents.
- 2 A. Yes, sir.
- 3 Q. He was fun to be around, wasn't he?
- 4 A. Most of the time, yes.
- 5 Q. And Mike was the one that played with everybody, he was
- 6 the one that rolled around in the floor and played games,
- 7 went outside, went to the computer room, he was the one that
- 8 entertained you when he came home from work, correct?
- 9 A. Sure.
- 10 Q. Sure. And you looked forward to seeing him, didn't
- 11 you?
- 12 A. Yes, sir.
- 13 Q. And it would not be -- I wouldn't be stepping out of
- 14 line if I said when you saw Mike Williams you would run up
- 15 to him and say, "Mike Mike?"
- 16 A. I don't know if I have ever called him Mike Mike, but
- 17 yes, I did that.
- 18 Q. You called him Mike?
- 19 A. I think a few times I would run up and hug him but it
- 20 is because you look at him differently, to me he was like a
- 21 boyfriend and it's safe to say that and --
- 22 Q. At eight years old.
- 23 A. Yes.
- 24 Q. But that's not -- you just -- when I just asked you the
- 25 question until you said that you were saying it was like

TESTIMONY OF Child 1

- 1 grandparents and grandchildren, that was your answer, I
2 didn't put those words in your mouth. I asked you were they
3 like grandparents and were you like their grandchildren?
- 4 A. I understand what your job is, sir.
- 5 Q. Pardon? You understand what my job is?
- 6 A. Yes, sir.
- 7 Q. Who told you what my job is? The solicitor?
- 8 A. No.
- 9 Q. My job is to get the truth.
- 10 A. Okay.
- 11 Q. And the first time you have ever said, ever said that
12 you looked at him like your boyfriend was just now on the
13 witness stand; isn't that true?
- 14 A. I told my mom me. And in my home we have had plenty
15 discussions of how you look at people differently whenever
16 they do that stuff to you.
- 17 Q. Child 1 I'm not trying to give you a hard time. You
18 never told anybody else other than your mom -- and now you
19 say your mom -- that you looked at him as your boyfriend
20 because of the situation ever, did you?
- 21 A. I don't think so.
- 22 Q. And you're saying that now because you know what my job
23 is as you just said, correct?
- 24 A. Yes, sir.
- 25 Q. All we're trying to do is get out the truth. Now, for

TESTIMONY OF Child 1

- 1 three years you and the Williams went places, correct?
- 2 A. Yes, sir.
- 3 Q. And the children, your other brothers and sisters --
- 4 your brother and sister -- they bought you toys, correct?
- 5 A. Yes, sir.
- 6 Q. They bought you presents, correct?
- 7 A. Yes, sir.
- 8 Q. You went places with them.
- 9 A. Yes, sir.
- 10 Q. You spent the day with them.
- 11 A. Yes, sir.
- 12 Q. Went and saw their granddaughter Minor 2 correct?
- 13 A. Sometimes she would be over there.
- 14 Q. You would go over to where Mike was working and see the
- 15 ambulances, correct?
- 16 A. Yes, sir.
- 17 Q. And Mike would come over to your house and help your
- 18 mother, isn't that true? Bought her furniture --
- 19 A. Yes, sir.
- 20 Q. -- when you didn't have any furniture. Bought you
- 21 clothes when you didn't have any clothes.
- 22 A. I had clothes.
- 23 Q. When you didn't have any didn't he buy you clothes?
- 24 A. I always had clothes.
- 25 Q. Would you deny the fact that Mike and Dorothy bought

TESTIMONY OF Child 1

1 you clothes?

2 A. No.

3 Q. And came and repaired the house, the car, repaired the
4 heating and air conditioning, put in a hot water heater.

5 Mike was very helpful to your mother during her time of
6 need; is that correct?

7 A. Yes, sir.

8 Q. During that entire three year period you never shied
9 away from Mike; isn't that true?

10 A. Yes, sir.

11 Q. You never shied away from him, you were always happy to
12 see him.

13 A. Yes, sir.

14 Q. During that entire three year period he was always
15 happy to see you and the other siblings as well.

16 A. Yes, sir.

17 Q. Is that right?

18 A. Yes, sir.

19 Q. During that entire three year period from when you were
20 about eight until about 11 you never said anything to
21 anybody about what you're now contending he did to you.

22 A. No, sir.

23 Q. Is that right?

24 A. Yes, sir.

25 Q. Now, the incident when you said that it was in the

TESTIMONY OF Child 1

- 1 bedroom and you were spending the night there with Minor 2
2 that was actually after that three year period, wasn't it?
3 A. I don't remember.
4 Q. Well, wasn't it during the period of time when you were
5 no longer going there but you were continuing to stop going
6 over there with your mother?
7 A. That was my best guess, yes, sir.
8 Q. Well, I just want to make sure. So the night -- you
9 only spent the night one time or two times?
10 A. I don't remember.
11 Q. But that was the only night you spent the night where
12 something like that happened; is that right?
13 A. As far as I remember.
14 Q. But you think that took place after you stopped going
15 and you just went back periodically to see Mike and Dorothy
16 or Minor 2
17 A. I think, I'm not sure.
18 Q. You're not sure because you didn't keep a journal.
19 Now, let me ask you this: At the time when you actually
20 left, or your mom left and took the kids and you to
21 Ms. McManus, do you recall that?
22 A. Yes, sir.
23 Q. This is a small house, isn't it, where Mike Williams
24 lives?
25 A. I guess it's how you look at houses, I suppose so.

TESTIMONY OF Child 1

1 Q. There's a living room, then there's a kitchen and you
2 go back, there's one bedroom and there's another bedroom and
3 then across from the other bedroom there's a computer room,
4 correct?

5 A. Yes.

6 Q. Do you remember that?

7 A. Yes, sir.

8 Q. The doors were never closed in that house, were they?

9 A. No, sir.

10 Q. And the fact of the matter is that Dorothy was always
11 there when Mike was there; isn't that true?

12 A. As far as I remember.

13 Q. So all of this took place when Dorothy was around,
14 correct?

15 A. Like I said, as far as I remember.

16 Q. And she would be somewhere in the house, and what
17 you're contending is that Mike would do these things to you
18 while his wife was present in this small house.

19 A. Yes, sir.

20 Q. Is that right?

21 A. Yes, sir.

22 Q. Well, where was -- where were the other kids when this
23 was going on? It wasn't that big of a place.

24 A. I don't know.

25 Q. So it never -- nobody -- you never saw anybody else in

TESTIMONY OF Child 1

- 1 the house while Mike was doing these things to you, is that
2 right, that you can recall?
- 3 A. Other than that night with Minor 2 no, I never saw
4 anybody else in the house.
- 5 Q. Your sister was there, correct?
- 6 A. Uh-huh.
- 7 Q. And your sister, as far as you know, contends that she
8 was also being fooled around with or played with during that
9 period of time during the 2003 to 2006 period, correct?
- 10 A. Yes, sir.
- 11 Q. I'm just trying to understand, how is it that you and
12 she -- and there was other kids there and Mrs. Williams was
13 there -- how is it that you and she would absolutely never
14 see each other -- Mike doing something to either one of you
15 or Dorothy would never see either one of you getting
16 something done to you by Mike?
- 17 A. I don't know.
- 18 Q. I mean, the doors are open, they're not locked, Mike
19 didn't seek to lock the doors when you were in the room with
20 him, right?
- 21 A. Right.
- 22 Q. Other kids running around, you and your sister never
23 communicated about something happening to you or anything --
24 you never communicated what happened to you and she never
25 communicated with you about what was happening to her,

TESTIMONY OF Child 1

- 1 correct?
- 2 A. Yes, sir.
- 3 Q. That's a little amazing.
- 4 A. If you think so.
- 5 Q. It's your sister.
- 6 A. Uh-huh.
- 7 Q. Well, at some point you left to go over to Ms. McManus'
- 8 but that's not what you wanted to do, you did not want to
- 9 leave the Williams residence. You wanted to stay there.
- 10 You were very happy there, weren't you?
- 11 A. No.
- 12 Q. Well, you never told your mother anything?
- 13 A. It's because I didn't -- why would I?
- 14 Q. Well, why wouldn't you?
- 15 A. I didn't want to hurt people.
- 16 Q. You didn't want to hurt people. They're hurting you
- 17 but you don't want to hurt anybody. When you -- go ahead.
- 18 The incident with where you said something about Minor 2 you
- 19 slept over, actually happened according to your statement to
- 20 the police or DSS at eight or nine, so that would have been
- 21 before you left, would that be right?
- 22 A. I don't know.
- 23 Q. When you left -- I'll ask you again, you were not
- 24 necessarily -- you did not want to leave because you were
- 25 still having a great relationship with the Williams.

TESTIMONY OF Child 1 LINTON

- 1 A. I found out about Donna from one of my friends and I
2 convinced my mom it would be cheaper for her to go to her as
3 a way of getting out. I did not want to be there.
- 4 Q. You didn't want to?
- 5 A. No.
- 6 Q. Then why did you go back periodically to see the
7 Williams?
- 8 A. I went with my mom because the kids enjoyed him.
- 9 Q. So you did go back?
- 10 A. To visit him at the end, yes.
- 11 Q. And also at the house, you used to go back to the house
12 too.
- 13 A. Not often.
- 14 Q. But you did go back to the house.
- 15 A. Yes, sir.
- 16 Q. And you did go see Minor 2 you saw Mike and you saw
17 Dorothy, correct?
- 18 A. Yes, sir.
- 19 Q. And every time you went there you greeted Mike with a
20 hug and a kiss; isn't that true?
- 21 A. No, sir.
- 22 Q. You would deny that?
- 23 A. Yes.
- 24 Q. And he didn't greet you with a hug and a kiss?
- 25 A. I don't remember ever --

TESTIMONY OF SIERRA LINTON

1 Q. I'm talking about kissing on the cheek.

2 A. No, I'm talking about that too.

3 Q. Would you deny that when you were going back there
4 after Ms. McManus' during this period of time that you were
5 still having a good relationship with him and Dorothy? They
6 were still helping you.

7 A. Yeah, I understand that.

8 Q. Isn't that true?

9 A. Could you repeat that one more time?

10 Q. They were still helping and you would have no problem
11 going back over there when your mother went over there,
12 going to the EMS, going over there for Christmas, getting
13 presents, getting clothes and toys, whatever that was,
14 because you still had a good relationship with the Williams
15 and it was still an affectionate relationship with the
16 Williams; isn't that true?

17 A. Yes, sir.

18 Q. **Child 1** you looked at them like your grandparents,
19 isn't that true? They were as good as anybody could be to
20 you as a grandparent would, isn't that true? Is the answer
21 yes?

22 A. Yeah, I suppose so.

23 Q. When you left to go Ms. McManus', didn't you tell your
24 mother as I understand it what happened -- what happened --
25 something **Minor 2** had said to you?

1 A. That wasn't when we stopped going there, it was one day
2 when she picked me up from Mike and Dorothy's, it was one of
3 the days he touched me. And I lied about that, Minor 2 never
4 said anything to me, and I told my mom that she told me
5 that --

6 Q. Wait a minute, let me follow this. What happened now?

7 A. My mom picked me up from Mike and Dorothy's.

8 Q. When?

9 A. I don't remember.

10 Q. Was this while you were still going from 2003 to 2006?

11 A. It might have been, I'm not sure.

12 Q. So you don't know whether or not you were still at the
13 daycare or not?

14 A. No, sir.

15 Q. And were you still -- were you at the daycare as
16 someone who is a -- I don't know if you would call it a
17 client or a child at the daycare at that time or had you
18 already left?

19 A. I don't remember.

20 Q. You don't remember?

21 A. No.

22 Q. And so you told your mom what?

23 A. I told my mom that Minor 2 told me that he touched her
24 butt because I wanted to see how my mom would act, because
25 he was really touching me and I didn't know what to do.

TESTIMONY OF Child 1

1 Q. So this was still at the time that -- obviously it must
2 have been at the time that you were still going to the
3 daycare.

4 A. I don't know.

5 Q. You don't remember, can't remember. So you made up
6 that whole thing?

7 A. That one statement, yes.

8 Q. Why would you make that up? Why would you not tell
9 something that was true?

10 A. I wanted to tell my mom but I was scared.

11 Q. Well, what was her reaction when you told her what
12 Minor 2 said?

13 A. She said, "I don't believe her."

14 Q. Don't believe who?

15 A. Minor 2

16 Q. Did you ever tell anybody?

17 A. What I'm telling you right now?

18 Q. Yeah.

19 A. I mean, I told the solicitor.

20 Q. Not in your statement.

21 A. Oh, no, I didn't tell DSS.

22 Q. You're supposed to tell them the truth.

23 A. I did tell them the truth. That was one of the
24 incidents, I didn't record all three, I didn't record
25 everything.

TESTIMONY OF Child 1

- 1 Q. Well, that's what I want to ask you.
- 2 A. And I talked to Kelly about it.
- 3 Q. Well, we'll get to that in a minute. Because the truth
- 4 is the truth, you agree with that.
- 5 A. Yes, sir.
- 6 Q. There's only one way to tell the truth.
- 7 A. Yes, sir.
- 8 Q. When you told your mom that she said, "I don't believe
- 9 her," and your mom took your sister and your brother back --
- 10 after Ms. McManus died back to Dorothy and Mike after you
- 11 told her that, correct?
- 12 A. Yes, sir.
- 13 Q. You never told her it wasn't the truth, correct?
- 14 A. Up until recently.
- 15 Q. Recently?
- 16 A. Uh-huh.
- 17 Q. So you know how to lie, correct?
- 18 A. Yes, sir.
- 19 Q. I'm curious about this. In 2003 to 2006 you're saying
- 20 that Mike Williams was molesting you, putting his finger in
- 21 your vagina, doing whatever else you said, right?
- 22 A. I don't keep track of the dates when I was going there,
- 23 yes.
- 24 Q. It was when you were going there, we agree with that,
- 25 it was when you were going there. You didn't go back the

TESTIMONY OF Child 1

1 second time when the other children, Brother 1 and Child 2

2 correct?

3 A. Yes, sir.

4 Q. When your mother was making the decision to take them
5 back to the Williams' residence for daycare, you never told
6 your mother or anyone else what you now say or contend Mike
7 Williams was doing to you; isn't that true?

8 A. Yes.

9 Q. You knew your sister was going back to the Williams'
10 residence, correct, as a person in the daycare center?

11 A. Yes. And I have to live with that. I didn't think of
12 it like that.

13 Q. Didn't think of it like what?

14 A. I didn't like that, I didn't overthink it and --

15 Q. Well, if he did it to you why did you think he wouldn't
16 do it to her?

17 A. It's not something I think about.

18 Q. You would not think about it. You look like a very
19 mature lady, don't you think it would be normal to disway
20 your mother from taking your sister back to the same place
21 where you had been sexually abused?

22 A. I think it would be normal for someone who understood
23 it, yes, I did. And that's eventually what I did.

24 Q. In September of 2008, a year or so later.

25 A. It's better late than never.

TESTIMONY OF Child 1

1 Q. Better late than never. Good answer. The fact of the
2 matter is, and you're telling this jury here that you said
3 you were sexually abused by Mike Williams, you continued to
4 go back over there even after you didn't have to go back
5 there anymore, and when you found out your mother was going
6 to take your sister over there you never said a word; isn't
7 that true?

8 A. Yes, sir.

9 Q. You never said a word to your sister and you never said
10 a word to your mother; isn't that true?

11 A. Yes, sir.

12 Q. Certainly want to protect your own sister, don't you?

13 A. Yes, sir.

14 MR. SWERLING: Judge, it's 1:00, I didn't know if you
15 wanted me to continue. I've got a little bit more, I am
16 ready to do it if you wanted to.

17 THE COURT: It's probably a good time for us to take a
18 break for lunch, ladies and gentlemen, it may be awhile.
19 Ladies and gentlemen, we have another matter we have to take
20 up at 2:00 so let's try to be back in the jury room at 2:30.
21 We'll give you an hour and a half for lunch.

22 (The jury left the courtroom.)

23 THE COURT: State ready for the jury?

24 MS. MINGO: Yes, sir.

25 THE COURT: Defendant?

TESTIMONY OF SIERRA LINTON

1 MR. SWERLING: Yes, sir.

2 (The jury returned to the courtroom.)

3 THE COURT: Welcome back, ladies and gentlemen. I
4 believe we are ready to resume with the examination of the
5 witness. Mr. Swerling?

6 BY MR. SWERLING:

7 Q. I wanted to go ahead and I wanted to ask you something
8 when you -- after the break when you went over to McManus'
9 and then the other kids came back, did you ever make a
10 comment to anyone that you remember that Mike and Dorothy
11 seemed different to you?

12 A. Can you repeat that one more time?

13 Q. Do you ever remember making a comment when the kids
14 went back to Ms. Williams and Mr. Williams' house at the
15 daycare that they seemed different to you, that they were
16 acting different to you?

17 A. I don't think so, no, sir.

18 Q. You didn't feel that way?

19 A. No, sir.

20 Q. You understand the question?

21 A. I think so.

22 Q. I just want to make sure. So you never felt like they
23 were acting different toward you when you went back
24 periodically after the McManus break; is that right?

25 A. No, sir.

TESTIMONY OF Child 1

- 1 Q. Now, a couple of questions I wanted to ask you about.
2 You had said something about the one time when you were in
3 the pool that he put his finger down or his hand down your
4 bikini and inserted it into your vagina. Do you remember
5 that?
- 6 A. Yes, sir.
- 7 Q. And I think previously you have described it some kind
8 of statement that you were wearing pants, never saying
9 anything about a bathing suit. Do you recall that when you
10 were in the pool?
- 11 A. I said I was wearing pants in the pool?
- 12 Q. Pants.
- 13 A. I don't remember that but I'm saying I didn't.
- 14 Q. But today you were saying you remember it was a bikini.
- 15 A. Well, I figured that's what you wear in a pool.
- 16 Q. I don't know. I'll show you in a minute, that's what
17 I'm showing. I don't wear a bikini, I don't think anybody
18 would want to see me in a bikini. But the time that you
19 were in the pool with Mike you don't remember -- I think
20 your testimony was you don't remember anybody else being
21 around or if anybody else was around.
- 22 A. No, sir.
- 23 Q. You're not saying there wasn't anybody else around, you
24 just don't recall anybody being around.
- 25 A. Yes, sir.

TESTIMONY OF SIERRA LINTON

1 Q. And was that the first time or the last time or in
2 between when he did that to you?

3 A. I don't know.

4 Q. Let me ask you something, this incident that you're
5 talking about in the pool that he inserted his finger in
6 your vagina, you've never said that before to anybody at DSS
7 or law enforcement; isn't that true?

8 A. I said that he touched me in the pool.

9 Q. Touched you. Well, there's a difference between
10 touching and also inserting the finger in the vagina.
11 Because you have said on another occasion he inserted his
12 finger in his (sic) vagina -- and I'm not trying to be --
13 this is a trial and we have to use these kind of words --
14 but my question is you never said before that he inserted
15 his finger in your vagina while you were in the pool; isn't
16 that true?

17 A. I don't know.

18 Q. You don't know whether you did or you didn't?

19 A. I don't remember what I said.

20 Q. You never reviewed what you said?

21 A. I looked over it.

22 Q. Well, sure you did, you looked over whatever you told
23 DSS, you looked over whatever you told Mr. Bony, you looked
24 over whatever you told Shanay Moore.

25 A. I just thought that that went along with that, I didn't

TESTIMONY OF Child 1

1 think I had to actually say that.

2 Q. But you did on another occasion or in another incident
3 actually describe him putting his hand in your vagina. So
4 my question is you did distinguish between the two, on
5 certain occasions you said he touched you, on one occasion
6 you said he put his hand or finger in your vagina, you do
7 recall that.

8 A. I didn't go into detail about it because I remember
9 most about that one because it stood out because Minor 2 was
10 there.

11 Q. But the answer to my question is, "No, Mr. Swerling, I
12 never said before that he penetrated or put his finger in my
13 vagina in the pool." Would you agree that that's what the
14 conclusion of that question is? I'm not trying to give you
15 a hard time.

16 A. I said it but probably not to an official, though. I
17 have said it to my mom.

18 Q. You would concede in your statements you never made
19 that statement before, correct?

20 A. I suppose, yes.

21 Q. And you said that he did that. I believe you said he
22 did it again, penetrated you with his finger when you were
23 in the computer room sitting on his lap. Is what I wrote
24 down correct?

25 A. Yes, sir.

TESTIMONY OF Child 1

- 1 Q. And so when you're sitting on his lap your back is
2 toward him and you're facing the computer. Is that correct?
- 3 A. Yes, sir.
- 4 Q. And on that particular occasion what did you have on?
- 5 A. I don't know.
- 6 Q. But you were sitting on his lap so you were facing the
7 computer.
- 8 A. Uh-huh.
- 9 Q. And your testimony is that he was able in that position
10 to go ahead and insert his finger into your vagina. You
11 must have been wearing pants obviously, correct?
- 12 A. Yes, sir, I guess.
- 13 Q. Well, were you in pants?
- 14 A. Well, I don't remember.
- 15 Q. But you were wearing something like pants.
- 16 A. I suppose so.
- 17 Q. And so what your description is is that you're sitting
18 on his lap watching the computer and he is able to take his
19 finger and penetrate you from that position; is that
20 correct?
- 21 A. Yes, sir.
- 22 Q. And no one else was in the computer room at that time
23 as far as you know.
- 24 A. No, sir.
- 25 Q. So no one you could identify was in the pool with you,

1 no one you could identify was in the computer room that saw
2 this, but there's a bunch of kids running around, correct?

3 A. I don't know what time of day it was, I really just
4 don't remember it.

5 Q. Well, during the day there were kids there, correct?

6 A. Yes, sir.

7 Q. And Dorothy was there, correct?

8 A. I suppose.

9 Q. And the door to the computer room was open.

10 A. Yes, sir.

11 Q. Not locked.

12 A. No, sir.

13 Q. So while the kids are running around and Mrs. Williams
14 is in the house he's doing that to you in the computer room.

15 A. Yes, sir.

16 Q. And you never said anything to anybody or anything like
17 that.

18 A. No, sir.

19 Q. And, of course, let me ask you about the bedroom
20 situation, that was another time.

21 A. Yes, sir.

22 Q. We, I think, established it was the first time that you
23 were there when you were still going to the daycare and you
24 spent the night there and you spent the night because Minor 2
25 was there.

TESTIMONY OF Child 1

1 A. I don't remember where I spent the night.

2 Q. Well, Minor 2 was there.

3 A. Yes, sir.

4 Q. And this was a period of time you were eight or nine
5 years old and you wanted to spend the night. No one made
6 you spend the night, correct?

7 A. I don't remember.

8 Q. You don't remember somewhere somebody -- is that what
9 they told you to say when you don't know what the answer to
10 a question was is you don't remember? My question is this,
11 because you seem to have recollection of what you want to
12 remember, that night you spent the night there, nobody
13 forced you to spend the night, that's my question.

14 A. I don't remember if my mother was away, I don't
15 remember if she wanted me to spend the night and Minor 2 came
16 over, I don't know if I wanted to. I don't remember.

17 Q. So you don't remember that, but you do remember that
18 Mike was in the bed.

19 A. Yes, sir.

20 Q. And what were you wearing?

21 A. I don't remember.

22 Q. What was Mike wearing?

23 A. I don't know.

24 Q. What was Minor 2 wearing?

25 A. I don't know.

TESTIMONY OF Child 1

- 1 Q. Which bedroom was it?
- 2 A. It was Mike and Dorothy's bedroom.
- 3 Q. So Mike and you and Minor 2 were in Mike and Dorothy's
- 4 bed.
- 5 A. Yes, sir.
- 6 Q. Is that right?
- 7 A. Yes, sir.
- 8 Q. And would you tell the jury where Dorothy was?
- 9 A. I'm not sure. I think she fell asleep on the couch
- 10 that night but that's a guess, I don't know.
- 11 Q. You just guess. That's a guess what you're saying, but
- 12 it would be normal in essence -- that's the bedroom that
- 13 Mike and Dorothy slept in; is that right?
- 14 A. Yes, sir.
- 15 Q. And so we don't know where Dorothy was, we don't know
- 16 what you were wearing, we don't know what Mike was wearing.
- 17 A. No, sir.
- 18 Q. Were you in street clothes, do you remember that?
- 19 A. I don't know.
- 20 Q. Was Mike in pajamas or just in street clothes as well?
- 21 A. I don't know.
- 22 Q. We don't know that, we don't know that either; is that
- 23 right?
- 24 A. Yes, sir.
- 25 Q. What we do know is you said he slipped his hand down --

TESTIMONY OF Child 1

- 1 by the way, his granddaughter is in the bed; is that right?
- 2 A. Yes, sir.
- 3 Q. And that is Minor 2
- 4 A. Yes, sir.
- 5 Q. And he is putting his hand down your pants and into
- 6 your vagina while he's laying next to his granddaughter.
- 7 A. Yes, sir.
- 8 Q. Did he ever say anything?
- 9 A. No, sir.
- 10 Q. Did you ever say anything?
- 11 A. No, sir.
- 12 Q. Did you indicate to him that you were awake or asleep?
- 13 A. No. I just -- I acted like I was asleep.
- 14 Q. And basically what he did is he put his finger into
- 15 your vagina at that time; is that correct?
- 16 A. Yes.
- 17 Q. Didn't do anything else, correct?
- 18 A. Yes, sir.
- 19 Q. And do you remember, were all three of you sleeping
- 20 together in the same bed when you woke up that morning?
- 21 A. No, sir.
- 22 Q. Do you remember where Dorothy was when you woke up?
- 23 A. No, sir.
- 24 Q. Do you remember if anybody else came in the house when
- 25 you woke up?

TESTIMONY OF Child 1

- 1 A. No, sir.
- 2 Q. Did you tell Minor 2 about it?
- 3 A. No, sir.
- 4 Q. Never told her anything?
- 5 A. That's right.
- 6 Q. And, of course, you said that you told your mother --
- 7 didn't tell your mother the truth about whether or not
- 8 Minor 2 said something to you about being touched on the butt
- 9 I think is what you said; is that right?
- 10 A. I don't know how you phrased it, but yeah, I told my
- 11 mom a lie about Minor 2 being touched on the butt.
- 12 Q. Let me ask you something, getting patted on the butt or
- 13 touched on the butt, you don't think that's inappropriate,
- 14 do you?
- 15 A. Well, yeah.
- 16 Q. Well, if somebody got patted on the butt or touched on
- 17 the butt, grandfather/granddaughter, you wouldn't think
- 18 anything of that, would you?
- 19 A. I guess no. No.
- 20 Q. So I'm trying to figure out why would that be important
- 21 enough to have told your mother that her grandfather patted
- 22 her on the butt or touched her on the butt?
- 23 A. I remember not wanting to tell my mom that she got
- 24 fingered or something because it's my mom, I just wanted a
- 25 way of telling her without telling her.

TESTIMONY OF Child 1

1 Q. But that's not really telling her anything.

2 A. I know. I was seeing how she would have reacted.

3 Q. Again, you would have agreed that didn't tell her
4 anything, isn't that true? Because if you were trying to
5 tell her something you would tell her something that would
6 make a difference, maybe would be inappropriate. And you
7 felt uncomfortable telling your mother anything Mike was
8 doing.

9 A. Yes.

10 Q. But you did it with Minor 2 being touched on the butt to
11 give it a test; is that right?

12 A. Yes, sir.

13 Q. Was there any times after that that he did anything
14 like that?

15 A. I don't remember.

16 Q. This incident that you're talking about with Minor 2 and
17 focusing on that a little bit, you felt that was important
18 enough to tell DSS, didn't you?

19 A. What about it?

20 Q. It wasn't a question of -- well, you didn't tell DSS
21 you lied to your mom, you told them in your statement that
22 you told your mom about what Minor 2 told you, correct?

23 A. Yes, sir.

24 Q. So it wasn't only telling your mom, it was also telling
25 DSS.

1 A. Yes, sir.

2 Q. And so the same reason that you would have to tell your
3 mom to test her really would not be something that you would
4 be doing with DSS.

5 A. That's true, yes.

6 Q. But yet you told the same thing to DSS.

7 A. Yes, sir.

8 Q. What was your purpose in telling DSS?

9 A. I thought it was important. That was the point of
10 lying and telling them what I wanted to say, it was
11 something -- I thought it would make a difference. I don't
12 know, it was just important to me and I think that also on
13 my statement I might have said it was a lie but I said it to
14 see what she would say.

15 Q. Okay. What was going on in 2008, in September of 2008?
16 You've alleged that this happened over a period of time from
17 2003 to 2006, and why was it important in September of 2008?
18 What went off in your mind? What bell went off or light
19 went off that wanted you to ask Child 2 about it? Because
20 nothing had been said between the two of you as far as what
21 went on.

22 A. We just went in the room together and she was upset
23 because she wasn't Mike's girlfriend for the day and -- I
24 don't know.

25 Q. She wasn't what?

TESTIMONY OF Child 1

1 A. She wasn't Mike's girlfriend for the day. He would
2 have --

3 Q. She wasn't his girlfriend for the day? What does that
4 mean?

5 A. That's -- we just -- my mom asked why Child 2 was upset
6 and Mike is like, "She wasn't my girlfriend for the day."

7 Q. Mike said that?

8 A. Yes.

9 Q. You've never said that to anybody either.

10 A. Yes, I have.

11 Q. Not in your statements. Not in your statements,
12 correct?

13 A. I suppose.

14 Q. I've got your statements, that's why I'm asking these
15 questions. Okay. So that's the reason why you decided to
16 ask Child 2 that statement is because Mike said she wasn't
17 his girlfriend that day?

18 A. I just started thinking about what he did to me.

19 Q. You just started thinking about it?

20 A. Well, it's not something you want to think about
21 everyday.

22 Q. But if your sister is over there and you know the
23 possibility exists that he was molesting or abusing your
24 sister like he was you, it makes sense that you would say
25 something. I'm just trying to figure out other than this

1 new revelation that Mike said she wasn't his girlfriend for
2 the day, what else was there that took you until September
3 of 2008 for you to make this statement?

4 A. I wasn't scared anymore.

5 Q. When did you -- when did that come about? Was is just
6 September 8th when you were grown up enough to make that
7 statement?

8 A. I guess. I don't really have a reason why, it just
9 came up.

10 Q. It happened one time in the computer room, one time in
11 the pool and one time in the bedroom.

12 A. I don't remember how many times it happened in each
13 room, I just remember one in each room.

14 Q. Did you ever write any of this down anywhere, like in
15 your journal?

16 A. No, sir.

17 Q. You did write it down in your journal I guess?

18 A. I wrote them down what happened like once or twice.

19 Kelly said you didn't have to do it everyday, just whenever,
20 one or two of them.

21 Q. When did the journal disappear, last week or week
22 before?

23 A. I haven't seen it since I talked to Kelly.

24 Q. You were asked to write out a statement, correct?

25 A. Yes, sir.

TESTIMONY OF Child 1

1 Q. Nobody ever sat down and did what we call like a Q and

2 A, questions and answers, did they?

3 A. No, sir.

4 Q. And nobody in law enforcement did a question and

5 answer, question and answer, you just went ahead -- you were

6 left on your own. You were what, let's see, 13 years old at

7 that time, to go ahead and just reveal your story; is that

8 right?

9 A. Yes, sir.

10 Q. There was law enforcement involved in it and there was

11 DSS involved and nobody sat down and questioned you, do you

12 agree with that?

13 (Break in proceedings.)

14 Q. You were asked to write out a statement.

15 A. Yes.

16 Q. Did you tell in that statement that this all started

17 when you were eight or nine?

18 A. Probably.

19 Q. Either yes or no, because I can show you a copy of it.

20 A. I can't say yes or no.

21 Q. Okay. Is that what you say in the first line?

22 A. Yes.

23 Q. One night -- did you tell them, "Once I spent the night

24 at his house with Minor 2 I slept in front of him and she

25 slept behind him." Do you remember that?

- 1 A. Yes, sir.
- 2 Q. What does that mean, you slept in front of him and she
3 slept behind him?
- 4 A. He slept in the middle of us.
- 5 Q. He was facing you, is that what you meant by he was in
6 front?
- 7 A. Yes.
- 8 Q. And she was behind him.
- 9 A. Yes.
- 10 Q. Did you tell them that, "I think he thought I was
11 asleep and he slipped his hand down my pants and messed
12 around after that. And there were more occasions when he
13 messed with me, more than five, and it happened on his day
14 off from work." Is that what you told them?
- 15 A. Yes.
- 16 Q. You don't say anything in this handwritten statement
17 that you had an opportunity to tell them about any digital
18 presentation. Do you want to take a look? You did not --
19 you agree that you did not mention in this handwritten
20 statement that you mention digital penetration; is that
21 correct?
- 22 A. Yes, sir.
- 23 Q. This was supposed to be your version of what happened
24 in your own handwriting, correct?
- 25 A. Yes, sir.

TESTIMONY OF Child 1

1 Q. "It usually happened in the computer room "-- this is
2 about messing around -- "usually happened in the computer
3 room from where he slid and did the same things over and
4 over and we stopped going there and went to Donna McManus'
5 house." That's what you told them in your statement
6 correct?

7 A. Yes, sir.

8 Q. "I didn't tell anybody about it because I thought it
9 was over." That was your reason for not telling anybody
10 about it. Is that what you told DSS or told law
11 enforcement, whoever let you write this out?

12 A. Yes, sir.

13 Q. Now, let me ask you about this, did you tell them that,
14 "The last time he touched me," which is a question I asked
15 you before we had lunch and you said it was well after. But
16 before the -- "Last time he touched me I told my mom Minor 2
17 told me that he touched her -- touched on her." Is that
18 what you said?

19 A. Yes, sir.

20 Q. So it was after the last time. It wasn't some time
21 later as you said during your cross examination this
22 morning.

23 A. I guess.

24 Q. The answer this morning was it took place later than
25 that, not right afterward.

TESTIMONY OF Child 1

- 1 A. I don't remember.
- 2 Q. "I told my mom Minor 2 told me that he touched on her."
- 3 You don't mention anything in here about telling your mom
- 4 that he touched Minor 2 on the butt, you put in here that, "I
- 5 told my mom that Minor 2 told me he touched on her."
- 6 A. I thought that's what I told her but my mom said she
- 7 remembered me just saying that I told her Minor 2 saying he
- 8 touched her on the butt. I thought I told her that he
- 9 touched her but I guess I didn't.
- 10 Q. Well, this was September 16th of 2008, when did your
- 11 mom tell you that?
- 12 A. Just like a few weeks ago when we were talking about
- 13 it.
- 14 Q. So which is more accurate, what you said then or what
- 15 your mother told you she said a couple of weeks ago? I
- 16 mean, here you indicate that there was something that Minor 2
- 17 was saying that something inappropriate happened by her
- 18 grandfather, isn't that true? That's what you were
- 19 insinuating, not touching her on the butt but touching her.
- 20 A. Well, I figured my mom probably remembers better than I
- 21 do.
- 22 Q. Well, this was written just a week later and after you
- 23 made that allegation, correct?
- 24 A. Yes, sir.
- 25 Q. Four years.

TESTIMONY OF Child 1

1 A. Yes, sir.

2 Q. "I basically told her everything he did to me." Do you
3 remember writing that?

4 A. I don't doubt that, no.

5 Q. Just take a look at it because I certainly wouldn't
6 want you to -- is that correct?

7 A. Yes, sir.

8 Q. So do I understand that to mean that you told your mom
9 on that occasion everything that he did to you?

10 A. The word basically there is the key. I probably said
11 that, that he just touched her on the vagina.

12 Q. That's not what it says. It says, "I basically told
13 her everything that he did to me."

14 A. That's why I put the word basically because I told her
15 everything. I didn't tell the details, I didn't tell my mom
16 that.

17 Q. But it's to you, not Minor 2

18 A. I know.

19 Q. So what I'm asking you is do I understand that to mean
20 that "I basically told her everything," you told your mom
21 everything -- "that he did to me;" is that correct?

22 A. As it was. As I told my mom everything he did to me
23 acting like it was Minor 2 that told her.

24 Q. So you told your mom everything that was happening to
25 you? I'm sorry, I just don't understand.

1 A. Whenever I told my mom that Minor 2 -- he touched her, I
2 told her -- I thought -- I was using Minor 2 as me and I told
3 her, that's the only reason I did it. I don't know how to
4 explain it, it's -- I told her Minor 2 said he touched on
5 her.

6 Q. And I agree, we've already established that. But I
7 went to the last line, it says, "I basically told her
8 everything that he did to me," which means?

9 A. I didn't tell my mom anything he did to me.

10 Q. So what did you do, tell her what -- everything that he
11 did to you through Minor 2

12 A. Yeah.

13 Q. Take a look at this. I'm not trying to confuse you,
14 I'm trying to figure out what you meant by, "I told her
15 everything he did to me."

16 A. I know what I meant by that.

17 Q. Well, you're describing to the jury today that he was
18 digitally penetrating you so that must be what you were
19 telling them.

20 A. That wasn't what I was telling my mom, that's why I
21 said basically -- I didn't tell her everything. I said I
22 basically told her everything, which means being touched
23 on -- and I -- that means touched on. Isn't that bad
24 enough? Why do I have to go in detail? Do you really
25 expect that?

TESTIMONY OF Child 1

1 Q. See, I'm not the one who wrote this, you're the one who
2 wrote it.

3 A. You're the one analyzing it.

4 Q. No. I'm just wanting to get it clear. And I'm going
5 to move on, because, in fact, I don't understand it. "I
6 basically told her everything he did to me, then Donna
7 died." Is that what you wrote?

8 A. Yes.

9 Q. But you're saying today the only thing you told your
10 mother is that Minor 2 said he touched her on the butt which
11 is not even on there.

12 A. I said that I told her something Minor 2 told me right
13 before that. Can I hold it?

14 Q. Sure.

15 A. "I told my mom Minor 2 told me he touched her, I
16 basically told her everything he did to me." I was using
17 that to tell my mom just to see what she would say acting
18 like it was Minor 2 in my position, acting like it wasn't me.

19 Q. And basically telling her everything he did to me means
20 that you had to be telling her what he was doing to you.
21 There's no other interpretation.

22 A. I figured touched on means that.

23 Q. Pardon?

24 A. I didn't know I had to say digitally fingering.

25 Q. Okay. We're going to move on. But you did say, "I

TESTIMONY OF Child 1

1 basically told her everything he did to me."

2 MS. MINGO: Objection, Your Honor. This has been asked
3 and answered several times.

4 THE COURT: Overruled, go ahead.

5 Q. You can explain it any time you want to now, I'm asking
6 you what you wrote on September 16th of 2008 and did I read
7 it correct, "I basically told her everything he did to me,
8 then Donna died."

9 A. I read it correctly, you added the last time.

10 Q. Well, just read it again.

11 A. Okay.

12 Q. "I told my mom Minor 2 told me he touched on her. I
13 basically told her everything he did to me, then Donna
14 died."

15 A. Yes.

16 Q. So an interpretation could be of this that you told
17 your mother everything you're telling the jury today, you
18 would agree with that.

19 A. I agree.

20 Q. Now, you were also interviewed by Shanay Moore from
21 DSS, she came to the school and talked to you?

22 A. I don't remember it but I don't deny it happened.

23 Q. And I'm going to ask you a couple of questions about
24 that. Okay. This was on September 16th as well. Okay.

25 Did you tell Mrs. Moore that Mr. Williams touched you on the

TESTIMONY OF Child 1

1 vagina at least -- touched you on the vagina at least five
2 times from the age of eight or nine?

3 A. Yes, sir.

4 Q. On the vagina; is that correct?

5 A. Yes, sir.

6 Q. And that it took place in the computer room, is that
7 what you told her?

8 A. Yes, sir.

9 Q. Did you tell her that he went down your pants in the
10 pool? And I'll show you because you now are saying you were
11 wearing a bikini, but let me show you and see if you agree
12 that this is what you told Ms. Moore. Do you agree that is
13 what you told Ms. Moore, that he went down the pants in the
14 pool?

15 A. I agree.

16 Q. And do you wear pants in the pool?

17 A. No, sir.

18 Q. That's what you told her.

19 A. Well, it was a guess.

20 Q. A guess?

21 A. I don't remember exactly what I was wearing, I remember
22 him going down my pants.

23 Q. Well, remember, Child 1 this is not today, this is
24 September 16th of 2008. Okay? You never told Shanay Moore
25 that he inserted his hand in your vagina; isn't that true?

TESTIMONY OF Child 1

- 1 A. No, sir.
- 2 Q. You did tell her, or you said you told her that -- you
3 disclosed you spent the night in the Williams home and that
4 you, Mr. Williams and Minor 2 his grandmother, slept in the
5 same bed.
- 6 A. Yes, sir.
- 7 Q. Did you tell her that Minor 2 slept in the back of the
8 bed and you slept in the front of the bed?
- 9 A. No, sir.
- 10 Q. That's a little bit different than what you put in your
11 written statement.
- 12 A. It means the same thing.
- 13 Q. It does to you?
- 14 A. Yeah, to me it does.
- 15 Q. You said that Mr. Williams thought you were asleep and
16 rubbed your vagina sticking the tip of his finger inside of
17 you.
- 18 A. Yes, sir.
- 19 Q. For at least an hour.
- 20 A. Yes, sir.
- 21 Q. Do you agree that that's what you said?
- 22 A. Yes, sir.
- 23 Q. So you're telling the jury that you laid in bed and
24 Mr. Williams had his finger in your vagina with his
25 granddaughter in the bed with you and he had his finger in

TESTIMONY OF Child 1

1 your vagina for over an hour; is that correct?

2 A. If that's what I wrote that's correct. I don't know
3 how long it was. I know that happened but I don't know how
4 long it was.

5 Q. Well, I didn't write it. Did you say that he had his
6 finger inside of you for at least an hour?

7 A. Yes.

8 Q. And that was back in September of '08 when you made
9 that statement, correct?

10 A. Yes, sir.

11 Q. Child 1 in the statement, a handwritten statement you
12 never mentioned digital penetration, number one; number two,
13 in this statement that you made for -- in a face to face
14 statement with Child 1 and -- I'm sorry, Shanay Moore, you
15 said he did it one time in the bedroom and he kept it in
16 there for over an hour. Do you agree that that's all you
17 ever told anybody back in September of 2006 -- 8?

18 A. It doesn't say I said one time?

19 Q. You look and you see if you can find any other
20 reference in doing that -- that he did that or was it just
21 the reference in him being in the bedroom?

22 A. No, sir.

23 Q. Where is the other time?

24 A. There is no other time.

25 Q. That's what I'm saying.

TESTIMONY OF Child 1

1 A. Okay.

2 Q. Isn't that true?

3 A. Can you repeat the whole entire question?

4 Q. In the handwritten statement you never mentioned
5 digital penetration, correct? We've already been through
6 this.

7 A. Yes.

8 Q. In the statement that you made, the verbal statement to
9 Shanay Moore you only described one incident in the bedroom
10 where he had his hand in you for one hour; isn't that true?

11 A. Yes.

12 Q. Your sister when she told you what happened never
13 mentioned to you anything about digital penetration either;
14 isn't that true?

15 A. I don't remember.

16 Q. You didn't put it in any of the statements.

17 A. I guess it's true then.

18 MR. SWERLING: Judge, that's all I have. Thank you.

19 THE COURT: Any redirect, Solicitor?

20 MS. SUTTON: Briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. MINGO:

23 Q. Child 1 Mr. Swerling asked you at length about a
24 statement you gave in September of 2008.

25 A. Uh-huh.

TESTIMONY OF SIERRA LINTON

1 Q. Let me ask you this, I believe Mr. Swerling asked you,
2 it wasn't a question and answer format, is that right? Did
3 you just give a summary?

4 A. Yes, ma'am.

5 Q. September of 2008, I can't remember if you stated this
6 or not, how old would you have been in September of 2008?

7 A. Thirteen.

8 Q. Let me ask you about something else. You indicated
9 that you periodically would visit the Williams household
10 even after you were no longer being babysat by Ms. Williams?

11 A. Yes, ma'am.

12 Q. Those times that you went back, were you going alone or
13 were you going with your mother?

14 A. Going with my mom.

15 Q. The exception would be the night that you spent the
16 night.

17 A. Yeah.

18 Q. Let me clarify something on the same -- your
19 handwritten statement. You indicated that you told your mom
20 he touched **Minor 2** is that right?

21 A. Yes, ma'am.

22 Q. And you indicated you told your mom, was it basically
23 everything?

24 A. Yes, ma'am.

25 Q. Everything that happened -- just so we're clear,

TESTIMONY OF Child 1

1 everything that happened to you?

2 A. Yes, ma'am.

3 Q. With the substitution of Brandy's name; is that right?

4 A. Yes, ma'am.

5 Q. And do you remember speaking with Shanay Moore from DSS
6 that -- giving a verbal statement to her? I believe she
7 came to your school.

8 A. I think I do a little bit.

9 Q. Did you talk to her about Mr. Williams touching you on
10 your private part, touching you in your vaginal area?

11 A. Yes, ma'am.

12 Q. Were you asked to specify whether inside or outside?

13 A. I don't remember.

14 Q. But you gave it to her the best you could remember.

15 MR. SWERLING: Objection, Your Honor, that's leading.

16 THE COURT: Sustained.

17 Q. The other children that Ms. Williams babysat at the
18 time, do you remember what their ages were?

19 A. No, ma'am, not exactly. I know they were younger.

20 Q. They were younger. Were they little kids, toddlers or
21 middle schoolers or high schoolers? How would you
22 characterize them?

23 A. I guess pretty much toddlers or elementary school.

24 Q. Were you the oldest child there?

25 A. I think so, yes.

TESTIMONY OF Child 1

1 Q. Were you and your sister, Child 2 around each other
2 every minute all of the time while you are being babysat by
3 Ms. Williams?

4 A. No.

5 Q. Did you have your own friends there?

6 A. Not really.

7 Q. Okay. But nevertheless you weren't always in the
8 company of children.

9 A. No, ma'am.

10 MS. SUTTON: Thank you.

11 MR. SWERLING: Just briefly.

12 RECROSS EXAMINATION

13 BY MR. SWERLING:

14 Q. I just want to clarify something that the solicitor
15 brought up. In the handwritten statement you made, why
16 didn't you tell DSS what you told your mom was about Minor 2
17 and not you? Why didn't tell them you were using Minor 2
18 instead of your name when you're talking to your mom?

19 A. I guess that was --

20 Q. Whoever asked you to write this, you said you explained
21 it to your mom because you wanted her to think it was
22 Minor 2 correct?

23 A. Not --

24 Q. You were testing.

25 A. I was testing what she would do, yeah.

TESTIMONY OF Child 1

1 Q. What her reaction would be about Minor 2 being touched,
2 correct?

3 A. Yes, sir.

4 Q. Why didn't you tell that to DSS?

5 A. Why didn't I?

6 Q. Why didn't you? Because in your statement to DSS you
7 don't tell them that you told your mother about what was
8 happening to you but using Brandy's name, why didn't you
9 tell that to DSS four years ago?

10 A. I wasn't looking at it the way, I knew it.

11 Q. Okay. But you knew it that way, but don't you think
12 DSS or whoever was taking your statement or was going to use
13 the statement wanted to know what you told your mother?

14 A. I didn't think that.

15 Q. So you lied to them, too.

16 A. I didn't lie to them.

17 Q. Well, you didn't tell them that you are now saying --
18 what you're saying now is that it really wasn't Minor 2 --
19 let me ask you something, you know Minor 2 doesn't agree with
20 you here, don't you?

21 A. Okay.

22 Q. Minor 2 never told you that and you know that.

23 A. Okay.

24 Q. And you've found that out since you made this statement
25 that Minor 2 just says you never told her a thing.

TESTIMONY OF Child 1

1 A. No.

2 Q. Nobody has ever told you that?

3 A. No, they haven't.

4 Q. So on that day your opportunity to -- except what you
5 said you told your mother because you were testing her to
6 see what her reaction was and you used Brandy's name, but
7 that doesn't explain why you would have told DSS that it was
8 Minor 2 that told you that.

9 A. I didn't say it was. I told my mom it was Minor 2
10 there's a difference.

11 Q. I know. Why don't you explain to them what you are
12 telling the jury now?

13 A. I didn't think about it from other people reading it, I
14 just knew.

15 Q. You also know it didn't make any sense looking back on
16 it now, correct?

17 A. No, that's not correct.

18 Q. But one thing that's there that cannot be explained I
19 submit to you is, "I basically told her everything that he
20 did to me." You don't use Brandy's name there?

21 A. Minor 2 is the prior sentence to that.

22 Q. Minor 2 is the prior sentence about being touched.

23 A. I basically told her the being touched part. I'm
24 pretty sure there's not a period there.

25 Q. Well, Minor 2 told me that he touched on her. I

TESTIMONY OF Child 1

1 basically told her everything he did to me," Then dots.

2 A. And basically I did tell them it was a lie, I wasn't
3 thinking. I knew it was a lie, you can ask Kelly, I even
4 told her about it.

5 Q. So your mother knew everything based on this. Based on
6 this statement your mother knew everything.

7 A. I said basically, so no, she didn't. Based on that the
8 word basically to me meant that I told her not exactly. I
9 didn't tell her the digital whatever you call that, I didn't
10 tell her like that.

11 Q. What did you tell her?

12 A. I just told her that he touched on Minor 2

13 Q. That's all you told her.

14 A. Yeah. And basically that's what he did.

15 Q. I basically told her everything he did to me is the
16 same as just touching?

17 A. I'm sorry, I used the word basically incorrectly.

18 MR. SWERLING: That's all, Your Honor.

19 THE COURT: All right. Thank you, ma'am, you may step
20 down.

21 The witness, JEFFREY ROWLES, was first duly
22 sworn and testified as follows, on:

23 DIRECT EXAMINATION

24 THE CLERK: State your name for the record.

25 THE WITNESS: Jeffrey Rowles.

TESTIMONY OF JEFFREY ROWLES

- 1 BY MS. MINGO:
- 2 Q. Where do you live, Mr. Rowles?
- 3 A. Lancaster, South Carolina.
- 4 Q. Are you married?
- 5 A. No, ma'am.
- 6 Q. Do you have any children?
- 7 A. Yes, I do.
- 8 Q. How many children do you have?
- 9 A. I have five children.
- 10 Q. Is Child 2 your daughter?
- 11 A. Yes, ma'am.
- 12 Q. Were you at some point married to her mother, Susan
- 13 Rowles?
- 14 A. Yes, I was.
- 15 Q. How long have you been divorced approximately?
- 16 A. About seven years.
- 17 Q. Child 1 are you related to her in any way?
- 18 A. Not anymore. She was my stepdaughter.
- 19 Q. Do you work anywhere?
- 20 A. Yes, I do.
- 21 Q. Where do you work?
- 22 A. I'm employed by P and G, Proctor and Gamble.
- 23 Q. Where are you from originally?
- 24 A. Pennsylvania.
- 25 Q. How long have you been in South Carolina?

TESTIMONY OF JEFFREY ROWLES

1 A. South Carolina since 1999.

2 Q. Since your move to South Carolina, did you have an
3 occasion to meet Michael and Dorothy Williams?

4 A. Yes, I did.

5 Q. How did you come to know them?

6 A. Well, my ex-wife, Susan, had been looking for a daycare
7 for the children because she was going to start working
8 again and she's the one that found the daycare, and then
9 that was how I met them.

10 Q. Were you particularly close to them?

11 A. No, I wasn't.

12 Q. How often would you see them?

13 A. I would pick the children up every week, at least once
14 a week.

15 Q. At the time the children were going to the Williams'
16 household, were you divorced at that point?

17 A. No. In the beginning, no, we were like a year or so --
18 we were still married.

19 Q. And how often did you pick the children up from the
20 residence?

21 A. Anywhere from one to maybe three or four times a week
22 depending on if I was on -- what days I worked, what days I
23 didn't according to my schedule.

24 Q. Did you pick up **Child 2** Nate and **Child 1** or just the
25 younger two?

TESTIMONY OF JEFFREY ROWLES

1 A. No. I never picked up Child 1 that just never
2 occurred, just Child 2 and Nate.

3 Q. Did you go to the Fairfield County Sheriff's office to
4 file a report back on September 15, 2008?

5 A. Yes, ma'am.

6 Q. What was that in reference to?

7 A. Well, when I was informed that my daughter --

8 MR. SWERLING: Keep it to time and place, Your Honor.

9 MS. MINGO: Your Honor, I'm not asking it for its
10 truth, just why did he go to the sheriff's office.

11 MR. SWERLING: That's fine but it has to be limited to
12 time and place.

13 THE COURT: I agree. Go ahead and ask the question.

14 Q. You filed a report September 15th of 2008?

15 A. 15th or 16th, it was a Monday.

16 Q. Don't tell me what anyone said, but why did you go to
17 the sheriff's office?

18 A. Because I was told that my --

19 MR. SWERLING: Objection.

20 MS. MINGO: I'll find a way to rephrase it, Your Honor.

21 THE COURT: I think so.

22 Q. All right. Do you remember what day of the week it was
23 that you filed this report?

24 A. Monday.

25 Q. Did you have a conversation with someone that led to

TESTIMONY OF JEFFREY ROWLES

1 you filing a report?

2 A. I received a phone call from my ex-wife, Susan.

3 Q. Based upon that conversation, don't tell me what the
4 conversation was, did you do anything as a result of having
5 a conversation with Susan?

6 A. Yes, I had a discussion with Child 2

7 Q. Now, you indicated you filed the report on
8 September 14th which was a Monday, when did you have a
9 conversation with Child 2

10 A. The prior Friday and Saturday.

11 Q. When you received this information from Child 2 was she
12 still currently going to the Williams household?

13 A. She was until I received a phone call from Susan, which
14 was Wednesday of that same week, it was Wednesday night I
15 received the phone call from her.

16 Q. So was the timeline Wednesday you hear something from
17 Susan, Friday you have a conversation with your daughter
18 Child 2 is that correct, as best as you can remember?

19 A. Yes.

20 Q. And when you had your conversation with Child 2 on that
21 Friday did she describe incidents to you?

22 A. Yes.

23 Q. Did she indicate where they occurred?

24 A. Yes.

25 Q. Where did she say it occurred?

TESTIMONY OF JEFFREY ROWLES

1 A. At the Williams residence or daycare.

2 Q. And did she say specifically where in the Williams
3 household?

4 A. Yes. In the computer room, computer chair, bedroom,
5 bed, nap place, wherever.

6 Q. Between the day that -- well, what was your reaction to
7 that?

8 MR. SWERLING: Your Honor, what he did is the question,
9 not what his reaction was.

10 THE COURT: Sustained.

11 Q. Did you do anything immediately in response to that,
12 receiving that information from Child 2

13 A. As far as contacting of law enforcement or anything
14 like that that night, no. I actually intentionally didn't
15 want to go into like everything for hours and hours on
16 Friday night, I intentionally took two nights to do that to
17 talk to her about that Friday and Saturday night.

18 Q. Between that Friday and the Monday, three days later
19 that you went to the sheriff's office, did the children go
20 to the Williams household at all?

21 A. No. I was -- can I elaborate?

22 Q. Sure.

23 A. I was there personally to meet the bus on Thursday and
24 Friday and get them directly off of the bus. They never
25 entered the Williams household Thursday or Friday.

TESTIMONY OF JEFFREY ROWLES

1 Q. So you have your conversation with Susan on Wednesday,
2 Thursday and Friday you get the children off the bus at the
3 Williams household?

4 A. On Park Avenue or Park Drive, whatever it is, yes. I
5 never went to their household, I was out on the street
6 waiting for the bus.

7 Q. So as far as you know they never reentered the home
8 after --

9 A. No, not to my knowledge. I wouldn't have allowed that.

10 Q. Did you at any time contact Mr. Williams about what you
11 had heard?

12 A. No, ma'am.

13 MS. MINGO: Beg the Court's indulgence.

14 (Break in proceedings.)

15 Q. A few more questions. Do you know if your daughter,
16 Child 2 -- I don't know why I keep saying Child 2 -- kept a
17 journal?

18 A. Do I know why?

19 Q. Do you know if she kept one?

20 A. She was instructed or told by her counselor that they
21 started going to try to keep -- to start some type of a
22 journal, yes.

23 Q. Do you know if she did that?

24 A. She had a journal, yes, that she took with her maybe
25 one or two visits to that counselor, yes.

TESTIMONY OF JEFFREY ROWLES

1 Q. Did you ever physically see the journal?

2 A. Yes.

3 Q. Do you know where the journal is now?

4 A. Yeah, at home in my dresser drawer.

5 Q. Okay. Did you ever read the journal?

6 A. Yes, I did.

7 Q. Did you do anything with the journal?

8 A. Yeah. I brought the journal out a few days ago, I
9 don't remember doing it, the few pages that she wrote were
10 missing, I don't remember what I did with them or what
11 happened to them. But I personally have control of that
12 book so it had nothing to do with anybody but me.

13 Q. Is there a reason you did something?

14 A. Yes. Because I made the decision as her father and as
15 her parent that it was not to her benefit to keep that diary
16 because of the things that were written in it. They were
17 negative type things. I made a judgment call as a parent
18 that it was not to her benefit to do that. I wanted it --
19 and I stated it to her, her mother and when she told the
20 counselor in no uncertain terms that I did not want the book
21 to be continued and I made that decision as her father and I
22 do not regret it.

23 Q. I understand.

24 MS. MINGO: Thank you. Answer anything Mr. Swerling
25 may have.

TESTIMONY OF JEFFREY ROWLES

1 THE COURT: Cross examination, Mr. Swerling.

2 CROSS EXAMINATION

3 BY MR. SWERLING:

4 Q. Mr. Rowles, just a couple of questions to follow-up.

5 You said you got the call on a Wednesday?

6 A. Yes, sir.

7 Q. From your wife?

8 A. Ex-wife.

9 Q. And so on Thursday and Friday you picked the children
10 up.

11 A. Yes, I did.

12 Q. But took no further action on Thursday or Friday.

13 A. No, I didn't.

14 Q. And what was -- do you remember what date it was? Was
15 that the 7th or the 8th of September?

16 A. Thursday was the 12th and Friday the 13th.

17 Q. And so you waited until the 15th, I think, to go ahead
18 and make the report; is that right?

19 A. Yes, I did.

20 Q. You never called the Williams, right?

21 A. No, sir.

22 Q. But you did -- you said you picked up the children
23 yourself.

24 A. Yes, I did.

25 Q. And nobody ever questioned where were the kids dropped

TESTIMONY OF JEFFREY ROWLES

1 off those two days?

2 A. Well, on Park Avenue or Park Street, wherever that is
3 on the street, I picked them up directly off the bus.

4 Q. No. I'm not asking you about being picked up, I'm
5 talking about they went to the Williams in the morning on
6 both days.

7 A. Right. Susan -- that was arrangements that she made
8 with whoever, I don't know, I didn't -- I live in Lancaster,
9 she lived in Great Falls, the children went to school in
10 Great Falls, exactly what the arrangements were on a daily
11 basis I don't know.

12 Q. Well, you know that she would take the kids in the
13 morning and drop them off you, do know that?

14 A. Susan did.

15 Q. Right.

16 A. Yeah.

17 Q. And so the report is made to you on Wednesday but yet
18 she drops the kids off on Thursday and Friday and you just
19 picked them up, correct?

20 A. Right.

21 Q. Let me ask you about this journal. You're aware that I
22 subpoenaed the journal, are you not?

23 A. No, I wasn't aware.

24 Q. Nobody told you that?

25 A. I didn't know that the journal was subpoenaed.

TESTIMONY OF JEFFREY ROWLES

1 Q. Did you speak with -- which journal was it that you
2 were talking about, Child 2 or Sierra's.

3 A. Aubrey's. I have no knowledge of anything with
4 Sierra's.

5 Q. So you don't know what happened with Sierra's.

6 A. No, I don't.

7 Q. But the only pages that she wrote in connection with
8 this case were pages that are now missing from that journal.

9 A. Yes.

10 Q. You know that she was told by the people involved in
11 the case that it was important for her to keep a journal,
12 you're aware of what the instructions were.

13 A. The exact wording of the instructions, no, I wasn't.
14 And that it was important? No, I don't even remember the
15 word important being used. We were told -- I was told by
16 Child 2 is the only way that I even know this because she was
17 the one that was going to the counselor, that they were
18 going to keep, or try to keep a journal or start a journal,
19 that is how I was told about it.

20 Q. And they would take the journal to the counselor.

21 A. Yes.

22 Q. And go over what they wrote in the journal with the
23 counselor.

24 A. I can't even answer that question whether they did or
25 didn't. I never ever went to any of their appointments with.

TESTIMONY OF JEFFREY ROWLES

1 that counselor with them.

2 Q. You didn't go to any?

3 A. No.

4 Q. You didn't go to the ARC interview.

5 A. No, I didn't.

6 Q. You didn't go to any of the interviews that anybody
7 had.

8 A. No, I didn't. Her mother took care of that.

9 Q. And they were living with their mother; is that
10 correct?

11 A. Yes, sir.

12 Q. And that was where? In Great Falls?

13 A. In Great Falls.

14 Q. How did you get the journal?

15 A. Apparently she brought it to my house on one of the
16 times that I had the children. And obviously that would
17 have been the only way for it to get there, she would have
18 had to have brought it with her.

19 Q. And did she give you permission to read the journal or
20 did you just read it yourself?

21 A. No. She handed it to me and said, "Daddy, here is what
22 they want us to do," or what they're trying to get us to
23 start doing or whatever to the best of my --

24 Q. I understand what you just -- I know the reasons you
25 gave the solicitor. But people who are a lot more

TESTIMONY OF JEFFREY ROWLES

- 1 knowledgeable than you in this kind of situation were
2 telling her to go ahead and memorialize these things in --
3 writing in a journal so that journal would be available
4 later to review, correct?
- 5 A. That's your statement, not mine.
- 6 Q. Well, you know --
- 7 A. I have a different opinion on that journal than you do
8 apparently.
- 9 Q. I don't have any opinion.
- 10 A. Okay. Well, that's not my opinion.
- 11 Q. I just know it's just missing.
- 12 A. About two or three pages that she had written
13 sporadically, yeah, they are missing.
- 14 Q. The rest of the journal is there but not those pages.
- 15 A. The first few pages, yes.
- 16 Q. What I said is -- you said my assessment, it's not my
17 assessment, these people who she was going to told her to
18 keep the journal, not me.
- 19 A. Okay. Fine.
- 20 Q. Is that right?
- 21 A. I hear you. I don't know. Like I said, all I know is
22 she brought the journal home and just made the statement
23 that they were going to start to try to keep this journal.
24 What they were supposed to write in it, what it was supposed
25 to do to help that, none of that was ever stated to me so I

TESTIMONY OF JEFFREY ROWLES

1 don't even know what other than to start to keep a journal.

2 Q. And do you know that she was taking it to the
3 counselor? Did you testify to that?

4 A. Yes.

5 Q. So obviously the counselor was asking her to keep the
6 journal.

7 A. Okay. Yeah, I can agree with that.

8 Q. And you went ahead and made the decision on your own to
9 go ahead and just remove those pages despite what the
10 counselor said.

11 A. Yes, sir, I did.

12 Q. Correct?

13 A. Yes, I did.

14 Q. So no one really knows what was written in those
15 journal pages except you, correct?

16 A. That would have to be a correct statement, yes.

17 Q. And I was trying to understand at the beginning of your
18 testimony what you said that you don't remember what
19 happened to it, the paper, the pages or --

20 A. My statement was, okay, I knew where the book was in my
21 nightstand and it has been there since the day that I put it
22 there whenever this all occurred. I don't recall tearing
23 the pages out of the book, apparently I did because nobody
24 else had access to the book. I don't recall tearing them
25 out. I went to look at the book a few days ago because

TESTIMONY OF JEFFREY ROWLES

1 Child 2 did mention it to me, I got the book out with her
2 standing there, I opened it up, the pages that she had
3 written on were gone. Apparently I had then and still have
4 a problem with the fact that I felt that it was not to the
5 benefit of my then eight or nine year old daughter, and it
6 was a parental decision. Like I said, I don't regret it and
7 wouldn't take it back if I had the chance.

8 Q. My understanding is you don't remember doing it.

9 A. Tearing pages out? No, I don't. Because it was
10 probably four years ago now and tearing those few pages out,
11 I don't remember.

12 Q. So Child 2 could have done it or somebody else could
13 have done it.

14 A. No. I live by myself, nobody was in my bedroom and it
15 was put away.

16 Q. But your daughter comes to your house.

17 A. Yeah. But she doesn't go through my dresser drawers
18 and my personal belongings.

19 Q. Well, let me ask you something, did she ever ask about
20 the journal again?

21 A. No. Because when I told her I didn't approve of it and
22 didn't want it to continue she never questioned it again.
23 She knew that I meant what I said.

24 Q. Just for my information and the jury's information,
25 when did we discover that those pages were missing?

TESTIMONY OF GREG BONY

1 A. Just about three days ago when Child 2 mentioned that
2 she wanted the book or was supposed to bring it, something
3 to that affect, so I went to the book to get it and that's
4 when I realized that the pages were gone.

5 MR. SWERLING: Thank you.

6 MS. MINGO: Nothing else, Your Honor.

7 THE COURT: Thank you, sir, you may step down. You may
8 call your next witness.

9 MS. SUTTON: Judge, we call Investigator Greg Bony to
10 the stand.

11 The witness, GREG BONY was first duly sworn
12 and testified as follows, on:

13 DIRECT EXAMINATION

14 THE CLERK: State your name for the record.

15 THE WITNESS: Greg Bony.

16 BY MS. SUTTON:

17 Q. Investigator -- Mr. Bony, are you currently working
18 now?

19 A. No, I'm not.

20 Q. Where did you used to work?

21 A. I was employed by the Fairfield County Sheriff's
22 Office.

23 Q. How long did you work at the Fairfield County Sheriff's
24 Office?

25 A. Right at 16 years, I believe.

TESTIMONY OF GREG BONY

1 Q. When was the last time you worked at the Fairfield
2 County Sheriff's Office?

3 A. Actually physically worked was January of 2009.

4 Q. So after January of 2009 you never physically worked at
5 the Fairfield Sheriff's Office?

6 A. No. I officially retired in June of that year.

7 Q. So between January of 2009 and June of 2009 physically
8 where were you?

9 A. I was unable to work due to an injury.

10 Q. While you were working at the sheriff's department what
11 capacity did you work there?

12 A. At the time I retired?

13 Q. Yes, sir.

14 A. At the time I retired I was lieutenant in charge of
15 criminal investigation.

16 Q. So in 2008 you were also in that capacity, correct, a
17 lieutenant in charge of investigations?

18 A. Yes, I was.

19 Q. In 2008 did you conduct an investigation concerning
20 Mike Williams?

21 A. Yes, I did.

22 Q. Let me back up. Do you know where Dorothy and Mike
23 Williams resided, or at least where they resided in 2008?

24 A. Yes, I do. It was 46 Park Drive I believe in Great
25 Falls which is in Fairfield County, a section of Fairfield.

TESTIMONY OF GREG BONY

1 Q. And for what reason -- generally what reason were you
2 investigating Mike Williams?

3 A. It was alleged that he had --

4 MR. SWERLING: Objection, Your Honor, that would be
5 hearsay.

6 Q. What type of investigation.

7 THE COURT: Sustained.

8 A. A child sexual assault.

9 Q. What did you do during the course of your investigation
10 for that type of incident?

11 A. Contacted DSS so they could do a joint investigation at
12 the same time since it involved a home based daycare which
13 is DSS's jurisdiction over. So I contacted DSS, the reports
14 corresponding with the sheriff's office on the 15th and
15 16th, myself along with DSS worker Shanay Moore went to the
16 Williams residence. She informed Ms. Williams of the
17 allegations, I briefly spoke with Mr. Williams at that time.
18 We interviewed -- went to the Great Falls Middle School, I
19 believe it was, and interviewed Child 1. Actually Ms. Moore
20 did the interview with Child 1 and obtained a written
21 statement from her at that time.

22 Q. So let me clarify this, you never did an official
23 interview of Child 1

24 A. No, not at that time. I planned to do another
25 interview but I left work before it was ever done.

TESTIMONY OF GREG BONY

1 Q. Is it common practice during this type of investigation
2 to interview a child victim? Is it normal practice to talk
3 to a child concerning things that happened?

4 A. It depends on their age, if they were able to
5 articulate certain matters. Like in Sierra's case she was
6 13 years old --

7 MR. SWERLING: Objection, Your Honor. Can we approach
8 a side bar?

9 (A break was taken.)

10 THE COURT: Let's bring the jury in.

11 (The jury returned to the courtroom.)

12 THE COURT: I believe we are ready to resume the
13 examination of the witness. Solicitor?

14 BY MS. SUTTON:

15 Q. Mr. Bony, I was asking you concerning things that are
16 normally involved in these types of cases in sexual
17 assaults. In this case you were dealing with two victims,
18 Child 2 and Child 1 correct?

19 A. Correct.

20 Q. And you never really did any type of interviewing
21 Child 2 correct?

22 A. No, I did not.

23 Q. And where was she interviewed?

24 A. The Assessment Resource Center in Columbia.

25 Q. And was that your recommendation that she go down there

TESTIMONY OF GREG BONY

1 to be --

2 A. Yes, it was.

3 Q. In terms of Aubrey's sister, Child 1 did she go to the
4 ARC as well?

5 A. No, she did not.

6 Q. And was that your decision to not have her to go to the
7 ARC?

8 A. At that time, yes, it was.

9 Q. She did give a statement to the DSS worker in your
10 presence, correct?

11 A. In my presence, no.

12 Q. Were you with Mrs. Moore when she went to the school
13 and you didn't do any follow-up?

14 A. No, I did not.

15 Q. Was it your intention to do the follow-up statement?

16 A. Yes, it was.

17 Q. About the time that incident was reported it was
18 September 15th of 2008 and September 16th of 2008?

19 A. Yes.

20 Q. And by your earlier testimony you stated that in
21 January of 2009 I guess two or three months later you went
22 out I guess on medical leave disability.

23 A. Correct.

24 Q. To your knowledge no one else from the sheriff's
25 department did any type of statement with Child 1 right?

TESTIMONY OF GREG BONY

1 A. Not to my knowledge.

2 Q. Do you know to your knowledge who if anybody else from
3 the sheriff's department would have handled this case once
4 you went out in June of 2009?

5 A. I'm not sure.

6 Q. But from January until June I guess you were
7 unofficially there but not really there.

8 A. Right, I was on leave.

9 MS. SUTTON: No further questions.

10 MR. SWERLING: I just have a couple.

11 CROSS EXAMINATION

12 BY MR. SWERLING:

13 Q. We've known each other a long time, right? Let me just
14 ask a couple of questions. I think the solicitor brought
15 out the fact that normally there would be somebody taking a
16 statement from them, a real statement, correct?

17 A. Yes, sir.

18 Q. Either you do the ARC interview which is question and
19 answer or you take a statement from somebody.

20 A. That's correct.

21 Q. And no one in the sheriff's department to your
22 knowledge ever sat down and -- she spoke with Ms. Moore,
23 spoke with you and did some sort of handwritten statement
24 but that's not what we are talking about as far as law
25 enforcement?

TESTIMONY OF GREG BONY

1 A. No. I was reading her statement and everything, I had
2 questions I wanted to ask her, I wanted to read her but it
3 never did happen.

4 Q. And that's normal, right?

5 A. Yes.

6 Q. And nobody from the sheriff's department ever picked up
7 on it as far as you know.

8 A. As far as I know, no.

9 Q. Let me ask you, you did write some type of report, I
10 guess, in the first couple of days; is that right?

11 A. Yes, sir.

12 Q. Do you recognize that?

13 A. What I understood the case to be about and certain
14 people accepted it, correct.

15 Q. And basically its what you understood the case to be
16 about and what certain people involved in the case were
17 saying.

18 A. Yes, sir.

19 Q. And I can show you this, but do you recall making a
20 recording that Child 1 was interviewed at the Great
21 Falls Middle School, and you said you did go there, right?

22 A. Yes, sir, I did.

23 Q. Do you have that report right in front of you?

24 A. I do.

25 Q. If not I've got it.

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1 A. Yes, sir.

2 Q. In the middle of the page and the middle of that
3 paragraph about Child 1 the only thing that she
4 disclosed to law enforcement at all was that one time while
5 sleeping over at the Williams house, Mr. Williams inserted
6 his finger in her vagina. That was the only disclosure that
7 was made by her at all, isn't that true, as far as you know?

8 A. Would you repeat that, please?

9 Q. That as far as you know the only disclosure she had
10 made about penetration was one time in the bedroom when she
11 was sleeping --

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

13 Q. -- with Minor 2

14 A. One time.

15 Q. One time. And that's the only time you're aware of any
16 disclosure that she has ever made.

17 A. Yes, sir.

18 MR. SWERLING: Thank you.

19 MS. SUTTON: Brief question concerning that.

20 REDIRECT EXAMINATION

21 BY MS. SUTTON:

22 Q. Just for clarity sake, in reference to your synopsis
23 Mr. Swerling was asking you concerning disclosures that
24 Child 1 made. You indicated she disclosed one time
25 concerning penetration in the bedroom, I think that's the

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1 question he asked.

2 A. At the time I wrote the report, yes.

3 Q. In your report, though, do you reference there that
4 whether or not she said there were other instances where
5 there was some type of inappropriate touching?

6 A. Yes, on several occasions.

7 Q. And you placed that in the copy of your case synopsis;
8 is that correct?

9 A. Yes, I did.

10 MR. SWERLING: Just follow-up on that.

11 RECROSS EXAMINATION

12 BY MR. SWERLING:

13 Q. Well, that he touched her but it was only one
14 disclosure of any digital penetration.

15 A. Yes, sir.

16 Q. Let me ask you something, did you ever go talk to
17 Minor 2 the granddaughter?

18 A. No.

19 Q. And you were aware -- you know her father, right?

20 A. Yes, sir.

21 Q. Brent, he's a deputy in Lancaster.

22 A. Yes, sir.

23 Q. And they offered to have you talk to Minor 2 about what
24 Child 1 had said, correct?

25 A. I don't remember that. I do remember talking to them

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1 and letting them know if anything came up that I needed.

2 Q. Well, what I'm saying is nobody ever followed up to go
3 talk to **Minor 2** about what **Child 1** said happened.

4 A. Not to my knowledge, no.

5 Q. And there was no -- she was available?

6 A. Yes, sir.

7 MR. SWERLING: Thank you.

8 THE COURT: Thank you, sir, you may step down. Ladies
9 and gentlemen, we're going to call it a wrap for the day.
10 Of course, there are more witnesses that are expected to
11 testify. I actually have not talked to the attorneys about
12 how much longer the case is expected to last but I feel sure
13 at least through tomorrow if not the next day. In other
14 words, we won't be finished tomorrow unless I'm badly
15 mistaken. I'm getting ready to let you know you need to be
16 back at 9:30 in the morning. What I want you to do when you
17 come back in the morning, first thing I would like for you
18 to try to do is see if the 12 of you can select a foreperson
19 to serve as spokesperson for the jury or foreperson to
20 represent the jury. It can be any of the one of you, it
21 can't be our alternates, at least not yet. Anybody going to
22 have a problem with 9:30 in the morning? Remind you, don't
23 let anybody talk to you about the case, you don't talk to
24 anybody about the case. See you back at 9:30 in the
25 morning, ladies and gentlemen.

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1 (The jury left the courtroom.)

2 THE COURT: It is my understandings that y'all are
3 going to work on the tape. Court is in recess until 9:30 in
4 the morning.

5 (Court adjourned for the evening and resumed at
6 9:30 a.m., on July 11, 2012.)

7 THE COURT: Let me ask this: Have both attorneys had
8 an opportunity, first of all, to review the videotape
9 interview of the child that we have been discussing, most of
10 which has been discussed in chambers? Have y'all had an
11 opportunity to review it?

12 MS. SUTTON: The State, has, yes, sir, we have, Your
13 Honor.

14 THE COURT: And the defense has?

15 MR. SWERLING: Yes, sir.

16 THE COURT: There was some issue about redacting part
17 of it or ending part of it soon, has that been accomplished?

18 MS. SUTTON: Yes, sir, Your Honor.

19 THE COURT: It's my understanding that the State wishes
20 to in a few minutes or later on this morning offer the tape
21 into evidence; is that correct, Solicitor?

22 MS. SUTTON: That is correct, Your Honor.

23 THE COURT: I still think we probably should have the
24 individual who is going to testify about this give us some
25 testimony in-camera about the procedure that was used. Is

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1 that person available?

2 MS. SUTTON: Actually that's something that I just
3 instructed Mr. Swerling, Ms. Smith was here yesterday
4 afternoon and she was supposed to be back this morning, as
5 of yet she has not arrived and so I hope nothing has
6 happened to her.

7 THE COURT: Do we have any other witnesses we could
8 call to move this case forward?

9 MS. SUTTON: Yes, sir.

10 THE COURT: When it gets to a point, what I think --
11 and I will be glad to hear anybody else's opinion on the
12 matter -- I would like to have a few moments of in-camera to
13 determine at least based on that individual's testimony
14 whether the criteria can be met and whether the Court is
15 satisfied and then we will hear argument.

16 (The jury returned to the courtroom.)

17 THE COURT: Good morning, ladies and gentlemen, welcome
18 back. Did the jury have an opportunity to select a
19 foreperson this morning?

20 THE JUROR: We did.

21 THE COURT: And who would that be?

22 THE JUROR: Juror 130, Mark Taylor.

23 THE COURT: Mr. Taylor. A very wise decision the jury
24 has made, I affirm that appointment. Would ask you to serve
25 as foreperson for the jury and occupy that chair for the

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1 remainder of the trial.

2 THE JUROR: Yes, sir.

3 THE COURT: Solicitor, are we ready to call additional
4 witnesses in the case?

5 MR. SWERLING: Yes, sir. Your Honor, the State calls
6 Shanay Moore to the stand.

7 The witness, SHANAY MOORE, was first duly sworn
8 and testified as follows, on:

9 DIRECT EXAMINATION

10 BY MS. SUTTON:

11 THE CLERK: State your name for the record.

12 THE WITNESS: Shanay Moore.

13 Q. Ms. Moore, where are you currently employed?

14 A. South Carolina Department of Social Services.

15 Q. How long have you worked at the South Carolina
16 Department of Social Services, better known as DSS?

17 A. Since 2005.

18 Q. And what is your job title right now at DSS?

19 A. Investigator with the abuse and neglect unit.

20 Q. And were you working at DSS in this capacity in 2008?

21 A. Yes.

22 Q. I know you said it so fast, what is that title?

23 A. It's Out of the Home Abuse and Neglect, better know as
24 OHAN, O-h-a-n.

25 Q. And what do you do in that capacity?

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1 A. We investigate allegations of abuse and neglect in
2 foster homes, group homes and daycares.

3 Q. Are those entities particularly those that are licensed
4 through DSS?

5 A. Yes, licensed and registered.

6 Q. To your knowledge through DSS, was the daycare of
7 Dorothy Williams licensed through DSS?

8 A. Yes, it was.

9 Q. And in 2008 did you conduct an investigation on that
10 daycare?

11 A. Yes, we did.

12 Q. Where is the daycare located?

13 A. Can I refer to my notes?

14 Q. Yes.

15 A. Okay. The daycare is located at 46 Park Drive, Great
16 Falls, South Carolina, Fairfield County, 29055.

17 Q. And during the course of your investigation -- let me
18 ask you this: How did you come to be involved in
19 investigating the daycare?

20 A. We received an allegation.

21 Q. Okay. And once you received that allegation, what did
22 you do immediately once it was received by your office?

23 A. This case is established by the supervisor to be
24 accepted or screened out, the department chose to accept the
25 case for investigation and because of the allegations we had

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- 1 to contact law enforcement within 24 hours.
- 2 Q. So did you contact law enforcement?
- 3 A. Yes.
- 4 Q. And who did you contact in reference to these
- 5 allegations?
- 6 A. The referral was sent to -- basically a referral -- the
- 7 paperwork was sent to Lieutenant Bony.
- 8 Q. Where was he?
- 9 A. Fairfield County Sheriff's Department.
- 10 Q. When did you receive the allegations?
- 11 A. We received this report on September 15th of 2008.
- 12 Q. And when was law enforcement contacted or referred?
- 13 A. Referral was sent on September 15th of 2008.
- 14 Q. The same day?
- 15 A. Yes.
- 16 Q. And during the course of your investigation immediately
- 17 after receiving the referral, did you have an opportunity --
- 18 let me back up. What was your first -- after you got --
- 19 accepted referral to law enforcement, what was the next
- 20 thing that you did after that?
- 21 A. I contacted the victim's father to get permission to
- 22 see the children at school, and then according to what they
- 23 had I conferred with daycare licensing and went out to the
- 24 daycare the next day so we could make an initial contact.
- 25 Q. So you coordinated with daycare licensing to go out to

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1 the daycare which is the residence of Dorothy and Mike
2 Williams.

3 A. Yes.

4 Q. When did you go out there?

5 A. We went out on September 16, 2008.

6 Q. And when you went to the daycare of the home, did you
7 have the opportunity to speak to Mike Williams?

8 A. Yes, ma'am.

9 Q. And who was with you when you went out there to the
10 daycare?

11 A. Investigator Bony as well as Brian Harris with
12 childcare licensing.

13 Q. And upon arriving at that location or at the daycare,
14 what did you do once you encountered Mike Williams?

15 A. Our procedure is we have to give them brochures
16 regarding the child protective process and also a brochure
17 regarding discrimination. The OHAN process, which is Out of
18 home Abuse and Neglect Process, was explained to them in
19 regards to the parts of the investigation, what would happen
20 once the determination is made and basically their rights.

21 Q. And based upon you -- after you informed him of all of
22 that, did Mike Williams make any type of statement to you at
23 that time?

24 A. Yes, he did.

25 Q. And what did he say to you at that time?

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1 A. I was told by Mr. Williams who reported to me that
2 Child 2 loved the computer, that the child did sit on his lap
3 while she played the Barbie game. He also denied that he
4 touched the child under her underwear or on her vagina or
5 buttocks. He did inform me that he watched the children by
6 himself for no more than 30 minutes while his wife ran
7 errands. He also reported that Child 2 said -- made the
8 allegation that he placed his penis in between her legs
9 before, and he also reported that he tickled and pinched the
10 children on the inside of their thigh area for fun as they
11 did the same with their children, and then he would no
12 longer answer any questions. Our --

13 MR. SWERLING: Objection Your Honor.

14 (Bench conference was held.)

15 Q. Ms. Moore, that is the extent of the statement that he
16 gave to you?

17 A. Yes, ma'am.

18 Q. But just to clarify, the essence, of course, is that he
19 denied he touched the children under their -- that he
20 touched the child under her underwear or vagina or buttocks;
21 is that correct?

22 A. Yes, ma'am.

23 Q. You also stated that he watched the children by himself
24 but for no more than about 30 minutes.

25 A. Yes, ma'am.

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1 Q. And that he, in fact, did tickle the child on the
2 inside of the thigh area but he did the same thing to his
3 children.

4 A. Yes.

5 Q. After you left the Williams residence, where did you
6 proceed next?

7 A. To go to Great Falls Middle School to see Child 1
8 Linton.

9 Q. So prior to going to the residence of the Williams you
10 hadn't spoken with Child 1 is that correct?

11 A. No.

12 Q. I mean --

13 A. That's correct, I hadn't spoken to the child.

14 Q. And upon you arriving at Great Falls Middle School you
15 had the opportunity to see Child 1

16 A. Yes.

17 Q. Basically you took a statement from her?

18 A. Yes.

19 Q. Is it normal procedure for you to provide a statement
20 or for you to let the child write the statement? How did
21 that play out?

22 A. When we interviewed the child I am writing down
23 verbatim what the child is saying on the note pad and I
24 allow her to write a statement after we finished.

25 Q. And in reviewing her statement just in general was it

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1 clear to you -- how was the grammar I guess and punctuation
2 of the statement?

3 A. Well --

4 MR. SWERLING: Your Honor, I object to that. That's
5 just some sort of way trying to vouch for or -- the jury can
6 make that determination if she just reads the statement and
7 describes it. I withdraw the objection.

8 THE COURT: Withdrawn, go ahead.

9 Q. I'm sorry, you can go ahead and answer the question.

10 A. I'm sorry, what was the question?

11 Q. I was just asking how was the grammar and punctuation.

12 A. Let me see. There's not a lot of punctuation. You
13 know, there's some grammatical errors in the report, in her
14 statement.

15 Q. Was the statement -- did you rely upon that in your
16 investigation or did you supplement her statement with
17 anything else in your investigation?

18 A. No. I just didn't rely on this alone, I did speak with
19 the child's mother.

20 Q. And after you spoke with Child 1 and obtained a
21 statement, did you have opportunity to speak with Child 2 as
22 well?

23 A. Yes.

24 Q. But you didn't take any type of statement from her,
25 correct?

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1 A. No. I just introduced myself and I took a picture of
2 the child.

3 MS. SUTTON: No further questions.

4 CROSS EXAMINATION

5 BY MR. SWERLING:

6 Q. Good morning, Ms. Moore. How are you?

7 A. Good morning.

8 Q. Did you have an opportunity to visit the house?

9 A. Yes.

10 Q. Just for the jury's edification, it's a fairly small
11 house, is it not?

12 A. It is small.

13 Q. Do you remember you enter in, you're kind of in the
14 living room area, then you go to a kitchen?

15 A. I remember the living room once you enter the front
16 door, and I couldn't tell you where the kitchen was exactly.

17 Q. Do you remember there was a couple of bedrooms in
18 there, the computer room that you go in to?

19 A. I know it was a small computer room.

20 Q. But basically it is a very small house.

21 A. Yes.

22 Q. And you said you got the report or the sheriff's
23 department get the report? Who got the actual report first?

24 A. We received a report.

25 Q. Okay.

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- 1 A. I can't release the report.
- 2 Q. No. I'm not asking you, we're trying to find out was
3 it the sheriff's department first or was it DSS first?
- 4 A. I'm thinking it came to the sheriff's department first.
- 5 Q. All right. That's fine. Let me -- now, what
6 Mr. Williams had told you was that there had been some
7 allegation in the past about some conduct with Child 2
- 8 A. Yes, sir.
- 9 Q. But nobody ever did anything about that, nobody ever
10 said anything more about it, nobody ever indicated anything
11 about it; isn't that true?
- 12 A. Not from this statement.
- 13 Q. Well, not only him, but nobody else that you
14 interviewed -- Mrs. Rowles never mentioned anything about
15 that.
- 16 A. No.
- 17 Q. So there was never any allegation made about it, it was
18 just something that had been said, correct, as far as you
19 understood?
- 20 A. As far as I understood that's what Mr. Williams told
21 me.
- 22 Q. Right. No investigation as far as you were able to
23 determine.
- 24 A. None that I know of.
- 25 Q. Did you try and find out who actually had made that

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1 allegation to Mr. Williams?

2 A. I'm sorry?

3 Q. Did you try to find out who actually had said that to
4 Mr. Williams?

5 A. His statement was to me, he said **Child 2** reported that
6 he placed his penis in between her legs, so I'm thinking it
7 came from the child.

8 Q. And obviously the children were still in the daycare so
9 it had been some point in the past, or it was a present
10 situation.

11 A. The children stopped attending daycare --

12 Q. Just a few days before actually, this is what, the 16th
13 and --

14 A. I think the last day was the 12th which would have been
15 a Friday so they had attended up until when the allegations
16 were made.

17 Q. So the vagueness of it is that it could have been -- it
18 could have been the actual report that was being made that
19 she was making that allegation now, that Mr. Williams was
20 saying that she made the allegation he had placed his penis
21 between the legs.

22 A. No. I initially read the allegations to him, what we
23 received from the department so I had no knowledge about the
24 penis.

25 Q. But was the sheriff's department there as well?

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- 1 A. Yes.
- 2 Q. So he -- I guess what I'm understanding you to say is
- 3 he said she had made that allegation.
- 4 A. Yes.
- 5 Q. And you don't know the source of where he got that
- 6 information.
- 7 A. No, I don't.
- 8 Q. Okay. Now, so you talked with a few other people in
- 9 the case. I know you spoke with Ms. Rowles, correct?
- 10 A. Yes, sir.
- 11 Q. And Mrs. Rowles told you that at some point in the past
- 12 when [Child 1] was about nine years old didn't she tell you
- 13 that [Child 1] made a comment about [Minor 2] the Williams
- 14 granddaughter, not liking to go see Mike because he touches
- 15 her? That would be --
- 16 A. Yeah, I found it.
- 17 Q. Isn't that what she told you, that [Child 1] made the
- 18 allegations that [Minor 2] had made the allegation that she
- 19 didn't like going to Mike because he touches her?
- 20 A. Yes.
- 21 Q. Not touches her on the butt but touches her indicating
- 22 an inappropriate way?
- 23 A. Yeah.
- 24 Q. Didn't Mrs. Rowles tell you at that time that [Child 1]
- 25 was actually transposing Brandy's name for her name to see

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1 whether or not she could -- I guess as I understand it she
2 was using -- according to her she was using Brandy's name
3 but it was really her that was making that allegation. She
4 didn't tell you that, did she?

5 A. No.

6 Q. Now, are you familiar -- obviously you are with the
7 different intake forms -- the ARC intake form, are you
8 familiar with that? Is that part of your process?

9 A. That's not the forms I complete so I don't know
10 procedurally what they have to complete on the forms. I've
11 seen forms before but I don't --

12 Q. The intake central registry sheet form is something
13 that you're familiar with; is that correct?

14 A. Yes.

15 Q. And that's actually your signature; is that correct?

16 A. Yes.

17 Q. This form has asked for little bit of a history about
18 the family; isn't that correct?

19 A. Yes.

20 Q. And it asks about whether there were any reported --
21 any reports in the past, internal, in the family, of sexual
22 abuse.

23 A. I'm sorry?

24 Q. Doesn't it say on the form -- you're asking whether or
25 not -- let me just get the question. I'm looking on page 52

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1 on bate stamped, you don't have the bate stamped?

2 A. I have the original file.

3 Q. Well, let me see if I can just point to it. Where it
4 says parent factors and it says behavior, willingness to
5 protect, substance abuse, custody action, incarceration,
6 mental/physicalness, spousal abuse, parental skills or prior
7 CPS reports. What does that mean?

8 A. For OHAN because we are an individual unit from the
9 regular child protective services, parent factor for us
10 means the childcare provider or group home provider or a
11 foster parent. So our parent providers -- or our
12 perpetrator is not the parent. So our parent factors are
13 totally different from -- we are looking at the caregiver
14 factors.

15 Q. But would it be important from a DSS investigative
16 standpoint that if there had been prior abuse by some other
17 individual in the home then that would be a factor that DSS
18 would want to know.

19 A. Yes. But at the time of intake we don't always receive
20 that information.

21 Q. That's fine. But that is an important factor for you
22 to know.

23 A. If it was a child protective services investigation.

24 MS. SUTTON: Your Honor, I object. Can we approach?

25 (Bench conference was held.)

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1 (The jury left the courtroom.)

2 THE COURT: We have an objection from the State, let's
3 go ahead and flesh it out. Solicitor?

4 MS. SUTTON: Your Honor, the State objects. I think
5 Mister -- I would like to assume -- I think Mr. Swerling was
6 trying to go through the path of getting through this
7 witness the fact of a prior allegation of sexual abuse
8 primarily, which I think we put on the record yesterday --
9 primarily with the stepbrother and one of the victims,
10 Ms. Child 1 At this point rather than introduce it
11 through -- I think this just is a backdoor way to try to get
12 that information in. We feel like it is not relevant, it's
13 not admissible at this point as far as -- particularly
14 through this witness, or not relevant at this point in the
15 trial, Your Honor. In Mrs. Moore's testimony -- and the
16 purpose of Mrs. Moore being here, she's basically testifying
17 as far as procedurally what she has done, information that
18 she has collected. Now, I think if we get into the point of
19 whether or not this was important and relevant as far as
20 prior sexual abuse we're actually getting into a -- for
21 purposes of what she does which is investigate out of home
22 abuse, make the determination, shut down daycares and things
23 of that nature, we're not here for that type of issue. I
24 think that issue would be more relevant in terms of whenever
25 they do their final hearing and things for DSS as far as the

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1 daycare operation is concerned. But as far as the criminal
2 procedure that we're here for today I don't believe this
3 information is relevant.

4 THE COURT: Well, let's go ahead and while the jury is
5 out and go down that road with the questions and let's see
6 what the answers would be.

7 BY MR. SWERLING:

8 Q. Ms. Moore, for DSS purposes, is it important to know
9 about other allegations or other situations of abuse, sexual
10 abuse within the family with the victims in the case?

11 A. Yes.

12 Q. And that is something that you -- basically I've looked
13 at -- most of the forms that have been sent over to me are
14 from DSS, but they all in some way or another refer to has
15 there been any other sexual abuse of that particular person
16 or in the family. The forms have questions on them for --
17 let me just -- I'm summarizing what they basically say, but
18 what they basically say is has there been any prior
19 allegations of abuse with respect to a child or somebody in
20 the family.

21 A. What form are you referring to? A summary of all of
22 forms or --

23 Q. Just in general. For example in the form that we were
24 just referring to.

25 A. The intake?

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1 Q. Yeah. Where it says -- I just had it, did I leave it
2 up there?

3 A. No.

4 Q. We were referring I think when we cutoff where it says
5 parent factors, correct, on that form?

6 MS. SUTTON: Judge, I'm just not certain what forms he
7 is referring to.

8 MR. SWERLING: The child welfare services intake and
9 central registry sheet.

10 MS. SUTTON: Okay.

11 Q. You know which one I'm talking about, right?

12 A. Yes.

13 Q. And on there where it says parent factors it asks
14 whether there have been prior CPS reports.

15 A. Our parent factors are not parent factors, we use the
16 forms interchangeably in DSS. Because we are a specialized
17 unit of child protective services, if the alleged
18 perpetrator is a parent you would get that information from
19 the reporter, basically this information is just coming from
20 the reporter. But for the purposes of Out of Home Abuse and
21 Neglect, because our alleged perpetrator is a caregiver
22 that's what that means to us. So I'm looking for if there
23 was any previous CPS reports by Mr. and Mrs. Williams in our
24 system.

25 Q. Or about Mr. and Mrs. Williams.

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1 A. Yes, sir, and not the parent. Because the parents are
2 not our perpetrators in this report.

3 Q. No. But my question is if when you are investigating
4 alleged abuse of children, DSS is interested in other
5 allegations that have been made about abuse to those
6 children as part of your investigation.

7 A. Yes. If we do find that information out it can come
8 out initially, it can come out during the investigations.

9 Q. I'm not being critical at all. But what I'm saying is
10 it is not only relevant about what the allegations are in
11 the incident case, the one you are investigating, but when
12 you're looking at the family and when you're looking at the
13 victims it's important to know whether there have been other
14 situations of sexual abuse inside of that family.

15 A. Yes, it's important to know.

16 Q. And why?

17 A. Well, you want to assess -- make sure that it has been
18 assessed properly and it -- it is just important information
19 to know, sometimes it has been handled a different way. So
20 you can just find out that information.

21 Q. And it's relevant to your investigation in the incident
22 case when you ask those questions. You're not just asking
23 because you want to invade the family's privacy.

24 A. No. You want to get a history of people.

25 Q. It's important to get a history.

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1 A. Yes.

2 Q. So that assessment can be made or you can make an
3 assessment and recommendation based not only on what the
4 incident case is but whatever prior situations are; is that
5 correct?

6 A. I don't know how you want me to -- I can't really --
7 what we do is a little bit different from the regular family
8 court, so I --

9 Q. I think you answered the question. It's relevant
10 because it gives you part of the social history of the
11 family and it tells you a little bit about the family so you
12 can pursue that in your investigation.

13 A. Well, I wouldn't necessarily presume that in my
14 investigation.

15 Q. Not in the investigation.

16 A. Yes, in the investigation.

17 Q. And in actuality, Jeffrey Rowles told you during -- in
18 your case -- or your OHAN, is that how you say it?

19 A. OHAN.

20 Q. -- investigative summary that said he is the stepfather
21 of Child 1 [REDACTED] and he disclosed that she had a previous
22 history of sexual abuse by a family member, the incident was
23 handled by law enforcement, this was a child on child
24 incident.

25 A. Yes, sir.

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1 Q. He told you that.

2 A. Yes, sir.

3 Q. That's an important factor, is it not?

4 A. It is important.

5 Q. Something DSS wants to know.

6 A. Yes, that's something we want to know.

7 Q. Let me ask you, when someone goes in for an ARC
8 interview, do you convey the history that you have to the
9 ARC interviewer?

10 A. I can't remember the whole process. I think they're
11 given -- I think they basically get the information from the
12 law enforcement referral or the incident report that is sent
13 in to them. I can't recall if it was an initial interview
14 prior to but I do remember having a summarization of it
15 after --

16 MR. SWERLING: Judge, that's all I would ask.

17 THE COURT: All right. Let me hear what the solicitor
18 says.

19 MS. SUTTON: Judge, just a few questions I think to ask
20 Mrs. Moore.

21 BY MS. SUTTON:

22 Q. Ms. Moore, and I know we have had questions directed
23 towards you about the importance of having knowledge of
24 prior sexual abuse in the home and whether or not that's
25 important to the agency, but would that be important to DSS

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1 as a whole or would that be important to what you do in
2 particular?

3 MR. SWERLING: I don't understand the question, that's
4 why I object.

5 Q. I guess it gets back to what exactly do you do within
6 the agency at DSS?

7 A. In particular we investigate allegations of abuse and
8 neglect in a foster home, group home, residential treatment
9 facility or a daycare facility. And within those
10 allegations -- within that investigation we make referrals
11 to law enforcement, we make collateral contacts, or contacts
12 with doctors, with attorneys, with teachers, whoever we have
13 to make contacts with, and then we make a determination
14 based upon what we received during an investigation, either
15 we can unfound the case because we don't have a
16 preponderance of the evidence or we can indicate the case.
17 And once we indicate because -- we are a little bit
18 different from family court, once OHAN indicates the case
19 the name automatically goes for central registry for child
20 abuse and neglect. We go through a fair hearing process, we
21 don't go through the family court.

22 Q. When you go through your process once you get called
23 in, what is the end result of your process?

24 A. To make a determination.

25 Q. A determination as to what?

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1 A. If the allegation is -- if we believe that they are
2 true or untrue.

3 Q. So this information is important for you to make a
4 determination about allegations.

5 A. Yes.

6 Q. And based upon what you determine about the allegations
7 what ends up happening?

8 A. We make a finding.

9 Q. I guess what I'm getting to is you get called in
10 concerning daycares, nursing homes and things of that nature
11 that are licensed in DSS.

12 A. Yeah. Not necessarily nursing homes, we are the child
13 protective services.

14 Q. And once you make a determination of the allegations
15 and find that they are founded, at that point is the daycare
16 or the home shut down and the license is withdrawn, is
17 that --

18 A. And that goes to the -- it does happen but it doesn't
19 happen through my division. We have a child care licensing
20 division as well as a foster care licensing division and a
21 group home division. So once we do our findings we do
22 communicate with those separate entities and they can make a
23 determination as to whether they're going to shut the
24 daycare down -- and they have to go by a statute as well --
25 if they are going to shut the daycare down or put them on a

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1 corrective action plan or they're going to shut the foster
2 home down because it is an indicated case. But particularly
3 with indicated cases they will ask them to cease and desist
4 with operating or they will take their license.

5 Q. So your investigation basically is important to I guess
6 at some point be passed on to that other part of DSS, the
7 licensing part as far as whether or not they're going to do
8 something with the licenses of these entities.

9 A. Yes, very important.

10 Q. And I guess -- and that's a process that y'all handled,
11 that whole process of as far as being passed on and
12 licensing and stuff, that's handled separately and subject
13 through DSS and that's a separate hearing process..

14 A. And throughout the investigation we will talk to these
15 entities as well to let them know -- because Mrs. Rhonda
16 Harris was with me during the initial face to face with
17 Mr. Williams so she was initially there with me and we
18 communicate through staffings gaining information, we
19 receive letters of what they had planned to do. So we are
20 communicating throughout the case and after the case.

21 Q. The initial staffing sheet that was completed, that was
22 information that was given to Ms. Rowles or by law
23 enforcement, the one that Mr. Swerling was referencing,
24 intake sheet.

25 A. I'm sorry, what was the question?

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1 Q. Was that information that's on that sheet given to you

2 Ms. Rowles or by the sheriff's department?

3 A. I can't release the name of the reporter.

4 Q. That information was given to you by the reporter.

5 A. Yes.

6 MS. SUTTON: I don't think I have any further

7 questions.

8 MR. SWERLING: Just one followup.

9 BY MR. SWERLING:

10 Q. Let me just show you these questions, workers safety

11 assessment.

12 A. Uh-huh.

13 Q. A2 and A7, they both also ask for information about

14 prior sexual assaults within the family and prior DSS

15 involvement. A2.

16 A. Right.

17 Q. And A7.

18 A. Again because we're looking at the daycare that's what

19 we are looking at so it's not talking about the family in

20 our instance. If it was a regular CPS report we will be

21 talking about the family but in this instance we would be

22 talking about Mr. and Mrs. Williams.

23 Q. So that's what that means?

24 A. Yeah.

25 Q. Is there a previous history of law enforcement

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1 involvement, family violence or spousal battering? And the
2 answer is no. It doesn't -- it seems like if it was in the
3 family that would be relevant even if it didn't involve the
4 daycare center.

5 A. I don't know how to explain it to you.

6 Q. Well, it's a DSS form.

7 A. It is a DSS form but we have to use it towards OHAN, so
8 some things we do we have to look at a little bit
9 differently because we're not actually talking about the
10 family. Say if I did receive the information on the initial
11 report that came out they had had a previous investigation
12 or they had a previous -- I would check yes for the daycare
13 and not for, you know --

14 Q. I see what you're saying.

15 A. Okay.

16 MR. SWERLING: Judge, that's all I have on that
17 particular issue.

18 THE COURT: Based on what I have heard I would sustain
19 the objection to anymore questions along this line.

20 MR. SWERLING: Yes, sir.

21 THE COURT: I find that it's not relevant, the issue
22 that is trying to be elicited, and would not be relevant and
23 would be for prejudicial than probative.

24 MR. SWERLING: And Judge, just so you know I was laying
25 a predicate for possibly later.

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1 THE COURT: I understood.

2 MR. SWERLING: And I was not going to go further than
3 what I asked.

4 THE COURT: Are we ready for the jury to come back?

5 (The jury returned to the courtroom.)

6 THE COURT: Welcome back, ladies and gentlemen. I
7 believe we are ready to resume examination of the witness.

8 BY MR. SWERLING:

9 Q. Ms. Moore, actually just a couple of more areas. You
10 had an interview, a face to face interview with **Child 1**

11 A. Yes, sir.

12 Q. And that was over at the Great Falls Middle School.

13 A. Yes, sir.

14 Q. My understanding is she described an incident with you
15 where she was in the pool and as I understand what she told
16 you he put his hand down her pants, not a bathing suit or
17 bikini but down her pants, correct?

18 A. Yes, that's what I wrote.

19 Q. And rubbed her vagina.

20 A. Yes.

21 Q. She didn't say anything at all about him inserting his
22 finger into her vagina in the pool.

23 A. I just have rubbing vagina.

24 Q. And then she also disclosed a night where she spent the
25 night at the Williams home with Mr. Williams and **Minor 2** and

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- 1 that they slept in the same bed.
- 2 A. Yes, sir.
- 3 Q. And in that incident what she described to you, and
4 correct me if I'm wrong for the jury's information, that
5 while Mr. Williams may have thought she was asleep he stuck
6 his finger into her vagina and let it sit there for over an
7 hour, or at least an hour.
- 8 A. Yes, sir.
- 9 Q. That's what she told you.
- 10 A. Yes, sir.
- 11 Q. And also importantly she told you that at the time
12 Mrs. Williams was home.
- 13 A. Yes, she did.
- 14 Q. With any of these incidents.
- 15 A. I know of the -- let me see --
- 16 Q. She only reported to you one incident of where he did
17 put his finger into her vagina?
- 18 A. That's what I have, yes, that's what she said.
- 19 Q. And that particular incident she said he had his finger
20 in there for an hour.
- 21 A. Yes.
- 22 Q. And then you interviewed -- or as I understand you let
23 her write out this other statement.
- 24 A. Yes, I did.
- 25 Q. And you have that in front of you?

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1 A. Yes.

2 Q. And actually in this particular statement that she
3 wrote it out there's no mention of digital penetration, is
4 there?

5 A. No, I don't see any mention.

6 Q. And also what I would like to ask you is that in that
7 handwritten statement that you give you she said after the
8 last time he touched her, and followed out the end -- that's
9 on the bottom one-fourth of the statement. What she wrote
10 there was, "I told my mom **Minor 2** told me that he touched on
11 her. I basically told everything he did to me," then dot,
12 dot, dot. Is that the way it's exactly written?

13 A. That's the way it's written.

14 Q. So she told her mom **Minor 2** told me that he touched on
15 her. She did not -- let me ask you it this way, did **Child 1**
16 ever tell you that she was using -- that that information
17 was not true about **Minor 2** but that she was using that
18 information to see how her mother would react?

19 A. No. I would have not told her that.

20 Q. And from what this says here I basically told her
21 everything he did to me; is that correct?

22 A. That's what is written.

23 Q. And it's in the same sentence, or it's actually in the
24 following sentence where he said I told her -- I told my mom
25 **Minor 2** told me he touched on her.

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- 1 A. That's what that says.
- 2 Q. It's all part of that same thing, "I've then basically
3 told her everything he did to me," correct?
- 4 A. That's what the statement was saying.
- 5 Q. Did anybody ever interview **Minor 2** to find out the
6 validity of that or whether or not that was even true?
- 7 A. No, I did not.
- 8 Q. And Mr. Williams denied the allegations that were being
9 made against him, the sexual allegations.
- 10 A. Yes, he did.
- 11 MR. SWERLING: That's all I have.
- 12 THE COURT: Any redirect, Solicitor?
- 13 MS. SUTTON: Just a couple.
- 14 REDIRECT EXAMINATION
- 15 BY MS. SUTTON:
- 16 Q. Back to the time that you were in the Williams home and
17 talking to Mr. Williams. I know you were asked by defense
18 counsel, Mike Williams stated that Aubrey had made an
19 allegation concerning him putting his penis between her
20 legs.
- 21 A. Yes.
- 22 Q. And you -- just for clarification, at the time that
23 that was stated was that information that you had obtained
24 previously as far as allegations against the daycare?
- 25 A. No. I hadn't had that information.

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1 Q. And at the time that that was made you hadn't spoken
2 with Child 1 or Child 2 is that correct?

3 A. No.

4 MR. SWERLING: I'm sorry, I couldn't hear the question.

5 Q. You hadn't spoken with Child 1 or Child 2 that occurred
6 after you went to the Williams home; is that correct?

7 A. I went to the Williams home first, then I saw the
8 children in school.

9 MS. SUTTON: That's all of the questions I have.

10 RE CROSS EXAMINATION

11 BY MR. SWERLING:

12 Q. This was on the 16th, seven days after the kids stopped
13 coming to the daycare.

14 A. I don't have a calendar in front of me.

15 Q. But it was the 16.

16 A. Yeah. We received a report on the 15th and I made
17 initial contact on September 16th.

18 MR. SWERLING: That's all.

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

20 MS. SUTTON: Judge, can this witness be excused?

21 THE COURT: Thank you, ma'am, you may be excused from
22 your subpoena.

23 The witness, HEATHER MARIE SMITH, was first
24 duly sworn and testified as follows, on:

25 DIRECT EXAMINATION

TESTIMONY OF HEATHER MARIE SMITH

1 BY MS. SUTTON:

2 THE CLERK: State your name for the record.

3 THE WITNESS: My name is Heather Marie Smith.

4 Q. Good morning, Ms. Smith. How are you doing?

5 A. Very well.

6 Q. Can you tell us where you are currently working?

7 A. I work for the Assessment Resource Center in Columbia,
8 South Carolina, it is the children's advocacy center.

9 Q. And what do you do at this Assessment Resource Center
10 in Columbia, better known as ARC?

11 A. I conduct forensic evaluations at the request of law
12 enforcement and the department of social services to assess
13 for possible child maltreatment.

14 Q. And how long have you worked with ARC?

15 A. I've been there nine years.

16 Q. And what is your job title?

17 A. Forensic evaluator and clinical services supervisor.

18 Q. What does your job entail?

19 A. I conduct forensic interviews at the request of law
20 enforcement and department of social services, and I also
21 coordinate treatment services for children and families that
22 may need clinical intervention. And I also provide training
23 for the state in forensic interview protocol, the training
24 is known as Child First.

25 Q. And in doing your job, what kind of educational

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1 background do you have?

2 A. I graduated with a masters degree in rehabilitation
3 counseling from the University of South Carolina through the
4 School of Medicine. I also have a certificate in graduate
5 studies in psychiatric rehabilitation, and I'm also a
6 licensed professional counselor in the State of South
7 Carolina.

8 Q. And have you had courses in the field I guess of say a
9 forensic interviewer or a forensic evaluator?

10 A. I have. I have specialized training in forensic
11 interviewing protocol, that's nationally recognized and used
12 in our state known as RATAAC. And I have also had extensive
13 training in using the protocol and child development and
14 psychological dynamics of children, and I am now training in
15 that protocol for the state.

16 Q. Are you a member of any professional affiliations?

17 A. I'm actually working with the national -- with a
18 federal agency, National Center for Missing and Exploited
19 Children to develop a forensic interviewing protocol for
20 children who are victims of child trafficking.

21 Q. And how many interviews have you conducted with
22 children?

23 A. I don't know the exact number but it's over 1,000.

24 Q. Have you ever come to court to testify?

25 A. Yes, I have.

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1 Q. Did you have an opportunity to do an interview with Ms.
2 Child 2 in 2008?

3 A. Yes, I did.

4 Q. When and where was that interview conducted?

5 A. That forensic interview was conducted at the Assessment
6 and Resource Center, ARC, at the Children's Advocacy Center
7 on October the 3rd of 2008.

8 Q. What type of questioning techniques did you use to
9 interview Child 2 By that I mean did you ask open-ended
10 questions, leading, what type of questioning?

11 A. As part of the forensic interviewing protocol that we
12 are training in and I now have trained other investigators
13 and interviewers to interview with, the protocol is designed
14 to reinforce and to have the importance of asking open-ended
15 questions and not asking leading or suggestive questions.
16 The purpose of a forensic interview is for fact finding and
17 so it's to gather information from investigators, for law
18 enforcement and for the department of social services to
19 conduct their investigation. And so it's very important
20 that when we ask questions we try to ask the most open-ended
21 questions that we can to just get the child to respond in a
22 narrative fashion. So we try not to use protocol, very
23 directive questions, but sometimes we have to for more
24 information. But we definitely stay away from leading or
25 suggestive questions because that wouldn't get us very

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1 accurate -- we want the most accurate information we can
2 get.

3 Q. When you interviewed **Child 2** on October 3rd of 2008, was
4 that interview recorded?

5 A. Yes, it was.

6 Q. And how was it recorded?

7 A. We record all of our forensic interviews onto a
8 computer and then we dub it onto a DVD, so it is video
9 recorded.

10 Q. And per a subpoena you previously supplied our office
11 with a copy of the recorded interview; is that correct?

12 A. I did.

13 MS. SUTTON: Judge, I don't know if you want to --

14 THE COURT: Once again, ladies and gentlemen, I need to
15 ask you to step back in the jury room, shouldn't be but
16 about five minutes, maybe six.

17 (The jury left the courtroom.)

18 THE COURT: Now then, Solicitor, it's my understanding
19 you wish to offer the videotape as evidence.

20 MS. SUTTON: That's correct, Your Honor. At this time
21 the State would move to offer this videotape into evidence.
22 Judge, I think per the statute concerning the admissibility
23 of the out-of-court statements, that the statement -- she
24 testified that she took the statement and it was given in
25 response to an investigative interview of the child and that

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1 it was recorded audio and visually. The child in question,
2 Ms. Child 2 is present and has already testified to
3 some extent so she's available at the proceeding to be cross
4 examined by the defense counsel.

5 THE COURT: Did you ask the witness -- and I don't
6 recall whether or not the account given by the child
7 contained a detailed account of the alleged offense -- did
8 you ask the witness that on the stand? I can't remember.

9 MS. SUTTON: Judge, I actually have not. I did not.

10 THE COURT: Would you like to?

11 MR. SWERLING: Yes. Thank you, Your Honor.

12 BY MS. SUTTON:

13 Q. Mrs. Smith, was the account that was given by Child 2
14 Rowles in your interview that was taken, is that a detailed
15 account of the alleged offense that occurred against her?

16 A. Yes, it was.

17 Q. Approximately how long was the interview?

18 A. I want to say the running time was over -- a little bit
19 over an hour but I did take a break during that time for
20 approximately ten minutes.

21 Q. So she was able to specify in detail based -- upon your
22 knowledge and expertise she was able to specify in detail
23 the account of the sex -- the allegations that happened
24 against her.

25 A. She did, she gave a detailed account.

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1 Q. Did you have any problems following her statement? Was
2 it coherent?

3 A. She appeared to be developmentally on target for her
4 age, which is seven. I did not have any trouble
5 understanding her language. She was able to answer my
6 questions and appeared to comprehend them and I was able to
7 understand her answers.

8 Q. And her age at the time of the recording?

9 A. Was seven years old.

10 THE COURT: Mr. Swerling, did you wish to ask the
11 witness any questions concerning the issues related to the
12 admissibility of the tape? I call it a tape, it's not a
13 tape, is it?

14 MS. SUTTON: I know, DVD/CD.

15 MR. SWERLING: Judge, it's a -- nothing any more on
16 this issue, Your Honor. I would after the issue here is
17 determined while the jury is out to save time I would like
18 to ask Ms. Smith some questions about the other issues that
19 I think I can raise.

20 THE COURT: Okay. I agree that we ought to do that
21 that way. Now, let me ask you this: Do you have any
22 objections -- I understood you didn't have any questions but
23 do you have any objection to the State's motion to introduce
24 the DVD?

25 MR. SWERLING: Your Honor, I have thoroughly discussed

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1 this with Mr. Williams. It's obviously one of the strategic
2 decisions you make during a trial. I've explained to him
3 the pros and the cons of it and my theories and my thoughts,
4 and based on that we are not going to object to the video
5 being played. I did, as I said, communicate all of those
6 issues with Mr. Williams, I think he's prepared to tell the
7 Court that he concurs in that decision and so I think that's
8 where we are.

9 THE COURT: Thank you, I understand. I have considered
10 the factors set forth in section 17-23-175 and find that
11 this meets the criteria set forth therein and find that it
12 also contains particularized guarantees of trustworthiness
13 and I'll find it is admissible. Now, outside the presence
14 of the jury I'm going to permit defense counsel to ask
15 questions of this witness relating to I suspect the other
16 incident --

17 MR. SWERLING: That's correct.

18 THE COURT: -- that we've been referring to. Do you
19 have any specific objection to that, Solicitor?

20 MS. SUTTON: No objection, Your Honor. Well, let me
21 just put this on there -- and at this point because I know
22 that defense counsel and I have talked about it and we've
23 been back to talk to you briefly in chambers concerning it,
24 the State hasn't asked to have Mrs. Smith qualified as an
25 expert. I don't know if his questions are going to be

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1 related of her giving any type of opinion concerning the
2 type of interview that she gave. If not we would ask that
3 she be qualified before he --

4 MR. SWERLING: Well, first of all I think under the
5 Keller case there's no need to qualify her as an expert and
6 I think that is what the Court was trying to say there is
7 maybe qualified too many people as experts. But the
8 questions I have really do not require an expertise, it
9 requires what she does and that's what it is, or goes to
10 what she does.

11 THE COURT: In other words, if he doesn't ask her an
12 opinion she doesn't have to be an expert so I guess we're
13 going to have to see where it goes.

14 BY MR. SWERLING:

15 Q. Hey Ms. Smith.

16 A. Hi.

17 Q. How are you doing?

18 A. Doing well.

19 Q. And this is going to be fairly brief, but prior to your
20 doing an interview you have, and I think in this case it was
21 Susan Rowles, fill out an ARC assessment form; is that
22 correct?

23 A. A caregiver --

24 Q. A caregiver questionnaire, right. And the purpose of
25 that, I guess, is to give you enough information about the

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1 family unit of the child and so that you can conduct an
2 interview and have that information in an interview.

3 A. That's correct. It's to gather information about the
4 child's family, their development, whether there are any
5 developmental issues or mental health issues that we may
6 need to take into consideration for the interview. We used
7 to conduct interviews of caregivers themselves and we tried
8 actually to streamline it so we could do more interviews.
9 This is kind of what we came back to just to gather some
10 background information.

11 Q. You said you have done like 1,000 interviews; is that
12 right?

13 A. Yeah.

14 Q. So you need as much information as you can get about
15 the child and the family so that you can conduct an
16 appropriate interview; is that correct?

17 A. Yes. So that we can gather -- just in case there are
18 any rocks or barriers that we may need to address during an
19 interview.

20 Q. Like social history of the family.

21 A. Yeah, educational history.

22 Q. Any kind of sexual issues going on that would affect
23 the child.

24 A. I'm not sure, I can't remember if it was on this
25 particular form. But we do -- if there are any sexual

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1 acting out behaviors or any behaviors that a parent or
2 caregiver might see that we're not going to see in an hour
3 or two hours.

4 Q. Right. And I notice on the form it asks has there ever
5 been -- it is question five and I'll show it to you -- "Has
6 there ever been a child abuse investigation involving this
7 child or family before?"

8 A. Yes. We always -- we put that on the form so that in
9 case there have been past investigations we can either
10 gather the history on that, we may need to get incident
11 reports or we may need to get social summaries from the
12 department of social services. And then as far as being an
13 interviewer I'm going to want to know that in case the child
14 has had a past history of abuse or any type of disclosure of
15 abuse so that I can then -- I would want to ask about that
16 in an interview.

17 Q. Okay. But I guess the way that the answer -- the way
18 the question is, "Has there ever been a child abuse
19 investigation "-- and by the way, that mean sexual abuse as
20 well. Child abuse means sexual abuse.

21 A. All types.

22 Q. -- involving the child or the family. So on the one
23 hand you're asking about the child but you also want to know
24 about the family unit as well.

25 A. That's correct.

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- 1 Q. And I notice that the answer was no, was checked no.
- 2 A. Yes.
- 3 Q. And that was filled out by the mother of Child 2
- 4 A. It was.
- 5 Q. Susan Rowles.
- 6 A. Yes.
- 7 Q. Were you made aware of the fact that in 2004 Aubrey's
- 8 sister, Child 1 was sexually abused in the home and
- 9 forced to give oral sex to her stepbrother, Brother 3?
- 10 A. I did not know the details until yesterday when
- 11 Ms. Hickman asked me about that question, but I didn't know
- 12 any of the details at the time of my interview.
- 13 Q. Ms. Hickman asked you the question yesterday?
- 14 A. Yes. She just asked me about this particular number
- 15 five, the question, why did we ask it on the form, and I
- 16 didn't know any details about any past abuse.
- 17 Q. Let me show you this incident report which is dated
- 18 April 12, 2004. Would you look at it?
- 19 A. Certainly.
- 20 (Break in proceedings.)
- 21 Q. Now, you've never seen that before; is that correct?
- 22 A. I have not.
- 23 MR. SWERLING: Your Honor, for the record it's Court's
- 24 Exhibit Number 2.
- 25 Q. That report is inconsistent with the answer on number

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1 five, correct?

2 A. That's correct, involving the family.

3 Q. And with that information you said that you had used
4 that -- or to the extent that you needed to you would use it
5 in the interview and also investigate possibilities, get
6 incident reports such as that before you do the ARC
7 interview.

8 A. Particularly if it involved the child that I was
9 interviewing. In this case having -- even I had known about
10 and seen that it would not have changed any of my interview
11 techniques for my particular child that I was interviewing,
12 **Child 2** simply because it didn't involve her.

13 Q. Well, are you telling the Judge that if -- you were
14 aware of the fact that her sister who you also knew was
15 making a report in this case, **Child 1**

16 A. Yes. I had knowledge that she had talked to someone.

17 Q. Right. You're telling the Court that the fact that
18 **Child 1** who is just a few years older than **Child 2** had been
19 forced to perform oral sex for an extended period of time on
20 her stepbrother, during the same period of time that the
21 allegations are being made here in the 2003 to 2004 period,
22 that that would not have been something you would want to
23 have pursued in the interview?

24 A. I would not have singled out that particular person to
25 ask about. In the forensic interviewing we also ask about

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1 alternative hypothesis so I would have, and did, ask Child 2
2 has someone else ever done anything to you in the same
3 manner that you are reporting someone else did of that type
4 of questions. So we always ask about other possible people,
5 it would not have caused me to single out that, I think his
6 name was Brother 3.

7 Q. Not to single that individual out, but also to point
8 out to the incident, that did she observe it, that would be
9 important for you.

10 A. I would have asked that. She would have went -- I want
11 to make sure I'm getting the years correct, but she would
12 have been two or three at the time.

13 Q. Three to four years old.

14 A. Okay.

15 Q. Which is when the allegations started here according to
16 the interview she said it was at three or four.

17 A. I may have added that question.

18 Q. Because that would have been important to as far as
19 your interview as to whether or not the child saw other
20 sexual activity.

21 A. I would most likely have asked had she witnessed
22 something.

23 Q. The other possibility that you would want to know I am
24 sure since you are in this field is whether or not she and
25 her sister ever discussed that earlier incident where she

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1 would have gotten some knowledge of sexual activity and
2 terminology from her sister regarding that incident.

3 A. Again, it's a possibility. Because she would have been
4 three or four during that time. You have to be very careful
5 because a child encodes memory at the age it happens, so for
6 me to ask a question of her, something she would have seen
7 at age three or four she may not even have understood, you
8 know. So I would -- and again, we're limited to time in an
9 interview so that would have been something I would have
10 asked at the very end if I had the time.

11 Q. Well, I'm talking about two different issues, one is
12 whether or not she observed something. Because actually you
13 want to know whether or not she has a history of sexual --
14 or knowledge of sexual activity apart from what she's
15 describing; isn't that true?

16 A. That is a part of forensic interviews.

17 Q. And so if she observed sexual activity or -- if she
18 observed sexual activity that would be important to go in
19 to.

20 A. Yes, it would.

21 Q. Also what would have been important is if it happened
22 to her, because if it is happening to one of the other
23 siblings in the house it would have been important to know
24 whether or not it happened to her.

25 A. Correct, which is why we always ask for someone else.

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1 We don't want to just focus on the allegation that we get
2 from the incident report or from the referring agency,
3 that's why we always want to do it. We definitely want to
4 ask about peripherals and has something else happened to you
5 and have you ever seen something happen to someone else.

6 Q. But you didn't have that information to go ahead and
7 develop those questions.

8 A. No, I did not.

9 Q. And at the end of the interview you asked her whether
10 or not she has been touched by anybody else, but if you
11 would have had information that there was a perpetrator in
12 the house who had knowingly -- we know sexually assaulted
13 Child 1 [REDACTED] her sister, who is also making the report you
14 could have probed that a little bit further.

15 A. I could have, yes.

16 Q. Definitely probed that a little bit further. And had
17 you known about that information in the third part of what I
18 was asking you before is whether or not she and her sister
19 had discussed or the family had discussed Brother 3 [REDACTED]
20 sexual activity with Child 1 [REDACTED] and whether or not it happened
21 to Child 2 [REDACTED] as well.

22 A. I would have followed-up on that.

23 Q. But not having that information you could not do that.

24 A. Correct.

25 Q. Nobody is faulting you, you just didn't have the

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1 information.

2 MR. SWERLING: Your Honor, that would be all that I
3 would --

4 THE COURT: All right. Any other questions you wish to
5 ask in this regard?

6 MS. SUTTON: Yes, sir, Your Honor.

7 BY MS. SUTTON:

8 Q. In determining what things you're going to ask a
9 child -- let me back up. I know you stated earlier that
10 your interviewing techniques are those of leading questions
11 because you want to get a narrative from the child; is that
12 correct?

13 A. Open-ended questions, non-leading.

14 Q. And one thing about the interview is it's important to
15 not be suggestive.

16 A. That's correct.

17 Q. And even if you had knowledge that there may have been
18 some other sexual activities that have occurred in the home
19 involving a sibling of the child that you are interviewing,
20 would you have asked anything specific concerning that?

21 A. I would not have asked specifically whether she had
22 been touched by a specific person. I may have asked just a
23 general question about whether she has witnessed anyone in
24 her family being touched inappropriately, I may have asked a
25 question such as that. But again, that's why we ask -- we

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1 often don't have all of the information on the child or a
2 family when we do our interviews, we often don't get all of
3 the information from the past history. So that is why we
4 include questions about other people, other acts that may
5 have happened to them that don't involve the particular
6 allegation that we are dealing with when the child comes to
7 us. So we always do include have you seen something
8 inappropriate happen to someone in a general way, that's why
9 we include that because we often don't get the background
10 history.

11 Q. And in your questioning of this child, and I think I
12 answered this question for Mr. Swerling, you stated you
13 asked **Child 2** has anybody else touched her inappropriately?

14 A. Yes, I did.

15 Q. And you felt that that type of questioning would
16 encompass or include --

17 MR. SWERLING: Objection, Your Honor. The solicitor is
18 actually telling her what the answer would be, leading.

19 THE COURT: All right. Sustained.

20 Q. What was the purpose of you asking that open-ended
21 question to her?

22 A. Just again, we want to ask the child whether or not
23 something else may have happened to them that we would then
24 explore if they said yes. I mean, if **Child 2** had answered
25 yes to that question I would have followed up with -- I may

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1 have even had her back for another forensic interview if
2 needed. Again, children can only be interviewed for so long
3 before they get tired, but if she had confirmed or answered
4 in the affirmative I would have done another evaluation just
5 about that affirmation if she would have said yes.

6 Q. And because this is in-camera, and I know this issue is
7 not before the Court, did -- in your interview with her did
8 she indicate how she had any type of sexual knowledge of how
9 things happened sexually, I guess? I know that sounds kind
10 of crazy, but what was the source of her -- in her interview
11 from what she told you in response to your questioning, what
12 was the source of her sexual knowledge?

13 A. I want to make sure I'm not -- I want to make sure I
14 answer that correctly. She -- the details and the
15 description of what she told me about incidents that
16 occurred to her body she told me in -- with idiosyncratic
17 detail, she was very consistent with it all had to do with
18 one person. She did not have other people that she named or
19 described do things to her, it all centered around one
20 person. It was based in sensory details, she was able to
21 give a sequential narrative account of what happened. Did
22 that answer what you were asking?

23 Q. Yes, ma'am. Just clarifying what you said, basically
24 what you asked her all centered around one person.

25 A. Yes, it did.

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1 Q. And in response to your open-ended question about
2 whether anybody else, it was no, I guess.

3 A. She denied it.

4 MS. SUTTON: That's all of the questions.

5 THE COURT: Any follow-up?

6 BY MR. SWERLING:

7 Q. Ms. Smith, I guess the answers to my questions are
8 still the same, though, had you had that information you
9 would have been able to develop some questions that you were
10 not able to develop that you would have wanted to develop to
11 find out that information.

12 A. I would have developed and explored that further if I
13 had known or --

14 Q. Whether she saw anything -- without specific names but
15 situations, whether she saw something, whether anything was
16 done to her and whether or not she talked about it with her
17 sister or anybody in the family.

18 A. I would have asked her the questions.

19 MR. SWERLING: That's what I have, Judge.

20 THE COURT: And so where are we?

21 MR. SWERLING: Well, Judge, I think at this point I
22 submit that the issue is relevant, that the form was not
23 answered accurately. There's no information on the form
24 that gives Ms. Smith, who is trying to conduct an interview
25 of the child, gives her any information about any other

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1 family issues. And the form clearly says has there ever
2 been child abuse investigations involving this child or
3 family before. We know from the incident report and the
4 offer of proof that clearly they have, and the information
5 would have been important for Ms. Smith because it could
6 have -- and she would have -- said she would have developed
7 questions about whether the child ever observed anything in
8 2003, 2004, whether Brother 3 ever done anything to her,
9 and whether or not there had been any discussions about that
10 kind of sexual activity. The critical issue here, Judge, is
11 that is the same period she describes as you heard on the
12 stand that this started when she was three or four years
13 old, that's also in the interview. That is the same period
14 of time that the allegation was made on April 14th of 2004,
15 that is when the kids were at the Williams daycare center,
16 she was born in the year 2000 so it overlaps completely the
17 situation that is in that incident report. And so therefore
18 I do think it becomes relevant as far as impeachment and
19 what this young lady could have been able to use in that
20 particular interview to develop particularly -- well, a lot
21 of things, but one of the things is the source of knowledge
22 of her -- any knowledge she may have had as to sexual
23 activity, and this young lady here, Ms. Smith, was never
24 given that opportunity to go ahead and develop those
25 questions. So I believe it becomes relevant and it is

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1 relevant now and we should be allowed to -- and Judge, I
2 will just tell you what I propose, what I would propose is
3 try to -- the State and I -- it would be a stipulation.
4 There was a report made in 2004, it was investigated, it was
5 determined to be accurate and we don't have to go into any
6 great detail, it is just and the case was closed because the
7 family was going to handle it. I'm not intending to go into
8 the facts, the gory details, it's just the event itself.

9 THE COURT: Solicitor?

10 MS. SUTTON: Your Honor, I think in response to
11 Mr. Swerling's questions and arguments he's putting forth is
12 getting around and trying to circumvent the Rape Shield
13 Statute and getting into whether or not this particular
14 child, which is Child 2 had any type of sexual knowledge. I
15 think we're kind of just trying to overlap and -- trying to
16 say that Child 2 may have vicariously gotten some information
17 from -- or sexual knowledge information from Child 1 maybe.
18 I think in response to the questions that I've asked
19 Ms. Smith -- let me back up. First of all in developing the
20 questions just by nature of what she's testified to she
21 can't ask specific leading questions. So the information
22 concerning Brother 3 would have never come out, I
23 think, even in the development of her questions in
24 particular because then that would have been suggestive and
25 would have tainted the interview process. She's already

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1 stated -- Mrs. Smith already stated that she's asked the --
2 **Child 2** whether or not anybody else had touched you
3 inappropriately and that question was asked and answered by
4 **Child 2** She also -- Ms. Smith also stated that based upon
5 what she did ask **Child 2** which is basically the open-ended
6 questions to get a narrative, that she stated all of her --
7 based upon what she was stating that all of her sexual
8 knowledge came from one person and -- that came from one
9 person. Even in the development of questions I don't think
10 it would have gotten into anything specific because that
11 would have tainted the whole interview process, and then
12 even by Ms. Smith's testimony she stated -- at one point she
13 stated she may have developed questions -- that even if she
14 developed questions she didn't know if she would have gotten
15 to them because of the length of the interview. Judge, the
16 State believes and the State submits that this information
17 coming in is actually once again just a back door way to get
18 around the Rape Shield issue, and also to -- in all of this
19 I think the jury would be more confused about the issues
20 that are being put forth because we're actually talking
21 about two different children. We're not talking about
22 **Child 1** who was actually the person that was sexually
23 assaulted, she was not interviewed by Mrs. Smith, we're
24 talking about **Child 2** I think the defense counsel wants to
25 get that in as far as where she got her sexual knowledge,

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1 and based upon the responses that was given by Ms. Smith on
2 the stand she basically said Child 2 elaborated that she got
3 all of her sexual knowledge from that one person about these
4 events.

5 THE COURT: All right. Thank you, Solicitor.

6 MS. SUTTON: So the State will object to that line of
7 questioning, that even if it's relevant that it would be
8 highly prejudicial and that it would be confusing to the
9 jury.

10 MR. SWERLING: Judge, I think -- here is what I think,
11 I think the Rape Shield Statute protects questions
12 concerning chastity, we're not going into that. It's
13 clearly -- we are not trying to impugn the character in the
14 chastity of Child 1 What we're trying to do is what
15 the cases have said we can do is use it for impeachment
16 purposes, or to show source of knowledge. And it's not just
17 limited to those things, if it's for a purpose other than
18 attacking the character of that particular victim then it is
19 admissible. And so what I'm saying here is -- and I think
20 Ms. Smith was very candid about it -- this information would
21 have been important to her, she would have developed
22 questions about it even though it happened to Child 1 it
23 happened in the family unit, that's what the purpose of that
24 question is on the form, it can't be any other reason. It
25 gives this person here an opportunity to know about the

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1 child and about the family, so it is relevant. I believe it
2 is not a violation of the Rape Shield Statute, I think it
3 falls within the exclusion or the exception to the Rape
4 Shield Statute and it should be admitted. And it's
5 certainly -- the way I propose to do it under 403, the
6 prejudicial affect would not outweigh the probative value.
7 The whole purpose of it would be to show that Ms. Smith
8 could have more information where she could have pursued
9 whether she heard or saw anything in conversation or more
10 focused on whether or not -- instead of just a denial on her
11 part that nobody else touched her, with that information she
12 would have been able to say, "What about in your home, for
13 example, what about several years ago?" So I don't see the
14 prejudice outweighs the probative value and I would suggest
15 to the Court it should be admitted.

16 THE COURT: All right. Mr. Swerling, I have reviewed
17 Groversteen once again and I disagree with you. I find that
18 the probative would be outweighed by the prejudicial affect.
19 The primary reason is that as I read Groversteen the
20 exception to the Rape Shield Statute has to do with a
21 similar conduct and therefore be the basis for knowledge for
22 a child explaining something that they might not otherwise
23 be able to discuss and I don't see that this is sufficiently
24 close enough for the Court to permit it so I'll deny your
25 motion.

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1 MR. SWERLING: Judge, if I can -- under the McElroy
2 case, a lot of these questions about consistency and whether
3 or not about the child telling the truth and other possible
4 reasons and what we're looking to see and we're looking to
5 see if it adds up, all of those have been banned by McElroy.
6 I think she can get up here and say this is what the
7 interview was and go ahead and play the video and that's it.
8 I don't think she can be asked any questions about whether
9 the child was consistent or gave a compelling disclosure or
10 what she was looking for is just to tell whether the child
11 was telling the truth or not and the case says that.

12 MS. SUTTON: Oh Judge -- and the State doesn't disagree
13 with Mr. Swerling.

14 THE COURT: So we're good.

15 (A break was taken.)

16 THE COURT: Solicitor, are we ready for the jury?

17 MS. SUTTON: Yes, sir.

18 THE COURT: And Mr. Swerling?

19 MR. SWERLING: Ready.

20 THE COURT: All right. Let's bring the jury in.

21 MS. SUTTON: Judge, Ms. Child 2 is in the
22 courtroom and I think Mr. Swerling has some objection to
23 that.

24 MR. SWERLING: I do, she is sequestered.

25 (The jury returned to the courtroom.)

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1 THE COURT: I believe we are ready to resume with the
2 examination of the witness. Solicitor?

3 MS. SUTTON: Yes, sir, Your Honor.

4 BY MS. SUTTON:

5 Q. Just a couple of more questions, Ms. Smith. I think I
6 was previously asking you whether or not you had an
7 opportunity to interview Ms. Child 2

8 A. I did.

9 Q. And that your interview was recorded.

10 A. It was video recorded.

11 Q. And during the course of your interview with Mrs. (sic)
12 Rowles did the -- was the -- did Child 2 give you details
13 of -- a detail account of what had happened to her?

14 A. She did.

15 Q. Were you able to understand, I guess, what she said
16 happened to her?

17 A. Yes.

18 Q. And I'm going to show you a copy of a DVD that I'm
19 going to mark as State's Exhibit Number 1 right now. And
20 ask if you recognize it.

21 A. Yes, I do.

22 Q. And what is this State's Exhibit Number 1?

23 A. It's the copy of the video of the forensic interview of
24 Child 2

25 Q. From October 3rd of 2008?

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1 A. Uh-huh.

2 MS. SUTTON: Your Honor, at this time the State moves
3 to have this video introduced into evidence.

4 THE COURT: All right. You may proceed.

5 MS. SUTTON: Judge, at this time we wish to publish or
6 play the taped interview.

7 MR. SWERLING: Can we just have a side bar for just one
8 second?

9 (A bench conference was held.)

10 (The DVD was marked as State's 1.)

11 THE COURT: As you probably gathered you're getting
12 ready to watch the video that we have been referring to,
13 it's about 40 minutes. They told me at some point in time
14 it will be stopped and restarted which means there are
15 portions of the tape that won't be shown to you and I will
16 tell you that that portion of the tape is unrelated and has
17 nothing to do with this case.

18 (At this time the DVD was played.)

19 MS. SUTTON: Judge, I don't have any other questions.

20 THE COURT: Thank you. Cross examination?

21 MR. SWERLING: No questions, Your Honor.

22 THE COURT: Thank you, ma'am, you may step down. And
23 Solicitor, do you have another witness before lunch?

24 (A bench conference was held.)

25 THE COURT: Solicitor, did you indicate you have no

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1 more witnesses?

2 MS. SUTTON: Your Honor, that is correct, we have no
3 other witnesses and at this point the State rests.

4 THE COURT: Which brings us a good time to take a
5 lunch, ladies and gentlemen, ask you to come back at 2:00.
6 We have some work to do here. Don't talk to anybody about
7 the case, don't let anybody talk to you about the case.
8 Hopefully we will be ready to go at 2:00, or y'all gather in
9 the jury room at 2:00. See you then.

10 (The jury left the courtroom.)

11 THE COURT: Why don't we go to lunch, ladies and
12 gentlemen, and hear motions when we come back, ten after
13 1:00?

14 (A lunch break was taken.)

15 THE COURT: State rests. Does the defense have any
16 motions?

17 MR. SWERLING: Yes, sir. Judge, as I understand it we
18 have -- I guess I'll just read them into the record, the
19 indictment numbers. 2008-GS-20-500 is an indictment for
20 criminal sexual conduct with a minor first degree. We would
21 move for a directed verdict on the grounds that the State
22 has failed to prove sufficient evidence to establish beyond
23 a reasonable doubt that Mr. Williams committed that offense
24 during the time period alleged on the victim alleged. And
25 2008-GS-20-501, same charge with respect to Child 1

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1 it would be the same position we would have with respect for
2 that and just to incorporate that. 2008-GS-20-502,
3 indictment for committing a lewd act upon a child during the
4 time frame alleged, this is with regards to Child 1.
5 And lewd act -- this is 2008-GS-20-503, another indictment
6 for committing a lewd act on a child, that would be Child 1
7 [REDACTED]. 2008-GS-20-504, committing a lewd act upon a child,
8 Child 2 [REDACTED] 2008-GS-20-505, committing a lewd act on a
9 child, that would be Child 2 [REDACTED] again during the time
10 period alleged. And the 2008-GS-20-506 -- these are all
11 amended indictments, Your Honor -- this would be a lewd act
12 on Child 2 [REDACTED] during the time period alleged. As to all
13 of the lewd act charges we would ask the Court to direct a
14 verdict of acquittal. The State has failed to offer
15 evidence beyond a reasonable doubt -- that the jury could
16 find beyond a reasonable doubt that the defendant committed
17 the crime, or failed to offer sufficient evidence as to each
18 and every element of the crimes. That would be it, Your
19 Honor. I think that's all of the indictments, I just wanted
20 to make sure I didn't miss one, but I believe that is all of
21 them.

22 THE COURT: Seven indictments? Five of lewd and two
23 criminal sexual conduct first?

24 MR. SWERLING: That is correct.

25 THE COURT: And I think you mentioned each one.

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1 MR. SWERLING: I think I did, Judge.

2 THE COURT: Anything else regarding the motions?

3 MR. SWERLING: No. I just ask you to direct a verdict
4 of acquittal as to each one of those indictments.

5 THE COURT: I understand the motions. I think there is
6 sufficient evidence for the jury to conclude beyond a
7 reasonable doubt that the defendant is guilty of each of the
8 charges. It's up to the jury to determine whether they
9 believe the testimony of the witnesses that have been
10 offered, so I'll deny the motions. Any other motions?

11 MR. SWERLING: Not at this time, Your Honor.

12 (Break in proceedings.)

13 (The defendant was sworn.)

14 THE COURT: You are Mr. Michael D. Williams?

15 THE DEFENDANT: I am, Your Honor.

16 THE COURT: Mr. Williams, at this time I'm going to
17 explain to you certain of your rights and I need to tell you
18 that if at anytime you don't understand anything I'm saying
19 or need further explanation, please stop me, interrupt me
20 and let me know. As you know I'm sure we have now reached
21 the stage in the trial where you have the right to present
22 your defense, and I need to tell you also you have the right
23 to claim the protections given to you by the 5th Amendment
24 to the Constitution of the United States of America which
25 states in part as follows: No person shall be compelled in

JURY CHARGE

1 State ready to receive the jury (sic)?

2 MS. SUTTON: Yes, sir, Your Honor.

3 THE COURT: Defense?

4 MR. SWERLING: Yes, sir.

5 THE COURT: Let me make just a statement to the entire
6 courtroom. Of course, nobody knows what the verdict is
7 going to be in a moment, but apparently the jury has reached
8 a verdict. There is people in the courtroom that could be
9 very unhappy, I just want to make sure there are no
10 outbursts. Everybody control your emotions and let's just
11 hear what the jury has to say.

12 (The jury returned to the courtroom.)

13 THE COURT: Welcome back, ladies and gentlemen. Let me
14 ask our foreperson, the bailiff indicates she believes that
15 the jury has reached a verdict in the case; is that correct?

16 THE JUROR: It is, Your Honor.

17 THE COURT: Is there a -- were there verdicts reached
18 on each of the indictments?

19 THE JUROR: Yes, sir, there was.

20 THE COURT: Were the verdicts on each of the
21 indictments a unanimous verdict, meaning all 12 of you
22 agreed?

23 THE JUROR: Yes, sir.

24 THE COURT: Did you on behalf of the jury circle the
25 appropriate verdicts on each of the indictments?

JURY VERDICT

1 THE JUROR: Yes, sir.

2 THE COURT: And sign your name?

3 THE JUROR: Yes, sir.

4 THE COURT: Would you please pass the verdict forms
5 forward? And I will ask our clerk if she will please
6 publish the verdict forms. Madam Clerk?

7 THE CLERK: State of South Carolina versus Michael D.
8 Williams, 2008-GS-20-501. We, the jury, as to indictment
9 2008-GS-20-501, criminal sexual conduct with a minor first
10 degree regarding the victim Child 1, unanimously find
11 the defendant, Michael D. Williams, guilty. 2008-GS-20-503,
12 State vs. Michael D. Williams, we the jury as to indictment
13 2008-GS-20-503, regarding the victim Child 1, we
14 unanimously find the defendant, Michael D. Williams, guilty.
15 2008-GS-20-502, State of South Carolina versus Michael D.
16 Williams, we the jury as to indictment 2008-GS-20-502
17 regarding the victim, Child 1, unanimously find the
18 defendant, Michael D. Williams, guilty. State of South
19 Carolina vs. Michael D. Williams, 2008-GS-20-500, we the
20 jury as to indictment 2008-GS-20-500 for criminal sexual
21 conduct with a minor degree (sic) regarding victim Child 2
22 Rowles unanimously find the defendant, Michael Williams,
23 guilty. State of South Carolina vs. Michael Williams,
24 2008-GS-20-504, we the jury as to indictment 2008-GS-20-504
25 regarding the victim Child 2, unanimously find the

JURY VERDICT

1 defendant, Michael Williams, guilty. 2008-GS-20-505, State
2 of South Carolina vs. Michael D. Williams, we the jury as to
3 indictment 2008-GS-20-505 regarding the victim Child 2
4 Rowles, unanimously find the defendant, Michael D. Williams,
5 guilty. 2008-GS-20-506, State of South Carolina vs. Michael
6 D. Williams, we the jury as to indictment 2008-GS-20-506
7 regarding the victim, Child 2 unanimously find the
8 defendant, Michael D. Williams, guilty. These were all
9 signed by the foreperson Mark Taylor, and it was dated
10 July 11, 2012. Ladies and gentlemen, if this was your
11 verdict and still now your verdict please signify by raising
12 your right hand. Let the record reflect that all jurors
13 raised their right hand, the verdict stands as read.

14 THE COURT: Thank you, Madam Clerk. Anything from the
15 defense?

16 MR. SWERLING: Your Honor, we would request polling.

17 THE CLERK: Ruchelle Gee, if this was your verdict and
18 still now your verdict please signify by saying yes.

19 THE JUROR: Yes.

20 THE CLERK: Linda McCants, was this your verdict and
21 still now your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Lisa Hollis, was this your verdict and
24 still now your verdict?

25 THE JUROR: Yes.

JURY VERDICT

1 THE JUROR: Yes.

2 THE CLERK: And still now your verdict.

3 THE JUROR: Yes.

4 THE CLERK: Joseph Benjamin, was this your verdict?

5 THE JUROR: Yes.

6 THE CLERK: And still now your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Lawrence Boyd, was this your verdict?

9 THE JUROR: Yes.

10 THE CLERK: And still now your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Thank you. Let the record reflect all

13 jurors still have the same verdict.

14 THE COURT: Anything else before the jury is

15 discharged?

16 MR. SWERLING: No, Your Honor.

17 MS. SUTTON: Nothing from the State, Your Honor.

18 (The jury was dismissed.)

19 THE COURT: Any other matters for the Court to

20 consider, any other motions?

21 MR. SWERLING: Judge, we would, of course, move for a

22 new trial based on the arguments that were made at the end

23 of the State's case and at the end of the defense case,

24 renewing all of those issues. And also my objections that

25 were made during the course of the trial that were ruled

SENTENCING HEARING

1 adversely to us, we would renew those and the motions for a
2 new trial.

3 THE COURT: I understand the motions but I can't find
4 any reason to set aside the verdict of the jury and would
5 deny the motions.

6 MR. SWERLING: Judge, in addition so I know -- one of
7 the things that concerns me is there were seven indictments
8 and they were out I think about an hour and 15 minutes
9 approximately, I just say there seems to be no way that the
10 jury could have adequately thoroughly covered all seven
11 indictments within that one hour and 15 minute period, so I
12 do move for a new trial based on that as well. It was
13 not -- or there could not have been careful deliberations
14 given to each and every one of those charges.

15 THE COURT: I also understand that motion and will deny
16 that. Any other motions?

17 MR. SWERLING: Not at this time.

18 THE COURT: Anything from the State?

19 MS. SUTTON: Nothing at this time from the State, Your
20 Honor.

21 THE COURT: And is there any reason that the Court
22 cannot go ahead with the sentencing in the case?

23 MR. SWERLING: Can I --

24 THE COURT: Sure.

25 (Break in proceedings.)

SENTENCING HEARING

1 Squad, medic of the year in 1997. He was on the National
2 Registry for Paramedics in the South Carolina registry as
3 well. Judge, he has had obviously an exemplary background.
4 And I know the allegations are obviously serious, the jury
5 has spoken, I as a lawyer must accept the verdict as it is
6 for right now and I know Your Honor has to accept the
7 verdict as it is for right now. But I would ask Your Honor
8 in light of this man's background, I would ask you to
9 consider the minimum sentence in the case as being -- a
10 sentence greater than that would not be appropriate.

11 THE COURT: As I understand it as we said a moment ago,
12 it's a mandatory minimum of 25 years at 85 percent, so
13 whatever sentence he received he would be required to serve
14 at least 85 percent before he would be eligible for parole?

15 MR. SWERLING: Or released.

16 THE COURT: Or released on supervision. Mr. Williams,
17 anything you wanted to say?

18 THE DEFENDANT: No, sir. My life is over with as it
19 is, my concern right now is my wife. She has a bad heart
20 condition, she's a bad diabetic, she's going blind, she
21 needs surgery but we don't have the funds to get that.

22 THE COURT: Mr. Williams, as you heard your attorney
23 say the jury has spoken in this case, the law does not
24 permit me to comment on my personal opinion about the
25 verdict of the jury.

SENTENCING HEARING

1 THE DEFENDANT: I understand.

2 THE COURT: I'm not permitted to say whether I agree or
3 disagree with the jury's verdict. The legislature has
4 determined that I cannot sentence you to any less than 25
5 years on the criminal sexual conduct first degree cases,
6 which I am going to do. I'm going to sentence you on each
7 of those charges to 25 years. On the other remaining five
8 charges, lewd act, sentence you to 15 years on each of
9 those. All sentences will be concurrent, credit for any
10 time served that you might have had.

11 MR. SWERLING: He was in jail approximately four
12 months, Your Honor, we -- obviously those dates would be
13 recorded at the jail.

14 THE COURT: The sex offender registry I think is
15 mandatory.

16 MR. SWERLING: Yes.

17 THE COURT: Doesn't have anything to do with this
18 Court. Central registry of child abuse and neglect is also
19 mandatory. Anything else from the State? Anything else
20 from the defense?

21 MS. SUTTON: Nothing else from the State, Your Honor.

22 MR. SWERLING: No, sir.

23 (End of trial proceedings.)

24

25

WITNESSES

Boney - FCSO

Dove

ARREST WARRANT NUMBER/DOA

K310479 (DOA-10-09-08)

ACTION OF GRAND JURY

TRUE DATE

5/29/12

Walter Ruff
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

AMENDED
DOCKET NO. 2008-GS-20-500

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE
vs.

Michael D. Williams

Indictment for

Criminal Sexual Conduct with a Minor
First Degree

SC Code: § 16-3-655(A) (1), (C) (1)
CDR Code: 0385
Class: Felony Exempt

2012 MAY 29 P 12:34
 FAIRFIELD COUNTY
 CLERK OF COURT
 BETTY JO BECKHAM

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

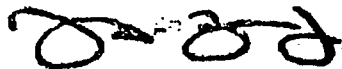
INDICTMENT

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of
Fairfield County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

That Michael D. Williams did in Fairfield County, between 2004 - 2008, engage in
sexual battery with Child 2 a minor less than 11 years of age, in violation of
Section 16-3-655(A)(1), (C)(1) of the Code of Laws of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney - FCSO

Dove

ARREST WARRANT NUMBER/DOA

K310480 (DOA-10-09-08)

ACTION OF GRAND JURY

TRUE BILL

5/25/12

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

AMENDED

DOCKET NO. 2008-GS-20-501

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE

vs.

Michael D. Williams

Indictment for

Criminal Sexual Conduct with a Minor
First Degree

SC Code: § 16-3-655(A) (1), (C) (1)

CDR Code: 0386

Class: Felony Exempt

2012 MAY 29 P 12:34
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

STATE OF SOUTH CAROLINA)

INDICTMENT

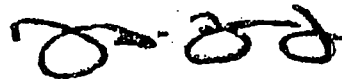
COUNTY OF FAIRFIELD)

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of Fairfield County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

That Michael D. Williams did in Fairfield County, between 2004 - 2007, engage in sexual battery with **Child 1** a minor less than 11 years of age, in violation of Section 16-3-655(A)(1), (C)(1) of the Code of Laws of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

 Boney-FCSO

Donie

ARREST WARRANT NUMBER/DOA

 K310481 (DOA-10-09-08)

ACTION OF GRAND JURY

 TRUE BILL

Alvin Rapp

 Foreperson of Grand Jury

 Date:

VERDICT

 Foreperson of Petit Jury

 Date:

AMENDED
DOCKET NO. 2008-GS-20-502

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

 MAY TERM 2012

THE STATE
vs.

Michael D. Williams

Indictment for

Committing a Lewd Act Upon a Child

SC Code: § 16-15-140
CDR Code: 2468
Class: Felony, D

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

2012 MAY 29 P 12:34

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

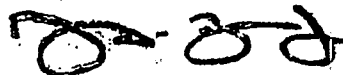
INDICTMENT

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of Fairfield County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That Michael D. Williams, a person over the age of fourteen (14) did in Fairfield County between 2004-2008, willfully and unlawfully commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: did touch the victim, Child 1 on her vagina under her clothing, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desire of himself or of said child, in violation of §16-15-140, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney-FCSO

Dove

ARREST WARRANT NUMBER/DOA

K310482 (DOA-10-09-08)

ACTION OF GRAND JURY

TRUE BILL

5/29/12

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

AMENDED
DOCKET NO. 2008-GS-20-503

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE
vs.

Michael D. Williams

Indictment for
Committing a Lewd Act Upon a Child

SC Code: § 16-16-140
CDR Code: 2468
Class: Felony, D

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

2012 MAY 29 P 12:34

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF FAIRFIELD)

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of Fairfield County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That Michael D. Williams, a person over the age of fourteen (14) did in Fairfield County between 2004-2008, willfully and unlawfully commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: while in the swimming pool, the defendant did touch the victim, [Child] on her vagina under her clothing, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desire of himself or of said child, in violation of §16-15-140, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney-FCSO

Dove

ARREST WARRANT NUMBER/DOA

K310483(DOA-10-09-08)

ACTION OF GRAND JURY

JURY

5/29

2012

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

AMENDED
DOCKET NO. 2008-GS-20-504

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE
vs.

Michael D. Williams

Indictment for

Committing a Lewd Act Upon a Child

SC Code: § 16-15-140
CDR Code: 2468
Class: Felony, D

FAIRFIELD COUNTY
CLERK OF COURT
BENJAMIN J. BROWN
JUL 2 2012

2012 MAY 29 P 12:34

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

INDICTMENT

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of Fairfield County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That Michael D. Williams, a person over the age of fourteen (14) did in Fairfield County between 2004 and 2008, willfully and unlawfully commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: did place his penis on the leg of the victim, Child 2 with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desire of himself or of said child, in violation of §16-15-140, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney-FCSO

Dove

ARREST WARRANT NUMBER/DOA

K310484 (DOA-10-09-08)

ACTION OF GRAND JURY

TRUE BILL

*5/29/12**Richard Rigg*
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury
Date:AMENDED
DOCKET NO. 2008-GS-20-505The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE
vs.

Michael D. Williams

Indictment for
Committing a Lewd Act Upon a ChildSC Code: § 16-15-140
CDR Code: 2468
Class: Felony, DFAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

2012 MAY 29 P 12:34

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

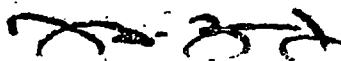
INDICTMENT

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of
Fairfield County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That Michael D. Williams, a person over the age of fourteen (14) did in Fairfield
County between 2004 and 2008, willfully and unlawfully commit a lewd or lascivious act
upon or with the body, or any part or member thereof, of a child under the age of sixteen
(16) years, to wit: did touch the victim, **Child 2** on her vagina under her clothing,
with the intent of arousing, appealing to, or gratifying the lust or passions or sexual
desire of himself or of said child, in violation of §16-15-140, *Code of Laws of South
Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney-FCSO

Done

ARREST WARRANT NUMBER/DOA

K310485(DOA-10-09-08)

ACTION OF GRAND JURY

TRUE BILL

*5/29/12**Media Ruff*
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

AMENDED
DOCKET NO. 2008-GS-20-506The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE
vs.

Michael D. Williams

Indictment for

Committing a Lewd Act Upon a Child

SC Code: § 16-15-140
CDR Code: 2468
Class: Felony, DFAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BERNHARDT

2012 MAY 29 P 12:34

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

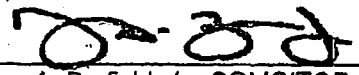
INDICTMENT

At a Court of General Sessions, convened on May 29, 2012, the Grand Jurors of
Fairfield County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That Michael D. Williams, a person over the age of fourteen (14) did in Fairfield
County between 2004 and 2008, willfully and unlawfully commit a lewd or lascivious act
upon or with the body, or any part or member thereof, of a child under the age of sixteen
(16) years, to wit: did force the victim, Child 2 to place both her hands on his
penis with the intent of arousing, appealing to, or gratifying the lust or passions or
sexual desire of himself or of said child, in violation of §16-15-140, *Code of Laws of
South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney-FCSO # 08-7553

Boyd

ARREST WARRANT NUMBER/DOA

K310579 (DOA-12-3-08)

ACTION OF GRAND JURY

TRIE BILL

2-24

20 09

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-20-124

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

MARCH TERM 2009

THE STATE
vs.
Michael D. Williams

Indictment for
Committing a Lewd Act Upon a Child

SC Code: § 16-15-140

CDR Code: 2468

Class: Felony, D

2009 FEB 24 P 1:01

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

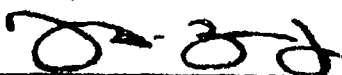
INDICTMENT

At a Court of General Sessions, convened on February 24, 2009, the Grand Jurors of Fairfield County present upon their oath:

COMMITTING A LEWD ACT UPON A CHILD

That ^{Michael}~~Michael~~ D. Williams, a person over the age of fourteen (14) did in Fairfield County on or about January 1, 2009, willfully and unlawfully commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: did touch the victim, Jazmine Maraya Hinton, 6, on the vagina under her clothing, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desire of himself or of said child, Jazmine Maraya Hinton in violation of §16-15-140, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

Boney-FCSO # 08-7553

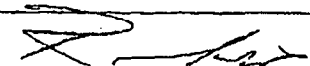
Boyd

ARREST WARRANT NUMBER/DOA

K310580 (DOA 12-3-08)

ACTION OF GRAND JURY

TRUE BILL 2-24 2009



Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-20-125

The State of South Carolina

County of Fairfield

COURT OF GENERAL SESSIONS

MARCH TERM 2009

THE STATE
vs.

Michael D. Williams

Indictment for
Exposure of Private Parts in Lewd Manner

SC Code: §16-15-0365
CDR Code: 0377
Class:

2009 FEB 24 P 1:01

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

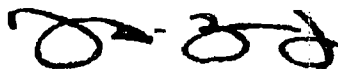
INDICTMENT

At a Court of General Sessions, convened on February 24, 2009, the Grand Jurors of Fairfield County present upon their oath:

Exposure of Private Parts in Lewd Manner

That Michael D. Williams did in Fairfield County on or about January 1, 2006 and May 28, 2008, willingly and knowingly expose the private parts of his person in a lewd and lascivious manner and in the presence of any other person, to wit: defendant did expose his penis in the presence of Jazmine Maraya Hinton, did commit a pattern of in violation of Section 16-3-1710(B) of the Code of Laws of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR



ASSESSMENT & RESOURCE CENTER CAREGIVER QUESTIONNAIRE FOR THE FORENSIC INTERVIEW

CHILD'S NAME: Child 2 SEX: F
 DATE OF BIRTH: 11-01-00 AGE: 17
 RACE: Caucasian

Who is filling out this form? Name (Please print): Susan Rowles
 Your signature and date: Susan Rowles 10/03/08

Relationship to child:
☒ Legal Parent ☐ GAL / CASA ☐ CPS Caseworker
☐ Foster Parent ☐ Therapist ☐ DSS Treatment Worker
☐ Other legal guardian ☐ Law Enforcement ☐ DSS Foster Care Worker

1. Who lives with the child now?

Name	Age	Gender (Male or Female)	Relationship
Susan Rowles	34	M <u>(F)</u>	Mom
Child 1	14	M <u>(F)</u>	Sister
Child 2	7	M <u>(F)</u>	Self
Brother 1	6	<u>(M)</u> F	Brother
Other HH		M F	
Father		M F	
-Dwene house		M F	

Has the child recently moved? ☐ Yes ☒ No If YES, Who lived with the child before?

Name	Age	Gender (Male or Female)	Relationship
Visit w/ <u>(F)</u>		M F	
1/week, open visitation		M F	
		M F	
		M F	
		M F	
		M F	
		M F	

2. Does the child have any medical, developmental or learning problems? If YES, please check the appropriate boxes below and explain.

☐ YES
☒ NO
☐ I DON'T KNOW

- ☐ Medical disorder:
☐ Mental health disorder:
☐ Speech / Language problem:
☐ Other:

3. Has the child experienced any difficulties at school?
 If YES, describe:

☐ YES
☒ NO
☐ I DON'T KNOW

4. Name of child's school: Great Falls Elementary

Current grade: 2nd

5. Has there ever been a child abuse investigation involving this child or family before?
 If YES, describe:

☐ YES
☒ NO
☐ I DON'T KNOW

6. Who is suspected of harming the child? (Give name, age)

Michael Williams, 50

7. How does the child know this person or persons?

Babysitters husband

8. How often did the child see this person or persons, and when was the last contact?

2 weeks ago (whatever days was off)
 → Baby sat from 1 1/2 years to 4 → 6 - Now

9. Tell us how you came to know there might be a problem. If the child said something to you, tell us what the child said, as close to the exact words as you can remember.

She told her Sister that Mike Mike sometimes touche her private area, not to tell because she wasn't to tell that it was ok because he did it to marahra too nat they were his girlfriends. She didn't like it Cause sometimes it hurt.

9. (Continued, if needed):

10. What does the child know about coming to the ARC today? What was the child told?

She was going to have an exam and asked some questions. All she needed to do was tell the truth.

11. Have previous interviews been conducted?

If YES, describe:

DSS went to school but did not ask questions

☐ YES

☒ NO

☐ I DON'T KNOW

12. Do you have concerns about how the child is doing?

If YES, describe:

☐ YES

☐ NO

☐ I DON'T KNOW

13. Is the child receiving counseling or mental health services right now?

If YES, describe with whom and for what.

☐ YES

☒ NO

☐ I DON'T KNOW

14. What else would you like us to know about the child or the situation?

Thank you for answering this questionnaire. The professional who interviews the child will use this information to further guide the process. Do you have questions? Please write them below.

Back since April 2007

baby - age 5, Donna for one year, back Williams

AGENCY I.D.
 SC0200000

 INCIDENT REPORT
 Fairfield County Sheriff's Office

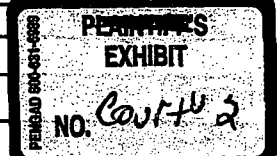
CASE NUMBER

04-001893

NGIC

INQ. ENTD.

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 11B - FORCIBLE SODOMY		☒ YES ☐ NO	☐ YES ☐ NO	20 (Residence/Home)		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relg. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.
2.		☐ YES ☐ NO	☐ YES ☐ NO			
3.		☐ YES ☐ NO	☐ YES ☐ NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE	
					40-Personal Weapons (Hands, Fists,	
INCIDENT DATE	24 HR. CLOCK	TO DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED
12/01/2003	0:00	12/01/2003	0:00			10:20
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
WIGGINS, PAIGE		#1 #2 #3	☒ S ☐ O ☐ U	W	F	25
ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	
		WINNSBORO	SC	29180-		
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
Child 1		#1 #2 #3	☒ S ☐ O ☐ U	W	F	09
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.		
4'02"	80	BLN - Blonde or	GRN - Green			
ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	
12 ELM ST		GREAT FALLS	SC	29055-		
VISIBLE INJURY (VICT. 1) ☐ YES ☐ NO ☐ EXPLAIN -		COMPLAINT OF NON-VISIBLE INJURIES: ☐ YES ☐ NO				
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS: ☐ YES ☐ NO ☐ UNK ☐ TYPE:						
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASMT. ☐ OTHER ☐		ALONE ☐ ASSISTED ☐ * J -- This Jurisdiction S -- State O -- Out of State U -- Unknown				
☐ SUSPECT	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.
☐ RUNAWAY	Brother 3		W	M	15	N
☐ WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.					
☐ WARRANT	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.
☐ ARREST	ROAD		GREAT FALLS	SC	29055-	
☐ JAIL	SUBJECT (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
☐ SUMMONS	DRUGS: ☐ YES ☐ NO ☐ UNK ☐ TOTAL # ARRESTED 0		12/01/2003 0:00			
ON THE ABOVE DATE AND TIME COMPLAINANT STATED TO R/O THAT SHE GOT A REPORT FROM THE CHESTER DSS. SHE SAID THAT THE FATHER CALLED AND REPORTED THAT HIS SON DISCLOSED TO DR. BRIDGEWATER THAT HE ASKED HIS SISTER WHO IS 8 YEARS OLD TO HAVE ORAL SEX WITH HIM AND SHE AGREED. COMPLAINANT STATES THAT THIS WAS ALL THE INFORMATION SHE HAD AT THE TIME R/O CONTACTED INVESTIGATOR MARY ANN PHILLIPS. NO OTHER INFORMATION COULD BE OBTAINED AT THIS TIME.						
4/23/04 SUBJECT DID COERCE THE VICTIM INTO GIVING HIM ORAL SEX IN DECEMBER OF 2003. AFTER SPEAKING WITH BOTH SIDES OF THE FAMILY THEY WILL BOTH SEEK COUNSELING. THE SUBJECT HAS ALREADY STATED THEY WANT TO HANDLE THIS WITHIN THEIR FAMILY AND NOT THROUGH THE COURT SYSTEM. DSS WILL NOT BE INVESTIGATING. THE INCIDENT ACTUALLY OCCURRED AT IN BLACKSTOCK. THIS INVESTIGATION IS CLOSED.-141						
JURISDICTION OF THFT LAW ENFORCEMENT AGENCY			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)						TOTAL VALUE
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SIZED						
COUNTERFEIT						
SUBJECT IDENTIFIED ☐ YES ☐ NO ☐		SUBJECT LOCATED ☐ YES ☐ NO ☐		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION		DATE		UNIT NUMBER		APPROVING OFFICER
148 - HAMILTON, JULIAN		04/12/2004				
				FOLLOW-UP INVESTIGATION OFFICER		
				☐ YES ☐ NO ☐		



AGENCY I.D.
SC0200000

SUPPLEMENTAL INCIDENT REPORT
Fairfield County Sheriff's Office

CASE NUMBER

04-001893

265

NCIC

INQ. ENTD.

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE <u>2</u> of <u>3</u> PAGES
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

VICT/SUBJ. I.D. OVERFLOW	☒ COMPLAINANT	NAME (LAST, FIRST, MIDDLE) ROWLES, JEFFERY		VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3		RESIDENT ☒ S ☒ O ☒ U	RACE W	SEX M	AGE 44	D.O.B. 1/21/1960	ETH N	
	☐ VICTIM #	HEIGHT 6'00"	WEIGHT 215	HAIR BRO - Brown	EYES GRN - Green	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.						
	☐ SUBJECT #	ADDRESS		CITY GREAT FALLS	STATE SC	ZIP CODE 29055-	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
	☐ RUNAWAY	☐ VICTIM NO. ☐ VISIBLE INJURY: ☐ NO ☐ YES		☐ COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT		☐ ALONE		
	☐ WANTED	EXPLAIN		☐ NO ☐ YES		☐ DRUGS: ☐ NO ☐ YES ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
	☐ WARRANT	☐ SUBJECT NO. ☐ USING ALCOHOL: ☐ NO ☐ YES		☐ USING DRUGS: ☐ NO ☐ YES TYPE:		☐ UNK						

VICT/SUBJ. I.D. OVERFLOW	☒ COMPLAINANT	NAME (LAST, FIRST, MIDDLE) BRIDGEWATER MD, LISA		VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3		RESIDENT ☒ S ☒ O ☒ U	RACE	SEX	AGE 00	D.O.B.	ETH	
	☐ VICTIM #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.						
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
	☐ RUNAWAY	☐ VICTIM NO. ☐ VISIBLE INJURY: ☐ NO ☐ YES		☐ COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT		☐ ALONE		
	☐ WANTED	EXPLAIN		☐ NO ☐ YES		☐ DRUGS: ☐ NO ☐ YES ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
	☐ WARRANT	☐ SUBJECT NO. ☐ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ USING DRUGS: ☐ NO ☐ YES TYPE:		☐ UNK						

NARRATIVE												

VEH/GUN/ECT	STATUS		TYPE		VIN AND/OR LICENSE NO.				BOAT HULL NO. AND/OR REG. NO.			
	☐ STOLEN	☐ VEHICLE			SERIAL AND/OR OWNER APPLIED NO.				STATE			
	☐ RECOVERED	☐ GUN			YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE			
	☐ FOUND	☐ BOAT			MODEL	STYLE	COLOR	BRAND NAME		CALIBER		
	☐ TOWED	☐ LICENSE PLATE			NIG NO.		DENOMINATION		ISSUER	SECURITIES DATE		
	☐ SUSPECT	☐ SECURITY/BONDS, STOCKS			MISCELLANEOUS							

PROPERTY EST.	TYPE (GROUP)									TOTAL VALUE
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
	SEIZED									

ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED	☐ UNFOUNDED	☐ ARRESTED UNDER 18	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18	☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE - NO CUSTODY									
	REPORTING OFFICER(S) 148 - HAMILTON, JULIAN		DATE 04/12/2004		UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER	
	FOLLOW-UP INVESTIGATION					OFFICER				

266 AGENCY I.D.
SC0200000

SUPPLEMENTARY INCIDENT REPORT
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☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIM	☐ ADDITIONAL STOLEN PROPERTY	PAGE 3 of 3 PAGES
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECOVERED PROPERTY	

Victim(s), Offender(s), Others Involved

☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
☐ VICTIM #	ROWLES, SUSAN		#1	#2	#3	J	U	W	F	30	N
☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PARTICULARS, ECT.						
☐ RUNAWAY	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.					
☐ WANTED	GREAT FALLS										
☐ WARRANT	☐ VICTIM NO.	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETRACTIVE/PLAINT		☐ ALONE	
☐ ARREST	EXPLAIN				DRUGS: ☐ NO ☐ YES ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
☐ JAIL	☐ SUBJECT NO.		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK								
☐ SUMMONS			USING DRUGS: ☐ NO ☐ YES ☐ UNK								
☒ Other					☐ UNK						

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 26th, 2013

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Fairfield County

Brooks P. Goldsmith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL D. WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2012-212501

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Julie Kate Keeney, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 26th day of September, 2013.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 26th day of September, 2013.

David M. King (L.S.)

Notary Public for South Carolina
My Commission Expires: July 24, 2022.

RECEIVED

SEP 26 2013

SC Court of Appeals