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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

SC Court of Appeals

Howard P. King, Circuit Court Judge

Appellate Case No. 2012-213741

The State Respondent

v.

James Walker..... Appellant

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Stephen Collins - Direct Examination In Camera by Ms. Mayes

1 memory.

2 A Yes.

3 Q All right. What was the date in which you
4 initially received a report?

5 A September 7th, 2011.

6 Q All right. And what was the nature of that report?

7 A The complainant, Nancy Walker, came to the
8 Lexington County Sheriff's Department to report allegations
9 of sexual abuse involving her husband, Jim Walker, and her
10 two daughters ^{Minor 1} and, I believe, ^{Minor 2}

11 Q All right. And that was on September 7th?

12 A Yes, ma'am.

13 Q And at that point in time, did you have information
14 concerning the ages of both ^{Minor 2} and ^{Minor 1}

15 A ^{Minor 1} was born in [REDACTED], so if my math is right,
16 she would have been fifteen at the time of the report. And
17 ^{Minor 2} was born in [REDACTED], so I think she would have been
18 seventeen, approximately, at the time of the report.

19 Q All right. Did you have an opportunity after
20 making initial contact with the complainant to actually
21 speak with both ^{Minor 1} and ^{Minor 2} yourself?

22 A Yes, ma'am, I did.

23 Q And in that conversation, were you able to
24 ascertain the general nature of the allegations?

25 A Yes, I was.

Stephen Collins - Direct Examination In Camera by Ms. Mayes

1 been left for you on a personal phone or office phone?

2 A My office phone, my desk phone; yes, ma'am.

3 Q All right. And on this particular occasion, when
4 he contacted you to say he wanted to talk about the case,
5 were you aware that that voicemail existed prior to your
6 arrival at SLED?

7 A No, ma'am, I was not.

8 Q All right. And what happened next?

9 A Well, he shows up at the SLED and SLED handles the
10 procedure for them to come in, but during the course of
11 that procedure he is put in contact with Detective Robert
12 Singleton, who is going to be conducting the examination at
13 SLED and they handled that aspect of it outside of my
14 involvement.

15 Q All right. Are you able to view the polygraph?

16 A Yes, ma'am, I am.

17 Q Were you able to view the proceedings in this
18 particular case between Agent Singleton and the defendant?

19 A Yes, ma'am, I was.

20 Q Can you tell us whether or not he was advised of
21 his Miranda Rights as part of the routine process leading
22 up to a polygraph exam?

23 A Yes, ma'am, he was.

24 Q And what, if anything, occurred after he was
25 advised of his Miranda Rights?

1 you leave the courtroom, just turn it over face down in
2 your seat and pick it back up when you come back in.

3 Are there any objections to my initial instructions
4 to the jury, including the instructions regarding note
5 taking on behalf of the State, Ms. Mayes?

6 MS. MAYES: None from the State, Your Honor.

7 THE COURT: On behalf of the defense?

8 MS. FULLWOOD: No, Your Honor.

9 THE COURT: All right. The first order of
10 business, ladies and gentlemen, is the matter of opening
11 statements and for that purpose, the State will recognize
12 the assistant solicitor.

13 MS. MAYES: May it please the Court?

14 THE COURT: Yes, ma'am.

15 OPENING STATEMENTS

16 MS. MAYES: What this case is really about is
17 broken trust. There is no greater responsibility than
18 being a parent where you are entrusted to care for your
19 children, to guide and nurture them, and to protect them
20 from harm. But in this case, the very opposite occurred.
21 This defendant, James Walker, has been charged with
22 attempting or committing a lewd act upon a child and the
23 victims in this case, the persons that he committed these
24 offenses against are his own daughters.

25 In this case, you will hear testimony that while

1 living here in Lexington County with his family, his wife,
2 his children, that he carried out a pattern of conduct that
3 was inappropriate, touching of his daughters. You will
4 hear testimony that on multiple occasions he came into
5 their rooms at night and engaged in this pattern of
6 behavior. And in this case, you will hear directly from
7 both girls, ^{Minor 2} who is now 18 years old and a
8 college student, and ^{Minor 1} who is 16 years old
9 and a high school student.

10 Now, the law in this case is very simple and I'll
11 just give a brief summary of it now and then at the end of
12 this case, Your Honor will actually give you a very
13 specific detailed charge on the law. But when we talk
14 about the law of attempting or committing a lewd act upon a
15 child, what that basically means is some type of
16 inappropriate touching or fondling of a child of a lewd
17 nature. It can be any body part of a child. It doesn't
18 have to be in just the private part. Any lewd touching of
19 any body part of the child; and that the child is or was
20 under the age of 16 when those acts occurred.

21 You're also going to hear testimony from Detective
22 Steve Collins with the Lexington County Sheriff's
23 Department. Detective Steve Collins was the investigator
24 in this case and you'll hear testimony that when he met
25 with the defendant, advised him of what the allegations

1 were, the defendant made certain statements to him and that
2 the defendant, James Walker said, my daughters would not
3 lie. And that he also attempted to explain away his
4 behavior by saying, Well, I was on medication at the time
5 that made me act strange. However, keep in mind, as the
6 evidence will show throughout this case this was not a one
7 time event. This was an ongoing pattern of behavior with
8 both girls.

9 Also I submit, it will be important to keep in mind
10 when we talk about sexual abuse of a child, sexual abuse is
11 a secret crime. It's a crime of silence and it's a crime
12 of shame. You'll hear that in this particular case, both
13 girls kept that secret for a very long time about what was
14 happening in their home. And then finally in September of
15 last year, ^{Minor 1} his youngest daughter, found the
16 courage to break that silence. She came forward about what
17 had been happening.

18 After all is said and done, I submit the State will
19 meet its burden of proof beyond a reasonable doubt. That
20 is proof that James Walker is guilty as charged of
21 attempting or committing a lewd act on a child.

22 **THE COURT:** Ms. Fullwood, does the defendant care
23 to make an opening statement?

24 **MS. FULLWOOD:** Yes, Your Honor.

25 **THE COURT:** All right. You may.

1 MS. FULLWOOD: Thank you, Your Honor.

2 Ladies and gentlemen, what this case is about is a
3 divorce and a family that just fell apart. Jim Walker is
4 just a regular guy, born and raised in Ohio, never been in
5 trouble with the law. He and his family moved down here.

6 Now, one thing he did was he worked. He worked a
7 lot. He had a job that required him to be on the road at
8 least six days a week, sometimes for weeks at a time.
9 That's how he earned his living and he enjoyed earning a
10 living. But what happened is this family of a husband and
11 wife, two daughters and two sons split in two. The dad was
12 gone, so the rest of them formed a family unit without him.
13 Eventually he got a job that let him stay home more. As a
14 result there were tensions in the home when he was
15 participating more in family life. There were tensions
16 between him and his wife and between him and his growing
17 up, teenage daughters.

18 Finally, the tensions between the spouses got to
19 the point that they mutually agreed, they were going to get
20 divorced; and it was not until then, the day the mother
21 announced to the older children, the daughters, that the
22 divorce was coming, that they decided that they would make
23 these allegations. That's what this case is about,
24 allegations raised in connection with a divorce.

25 Now, I just ask you to keep a couple of things in

1 mind while you're listening to the evidence presented in
2 this case. And first is to keep an open mind until you
3 have heard all of the evidence in the case because you
4 don't have all of the information until all the evidence is
5 in. Second, I'd ask you to keep in mind that it's your
6 responsibility under the oath that you just took as jurors
7 to look for every possible, reasonable doubt in this case.
8 We're going to talk about that more later on and Judge King
9 will instruct you thoroughly on the law about that
10 particular aspect of the law.

11 But it is crucial to your function as jurors to
12 look for every alternative explanation, to look for every
13 possible reason a witness could have bias, a motive, not to
14 be forthcoming to you; and to resolve every doubt that you
15 have in this case in favor of Mr. Walker. I think that
16 once you hear all of the evidence, you're going to decide
17 that the correct verdict in this case is not guilty.

18 **THE COURT:** All right. Madame Clerk or Bailiff if
19 you will hand out the pads and pencils to the jurors and
20 you can give them a moment to put their names on them.

21 (WHEREUPON notepads and pencils were handed out to
22 all the jurors.)

23 **THE BAILIFF:** I think we've got it, sir.

24 **THE COURT:** All right. Fine, thank you.

25 All right. Ms. Mayes, you may call your first

Minor 1

- Direct Examination by Ms. Mayes

1 witness.

2 MS. MAYES: State calls Minor 1

3 THE COURT: All right. Minor 1 , come around,
4 please.

5 Minor 1

6 having been duly sworn, testified as follows:

7 THE CLERK: Have a seat, please, ma'am. Once
8 you're seated, state your full name, spelling your last on
9 the record, please.

10 THE WITNESS: My name the Minor 1

11 [REDACTED]

12 **DIRECT EXAMINATION**

13 **BY MS. MAYES:**

14 Q Minor 1 I'm going to ask questions from back here
15 so that your voice will stay loud. If at any point you
16 can't hear me, just let me know.

17 A Yes, ma'am.

18 Q How old are you right now?

19 A I'm sixteen.

20 Q All right. And where do you go to school?

21 A Gilbert High School.

22 MS. MAYES: Beg the Court's indulgence.

23 THE COURT: Yes, ma'am.

24 **BY MS. MAYES:**

25 Q And what grade are you in at Gilbert High School?

Minor 1

- Direct Examination by Ms. Mayes

1 A I'm currently a junior.

2 Q All right. Now, I want to ask you a few questions
3 about your family. Who do you currently live with?

4 A I currently live with my mom, my two little
5 brothers and my older sister.

6 Q All right. What I want you to do is maybe kind of
7 take us through who the members of your family are if you
8 would do that.

9 A I have my mom, Nancy Walker; and then I have my
10 older sister, who is two years older than me, my sister
11 Minor 2 and then I have two little brothers, D.W. and
12 M.W. , who are -- one is three years younger than
13 me and then one is two years younger than the other one.

14 Q All right. Minor 1 you are sixteen?

15 A Yes.

16 Q And you said your sister, Minor 2 is how old?

17 A She's two years older than me, so she's eighteen.

18 Q And your two younger brothers --

19 A He's -- one just turned twelve.

20 Q And what is his name?

21 A His name is M.W. I. And the other one's thirteen
22 and he's D.W. .

23 Q D.W. is thirteen?

24 A Yes.

25 Q All right. Now, what is your mother's name?

Minor 1

- Direct Examination by Ms. Mayes

1 A Nancy.

2 Q All right. And how is it that you know the
3 defendant in this case, James Walker?

4 A He's my father.

5 Q Now, is your father, James Walker, also the father
6 of Minor 2 M.W. and D.W. ?

7 A Yes, ma'am.

8 Q And your mom and James Walker, can you tell us
9 whether or not they were married?

10 A Yes, ma'am, they are.

11 Q Okay. Now, during the point in time that -- and
12 we're talking about prior to the arrest of your father,
13 during the point in time prior to his arrest, did you all
14 live together or live apart?

15 A We all lived together.

16 Q All right. And I want to ask you whether or not
17 you recognize what is State's Exhibit 1 and State's
18 Exhibit's 2?

19 MS. MAYES: Already in evidence, Your Honor.

20 THE COURT: Yes, ma'am. They are in evidence.
21 They've been admitted.

22 THE WITNESS: That's our house we currently live in
23 and that's our old house we used to live in.

24 BY MS. MAYES:

25 Q All right. So, State's Exhibit's 1 would be the

Minor 1

- Direct Examination by Ms. Mayes

1 old house?

2 A Uh-huh, yes, ma'am.

3 Q Okay. And do you remember the name of the road
4 that this old house was on?

5 A [REDACTED].

6 Q [REDACTED], okay. What area of Lexington
7 County was this house in?

8 A It was right by our school in Gilbert.

9 Q Okay. So that was in Gilbert?

10 A Yes, ma'am.

11 Q And State's Exhibit 2, which is already in
12 evidence, you indicated this is the house you live in now?

13 A Uh-huh.

14 Q And what is the street address of this house?

15 A [REDACTED].

16 Q And what area of Lexington County is this house in?

17 A Leesville.

18 Q All right. Now, this house that you say you live
19 in now -- that you still live in now, can you tell us
20 whether or not the defendant ever lived in this house with
21 you?

22 A Yes, ma'am, he did.

23 Q All right. And this house that we talked about on
24 [REDACTED] in Gilbert, can you tell us whether the
25 defendant lived in this house with you also.

Minor 1

- Direct Examination by Ms. Mayes

1 A Yes, ma'am, he did.

2 Q Okay. I want to kind of go back to the period of
3 time prior to his arrest when you all lived together in the
4 same home. Can you take us through a typical day of what
5 would happen normally -- you know, when you have school,
6 you wake up and go to school -- kind of take us through an
7 ordinary day during that time frame you lived at the house
8 on [REDACTED] in Gilbert, just prior to his arrest -- I'm
9 sorry, [REDACTED] in Leesville?

10 A It would -- when my sister was still with us and we
11 would get up early, around six o'clock and we would all get
12 ready and we would leave for school by seven; and we would
13 all be at school until it got out at 3:20; and then my
14 sister would pick us all up; and we would go home and
15 sometimes because we did not want to be home, we would do
16 extracurricular activities like Beta Club, Block Club, Key
17 Club, so we didn't have to be home or we would do soccer or
18 other sports as well.

19 Q Okay. Now, you mentioned when -- you said when
20 your sister was still with you. Where does your sister,
21 Minor 2 live now?

22 A At Presbyterian College in their dorm.

23 Q Okay. So, since she's been away at college, she's
24 not lived there in the house with you guys?

25 A She comes sometimes to visit, but, no.

Minor 1

- Direct Examination by Ms. Mayes

1 Q Okay. Now, back prior to the defendant being
2 arrested last year, did ^{Minor 2} live in the same house with
3 you, your father and your mother?

4 A Yes, ma'am.

5 Q Was your mom working anywhere during the time y'all
6 lived together as a family?

7 A Yes, ma'am, Lexington Medical Center.

8 Q All right. And what did she do at Lexington
9 Medical Center?

10 A She's a registered nurse.

11 Q All right. And what about your father? Was he
12 employed when y'all all lived together?

13 A Yes, ma'am.

14 Q Okay. What type of work did he do?

15 A Food safety.

16 Q Say that again?

17 A Food safety.

18 Q Okay. Do you remember the name of the company that
19 he worked with?

20 A He worked for ChemState to Packer and Sasco was his
21 last one.

22 Q Okay. So he worked for several different
23 companies?

24 A Yes, ma'am.

25 Q All right. And tell us a little bit about your

Minor 1

- Direct Examination by Ms. Mayes

1 father's normal -- your father's normal working routine.

2 A Sometimes he would be home for two weeks and then
3 sometimes he'd be gone for a week; or sometimes he'd be
4 home a day and then he'd be gone a week; and sometimes he'd
5 be home a month and gone a couple of days out of that
6 month. It just depended.

7 Q Okay. Now, your mom being a nurse at Lexington
8 Medical Center, what type of hours or shifts did she
9 normally work?

10 A She usually worked Saturday and Sunday, sometimes
11 Friday, and she would work from six -- she would leave at
12 six and we'd have like two or three hours after school with
13 her and then she would leave at six o'clock, 6:30,
14 sometimes. And then she'd be gone all the way until six
15 a.m. in the morning.

16 Q Okay. I know you said like she leaves at six. I
17 just need you to clarify for the record, would that be like
18 six at night or six in the morning?

19 A Six at night.

20 Q Okay. So that would be like 6 p.m.?

21 A Yeah, 5:30 to 6 p.m.

22 Q And do you know how long her nursing shifts
23 normally are at Lexington Medical Center?

24 A Until like 6 or 7 a.m.

25 Q Okay. The next morning, right?

Minor 1

- Direct Examination by Ms. Mayes

1 A Yes, ma'am.

2 Q Okay. And what days, if any, did she normally
3 work?

4 A Saturdays and Sundays and sometimes Friday.

5 Q Okay. So with your mom working that schedule, when
6 was it occasions when your dad would be home and not away
7 with his job -- who would normally be home with you kids at
8 night?

9 A When my dad was away, no one would be home. It
10 would just be my sister watching over us. If my dad was
11 home, it would just be him.

12 Q All right. And that would be from approximately 6
13 p.m. at night until 6 a.m. in the morning?

14 A Yes, ma'am.

15 Q All right. Now, you mentioned also that you were
16 involved in some school activities.

17 A Yes, ma'am.

18 Q Who would normally take you to and from your
19 activities?

20 A My sister because we would do them together.

21 Q Okay. And what are some of the activities that you
22 were involved with during the time that your father would
23 be home with you guys?

24 A Block Club, Key Club, Beta Club and we did soccer.

25 Q Okay. And did soccer practice?

Minor 1

- Direct Examination by Ms. Mayes

1 A Sometimes we -- a lot of those clubs and stuff got
2 out very late.

3 Q All right. So you would have school that normally
4 lets out at what time of day?

5 A Around 3:20.

6 Q Okay. And if you had an extracurricular activity
7 such as Beta Club, when would that club meet?

8 A Sometimes we would have it at 7 p.m., but we would
9 meet up at a restaurant and it would start at 7 p.m. or
10 sometimes it would be directly after school and it would go
11 until like five.

12 Q All right. Now, what about the soccer? Were you
13 participating in soccer when your dad was with you guys?

14 A Yes, ma'am, I think so.

15 Q Okay. And what is the time of year that soccer is
16 played?

17 A It's like in the fall.

18 Q Okay. And would you ever have soccer practice
19 after school?

20 A We had soccer practice like every day after school
21 and we wouldn't get out until like eight or something like
22 that.

23 Q And when would you normally play games or have
24 tournaments?

25 A Fridays, Thursdays.

Minor 1

- Direct Examination by Ms. Mayes

1 Q Now, was your father involved in any of those
2 activities?

3 A No, ma'am.

4 Q Okay. And who normally took you to and from soccer
5 practice?

6 A Minor 2 or my mom.

7 Q What is your date of birth, Minor 1

8 A [REDACTED].

9 Q I know you testified already that Minor 2 is two
10 years older. Can you tell us what that means in terms of
11 how many grades ahead she is from you in school?

12 A She's two grades ahead of me.

13 Q So you're a junior now and she's a freshman in
14 college?

15 A Yes, ma'am.

16 Q During the time frame here where you all lived
17 together and prior to your father's arrest, can you tell us
18 whether or not there was ever a time that something
19 happened that made you feel uncomfortable?

20 A Usually what happened when my mom was at work and
21 my dad was home from his trips and -- he would come in my
22 room at night and sometimes I'd wake up and he'd be there
23 and sometimes he would wake me up; and I remember being mad
24 that he woke me up. And he would inappropriately touch me.
25 And then after -- sometimes I would see him go into my

Minor 1

- Direct Examination by Ms. Mayes

1 sister's room and then sometimes I would see him coming
2 from her room into mine.

3 **THE COURT:** Take your time. Everybody's got to
4 hear you. Just take your time. Get your composure. Take
5 your time.

6 (WHEREUPON there was a pause in the proceedings.)

7 **BY MS. MAYES:**

8 Q Okay. Let me ask you this. When you said ^{Minor 2}
9 room, when you lived here at the house, the last house that
10 you all lived in together as a family, did you have your
11 own room or did you and ^{Minor 2} share a room?

12 A I had a room and ^{Minor 2} had a room across the hall.

13 Q Okay. And -- but you talked about where the
14 defendant came in your room on that night and touched you,
15 did that happen one time or more than one time?

16 A Numerous times.

17 Q And if you had to go back in time and estimate or
18 approximate about how old you were when this first
19 started --

20 A It was like in sixth grade and then went throughout
21 middle school and then before he was no longer living with
22 us. It started to stop around then because I got older and
23 I started wearing tighter clothes and I would go to bed
24 early and I wouldn't say goodnight and I'd lock my door.

25 Q All right. When it started approximately in middle

Minor 1

- Direct Examination by Ms. Mayes

1 school, that would make you about how old?

2 A Eleven, twelve.

3 Q All right. And after middle school, what school
4 did you go to?

5 A Gilbert High School.

6 Q Okay. And once you started at Gilbert High School
7 as a freshman, was it still happening?

8 A Maybe a little bit in the beginning, but I started
9 trying to control it.

10 Q Okay. When you say that you started trying to
11 control it, what are some of the ways that you thought of
12 to try and control it?

13 A Like I wouldn't say goodnight and I'd go to bed
14 earlier, I'd lock my door; I'd wear tighter clothes so he
15 couldn't touch me or anything.

16 Q Okay. I want to talk a little bit about that.
17 When you said that you wouldn't say goodnight, why is that
18 significant that you wouldn't say goodnight?

19 A Because all the time, my father used to make us say
20 goodnight to him and he would make us kiss him goodnight
21 and it would make me uncomfortable and he would say, Love
22 me, and stuff like that. And so I didn't want to deal with
23 it.

24 Q Okay. When he would say, Love me, can you describe
25 what you mean by that?

Minor 1

- Direct Examination by Ms. Mayes

1 A Like he just wanted affection and he would say it
2 in his voice and he would just say it all the time to me
3 and my sister and sometimes my mom.

4 Q Okay. When -- when you started not telling him
5 goodnight, how did that help control it?

6 A Because he would kind of leave me alone a bit. But
7 even then when I was in my room, when I would shut my door
8 and I wouldn't say goodnight, he would walk by my room and
9 he'd give me a guilt trip about not saying goodnight to
10 him; and I would feel bad.

11 Q What do you mean by that that he would walk by your
12 room? Could you hear his voice?

13 A Yeah. He would talk and be like, Thanks for saying
14 goodnight. I really know you love me.

15 Q And you indicated that you started locking your
16 door and wearing tighter clothes. How, if at all, did it
17 help control things if you were wearing tighter clothes?

18 A Because my dad would, my dad would come in my room
19 and touch me and I felt like he couldn't go under my
20 clothing if I wore tighter clothes.

21 Q I do need to ask you for the record, a little bit
22 about what happened when you said he would come in your
23 room. Were there ever occasions that you were already
24 asleep when this happened?

25 A Yes, ma'am.

1 Q Tell us what would happen if you were already
2 asleep.

3 A I would wake up to feel someone rubbing my stomach
4 or my dad talking in my ear and then he would rub under my
5 clothes in my upper area or my under area and he would
6 whisper things like, Love me, or Cuddle with me, or Kiss
7 me, or something like that.

8 Q When you say your upper area, are you talking about
9 just your stomach or another part of your body?

10 A My breasts.

11 Q Okay. When you said your under area, are you
12 talking about your stomach or another part of your body?

13 A Like --

14 Q Can you describe what -- whether or not he ever
15 touched on the inside of your clothing?

16 A Like he went under my underwear, but he didn't
17 touch anything else. He just went to the line.

18 Q Okay. By line, you mean the pubic area?

19 A Yes, ma'am.

20 Q Okay. How did that make you feel when he would
21 touch you in these ways?

22 A Uncomfortable. I would just be waiting for it to
23 end.

24 Q Now, other than your bedroom, were there ever any
25 parts of the house that this happened in?

Minor 1

- Direct Examination by Ms. Mayes

1 A Yes, ma'am. We would be watching TV or something
2 and my dad would make us lay down and he would do it to us
3 when no one was around and he was watching TV. And he did
4 it to my sister as well.

5 Q Back then, did your mother know what was happening?

6 A No, ma'am. I was too afraid to tell her.

7 Q What are some of the reasons or some of the
8 thoughts that you had about not wanting to tell your mom?

9 A I didn't want to break up their marriage because I
10 knew my mom still loved him and I didn't want to be the
11 reason.

12 Q When you say you didn't want to be the reason, what
13 do you mean by that?

14 A I didn't want to be the reason that their marriage
15 broke up.

16 Q Did there come a point in time when ^{Minor 1} -- when
17 y'all were all living together at the home on [REDACTED],
18 did there come a point in time that you learned that your
19 parents were contemplating a divorce?

20 A All the time we'd be doing something and my dad
21 would randomly be like, I think me and my mom are going to
22 get a divorce, and he would say it around my little
23 brothers and my mom had not even talked about the thought
24 or divorce because she was still trying to make it work.
25 And then -- the more the fighting got, they decided they

Minor 1

- Direct Examination by Ms. Mayes

1 were going to and then my mom told me and then I'd been
2 contemplating it for a while about telling and then I
3 figured if they weren't in love anymore and they were
4 already getting a divorce, then there was no problem with
5 me saying what happened and telling her what happened.

6 Q All right. When you learned that your parents were
7 talking about the divorce or had decided to pursue a
8 divorce, did you tell someone at that point?

9 A I didn't tell right then, but I did wait until that
10 night and I had to kind of force myself to do it.

11 Q And who is the person that you told?

12 A My mom.

13 Q How much did you tell her about what had been
14 happening?

15 A I told her about everything he did at night and I
16 told her how at one point I was going to try to tell her
17 before but I thought -- we all thought it was the sleeping
18 medication and then I realized it happened more than once
19 and it wasn't -- he wasn't always on it; and so then I told
20 her about it and how it happened more than once and how I
21 would see him go into my sister's room and do it to her as
22 well.

23 Q You told your mother that you had seen him go into
24 your sister ^{Minor 2} room also?

25 A Yes, ma'am.

Minor 1

- Direct Examination by Ms. Mayes

1 Q Was your sister, ^{Minor 2} present when you were
2 first telling your mom about this?

3 A No, but then my mom -- my sister wasn't home at the
4 time. My sister came home later and my mom said, We need
5 to talk; and then my sister kind of knew and then she kind
6 of got mad at me for telling because she didn't -- she's
7 not really one to talk about things.

8 Q So you told before ^{Minor 2} told?

9 A Yes, ma'am.

10 Q Now, we talked a little while ago about some place
11 that it happened other than your bedroom. Would that be at
12 daytime or nighttime that it happened somewhere other than
13 your bedroom?

14 A Daytime or nighttime, just depended.

15 Q And would these be occasions when your mom was
16 present in the room or would you be alone with your father?

17 A We'd be alone with my father.

18 Q And what type of touching occurred -- can you tell
19 us about -- that occurred in places other than your
20 bedroom?

21 A He'd just put his hand down our pants.

22 Q Okay. Do you remember what room that has happened
23 in before?

24 A Just the living room, in the living room when he's
25 watching TV and we were watching it with him or either of

1 our rooms.

2 Q Other than his hands has there been any other part
3 of his body that he touched you with in a way that made you
4 uncomfortable?

5 A Sometimes he would kiss us, lick our stomachs or
6 our necks or ears.

7 Q When you say kissed on your stomach, what room of
8 the house do you remember that happening in?

9 A While I was in my bed.

10 Q And how did that make you feel?

11 A Very uncomfortable.

12 Q After you told your mom about what had happened,
13 did someone in your family make a report to the police?

14 A I'm not really sure. I guess my mom did. I don't
15 know.

16 Q Ultimately did you meet with this police officer,
17 Detective Collins?

18 A Yes, ma'am, I did.

19 Q Okay. And did you meet with other professionals
20 such as the interviewer at the Dickerson Center for
21 Children?

22 A Yes, ma'am.

23 Q I'm going to show you a photograph, and without
24 describing what's in the photograph, if you could just tell
25 me whether or not this is a photograph, State's Exhibit

Minor 1

- Direct Examination by Ms. Mayes

1 4 -- is a fair and accurate representation of what it
2 depicts?

3 A That's --

4 THE COURT: Don't say what it is, just say is it a
5 fair and accurate representation.

6 THE WITNESS: Yes, yes, sorry.

7 BY MS. MAYES:

8 Q Okay. All right. This is a fair and accurate
9 representation?

10 A Yes, ma'am.

11 MS. MAYES: Your Honor, at this time, the State
12 would offer Exhibit 4 as evidence.

13 MS. FULLWOOD: Objection, Your Honor. I believe
14 this is not admissible under Rule 402 and Rule 404(A) and
15 should in any event be excluded under Rule 403.

16 THE COURT: So your objection is based upon?

17 MS. FULLWOOD: 402 --

18 THE COURT: Relevance?

19 MS. FULLWOOD: 403 and 404(A).

20 THE COURT: All right. Come up, Counsel.

21 (WHEREUPON, there was a bench conference out of the
22 hearing of the jury and the Court Reporter.)

23 MS. FULLWOOD: I'll withdraw those objections.

24 THE COURT: All right. With regard to, which ones.

25 MS. FULLWOOD: This one, no objection.

Minor 1

- Direct Examination by Ms. Mayes

1 THE COURT: All right. With regard to the exhibit
2 offered as State's No. 3, isn't it State's No. 3, Ms.
3 Mayes?

4 MS. MAYES: Your Honor, this would be 4.

5 THE COURT: All right. State's No. 4, as I
6 understand, Ms. Fullwood, there's no objection to that
7 exhibit?

8 MS. FULLWOOD: That's right.

9 THE COURT: All right. Admitted without objection.
10 (WHEREUPON State's Exhibit No. 4 was entered into
11 evidence.)

12 THE COURT: All right. Proceed.

13 BY MS. MAYES:

14 Q Minor 1 could you tell us what we are looking at
15 in this particular photograph. Where is this photograph
16 taken?

17 A From my room, about where my bed is and you can see
18 Minor 2 room.

19 Q All right. So this would be from -- from the
20 doorway of your room looking across the hall to where
21 Minor 2 room would be located?

22 A Yes, ma'am.

23 Q I'm going to show you State's Exhibit 6, and
24 without telling or discussing what it is, if you could tell
25 us whether or not that is a fair and accurate

Minor 1

- Direct Examination by Ms. Mayes

1 representation?

2 A Yes, ma'am, it is.

3 MS. MAYES: Your Honor, this would be State's
4 Exhibit 6, for evidence.

5 THE COURT: Being offered?

6 MS. MAYES: Yes, sir, Your Honor.

7 THE COURT: All right. Ms. Fullwood?

8 MS. FULLWOOD: May we approach, Your Honor?

9 THE COURT: Yes.

10 (WHEREUPON, there was a bench conference out of the
11 hearing of the jury and the Court Reporter.)

12 THE COURT: All right. It's been offered into
13 evidence and the defense does have certain objections, but
14 the witness has testified to it as being a fair and
15 accurate representation of what it depicts and the --
16 State's Exhibit No. 6 would be admitted into evidence
17 subject to the objections of the defendant.

18 (WHEREUPON State's Exhibit No. 6 was entered into
19 evidence.)

20 BY MS. MAYES:

21 Q What is shown in this particular diagram, ^{Minor 1}

22 A Our house on [REDACTED].

23 Q Okay. So that house is this house?

24 A Yes, ma'am.

25 Q The house in Leesville?

Minor 1

- Direct Examination by Ms. Mayes

1 A Yes, ma'am.

2 THE COURT: This being exhibit --

3 MS. MAYES: 6, Your Honor.

4 THE COURT: No, the other one, the big -- the one
5 you're comparing it to.

6 MS. MAYES: Exhibit 2.

7 THE COURT: All right.

8 BY MS. MAYES:

9 Q And this particular diagram, I'm going to ask you
10 to step down for a moment and if you could, show us the
11 various rooms of the house. We need you to speak up loud
12 enough for the court reporter to hear you.

13 A Okay.

14 THE COURT: All right. Keep your voices up because
15 you're away from the microphone.

16 THE WITNESS: This is my mother's and father's
17 room. That's my sister's bedroom, that's my two brother's
18 bedroom and that's my bedroom.

19 BY MS. MAYES:

20 Q Okay. So ^{M.W.} and ^{D.W.} shared a bedroom; is
21 that correct?

22 A Yes, ma'am.

23 Q And your parents shared a bedroom?

24 A Yes, ma'am.

25 Q Down at the opposite end of the diagram called

Minor 1

- Direct Examination by Ms. Mayes

1 master bedroom?

2 A Yes, ma'am.

3 Q And whose bedroom is this?

4 A My sister's.

5 Q That would be ^{Minor 2} room?

6 A Yes, ma'am.

7 Q And whose bedroom is this?

8 A Mine.

9 Q Okay. And where are the doorways to these bedrooms
10 located?

11 A Here, here, and here.

12 Q Okay. All right. And from this doorway in your
13 bedroom, can you tell us whether or not you can see into
14 the doorway of ^{Minor 2} room?

15 A Yes, ma'am, I can.

16 Q Okay. If someone is coming and going from her
17 room, can you see that from your room if your door is open?

18 A No -- kind of, but not really from her room.

19 Q Okay. And how is it that you were able to see the
20 defendant going in ^{Minor 2} room?

21 A My bed is right here and so I can see into her
22 room.

23 Q Okay. Thank you.

24 THE COURT: Mr. Bailiff, give that juror some
25 water.

Minor 1

- Direct Examination - In Camera - by Ms. Mayes

1 THE JUROR: I have some.

2 THE COURT: You have some, all right.

3 (WHEREUPON there was a pause in the proceedings.)

4 THE COURT: All right. Ms. Mayes?

5 MS. MAYES: One additional matter, Your Honor, may
6 we approach?

7 THE COURT: Yes.

8 (WHEREUPON, there was a bench conference out of the
9 hearing of the jury and the Court Reporter.)

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, there's an evidentiary matter that I now need to take
12 up and I'm going to do so at this time. I need to do that
13 outside of your presence, so I'm going to ask you to go to
14 your jury room for just a few minutes. Leave your pads --
15 cover up any notes that you have, leave your pads on the
16 seats and go to your jury room. Do not discuss the case
17 among yourselves, and we'll send for you in just a very few
18 minutes. Thank you.

19 (WHEREUPON the jury left the courtroom at 10:36
20 a.m.)

21 THE COURT: All right. Ms. Mayes, you may make
22 your proffer.

23 DIRECT EXAMINATION - IN CAMERA

24 BY MS. MAYES:

25 Q Minor 1 , I'm going to show you a photograph,

1 which is State's Exhibit 5 for identification at this time.

2 Have you had the opportunity to be made aware that this
3 photo exists?

4 A Up until recently.

5 Q Okay. And after recently being aware of this
6 photograph, can you tell us where that photograph was
7 taken?

8 A On our couch in our living room.

9 Q All right. So you recognize the location?

10 A Yes, ma'am. I was in the kitchen.

11 Q And when you say I, how is it that you know this is
12 you in that photograph?

13 A Because that's my dress and my shoes and my legs.

14 Q Okay. Do you remember why you were dressed this
15 way?

16 A I think I was either going to a banquet or
17 something at school.

18 Q Okay. Now, what type of equipment did your father
19 have concerning computers and cameras and things of that
20 nature?

21 A He had lots of different cameras. He had a camera
22 phone and he had a bunch of laptops.

23 Q Okay. Did he also have a -- when you say he had a
24 camera phone, what do you mean by that?

25 A He had a Droid, so it's got a camera on it so he

1 can take pictures and e-mail them and stuff.

2 Q Okay. So if he takes a picture with the phone, he
3 would be able to take that picture to e-mail it to a
4 location?

5 A Yes, ma'am.

6 Q All right. And in addition to that, did he have
7 access to computers and e-mail and things of that nature?

8 A Yes, ma'am.

9 Q Okay. Ultimately, do you know whether or not your
10 mother provided this picture to law enforcement?

11 A Yes, ma'am, she did.

12 Q Okay. And then were you questioned about the
13 picture?

14 A Yes, ma'am.

15 Q Did you have any knowledge whatsoever that this
16 picture of you had been taken?

17 A No, not at all.

18 Q Okay.

19 MS. MAYES: Your Honor, that would be the extent of
20 her testimony on the subject. There would be additional
21 testimony from Ms. Walker that she found the photograph in
22 the defendant's e-mail and that he had e-mailed it from one
23 of his accounts to another account.

24 THE COURT: Well, that's not in evidence at this
25 point, so -- are you offering it at this point?

Minor 1

- Direct Examination - In Camera - by Ms. Mayes

1 **MS. MAYES:** Not as evidence, Your Honor, I was
2 going to question the witness about the photograph and
3 whether she had knowledge that it was taken.

4 **THE COURT:** Now, I'm not going to allow that. I'll
5 allow it in rebuttal when and if it is admitted into
6 evidence, but you have put in the record what you want to
7 put in the way of authentication of the photograph, but I
8 will allow -- if I let it into evidence, I will allow you
9 to recall the witness.

10 **MS. MAYES:** All right. That would be the extent of
11 the proffer.

12 **THE COURT:** All right. So it's not being offered
13 at this time, but the witness's testimony concerning the
14 circumstances of the photograph is in the record and the
15 Court will rule on it at a later time.

16 Okay. All right. If the jury's ready, bring them
17 back in, please.

18 (WHEREUPON the jury entered the courtroom at 10:41
19 a.m.)

20 **THE COURT:** All right. Ms. Mayes, you may proceed.
21 Thank you, ladies and gentlemen.

22 **MS. MAYES:** Your Honor, nothing further of
23 Ms. Walker at this time.

24 **THE COURT:** All right. Cross-examination.

25 **MS. FULLWOOD:** Thank you, Your Honor.

Minor 1

- Cross-Examination by Ms. Fullwood

CROSS-EXAMINATION

1
2 BY MS. FULLWOOD:

3 Q Okay. Minor 1 you've always been a pretty good
4 student, right?

5 A Yes, ma'am.

6 Q Make A's and B's?

7 A Yes, ma'am.

8 Q And like you've told us, you usually participated
9 in a lot of extracurricular activities?

10 A Yes, ma'am.

11 Q All right. And when you were in middle school,
12 during that age, didn't you have a problem with acid reflux
13 disease?

14 A Yes, ma'am.

15 Q Okay. And you were prescribed, I believe, Prilosec
16 for that condition?

17 A Yes, ma'am.

18 Q And you didn't like really to take those pills; is
19 that right?

20 A Yes, ma'am, but it didn't happen every night, so it
21 wasn't an every night occurrence.

22 Q Okay. All right. But from time to time wouldn't
23 your dad bring you either the Prilosec or some Maalox or
24 something into your room?

25 A He didn't bring me any pills or anything in my

Minor 1

- Cross-Examination by Ms. Fullwood

1 room.

2 Q He never brought you any Maalox or anything like
3 that?

4 A No, ma'am.

5 Q He would never sit by your bed and try to talk to
6 you and make you feel better while you were going through
7 having some heartburn?

8 A He would rub my stomach and stuff like that when he
9 was doing it. But he never brought me medicine or
10 anything. I was told to take that stuff and we keep that
11 stuff in the kitchen.

12 Q Okay. So let me see if I understand you. You're
13 saying if you were having heartburn at night, sometimes he
14 would rub your stomach and make you feel better?

15 A Not for heartburn.

16 Q Not for heartburn?

17 A No.

18 Q Okay. Now, when these things were happening, your
19 father also had his clothes on, didn't he?

20 A Sometimes he wouldn't have a shirt on or he would
21 be in his boxers.

22 Q Okay. Well, do you remember talking about this to
23 Ms. Williams about a year ago?

24 A Ms. Williams?

25 Q Down at the Dickerson Center?

Minor 1

- Cross-Examination by Ms. Fullwood

1 A No, ma'am.

2 Q You don't remember going down there and being
3 interviewed by a lady and she told you it was being
4 recorded and all?

5 A Oh, yes, yes, ma'am. I'm sorry.

6 Q Okay. And didn't you tell that lady that he was --
7 always had on at least his under shirt and his boxers?

8 A It happened numerous times, so it depended.

9 Q But didn't you tell her that he was always clothed?

10 A Sometimes, yes.

11 Q Okay. And you also told her that when these things
12 happened that he never touched himself; isn't that right?

13 A Yes, ma'am.

14 Q Okay. Now, you didn't tell that lady that anything
15 happened in the living room while you were watching TV, did
16 you?

17 A No, ma'am.

18 Q Okay. And now, today, you're saying that; correct?

19 A Well, I've said it before. I didn't get in total
20 detail with them because that was when it was just
21 happening, and I didn't want to talk about it much.

22 Q So you didn't tell her that?

23 A No, ma'am.

24 Q Well, you said that in the living room -- you
25 testified today it would happen either in the daytime or

Minor 1

- Cross-Examination by Ms. Fullwood

1 the nighttime; is that right?

2 A If it was in the living room, yes.

3 Q Okay. Well, where would your sister, ^{Minor 2} be
4 during those times?

5 A She'd either be with me or she'd be out with her
6 friends or she would be in her room doing homework or
7 something.

8 Q And where would your brothers be?

9 A They'd either be oblivious watching TV or they --
10 my dad would tell them to go clean their room a lot. So
11 they would be in their room a lot.

12 Q Would they be in their room -- would they be right
13 in the living room oblivious as you say?

14 A Uh-huh.

15 Q And you say that sometimes ^{Minor 2} would be in the
16 room when this would happen?

17 A Yes, ma'am.

18 Q Okay.

19 A And sometimes no one.

20 Q Pardon? And sometimes no one? Okay. But you
21 never said anything about that type of activity last year,
22 did you?

23 A No, ma'am.

24 Q Okay. Now, did you and ^{Minor 2} talk about this?

25 A Not what was going on. We kind of wanted to

Minor 1

- Cross-Examination by Ms. Fullwood

1 pretend like it wasn't happening.

2 Q Well, didn't you, on at least one occasion, say
3 something to ^{Minor 2} about, Dad comes into my room and he
4 acts weird and says weird stuff?

5 A Yes. And she said the same thing happened to her,
6 which I figured, since I would see him go into her room.

7 Q Okay. And didn't at some point -- and this is
8 before last year when you talked to your mother the day she
9 told you that she was getting a divorce from your dad, but
10 while you say all of this was going on when you were in
11 middle school, didn't at some point you tell your mother
12 that your dad was doing something weird in your bedroom?

13 A I said I didn't really specify because I was
14 embarrassed of it and I didn't really clarify it so she
15 just kind of said it was the medication because I didn't
16 really give her a general idea of what happened.

17 Q So you -- what did you say?

18 A I just said that dad was doing weird things at
19 night and she said it was probably because of his sleeping
20 pills.

21 Q Okay. So your dad took sleeping pills?

22 A Uh-huh. (Witness nodded head.)

23 Q Okay. Now, when you were in middle school, your
24 dad's work made him gone a lot, correct?

25 A Yes, ma'am.

1 Q All right. And would sometimes he be gone for
2 several weeks at a time?

3 A Yes, ma'am.

4 Q Would sometimes he be gone all week, maybe up to
5 six days and just come home, go to sleep and get up the
6 next Monday morning and go back to work?

7 A It varied, yes, ma'am.

8 Q Okay. And at some point within a year or two
9 before your parents decided to divorce, he switched jobs to
10 a place called Sasco, right?

11 A Yes, ma'am.

12 Q And that job let him be home more; is that right?

13 A Yes, ma'am.

14 Q All right. And you and your sister had been
15 unhappy with your dad the past year or two, right?

16 A Yes, ma'am.

17 Q All right. And you felt like he created tension in
18 the house and felt like everybody was happier when he was
19 off at work; right?

20 A Yes, ma'am.

21 Q And you felt like he was spending money
22 unnecessarily; is that right?

23 A He was, yes, ma'am.

24 Q All right. And you and your sister kept getting
25 into arguments with him, didn't you?

Minor 1

- Cross-Examination by Ms. Fullwood

1 A Usually it would just be him and her arguing and
2 then I would stand up for her.

3 Q Okay. So if they were arguing, you'd try to take
4 up for her and take her side?

5 A Uh-huh. (Witness nodded head.)

6 Q Okay. And some of that was he thought she ought to
7 get a job and start learning a little bit about financial
8 responsibility, right?

9 A Yes, and -- she was. It was a continuing -- it was
10 an ongoing argument that kept going.

11 Q Okay. Over whether or not she wanted to get a job?

12 A She wanted to get a job. She had been trying.

13 Q Okay. And then right before your parents got
14 divorced, you and her had another disagreement with him
15 didn't you, about going to Myrtle Beach, correct?

16 A I don't recall that.

17 Q Don't you remember your mother saying you girls
18 could go on your own to Myrtle Beach and she would get you
19 a hotel room and put some money in an account for you to
20 spend down there?

21 A I think that was for my sister. I think it was for
22 my sister's birthday.

23 Q Right?

24 A I was --

25 Q That had nothing to do with you?

Minor 1

- Redirect Examination by Ms. Mayes

1 A No, ma'am.

2 Q You sure about that?

3 A I'm positive, ma'am.

4 Q Okay. Do you remember a disagreement about whether
5 or not ^{Minor 2} could go to Myrtle Beach?

6 A Not really, there were a lot of disagreements.

7 Q Over what you girls could do and couldn't do?

8 A Yes, ma'am.

9 Q All right. Do you think your father put more
10 restrictions on you as far as your activities and being
11 able to be independent than your mom did?

12 A Yes, ma'am.

13 MS. FULLWOOD: No further questions.

14 THE COURT: Redirect.

15 MS. MAYES: Yes, sir, Your Honor.

16 **REDIRECT EXAMINATION**

17 **BY MS. MAYES:**

18 Q If you could, ^{Minor 1} explain a little bit more
19 about what you mean by that. You were asked on
20 cross-examination whether there had been disagreements in
21 the home during the time your father and all of your family
22 lived together.

23 A Well, besides the money thing, there was money
24 problems, and my dad was spending money and not telling my
25 mom; and then there was also an issue of my sister and a

Minor 1

- Redirect Examination by Ms. Mayes

1 job, which my sister had been trying forever to get a job
2 and he kept bringing it up and she'd get upset about it
3 because she had been trying and so -- and he would just
4 kind of put her down in an argument saying that she
5 wouldn't be able to go to college and stuff and some of the
6 money she was spending was supposed to go toward ^{Minor 2}
7 college and arguments like that. And some of the arguments
8 were kind of ridiculous.

9 Q All right. If your mom and father had an argument
10 and you're all in the same house, would you sometimes
11 overhear their arguments?

12 A Yes, ma'am.

13 Q Is that how you have knowledge of money being an
14 issue and things of that nature?

15 A Yes, ma'am.

16 Q And if your father and little brothers had an
17 argument about anything, would you sometimes be witness to
18 that?

19 A Yes, ma'am.

20 Q Okay. And what about your father and your older
21 sister, ^{Minor 2} would you sometimes be witness to those
22 disagreements?

23 A A lot of the time, yes, ma'am.

24 Q All right. Now, what can you tell us in regards to
25 what she asked you about, whether it felt happier when he

1 was home or away?

2 A I definitely think a lot of stress was put off of
3 all of us when he was gone because we didn't have to worry
4 about how if we wanted to go somewhere we'd get in an
5 argument about how we would be spending too much money on
6 gas or something, or we would just be -- we would just feel
7 like he wasn't going to argue with us about every single
8 thing and we wouldn't have to worry about my dad being
9 there and things happening at night and that stuff as well.

10 Q How frequent were arguments when he was at home?

11 A It would be like the first day he would come back,
12 we all would kind of be happy and we'd get along, and then
13 soon after, it would just -- we'd just start arguing and it
14 was the whole time he was home, we would all be upset and
15 angry.

16 Q All right. Now, was he involved in certain aspects
17 of your life such as your academics, your teacher's
18 meetings things of that nature?

19 A Not, really, no.

20 Q Was he involved in sports that you took part in?

21 A No, ma'am.

22 Q What areas of your life was he involved in?

23 A Home.

24 Q What do you mean by that?

25 A He was there when I got home and that was pretty

1 much it. And sometimes -- I don't know, just home.

2 Q All right. Was -- did your family go to church?

3 A Yes, ma'am. But usually my mom was working so my
4 mom would be sleeping the whole night because of work. So
5 sometimes he would manage to go to church with us, but
6 usually it was just us kids.

7 Q All right. Now, when you were asked about Prilosec
8 or some type of medication like that -- let me ask you
9 this: Did you ever ask your father to come in your room
10 during the middle of the night?

11 A No, ma'am. I never asked or told him anything or
12 asked for help for anything of that nature about my acid
13 reflux. I'd usually go to my mom and she would give me
14 something then and it would be better.

15 Q Did you ever ask your father to rub your body?

16 A No, ma'am.

17 Q And you were asked on cross-examination about the
18 initial interview when this all first came out after you
19 had confided in your mom and you met with this police
20 officer. And later you met with Ms. Williams at the
21 Dickerson Center for an interview.

22 A Uh-huh.

23 Q How did you feel back then when it first came out
24 about discussing all the various details?

25 A I was overwhelmed. I really did not want to talk

Minor 1

- Recross-Examination by Ms. Fullwood

1 about it. I really had no idea that it would come to all
2 this. I didn't know that we were going -- that my mom was
3 going to end up having to tell the police. I didn't even
4 know really what to think then and I didn't really want to
5 talk about it at all because I'm still uncomfortable with
6 the thought of it.

7 Q Okay. And is this something that you talk about at
8 school or at work?

9 A No, ma'am.

10 Q Other than your immediate family, do people at
11 school even know the details about what has happened to
12 you?

13 A I have two very close friends that know, but they
14 don't know the details. They just know what I'm going
15 through.

16 MS. MAYES: Beg the Court's indulgence.

17 (WHEREUPON there was a pause in the proceedings.)

18 MS. MAYES: Nothing further, Your Honor.

19 THE COURT: Recross?

20 MS. FULLWOOD: Briefly, Your Honor.

21 **RE CROSS EXAMINATION**

22 **BY MS. FULLWOOD:**

23 Q Ms. Mayes was asking you about the stress in your
24 house when your dad was home. Now, these things that
25 you've been testifying to as far as what you say your dad

1 did, those things stopped happening when you were in the
2 middle of the eighth grade, isn't that what you have said?

3 A Because I was older and I was trying to prevent it
4 and I think he realized that.

5 Q Okay. So that -- that was in the middle of eighth
6 grade, right?

7 A Yes, about.

8 Q Okay. And last year, when your parents split up,
9 you were in the tenth grade, right?

10 A Huh-huh. (Witness nodded head.)

11 Q Okay.

12 MS. FULLWOOD: No further questions.

13 THE COURT: All right.

14 All right. Thank you. You may step down.

15 All right. Ladies and gentlemen, we've been in the
16 courtroom now about an hour and a half at least the court
17 personnel have been here for an hour-and-a-half solid and I
18 think it's appropriate that we take our mid-morning break
19 and we're going to do that at this time for about ten
20 minutes and then we'll be ready to resume. Again, please
21 leave your notes in your chairs, turn them over and leave
22 them in your chairs. They will be secure. There will be
23 someone in the courtroom to make sure that no one looks at
24 your notes and do not discuss the case among yourselves;
25 but go to the jury room and relax about ten minutes and

1 we'll be ready to go forward. Thank you.

2 (WHEREUPON the jury left the courtroom at 10:59
3 a.m.)

4 THE COURT: All right. Thank you. We'll take our
5 recess at this time. Everybody be back in the courtroom,
6 please, and ready to proceed at 11:15.

7 (WHEREUPON a recess was observed.)

8 THE COURT: All right. Back on the record with
9 regard to the matter of the State versus Walker.
10 Mr. Walker is present with his counsel. The State is
11 represented by the Eleventh Judicial Solicitor's Office.

12 Anything before we bring the jury in?

13 MS. MAYES: Nothing from the State, Your Honor.

14 THE COURT: Ms. Fullwood?

15 MS. FULLWOOD: No, Your Honor.

16 THE COURT: All right. Bring the jury in, please.

17 (WHEREUPON the jury entered the courtroom at 11:15
18 a.m.)

19 THE COURT: All right. Thank you, ladies and
20 gentlemen, and we are now ready to proceed.

21 Ms. Mayes, you may call your next witness.

22 MS. MAYES: The State calls ^{Minor 2}

23 ^{Minor 2}

24 having been duly sworn, testified as follows:

25 THE COURT: Come around, please.

Minor 2

- Direct Examination by Ms. Mayes

1 **THE CLERK:** Have a seat, please. Once you're
2 seated, you're going to need to speak up loud and clear.
3 State your full name, spelling your last on the record.

4 **THE WITNESS:** My name is ^{Minor 2}
5 [REDACTED].

DIRECT EXAMINATION

7 **BY MS. MAYES:**

8 Q And ^{Minor 2}, how old are you?

9 A I'm eighteen years old.

10 Q And are you currently a student?

11 A Yes, ma'am. I attend Presbyterian College. I'm a
12 freshman.

13 Q All right. Now, at Presbyterian College, can you
14 tell us where that is located?

15 A Yes. This is located in Clinton, South Carolina.
16 And I'm studying pre-pharmacy.

17 Q All right. And with it being located in Clinton,
18 are you still living here in Lexington County?

19 A No, ma'am. I visit sometimes to see my family.

20 Q All right. And where is it that you are currently
21 residing?

22 A In a dorm on campus.

23 Q Okay. And how long have you been away in Clinton
24 at Presbyterian College?

25 A Since I moved in, in August.

- Direct Examination by Ms. Mayes

1 Q Okay. And there at Presbyterian College, can you
2 tell us whether or not you're involved in any work or work
3 study programs in addition to academics?

4 A Yes, ma'am. I'm a full-time student and I work
5 with the federal work study program at Thornwell, which is
6 an orphanage and I tutor at-risk children.

7 Q All right.

8 A And I do that three times a week and I get paid to
9 do so, and it goes toward my tuition.

10 Q And that's the federal work study program?

11 A Yes, ma'am.

12 Q Now, prior to going away to college, where did you
13 live?

14 A I lived in Leesville at [REDACTED] with my
15 family.

16 Q All right. And that's the house that we previously
17 talked about on [REDACTED] with the members of your family
18 that have already been discussed previously?

19 A Yes, ma'am.

20 Q All right. And prior to that house on [REDACTED],
21 where did you live?

22 A [REDACTED] in Gilbert.

23 Q So that was also in Lexington County?

24 A Yes, ma'am.

25 Q Kind of take us back, if you could, to the period

1 of time at the house on [REDACTED] prior to your father
2 being arrested in connection with this and kind of take us
3 through what a typical day would be like for your family?
4 A My brothers and sister and I would get up, we'd get
5 ready for school. I'd take them to school, drop them off
6 on my way and we'd be at school until around 2:20'ish,
7 sometimes later depending on what was going on. I was
8 involved in a lot of clubs and I -- towards the fall we
9 would start conditioning for soccer; and this would
10 continue until about May which was when soccer ended; and
11 so I would go straight from school, drop the kids off and
12 go to attend soccer until late, and then after that it just
13 depended on whether the coach wanted to let us out or not
14 and we -- like, we usually ended and I could go to a
15 different club or something else; and I did this because I
16 didn't want to go home because it wasn't a very good place,
17 I mean. And I didn't know about my sister; and I guess
18 that's it.

19 Q Okay. Let me kind of take you back. Where did you
20 attend high school prior to college?

21 A Gilbert High School.

22 Q All right. And did you go the Gilbert High School
23 all four years from freshman year up to senior year?

24 A Yes, ma'am.

25 Q And where did you go to middle school?

Minor 2

- Direct Examination by Ms. Mayes

1 A Also Gilbert Middle School.

2 Q All right. And middle school is what grades at
3 Gilbert?

4 A This is from sixth grade to eighth grade and then
5 high school is ninth through the twelfth.

6 Q Okay. And do you remember approximately what grade
7 you would have been in when y'all moved from the house on
8 [REDACTED] to the house on [REDACTED]?

9 A I believe it was sixth or seventh grade, and we
10 moved to the house in Leesville.

11 Q All right. And back then, was your mom working
12 anywhere?

13 A Lexington Medical Center.

14 Q All right. And can you tell us based on your own
15 memory what normal hours or shifts she worked?

16 A She worked Friday, Saturday, and Sunday and if she
17 needed to pick up hours, she would work during the week as
18 well. She would work from like 6'ish, sometimes she would
19 leave earlier to get to work and then she would come
20 back -- she was supposed to get off at 6 or 7, but a lot of
21 times she would stay and wait for the next clinical
22 coordinator to come on, so it would be 7 or 8, and then she
23 would come home and she would sleep a lot because she
24 worked very, very long shifts and so that would continue
25 Friday, Saturday, and Sunday.

1 Q All right. And your father, was he employed during
2 that period of time?

3 A Yes, ma'am.

4 Q And would he always be at home or would he
5 sometimes be at work?

6 A It depended. There was a long period where he
7 would be away and they would come back for a couple of days
8 and then be away, but then there was also a period when he
9 was home a lot and he would only be gone a couple of days
10 and that period extended for a longer period of time.

11 Q All right. When did you first kind of start
12 getting involved in sports and clubs?

13 A My freshman year.

14 Q Of high school?

15 A Of high school, yes, ma'am.

16 Q And what are some of the sports and clubs that you
17 were involved in?

18 A I played varsity soccer from my freshman year all
19 the way through senior year. I did Beta Club,
20 International Club, Key Club, Lock Club, Team Lead and I
21 think I joined COSA my later years.

22 Q Okay. Would those clubs normally meet during the
23 school day or would that be after school sometimes?

24 A It was after school. It was always after school
25 and it depended; it would be directly after school or if it

Minor 2

- Direct Examination by Ms. Mayes

1 was -- it started later like 5 or 6 and it would go later
2 like 8 or 9.

3 Q What led you to become involved in so many
4 activities?

5 A I -- I didn't want to be home and I'm -- everyone
6 says join these clubs, join these activities so it looks
7 good on your college resume or application and I thought it
8 was a bonus, but for me it was because I didn't want to be
9 home. Being home was -- being home was hard and I didn't
10 know it was happening to my sister and --

11 Q Okay. When you say it was happening, what are you
12 referring to?

13 A I didn't know that he went into her room and did
14 these things. I just thought it was happening to me. And
15 I didn't talk about it because I was a senior and I was
16 ready to move on and I just wanted to forget and I wasn't
17 going to talk. I wasn't going to say anything and when I
18 came home from soccer, my mom told me that we needed to
19 talk; and this was when she told me what ^{Minor 1} had said
20 and it was a shock because it's one thing to know that it's
21 happening to you and it's another thing to know that it's
22 happening to your sister; and I'm sorry.

23 Q Okay. You mentioned -- you mentioned about ^{Minor 1}
24 telling. I just kind of want to get the time frame right.
25 Are you referring to September of last year? September of

Minor 2

- Direct Examination by Ms. Mayes

- 1 2011 when your mom asked you about what ^{Minor 1} had said?
- 2 A Yes.
- 3 Q And you're referring to when this all came out?
- 4 A Uh-huh. (Witness nodded head.)
- 5 Q Okay. I want to go back a little bit more before
- 6 then, but when that happened in September of last year, was
- 7 that the first time you discussed this with your mother?
- 8 A Yes. I -- I guess I didn't want to tell anyone
- 9 because I was ready to move on and forget it, and I didn't
- 10 want to talk about it because it's too hard to talk about;
- 11 and I didn't want to talk about it.
- 12 Q Okay. I want to go back to before September of
- 13 last year when y'all came out.
- 14 A Uh-huh.
- 15 Q And I want to ask you about some of the things that
- 16 occurred before your mom became aware.
- 17 A Okay.
- 18 Q What house -- well, let me ask you this first: Has
- 19 there been a time when you all lived together as family
- 20 that something happened that made you feel uncomfortable?
- 21 A Yes. There was -- there was -- this was at my old
- 22 house on Two Notch in Gilbert and I remember this
- 23 specifically because it just felt very wrong. My dad came
- 24 into my room at night and my mother was not present in the
- 25 room. My sister was not present in the room. I was the

Minor 2

- Direct Examination by Ms. Mayes

1 only person in the room and it was night and I was almost
2 asleep and he came into my room and he was eating a
3 chocolate bar and he came into the room with the chocolate
4 bar and he did not have a shirt on and he said, you ought
5 to try this chocolate bar and I said, no thank you, I don't
6 want to try the chocolate bar; and he put it in his mouth
7 and it was melted and he made me open my mouth and he told
8 me that he wanted me to try it and he came at me like he
9 was going to make out with me with the chocolate bar in his
10 mouth to taste it. And I pushed him away and I went under
11 the covers but that was the moment that stuck with me as
12 wrong.

13 Like, I knew that all of this was wrong and I tried
14 to forget it and I tried to move on and that's just the --
15 that's the point that I knew it was wrong and I just -- I
16 couldn't take it.

17 Q Okay. You mentioned that happened at the house on
18 [REDACTED] -- I'm sorry, the house on [REDACTED]?

19 A Yes.

20 Q Okay. I'm going to show you a photograph that's in
21 evidence.

22 MS. FULLWOOD: Your Honor, I have a matter of law.

23 THE COURT: Come up.

24 (WHEREUPON, there was a bench conference out of the
25 hearing of the jury and the Court Reporter.)

1 MS. MAYES: Beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 BY MS. MAYES:

4 Q All right. This photograph, which is in evidence,
5 State's Exhibit 1, which house is this? Can you see this
6 photo from here?

7 A Yes, ma'am. That's at [REDACTED].

8 Q Okay. This is the [REDACTED] residence where
9 the incident happened that you mentioned a few moments ago?

10 A Uh-huh.

11 Q With the chocolate bar?

12 A Uh-huh. (Witness nodded head.)

13 Q Do you know about -- if you had to estimate or
14 approximate about how old you were when that incident
15 happened here at the house on [REDACTED]?

16 A I want to say I was -- I mean, I was in middle
17 school. I know that for sure.

18 Q All right.

19 A I was like twelve, thirteen, in that area.

20 Q Okay. After you moved from that house to this
21 house, the house that your family lived in up to the point
22 that your father was charged, can you tell us whether or
23 not anything happened at this house on [REDACTED]?

24 A Yes. There were many incidents where he would come
25 into my room and I would be asleep or he would wake me up

1 and he would come in my room and sit on my bed and he would
2 touch me and he would start rubbing my belly and he would
3 work his way up to my chest area or he would stick his hand
4 under my underwear and down towards my pubic area and he
5 would tell me, I need you to love me, love me. He would
6 say, I love you. Love me. And he would -- it felt like it
7 never ended. And then he would kiss me goodnight and he
8 would leave my room.

9 Q Okay. Did you have your own room at that house on
10 [REDACTED]?

11 A Yes, ma'am.

12 Q And you said that he would come in the room and sit
13 on the bed?

14 A Yes, ma'am.

15 Q Were there ever times when you were already asleep?

16 A Yes, ma'am. And he would wake me up. And --

17 Q Did you ever ask him to come into the room?

18 A Never. I would go to bed -- I would try to go to
19 bed early or I would pretend that I was already asleep
20 sometimes so that he would leave me alone and so that I
21 wouldn't have to go through it every single night.

22 Q And how did it make you feel when he would touch
23 inside of your clothing or near your pubic area as you
24 mentioned?

25 A It was very uncomfortable and I was very confused

1 because growing up he took me everywhere and I was -- I
2 guess he was -- I was like daddy's girl and it was
3 confusing because once it started happening, I wasn't sure
4 if it was normal or not because he's my only dad and I
5 would see other girls with their dads and this wouldn't
6 happen, like, there was no awkward, uncomfortableness --
7 like, I knew -- I started realizing that I don't think it
8 was supposed to be this way. And when the chocolate
9 incident happened, I knew it was completely wrong and
10 everything he had been doing was completely wrong. But it
11 was really uncomfortable and confusing and...

12 Q When you mentioned that he would touch inside your
13 clothing, did that happen one time or more than one time?

14 A More than one time.

15 Q When he would sit on the bed, just kind of take us
16 through how it might proceed that you would be woken up.

17 A Sometimes I think he knew I was asleep and he would
18 walk in my door and he would sit -- plunk himself down on
19 my bed and it woke me up and he'd be like were you asleep,
20 and obviously, I was asleep; and I would just like mumble
21 something and then he'd be like, you didn't say goodnight
22 to me or you didn't say you love me and goodnight and then
23 that's when he would start touching me.

24 Q Okay. And where would he normally start the
25 touching?

1 A It always started on my lower abdomen and then it
2 would either proceed to go down to the lower region or it
3 would go to the superior region?

4 Q And when you say superior region, what part or
5 parts of your body are you referring to?

6 A Near my chest and breasts.

7 Q Okay. And tell us whether or not that felt -- that
8 felt appropriate?

9 A It didn't feel appropriate. I don't know -- I've
10 never heard anyone talk about their fathers touching them
11 that way, like their fathers have never felt them before.
12 It's not normal.

13 Q Other than his hands, were there ever any other
14 parts of his body that he touched you with? Any other type
15 of touching that occurred?

16 A He would kiss me inappropriately and I -- it was
17 very uncomfortable. Sometimes he would grab my butt or
18 smack my butt. I mean, he always used his hands, so...

19 Q What was it about the kissing that you say was not
20 appropriate?

21 A It wasn't a peck on the cheek or -- and it wasn't
22 like a peck on the forehead. It was always -- I felt like
23 it was very forced and a lot of the times he did force me
24 to kiss me. He would be like, Come here, Love me and I had
25 to kiss him; otherwise I would get a guilt trip and I would

1 feel awful. He would make me feel like -- he said that I
2 didn't love him if I didn't do so. And yeah...

3 Q Do you recall whether he touched any other part --
4 did he ever kiss any other part of your body other than
5 your cheek or your face?

6 A Besides my face, he's kissed my stomach before,
7 he's kissed my neck before, but other than that, I don't
8 think he's kissed me anywhere else.

9 Q All right. Now, in addition to what took place in
10 your room at [REDACTED], can you tell us whether or not
11 anything happened in any other parts of the house?

12 A Besides my room, we'd be in the living room. I'd
13 go in the living room to see what someone was watching and
14 no one would be in there and he'd say, Come sit down, and
15 he'd make me sit on his lap and he would proceed to put
16 his -- he'd start off like on my lower abdomen and he would
17 go down further and further until it was unbearably
18 uncomfortable and I would use excuses like I have to go to
19 the bathroom or I'm thirsty or I need to go do something so
20 I could get up and not sit there.

21 Q Okay. And who would normally be home with you guys
22 in the evenings if your mom was at work?

23 A Usually my dad and -- toward the later years when
24 he switched jobs, he was home a lot in the evenings.

25 Q Can you take us back to September of 2011 when as

Minor 2

- Direct Examination by Ms. Mayes

1 you've eluded to earlier, you came home and found out that
2 your sister, ^{Minor 1} had confided something to your
3 mother?

4 A I was shocked. I didn't think I would ever have to
5 deal with this. I did not know that I would have to sit
6 here in the courtroom and tell strangers what happened to
7 me, and I didn't know I would be interviewed over and over
8 and over; and at first, I was in shock and so I wasn't very
9 cooperative because, I mean, you just -- you just found out
10 that you have to go through all of this and so I would say
11 that I didn't remember or I didn't know, but I do know and
12 I do remember. I just don't want to talk about it to these
13 strangers because who wants to do that. And so...

14 Q How did you feel -- how did you feel about the fact
15 that your sister, ^{Minor 1} had brought this to light?

16 A I was upset because I was actually mad at her
17 because I didn't want to deal with it. I was a senior, I
18 am going to college. I wanted to put it behind me. I
19 didn't care, I just wanted to move on and when I found out
20 that she told, I knew I would have to deal with it and that
21 everyone would know and that I'd be like I was ashamed like
22 I'm a horrible person for this happening and I was really,
23 really upset with her, but I understand now that it's right
24 that -- that what she did was brave and she told and...

25 Q Did you talk with the police officer, Detective

1 Collins, after you had confided in your mother?

2 A I did.

3 Q And also did you talk with Ms. Williams at the
4 Dickerson Center for Children?

5 A I did.

6 Q And that was at the request of -- of the judicial
7 process?

8 A Yes, ma'am.

9 Q Up until this all came out, had your father been
10 living there in the same home with you guys?

11 A He had been; and things had gotten really -- you
12 could say there was tension, but I realize that this
13 tension was because I held so much resentment toward him
14 because he -- I mean like he'd been doing this since I was
15 young and I just started getting more and more upset with
16 it; and then when I realized if I argued with him and I got
17 mad at him, he would argue back and when he argued back, he
18 would leave me alone, he would avoid me because he was mad
19 at me, and when he avoided me he wouldn't come to my room
20 and he wouldn't touch me. And so -- the tension was almost
21 a good thing for me. Like, I know this is wrong, you
22 shouldn't want to argue with your parents, but if it meant
23 him not coming in my room at night and if it meant him not
24 touching me...

25 Q Did you or had you learned around the time that

Minor 2

- Direct Examination by Ms. Mayes

1 Minor 1 came forward to your mother that your parents were
2 contemplating a divorce?

3 A I mean, they had been arguing, but my mom kept
4 telling me like when we would go to the grocery store,
5 she'd say, I really -- we've been married eighteen so and
6 so years and I don't want to let this go and she told me
7 she loved him and it was a stark contrast from the car
8 rides with my dad to the store or to go somewhere where he
9 would be like -- he said, Your mom and I are getting a
10 divorce; and I remember coming home one day from practice
11 and seeing my brothers cry about how he had told them in
12 the car that he was going -- they were planning on getting
13 a divorce and this was unknown to my mom; and I had to
14 listen to my little brothers cry because he had brought
15 this up and she had no -- none of us had known about it.
16 It was weird.

17 Q Okay. How would you describe your relationship
18 with your father in terms of his involvement in your life
19 and school, your activities and sports?

20 A Well, like I said, I had been a daddy's girl and I
21 would go places with him, but he would never go places with
22 me per se. Like, I was in orchestra, I played the violin
23 and I had a lot of concerts and he attended maybe one
24 concert out of the six years I played. One concert. And
25 soccer, I don't ever remember him on the sidelines. I had

1 several top ten percent banquets. He never attended. My
2 prom, he wasn't there. He had to go to the store so he
3 missed me in my dress with my date and wasn't there at
4 graduation. Like, he's not been involved in my life.

5 Q All right. When you had discussions about college,
6 can you kind of take us through -- I know there was some
7 testimony earlier, but I want it from you directly; how, if
8 at all, did -- how did the conversations go concerning your
9 plans for college?

10 A I've always wanted to attend college and I was
11 choosing between the college of Charleston and the
12 Presbyterian College. Presbyterian College is
13 significantly expensive. It's a \$40,000 college and I
14 worked -- he told me about getting a job so I could pay for
15 college because he stated he would not put a dime towards
16 my college; and I actually didn't care because I worked
17 very, very, very hard throughout school and I had the GPA,
18 I had the SAT scores. I wasn't worried because I have
19 scholarships and I can take out loans and I wasn't worried
20 about the college. But he made clear that he wanted to
21 have no part in the payment and that was fine because I
22 had -- I had worked very, very hard to get my scholarships
23 so that I could go to college without his help. And I
24 didn't care that he wasn't going to pay for it. I just
25 wanted -- I just wanted to go to college and I could pay

1 for it myself.

2 Q All right. And now that you're at school, you have
3 scholarships, academic scholarships?

4 A Yes, ma'am.

5 Q And what are some of those scholarships?

6 MS. FULLWOOD: Objection to the relevancy to this.

7 THE COURT: Yes, ma'am, what is the relevance?

8 MS. MAYES: Well, Your Honor, that's in response to
9 some of the previous cross-examination questions to the
10 sister.

11 THE COURT: Well, there hasn't been any
12 cross-examination of this witness. The objection is
13 sustained.

14 BY MS. MAYES:

15 Q Was there a time that your father and you had a
16 discussion concerning a job?

17 A Yes... He constantly told me to get a job, get a
18 job, but I was doing sports, clubs, and I was also working
19 very hard on my homework. Like, keeping up my grades was
20 important to me and I knew if I kept my grades up that I
21 wouldn't have to worry about college. But I also believed
22 I should get a job; and I applied many times and I actually
23 ended up getting a job at Burger King and there was some
24 harassment issues and I got out of it and he was upset with
25 me and he controlled me in trying to get a job and I didn't

1 understand because I had scholarships. I knew I would work
2 once I got into college and it was just very forced and
3 controlled.

4 Q All right. Now, when you got the job at Burger
5 King, what grade were you in then?

6 A I believe I was a sophomore and a junior and it was
7 only about a couple of days and the management was awful;
8 and he kept pushing it on me and pushing it on me and I
9 couldn't do it.

10 Q Okay. Now, other than -- other than that job were
11 you able to find the means to pay for the college that
12 you're in?

13 MS. FULLWOOD: Objection to the relevancy, Judge.

14 THE COURT: It does show somewhat the relationship
15 with the father, but it -- again we're far afield, Ms.
16 Mayes, let's move on.

17 BY MS. MAYES:

18 Q Other than that -- other than the conversations you
19 had with your father about college, were there any
20 underlying issues in the home while he was there?

21 A I think the biggest issue was what he was doing to
22 us because it created a resentment toward him from me and I
23 guess -- I know this -- I don't think -- this wasn't
24 happening to my brothers so they're probably left out of
25 the picture, but I think a lot of the issue was what he was

Minor 2

- Cross-Examination by Ms. Fullwood

1 doing. I think that was the main issue and why we had
2 tension.

3 Q Okay. Going back to when this would have first
4 started at the home on [REDACTED], up through the time that
5 your sister, ^{Minor 1} confided in your mother in 2011, had
6 you ever told your mother what was going on.

7 A I had not told her anything. I thought -- like I
8 said, I was confused. I thought it was wrong and once I
9 realized it was wrong, I didn't want to talk about it. I
10 just wanted -- I don't want to talk, I just want to move
11 on.

12 MS. MAYES: Beg the Court's indulgence.

13 THE COURT: All right.

14 (WHEREUPON there was a pause in the proceedings.)

15 BY MS. MAYES:

16 Q What is your date of birth?

17 A [REDACTED].

18 Q Okay.

19 MS. MAYES: Nothing further at this time.

20 THE COURT: Cross-examination, Ms. Fullwood.

21 MS. FULLWOOD: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MS. FULLWOOD:

24 Q ^{Minor 2} you were practically a straight A student
25 in high school, correct?

- 1 A Yes, ma'am.
- 2 Q And still are?
- 3 A Yes, ma'am.
- 4 Q Okay. So you're a really bright young woman?
- 5 A I work very hard.
- 6 Q Okay. Now, your father's job required him to be on
7 the road a lot of the time, correct?
- 8 A Most of the time, yes.
- 9 Q And is it right that sometimes he'd be gone for
10 weeks at a time?
- 11 A Yes, ma'am.
- 12 Q And sometimes he would be gone to come back just
13 for one day and then have to turn around and go back to
14 work?
- 15 A Yes, and sometimes he'd be home for a month. Like
16 it depended.
- 17 Q Well, the thing about him being home for a month,
18 that was towards the end of your parent's marriage, wasn't
19 it, when he was working for Sasco?
- 20 A Yes, but also on the other jobs there were periods
21 when he was home for months. It wasn't often in those
22 jobs, but it did occur.
- 23 Q Okay. But he was home more once he started working
24 for Sasco?
- 25 A Yes, ma'am.

Minor 2

- Cross-Examination by Ms. Fullwood

1 Q All right. Now, you have told us that some events
2 occurred while you were watching TV?

3 A Uh-huh.

4 Q Was your sister in the room when these occurred?

5 A No, not when he was doing them to me.

6 Q Were you in the room when he was supposedly doing
7 this to your sister?

8 A There were a couple of times when he was doing them
9 to her and I didn't -- I didn't want to deal with it and I
10 know that's horrible, but -- and I just walked away from
11 the room --

12 Q And --

13 A And I didn't say anything to anyone.

14 Q Was this on [REDACTED]?

15 A Yes, ma'am.

16 Q Okay. So you didn't say anything at all to him or
17 to her?

18 A Why would I? He's my dad.

19 Q Okay. Well, did you talk to her afterwards?

20 A No.

21 Q Where were your brothers when these things would
22 occur?

23 A Their room was always messy and he told them to
24 always clean it and they would always be in there. They
25 wouldn't actually be -- they were in their room, yes.

Minor 2

- Cross-Examination by Ms. Fullwood

1 Q Okay. So were they ever in the living room when
2 these things occurred to you?

3 A No.

4 Q Okay. Did you ever have conversation with your
5 sister at any point in time before your mother said that
6 she was going to divorce your dad?

7 A No, I didn't want to talk about it and I didn't
8 understand that it was happening to her as well. Even
9 though I may have seen it once or twice, it doesn't click
10 because you don't want it to click. You don't want to --
11 you don't want to -- you don't want it to happen.

12 Q Okay. Were you ever present before this time, the
13 time of the divorce when your sister told your mom
14 something to the effect of dad comes in your room and says
15 weird things or does weird things?

16 A I don't recall that conversation.

17 Q That didn't happen?

18 A No, it didn't happen.

19 Q Now, in the last weeks or days that your dad lived
20 at your house, didn't you want to take a trip with your
21 sister to either Myrtle Beach or Charleston?

22 A No. The last weeks, it was my birthday and he
23 offered, which I remember this because it was weird and I
24 remember asking my mom and she said it was weird. He
25 offered to pay for -- he had the Marriott points and he

1 offered to pay for the hotel and that me and my friends
2 could stay and without adult supervision and you knew this
3 wasn't going to happen because my friends' parents would
4 not -- this wouldn't be acceptable. There would have to be
5 adult supervision and my mom was working and she wasn't
6 going to supervise that -- like I knew it wasn't going to
7 work.

8 Q Wasn't what happened that you wanted to do this, go
9 down unsupervised, but he put his foot down and wouldn't
10 let you do it?

11 A Wait, what?

12 Q Didn't you want to go the Charleston unsupervised,
13 but he said no, you can't do it?

14 A No, he offered to pay for the hotel with his points
15 and go unsupervised and I knew my friends wouldn't -- they
16 wouldn't do that.

17 Q Well -- and when do you say this occurred?

18 A Excuse me?

19 Q When did this happen?

20 A Towards the end of my junior year. This was right
21 before everything came out.

22 Q Okay. And isn't it correct that there was a lot of
23 tension in your house in the year before your mom said they
24 were getting a divorce?

25 A Yes, as I explained earlier, it was my resentment

1 from everything that had happened with him and it was
2 building up to that and it kept him from coming into my
3 room because he avoided me because he didn't want to be
4 near me because he was mad at me because of the tension.

5 Q Well, there was tension between your parents too,
6 wasn't there?

7 A Yes.

8 Q Okay. And they were fighting about money, weren't
9 they?

10 A Correct.

11 Q And they had all sorts of adult type of differences
12 between the two of them?

13 A Uh-huh. (Witness nodded head.)

14 Q And that contributed to the tension in the house
15 too, didn't it?

16 A Yeah, I think it did slightly.

17 Q Okay.

18 MS. FULLWOOD: Beg the Court's indulgence.

19 THE COURT: Yes, ma'am.

20 (WHEREUPON there was a pause in the proceedings.)

21 MS. FULLWOOD: No further questions. Thank you,
22 Your Honor.

23 THE COURT: Redirect?

24 MS. MAYES: Nothing further, Your Honor.

25 THE COURT: All right. Thank you. You may step

Nancy Walker - Direct Examination by Ms. Mayes

1 down.

2 THE COURT: All right. Ms. Mayes, you may call
3 your next witness.

4 MS. MAYES: The State calls Nancy Walker.

5 THE COURT: All right. Ms. Walker come around,
6 please.

7 NANCY WALKER,

8 having been duly sworn, testified as follows:

9 THE CLERK: Have a seat, please, ma'am, once you're
10 seated, state your full name, spelling your last on the
11 record, please.

12 THE WITNESS: My name is Nancy Walker, W-a-l-k-e-r.

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q And Ms. Walker, how is it that you are related to

16 Minor 1 and Minor 2

17 A They're my daughters.

18 Q And how is it that you are acquainted with the
19 defendant, James Walker?

20 A We were married for over eighteen years.

21 Q All right. Can you kind of take us through how you
22 first met him?

23 A I was in nursing school and --

24 MS. FULLWOOD: Your Honor, I'm not sure at this
25 point, if this --

Nancy Walker - Direct Examination by Ms. Mayes

1 A After I sat up all night crying and thinking, the
2 next morning --

3 Q Did you contact the defendant? Was he home at the
4 time?

5 A No, I didn't. He was not home. He was not
6 scheduled to be home until the -- she told me on a Thursday
7 and he wasn't coming home until Friday night. So I
8 actually -- Friday morning I decided to call my sister and
9 meet with her because I didn't know what to do and I talked
10 to her and then I told her that I couldn't let him come
11 home; and that I didn't know what to do and so I contacted
12 him, I think just through text message and told him not to
13 come home, that -- I actually said that I was contemplating
14 about the divorce and I didn't want him to come home; and I
15 asked him to give me some space and time to think and not
16 to come home, not to contact me until the next Tuesday.

17 Q And ultimately, can you tell us whether or not you
18 notified law enforcement of what you had learned?

19 A I didn't that day, because the girls didn't want me
20 to at all; and I'm a nurse and I mean -- I have to tell and
21 I -- I did -- I actually was already trying to get a
22 divorce and so I actually spoke to my divorce attorney
23 first and then she helped me contact Lexington Sheriff's
24 Department to report it.

25 Q All right. Let me stop you right there. When you

Valerie Williams - Direct Examination by Ms. Mayes

1 Mayes?

2 MS. MAYES: Yes, sir, Your Honor, I'm asking for a
3 lay-witness explanation at this time as to what is delayed
4 reporting.

5 MS. FULLWOOD: Your Honor, that's a technical term.

6 THE COURT: Well, I'm not sure that it is. She has
7 testified that she has -- lay a little more foundation, Ms.
8 Mayes.

9 MS. MAYES: Yes, sir, Your Honor.

10 BY MS. MAYES:

11 Q Now, when you were conducting interviews on behalf
12 of the State Law Enforcement Division, do you also obtain
13 information concerning the nature of the allegations such
14 as whether or not it occurred last night or whether it's
15 been occurring over a course of time? Is that information
16 that you obtain during the course of your interviews?

17 A Yes, that would be time and place.

18 Q All right. And can you tell us whether or not,
19 through your years of experience conducting interviews you
20 always necessarily have a fresh report?

21 MS. FULLWOOD: Objection, I don't see how it's
22 relevant to this case.

23 THE COURT: All right. You objected to her telling
24 how she would know and now she's trying to explain. I'm
25 going to allow the testimony.

Valerie Williams - Direct Examination by Ms. Mayes

1 THE WITNESS: I'm sorry, would you repeat the
2 question?

3 BY MS. MAYES:

4 Q Yes. When -- throughout your years of experience
5 conducting these interviews, do you always necessarily have
6 a victim to report right away?

7 A It's actually very rare for children to report
8 right away.

9 Q And in this particular case, can you tell us
10 whether or not based on the information you learned, there
11 was delayed reporting?

12 A There was very definitely delayed reporting in this
13 particular case.

14 Q All right. And based on your training and
15 experience through the years, can you tell us whether
16 that's common or uncommon?

17 MS. FULLWOOD: Again, objection.

18 THE COURT: All right. I'm going to overrule the
19 objection. I understand your objection, but she has
20 testified to her training in forensic interviewing and her
21 experience with child abuse cases. I don't think she needs
22 to testify as a witness -- as an expert witness to be
23 qualified as an expert witness to say that. I specifically
24 recall the case that counsel may remember the name of, but
25 I don't remember the name of, where I qualified a forensic

Valerie Williams - Direct Examination by Ms. Mayes

1 interviewer and Court of Appeals said that it was not
2 necessary that she be qualified to testify to that effect
3 and so I'll overrule the objection.

4 BY MS. MAYES:

5 Q Can you tell us throughout your training and
6 experience in conducting forensic interviews whether
7 delayed report of child abuse is common or uncommon?

8 A It is far more common for a variety of reasons and
9 depending on a child's age and circumstances -- it's far
10 more common for a child to delay a report than it would be
11 for them to tell immediately after an incident had
12 occurred.

13 Q Thank you.

14 MS. MAYES: Nothing further, Your Honor.

15 THE COURT: Ms. Fullwood?

16 MS. FULLWOOD: No questions.

17 THE COURT: All right. Thank you, Ms. Williams.
18 You may step down.

19 Would you like to have this witness excused, Ms.
20 Mayes?

21 MS. MAYES: Yes, sir, Your Honor.

22 THE COURT: Any objection?

23 MS. FULLWOOD: No, sir.

24 THE COURT: All right. You are excused, thank you
25 for coming.

Stephen Collins - Direct Examination by Ms. Mayes

1 also of the lawyers being able to see the jury. So unless
2 you're actually using that if you would take that down,
3 please, ma'am.

4 And, Counsel, come up and let me mention one other
5 thing to you administratively before we start back.

6 (WHEREUPON, there was a bench conference out of the
7 hearing of the jury and the Court Reporter.)

8 **THE COURT:** All right. Ms. Mayes, you may call
9 your next witness.

10 **MS. MAYES:** The State calls Detective Steve
11 Collins.

12 Stephen Collins,
13 having been duly sworn, testified as follows:

14 **THE CLERK:** Have a seat in the witness chair. Once
15 you're seated, state your full name, spelling your last on
16 the record, sir.

17 **THE WITNESS:** Stephen Collins, C-o-l-l-i-n-s.

18 **MS. MAYES:** May we approach?

19 (WHEREUPON, there was a bench conference out of the
20 hearing of the jury and the Court Reporter.)

21 **THE COURT:** All right. You may proceed.

22 **DIRECT EXAMINATION**

23 **BY MS. MAYES:**

24 Q Detective Collins, could you give us some
25 information concerning where you are employed and in what

Stephen Collins - Direct Examination by Ms. Mayes

1 capacity?

2 A Yes, ma'am. I am a detective sargent with the
3 Lexington County Sheriff's Department.

4 Q All right. And how long have you been with the
5 sheriff's department?

6 A I've been a police officer for about eighteen
7 years. I've been with the sheriff's department for the
8 last thirteen.

9 Q All right. Now, what is your job description as a
10 detective and how does that differ from a patrol officer?

11 A Uniform patrol officers are what you would --
12 people would associate with the individuals driving around
13 in the marked police cars. They take incident reports,
14 they make traffic stops and respond to routine calls for
15 service, anything that occurs during the day-to-day
16 operations. As a detective with the sheriff's department,
17 I'm tasked with following up on cases that come in,
18 specifically I worked at the time of this incident in the
19 major crimes unit to follow up investigations and if it's
20 an incident that needs more looking into.

21 Q All right. Throughout your years as an
22 investigator, can you tell us whether or not you had the
23 opportunity to investigate cases of child abuse or sexual
24 assault?

25 A Yes. Prior to the position I'm in now, it's been

Stephen Collins - Direct Examination by Ms. Mayes

1 about the last six years of my career investigating cases
2 in our major crimes unit involving incidents of sexual
3 assault and sexual abuse.

4 Q Now, specifically, what type of training or special
5 education do you have in the field of child abuse and
6 sexual assault investigations?

7 A I've been to several conferences on the subject of
8 child sexual abuse. I've been to several classes offered
9 through public agency training counsel on sexual assault,
10 sexual abuse, child abuse. I went to the Finding Words
11 class that is the Forensics Interview Class that is taught
12 over at the Assessment Resource Center, Child Advocacy
13 Center. It is sponsored by the South Carolina School of
14 Law, in addition to the six years that I've spent
15 investigating, that's probably close to 200 additional
16 hours of training in the area of sexual assault and child
17 abuse.

18 Q All right. Now, can you tell us how you became
19 involved in the investigation of State versus James Walker.

20 A Yes, ma'am. I was contacted and met with
21 Ms. Walker at the Lexington County Sheriff's Department
22 where I took the initial incident report into the
23 allegations that were made in this case.

24 Q All right. I want to kind of go over the specifics
25 of that. What is the initial date that this case was

Stephen Collins - Direct Examination by Ms. Mayes

1 reported to the sheriff's department? In other words, the
2 report came in, leading to you being assigned as an
3 investigator.

4 A I spoke with Ms. Walker on September 7th, 2011, at
5 the Lexington County Sheriff's Department.

6 Q That date again?

7 A September 7th.

8 Q All right. And, if you know, how did the report
9 come in? Does it come in by phone or did the individuals
10 walk in?

11 A I received a phone call asking me to meet with
12 Ms. Walker in the front lobby of the Lexington County
13 Sheriff's Department to take the initial report.

14 Q All right. And so following that initial contact
15 with Nancy Walker on September 7th, what is the -- take us
16 through the steps of the investigation.

17 A The initial contact with Ms. Walker, she explains
18 to me what she is there to report to the sheriff's
19 department, that she is reporting to me allegations of
20 sexual abuse by her two daughters ^{Minor 1} and ^{Minor 2} which
21 they are alleging took place at the hands of their
22 father --

23 MS. FULLWOOD: Objection, hearsay.

24 MS. MAYES: Your Honor, I can --

25 THE COURT: All right. Objection sustained.

Stephen Collins - Direct Examination by Ms. Mayes

1 Rephrase your question.

2 MS. MAYES: I'll rephrase.

3 BY MS. MAYES:

4 Q Without going into any details of the allegations,
5 did you learn enough that it involved allegations of sexual
6 abuse?

7 A Yes, ma'am.

8 Q And is part of your job also to ascertain whether
9 or not anything occurred in Lexington County?

10 A Yes, it is.

11 Q All right. And in regards to Lexington County, how
12 did you go about learning whether or not anything had
13 occurred within this jurisdiction?

14 A I asked where Ms. Walker had lived -- I mean that's
15 where I was told that the incident had taken place, which
16 was [REDACTED], in the Leesville area of Lexington
17 County.

18 Q All right. And did you have the opportunity to
19 also meet personally with ^{Minor 2} and ^{Minor 1}

20 A Yes, ma'am, I did.

21 Q When you meet with them personally, do you also
22 have the opportunity to conduct at least an initial
23 interview?

24 A Yes, ma'am, that is what takes place.

25 Q All right. And can you tell us whether or not your

Stephen Collins - Direct Examination by Ms. Mayes

1 trained in conducting such interviews?

2 A Yes, ma'am, I do have training in conducting
3 interviews.

4 Q All right. And based upon the information that
5 you -- let me ask you this: Did you interview them
6 separately or apart?

7 A Separately.

8 Q Separately?

9 A Yes.

10 Q Okay. Based upon the information that you obtained
11 from those interviews, what was the next step along the
12 way?

13 A The next step was to -- well, several steps. Early
14 on in the investigation, I determined that this was a case
15 that was also going to need the Department of Social
16 Services interaction based on the allegations. It also
17 fell under their area of investigation and allegation of
18 abuse in the home. So I informed Department of Social
19 Services and was put in contact with Sheppard Cary with the
20 Department of Social Services. So that part took place.
21 The other part with the investigation would be contacting
22 and requesting an interview with the individual accused of
23 what was taking place.

24 Q All right. Now, do you document any along the way,
25 the conversations that you have, the interviews that are

Stephen Collins - Direct Examination by Ms. Mayes

1 conducted?

2 A Yes, I take notes during the course of the
3 interviews. Usually every case, you have a little bit of
4 nuances, but, yes, I routinely take notes. And then you
5 document what you've done in supplemental incident reports
6 to the initial incident report.

7 Q All right. I'm going to show you a collection of
8 documents and ask you whether or not you recognize them.

9 A Yes, ma'am, those look like -- well, copies of my
10 notes and copies of supplemental incident reports.

11 Q Okay. And the incident reports, can you tell us
12 who prepared those?

13 A The incident reports were prepared by myself.

14 Q Ultimately, how did you go about making contact
15 with the suspect, James Walker, in order to interview him?

16 A Ms. Walker, Nancy Walker, provided me a phone
17 number for Mr. Walker and I called him and requested that
18 he come to the Lexington County Sheriff's Department to
19 talk to me about the investigation.

20 Q All right. And the documents that I just submitted
21 to you, can you tell us whether or not those documents
22 summarize those events?

23 A Yes, ma'am. They do summarize that event.

24 Q When is it, Detective Collins, that you would have
25 made initial contact with the defendant, James Walker?

Stephen Collins - Direct Examination by Ms. Mayes

1 A I believe I spoke with him on the phone the evening
2 of the 8th and we met at the Lexington County Sheriff's
3 Department the following day, which would have been Friday,
4 September 9th.

5 Q On September 9th of 2011, when you made contact
6 with him, where did that contact take place?

7 A At the Lexington County Sheriff's Department.

8 Q All right. What was the process along the way?
9 When he first arrived at the sheriff's department?

10 A When an individual first arrives in the sheriff's
11 department, they will come in through the front lobby of
12 the sheriff's department, what I instruct an individual
13 that I'm going to meet with at the sheriff's department to
14 do, is let the front desk personnel know that they are
15 there to meet with me and the front desk personnel contact
16 me either at my desk number or my cell phone, letting me
17 know that that individual is up front and I will go up
18 front and make contact with them.

19 Q All right. And how would he have arrived at the
20 sheriff's department?

21 A He arrived through his own mode of transportation.

22 Q At this point in time, was he under arrest?

23 A No, he was not.

24 Q Was he in custody?

25 A No, he was not.

Stephen Collins - Direct Examination by Ms. Mayes

1 Q What happened upon his arrival?

2 A I was notified that he was there. I went up to the
3 front lobby and I made contact with Mr. Walker and
4 introduced myself to him.

5 Q What happened next?

6 A We went from the front lobby to an interview room
7 in the office area where I work. There are three rooms
8 that are interview rooms, traditional rooms that have table
9 and chair, what you would describe as an interview room. I
10 walked back there with Mr. Walker and sat down with him.

11 Q All right. And what happened next?

12 A He -- I asked for his driver's license. He gave me
13 his driver's license. I confirmed that I was talking to
14 James Walker, confirmed his birth date of [REDACTED] of
15 [REDACTED], to make sure that I was talking to the individual
16 that I wanted to be talking to about the events. From
17 there I confirmed that he knew the individuals that were
18 involved, Nancy Walker, ^{Minor 1} and ^{Minor 2}

19 Q And what happened after that?

20 A I asked him if he would know any reason I would
21 want to have a meeting with him, if he had any explanation
22 why the sheriff's department would have an incident report,
23 what he thought we wanted to talk about.

24 Q And what was his response to that?

25 A He said that he believed that the -- we might be up

Stephen Collins - Direct Examination by Ms. Mayes

1 there to talk about some problems that were going on with
2 his marriage, the fact that there was a pending divorce,
3 that he and his wife were having some kind of family issues
4 was what he thought that it might be about.

5 Q All right. And what did you say in response to
6 that?

7 A I informed Mr. Walker that this was not the case,
8 that I was actually looking into an incident which involved
9 claims by his two daughters that he had touched them
10 inappropriately and in a sexual manner.

11 Q All right. And what happened after that?

12 THE COURT: All right. Just a moment, Ms. Mayes.

13 Ladies and gentlemen of the jury, the Court has
14 ruled that certain statements are admitted into the record
15 of this case -- or alleged statements have been admitted
16 into the record of this case. I will tell you that while
17 the Court determines the admissibility of the evidence, you
18 the jury, must determine the existence, the voluntariness
19 and weight of any alleged statements made by the defendant.
20 You must take the -- you must make the ultimate
21 determination of whether or not the defendant, in fact,
22 made the alleged statement. If you determine the defendant
23 made the statement, you must then determine whether the
24 statement was made voluntarily.

25 Finally, you must decide what weight, if any,

Stephen Collins - Direct Examination by Ms. Mayes

1 should be given to my alleged statement. You must
2 determine whether the alleged statement was a product of an
3 essentially free and unconstrained voice by it's maker.
4 The State must prove the voluntariness of a statement
5 beyond a reasonable doubt. If you determine beyond a
6 reasonable doubt that a statement was given freely and
7 voluntarily, then you may give the statements such further
8 consideration as you deem proper.

9 If you determine that the alleged statement was not
10 the free and voluntary, willed expression of the defendant,
11 then you should not consider the statement as evidence. In
12 determining whether a defendant's will was overcome in
13 obtaining his statement, the law requires you to consider
14 what is known as the totality of the circumstances. You
15 should consider both the characteristics of the defendant
16 and the circumstances surrounding any questioning or
17 interrogation. In determining the voluntariness of the
18 alleged statement, you should consider whether the
19 defendant was advised of and understood his constitutional
20 rights.

21 Now, those constitutional rights are that before
22 any interrogation or questioning of a person may begin,
23 that -- a person in custody may begin, the -- a person must
24 be advised of their Miranda Rights. This means the
25 authorities have to advise the accused that the accused has

Stephen Collins - Direct Examination by Ms. Mayes

1 the right to remain silent, that any statement could be
2 used against the accused in a court of law, that the
3 accused has the right to have a lawyer present; that if the
4 accused cannot afford a lawyer then a lawyer would be
5 appointed for him without pay and that the accused could
6 stop making a statement at any time.

7 Now, I tell you that, and yet all of you have heard
8 about the Miranda Rights. I will tell you, though, that a
9 warning of constitutional rights are only applicable if a
10 defendant is in custody and if there is an interrogation.
11 So those are the things that you will consider. Miranda
12 warnings are not required if there is no interrogation or
13 if the defendant is not in custody.

14 All right, Ms. Mayes.

15 BY MS. MAYES:

16 Q And Detective Collins, just to clarify a bit
17 further, when he arrived at the sheriff's department, was
18 he in custody at that time?

19 A No, ma'am, he was not.

20 Q In fact, how had he arrived there?

21 A By his -- through his own mode of transportation.

22 Q All right. Now, at any point in time that day, was
23 he threatened in any way in order to participate in an
24 interview with you?

25 A No, he was not.

Stephen Collins - Direct Examination by Ms. Mayes

1 Q Were any promises made in exchange for
2 participating in an interview with you?

3 A No, they were not.

4 Q To the best of your knowledge, based on your
5 observations, was the defendant's participation in the
6 interview free and voluntary?

7 A Yes, he engaged in the interview on his on free
8 will.

9 Q We were talking about you're in the interview room
10 on September 9th.

11 A Yes, ma'am.

12 Q And what happens after you inform him of the nature
13 of the allegations?

14 A Mr. Walker denies the allegations, stating that
15 they are untrue.

16 Q And what happened next?

17 A I asked him a question, asked him if his daughters
18 would lie about that. Were they generally truthful people;
19 and Mr. Walker responded back that he did not think that
20 his daughters would lie.

21 Q And what happened next?

22 A I followed up and asked Mr. Walker if that was the
23 case that the daughters were telling the truth then the
24 allegations that were made against him, therefore, in my
25 opinion, must be true. I asked him if there was any

Stephen Collins - Direct Examination by Ms. Mayes

1 explanation that he could think of that may have been a
2 misunderstanding that had taken place or something that
3 would have led the daughters to misunderstand why they
4 thought that he was inappropriately touching them.

5 Q And what was his response to that?

6 A Mr. Walker explained to me that it could possibly
7 be the fact that ^{Minor 1} had stomach problems and that he
8 stated he would go into her room and rub her stomach to
9 help. Then he explained that it could possibly be a result
10 in ^{Minor 2} case that she would sleepwalk and that he would
11 have to go get her and touch her and physically place her
12 back into the bed. And then he also spoke about the fact
13 that during this point in his life that we were talking
14 about he was taking some kind of sleeping pills that made
15 him act weird.

16 Q Okay. And when you use the phrase, made him act
17 weird, tell me whose words or statements were those?

18 A They were Mr. Walker's.

19 MS. FULLWOOD: Your Honor, I'm going to object to
20 writing down just portions of what this alleged statement
21 was.

22 THE COURT: Well, she can make those notes. I
23 don't see that it's wrong. She's writing down what she
24 thinks is timeline is here.

25 ///

Stephen Collins - Direct Examination by Ms. Mayes

1 BY MS. MAYES:

2 Q So on this particular occasion Detective Collins,
3 he reports to you that ^{Minor 1} had stomach problems?

4 A Yes, ma'am.

5 Q He reported that ^{Minor 2} had been a sleepwalker?

6 A Yes, ma'am.

7 Q And that he had been taking sleeping pills that
8 made him act weird?

9 A Correct.

10 Q Did you have an occasion to meet with him after
11 September 9th 2011?

12 A Yes, ma'am. We had a second subsequent interview.

13 Q All right. And what was the date of the second
14 interview?

15 A That took place on September 19th.

16 Q So ten days later?

17 A Yes, that would be correct. It was a Monday.

18 Q What happened upon his arrival -- let me ask you
19 this: Did you have -- ultimately have contact with him at
20 the sheriff's department?

21 A Yes.

22 Q And what happened upon his arrival at the sheriff's
23 department?

24 A Similar set of circumstances. Mr. Walker arrived
25 at the Lexington County Sheriff's Department under his own

Stephen Collins - Direct Examination by Ms. Mayes

1 accord, through his own mode of transportation and made
2 contact with front desk personnel who informed me that he
3 was at the Lexington County Sheriff's Department.

4 Q All right. And what happened after that?

5 A Again, I went to the front lobby and met with
6 Mr. Walker and escorted him back to the interview room.

7 Q And what happened next?

8 A At that point, I informed Mr. Walker that he was
9 going to be placed under arrest and he stated that he
10 figured he was going to be arrested at that point. I
11 advised him of his Miranda Rights. He stated he understood
12 his rights.

13 Q So at this point, he's been advised that he's under
14 arrest; and at this point in time, is he in custody?

15 A Yes, ma'am. At this point in time, he would be in
16 custody. He was no longer free to leave.

17 Q All right. And being in custody, what is the
18 process for advising him of his Miranda Warning or his
19 Miranda Rights?

20 A You orally advise somebody of their Miranda Rights.
21 In this case, specifically, I used a Miranda warning card
22 which I carry in my ID badge that allows me access to
23 places in the sheriff's department. So when I'm at work i
24 always have that with me.

25 Q All right. And do you have it with you today?

Stephen Collins - Direct Examination by Ms. Mayes

1 A Yes, ma'am, I do.

2 Q Can you advise us today on the record of the
3 Miranda warnings or rights exactly as they were advised to
4 James Walker on September 19th, 2011?

5 A Yes, ma'am. The Miranda warning states that you
6 have the right to remain silent. Anything you say can and
7 will be used against you in a court of law. You have the
8 right to talk to an attorney and have him or her present
9 with you while you're being questioned. If you cannot
10 afford to hire an attorney, one will be appointed to
11 represent you before questioning. If you want -- if you
12 decide at any time to exercise these rights and not answer
13 questions or make any statements -- I ask the individual,
14 do you understand your rights that I've explained to you.
15 Mr. Walker or whoever you're Mirandizing would indicate
16 that yes, that is correct.

17 Then a follow up question is, do you wish to talk
18 to me now, you ask the individual that question. In this
19 case, Mr. Walker responded yes to that question as well.

20 Q All right. Did it appear to you that he understood
21 his rights?

22 A Yes, ma'am. He indicated that he did understand
23 his rights and that he didn't wish to talk to me about the
24 incident.

25 Q Did he appear to be under the influence of any type

Stephen Collins - Direct Examination by Ms. Mayes

1 of intoxicants or medication or alcohol or anything that
2 would have impaired his ability to understand his rights?

3 A No, he did not.

4 Q Was he able to speak with you coherently and did he
5 appear to understand your communications coherently?

6 A Yes, he did. That was -- yes.

7 Q Did you threaten him in any way in order to
8 participate in the interview?

9 A No, I did not.

10 Q Did you promise him anything in exchange for an
11 interview?

12 A No, I did not.

13 Q Did you ask him specifically about whether he
14 wanted an attorney?

15 A Yes, I did ask him specifically if he wanted an
16 attorney. I asked Mr. Walker if he wanted a lawyer and he
17 said no, that he wanted to talk to me.

18 Q Based upon his verbal waiver of his Miranda Rights
19 and all of the observations of James Walker on that day,
20 can you tell us whether or not in your opinion he freely
21 and voluntarily waived his Miranda Rights.

22 A Yes, as a matter of fact, that interview took place
23 on Monday. Mr. Walker told me and I had heard a voice
24 message on my voicemail over the weekend where Mr. Walker
25 said he had wanted to get in touch with me and he did

Stephen Collins - Direct Examination by Ms. Mayes

1 confirm that message, that just further informed me that
2 Mr. Walker did wish to communicate with me at this point.

3 Q All right. What can you tell us about his
4 emotional state or demeanor once you were in the interview
5 room after he had waived his Miranda Rights?

6 A Mr. Walker was very emotional while talking to me
7 at this point, crying visibly upset and he also had
8 informed me that over the course of the weekend he had
9 actually considered suicide.

10 Q All right. And what was your response to that?

11 A We talked about the fact that suicide would not be
12 a fix to the problem. It wouldn't address the issues. We
13 talked about how that would make his family feel when his
14 children finally come forward with the allegations and that
15 if he committed suicide there would be no chance for
16 anything to ever move forward and he would be leaving his
17 children without a father.

18 Q What did he say in response to that?

19 A He agreed with me. He said I was right and he told
20 me that he was no longer having those suicidal thoughts.

21 Q Okay. What, if anything, in addition did he state
22 to you?

23 A Mr. Walker had been -- he did state to me that he
24 had been thinking about our initial conversation since the
25 time that we had talked about it and he said that he knew

Stephen Collins - Direct Examination by Ms. Mayes

1 that his daughters would not lie about the incident. He
2 said that he had tried to remember everything. He
3 remembered touching them, he just couldn't remember
4 everything.

5 Q What, if anything else, did he say?

6 A He, again, at that point, he eluded to the fact
7 that he was taking medication at that point in his life and
8 that that medication had made him, again, his words, act
9 strange.

10 THE COURT: Counsel, come up for a moment, please.

11 (WHEREUPON, there was a bench conference out of the
12 hearing of the jury and the Court Reporter.)

13 BY MS. MAYES:

14 Q Your initial interview was on September 9th and
15 this final interview was on September 19th?

16 A Yes, ma'am, that would be correct.

17 Q And on September 19th, when he stated that he had
18 been on medication that made him act strange, did he
19 elaborate any further?

20 A No, he did not. We had talked about the sleeping
21 medication and I assumed that was the same type of
22 medication that we had been talking -- that he was talking
23 about at this point.

24 Q All right. What else did he say on the matter?

25 A That -- pretty much the last thing he said, he told

Stephen Collins - Direct Examination by Ms. Mayes

1 me he was sorry for what he'd done, that he had failed his
2 family and he loved his family.

3 Q When he stated that he was sorry for what he had
4 done, can you tell us what, if anything, you remember about
5 his emotional state or demeanor?

6 A He was emotional during the entire interview,
7 upset, crying. I guess, go from remorseful to embarrassed
8 would be the emotions that I would attribute to his
9 behavior.

10 Q All right. Now, in addition to your written
11 incident report which documents this conversation, can you
12 tell us how, if at all, you document it as it's happening,
13 as it's going along?

14 A I do take some notes in this case that were
15 handwritten notes, both key points to aid with memory
16 recall when I write the supplemental report.

17 Q All right. Now, Detective Collins, I believe your
18 earlier testimony was that you had worked numerous sexual
19 assault cases throughout your career?

20 A Yes, ma'am.

21 Q Can you tell us whether or not through your career
22 a delayed report of child sexual abuse is common or
23 uncommon?

24 A I would --

25 MS. FULLWOOD: Objection, Your Honor. There --

Stephen Collins - Direct Examination by Ms. Mayes

1 THE COURT: All right. I'm not going to let him
2 say whether it is common or uncommon. I'm going to let him
3 say what his experience was, or has been.

4 MS. MAYES: Yes, sir, Your Honor.

5 THE WITNESS: In my experience, delayed reporting,
6 I would not classify as unusual.

7 BY MS. MAYES:

8 Q The two residences that have been discussed in
9 connection with this case, Detective Collins, the residence
10 in Leesville on [REDACTED] -- I'm sorry in Gilbert on
11 [REDACTED] and the residence in Leesville on [REDACTED]
12 [REDACTED], can you tell us whether or not those are within the
13 jurisdiction of Lexington County?

14 A Yes, ma'am, those are within the jurisdiction of
15 Lexington County Sheriff's Department.

16 Q All right. And do you have with you today
17 information that would inform us for the record of the
18 defendant's date of birth --

19 A Yes.

20 Q -- whether or not he would have been over the age
21 of fourteen years at the time of these offenses?

22 A Yes. When I met with him initially and identified
23 him, his driver's license indicated his date of birth of
24 [REDACTED], which would have made him 40-ish at the
25 time that I met with him.

Stephen Collins - Direct Examination by Ms. Mayes

1 Q And did you also obtain dates of birth for both of
2 the victims during the course of your investigation?

3 A Yes, ma'am. I did.

4 Q What is that information?

5 A Minor 2 was born, [REDACTED]; and Minor 1
6 [REDACTED] was born, [REDACTED].

7 MS. MAYES: Nothing further, Your Honor.

8 THE COURT: All right. Ladies and gentlemen of the
9 jury, earlier this week I scheduled a matter for two clock
10 today that I need to take care of. It's going to take us
11 about fifteen or twenty minutes to do that. So I'm going
12 to ask that you go to your jury room while I do take care
13 of that matter. It is something that I have to do and I
14 have to do it right now because there are people here that
15 have been scheduled on this.

16 Go to your jury room and relax for a few minutes.
17 Do not discuss the case among yourselves. I'll send for
18 you very shortly. Thank you.

19 (WHEREUPON the jury left the courtroom at 2:11
20 p.m.)

21 THE COURT: All right. Detective Collins, you may
22 step down. Do not discuss this matter with anyone while
23 you are on the stand. You have not yet been subjected to
24 cross-examination. Any discussion of this matter with
25 anyone would be improper at this time.

1 THE WITNESS: Yes, sir.

2 THE COURT: Ms. Fullwood, y'all might need to just
3 step back or sit back a little bit. I do believe they have
4 an inmate that is going to be here in this matter. This
5 will only take about twenty minutes.

6 (WHEREUPON a recess was observed in this case.)

7 THE COURT: All right. Detective Collins, come
8 around.

9 (WHEREUPON the witness resumes the witness stand.)

10 THE COURT: Ms. Mayes, anything before the jury is
11 returned to the courtroom?

12 MS. MAYES: No, sir, Your Honor.

13 THE COURT: Ms. Fullwood, anything before the jury
14 comes in?

15 MS. FULLWOOD: No, Your Honor.

16 THE COURT: All right. Bring the jury in, please.

17 MS. FULLWOOD: We were at the end of direct, right?

18 THE COURT: We're going into cross. She's finished
19 direct. That's correct.

20 MS. FULLWOOD: Okay.

21 (WHEREUPON the jury entered the courtroom at 2:33
22 p.m.)

23 THE COURT: All right. Thank you, ladies and
24 gentlemen, I have concluded the matter that I had to get
25 taken care of and we're ready to continue with the

Stephen Collins - Cross-Examination by Ms. Fullwood

1 testimony in this case. The State had concluded the direct
2 examination of this witness and now the defense will have
3 the right to cross-examine.

4 Ms. Fullwood.

5 MS. FULLWOOD: Thank you, Your Honor.

6 **CROSS-EXAMINATION**

7 **BY MS. FULLWOOD:**

8 Q Mr. Collins, the sheriff's department has
9 standardized forms that list a person's legal rights on it
10 before -- that can be used before you start talking with
11 them, right?

12 A Correct.

13 Q All right. And it had each individual right along
14 with a space for the person to initial; is that right?

15 A Correct.

16 Q And there's a place at the bottom for them to sign,
17 correct?

18 A That is correct.

19 Q And you chose not to use one of those in this case,
20 correct?

21 A Yes, that is correct.

22 Q And the sheriff's department has video machines
23 does it not? Video cameras?

24 A We are in possession of video cameras, yes.

25 Q Okay. And the sheriff's department has tape

Stephen Collins - Cross-Examination by Ms. Fullwood

1 recorders does it not?

2 A Yes, it does.

3 Q And had you chosen to do so, you could have video
4 taped, filmed, or audio recorded your conversations with
5 Mr. Walker; correct?

6 A Yes, that would be correct.

7 Q And you made the choice not to, correct?

8 A Yes, that would be correct.

9 Q You took handwritten notes when you talked to
10 Mr. Walker on September 9th, the first time you talked to
11 him, correct?

12 A Yes.

13 Q Okay. You did not take any handwritten notes
14 during your second conversation with him on September 19th,
15 did you?

16 A There were some notes, but -- yes.

17 Q Handwritten notes?

18 A Yes.

19 Q Are you sure? Handwritten notes as opposed to --

20 A Yes, I had handwritten notes about some of the
21 events that took place on September 19th, when I met with
22 Mr. Walker, yes, that is correct.

23 Q Did you testify about this under oath at an earlier
24 stage in this proceeding?

25 A Yes, I did.

Stephen Collins - Cross-Examination by Ms. Fullwood

1 Q And at that time, didn't you testify that when you
2 talked to him at the sheriff's department on the 19th; you
3 did not take any handwritten notes?

4 A No, that is not correct. If you give me my notes,
5 I --

6 Q You feel free to refer to them. I thought you had
7 them up with you.

8 A No, they've been --

9 (WHEREUPON the notes were given to the witness.)

10 BY MS. FULLWOOD:

11 Q If you could just point out where you took the
12 handwritten notes when you talked with him on the sheriff's
13 department on the 19th.

14 A Right there. Same thing I testified to earlier.

15 THE COURT: All right. You can't just carry on a
16 conversation among yourselves. The lady can't take it
17 down.

18 BY MS. FULLWOOD:

19 Q Okay. May I see that, please.

20 (WHEREUPON the notes were handed to the attorney.)

21 BY MS. FULLWOOD:

22 Q Okay. So you took a note that you met him in the
23 lobby and walked him back?

24 A Yes, ma'am, and Mirandized him.

25 Q All right. You did not take any handwritten notes

Stephen Collins - Redirect Examination by Ms. Mayes

1 about the substance of your conversation, did you?

2 A No, at that point, Mr. Walker's emotional
3 condition, he was emotional and the interview just flowed.
4 I listened.

5 Q All right. No further questions.

6 THE COURT: Redirect?

7 MS. MAYES: Yes, sir, Your Honor.

8 **REDIRECT EXAMINATION**

9 **BY MS. MAYES:**

10 Q Based upon your communications with James Walker,
11 can you tell us whether or not he appeared to be an
12 educated person?

13 A Yes, I thought that he was an educated individual.

14 Q Did he --

15 MS. FULLWOOD: Objection. Outside the scope of
16 redirect. That would pertain to new matter.

17 THE COURT: All right. I'm going to overrule that.
18 I'm not going to let her go far because I think you were
19 questioning him about the conversation that was taken at
20 the time.

21 Go ahead, Ms. Mayes.

22 MS. MAYES: Yes, sir, Your Honor.

23 **BY MS. MAYES:**

24 Q In regards to needing a written form of his Miranda
25 Rights, did he appear to have an understanding of them when

Stephen Collins - Redirect Examination by Ms. Mayes

1 you read them to him.

2 A Yes, he did.

3 Q Did he appear to be an educated person?

4 A Yes, ma'am.

5 Q Did he have any type of disabilities that you
6 observed that would affect his mental competence to
7 understand the rights that you read to him?

8 A No, he did not.

9 MS. MAYES: Nothing further.

10 THE COURT: Recross examination?

11 MS. FULLWOOD: No, Your Honor.

12 THE COURT: All right. Thank you Detective
13 Collins, you may step down.

14 THE WITNESS: Thank you, sir.

15 THE COURT: All right. You may call your next
16 witness, Ms. Mayes.

17 MS. MAYES: The State calls Laurie Caldwell Harris.

18 THE COURT: While Ms. Harris is coming up, Counsel
19 come up, please.

20 (WHEREUPON, there was a bench conference out of the
21 hearing of the jury and the Court Reporter.)

22 THE COURT: All right.

23 LAURIE CALDWELL HARRIS,

24 having been duly sworn, testified as follows:

25 THE CLERK: Have a seat, please.

Laurie Caldwell Harris - Direct Examination by Ms. Mayes

1 A Yes, we treat trauma -- children that have
2 experienced trauma.

3 Q Ms. Harris, throughout the years of your training
4 and experience, can you tell us what is meant among child
5 abuse professionals by the term delayed reporting?

6 A What that means is quite the opposite of what the
7 average public thinks, that children tell right away
8 because the majority of them do not. It means that they
9 wait a month, months, years, thirty years. I've seen all
10 aspects of it.

11 Q All right. In your experience how common is
12 delayed reported among victims of child sexual abuse?

13 A In my experience, it's most common.

14 Q Can you explain some of the factors that may play a
15 roll in a child's delayed report of sexual abuse?

16 A There are a lot of factors that play into it and
17 one could be easily shame, the embarrassment, not knowing
18 what to do or what just happened or what's been happening.
19 But when it's in a family, especially if it's an adult,
20 think about what you teach your own children and what you
21 were taught. Children obey your parents, respect your
22 adults whether it be grandparents, an uncle, teachers,
23 coaches outside, people that -- trusted adults.

24 So there's a sense of helplessness to where they
25 actually -- in order to survive that have to accommodate

1 minutes, but I have to do this on the record and outside of
2 your presence, so I'm going to ask you to go to your jury
3 room. I'll send for you very shortly. Thank you.

4 (WHEREUPON the jury left the courtroom at 3:56
5 p.m.)

6 THE COURT: Motions on behalf of the defendant, Ms.
7 Fullwood?

8 MID-TRIAL MOTIONS

9 MS. FULLWOOD: Yes, sir. At this time we would
10 move for a directed verdict on both indictments.
11 Specifically, Your Honor, the State hasn't proved -- hasn't
12 presented evidence sufficient to prove the intent in this
13 case to either gratify his own sexual urges or those of his
14 daughters. There's simply been evidence of a touching,
15 which has been described as -- they thought it was
16 inappropriate and they did not like, but that there has
17 been no testimony concerning any sexual component or intent
18 in this touching. So even if you assume that the touching
19 is true, there's no proof of the represent intent.

20 THE COURT: All right. Thank you, ma'am.

21 Ms. Mayes?

22 MS. MAYES: Yes, sir, Your Honor. The intent would
23 certainly be inferred from the circumstances in this case.

24 Minor 2 has testified that there was an incident
25 where her father attempted to kiss her on the mouth and she

1 referred to that as if he was making out with her. Both
2 girls have testified that there were occasions they would
3 wake up in the middle of the night and their testimony was
4 where the defendant would have had no reason to be there or
5 present in the room, saying things such as, Love me, and
6 rubbing on them that led either down to touching inside the
7 clothing near the pubic region or touching of the area at
8 the breast or near the breast. And both of them testified
9 that this was certainly something that made them
10 uncomfortable and was inappropriate.

11 Your Honor, in addition to that, the elements of
12 the defendant being over the age of fourteen have been met
13 and that there was certainly testimony to support that both
14 victims would have been under the age of sixteen during the
15 time of --

16 THE COURT: She didn't -- she didn't even raise
17 that. She hasn't made an issue out of that. The only
18 issue that has been made is whether or not the part of the
19 statute that requires the intent of arousing, appealing to
20 or gratifying the lusts or passions or sexual desires of
21 the person or of the child and her motion for directed
22 verdict is made on the basis that the State has failed to
23 meet its burden of proving the intent.

24 Under Rule 19, of course, the Court shall direct a
25 verdict in the defendant's favor on any offense charged if

1 the -- after the evidence on either side is closed, if
2 there's a failure of competent evidence tending to prove
3 the charge of the indictment. I have long felt that the
4 use of the word competent in that rule is unfortunate
5 because it infers a weighing or a determination of -- by
6 the Court of the weight to be given to the evidence. The
7 rule does go on to say that in ruling on this motion, the
8 trial judge should consider only the existence or
9 nonexistence of the evidence and not its weight. The task
10 force that I headed to revise the criminal rules, which has
11 completed its work and submitted its work to the Supreme
12 Court, does make a change in the rules to clarify that
13 language, but as I say that has not been adopted as a
14 change at this point.

15 But the defendant's issue is that Section 16-15-140
16 requires criminal intent and it certainly does that. But
17 criminal intent includes the -- it is a mental state of
18 conscious wrongdoing. It includes those consequences which
19 represent the very purpose for which the act is done or are
20 known to be substantially certain to result regardless of
21 one's desire. An intent may be shown by acts and conduct
22 of the defendant and other circumstances from which one may
23 naturally and reasonably infer intent. I think it's pretty
24 clear in this case that there is at least circumstantial
25 evidence of the intent that has been presented in the

1 record if not direct evidence of the intent and that the
2 State, as I say it is not the purpose of the Court to weigh
3 or determine the weight to be given to that testimony but
4 only its existence and there is testimony in the record
5 that meets that existence test and I would, therefore,
6 respectfully deny the motion.

7 All right. Ms. Fullwood, have you had a chance to
8 talk with your client about Fifth Amendment rights?

9 MS. FULLWOOD: I have, Your Honor.

10 THE COURT: All right. Let me ask Mr. Walker, if
11 you would stand at this time. Mr. Walker, have you --
12 after advised you of your Fifth Amendment rights, have you
13 now had an opportunity to discuss your Fifth Amendment
14 rights with your attorney.

15 THE DEFENDANT: Yes, I have, Your Honor.

16 THE COURT: Have you understood your discussions
17 with her?

18 THE DEFENDANT: Yes, I have, Your Honor.

19 THE COURT: Do you have any questions that you want
20 to ask either her or me about your Fifth Amendment rights?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Okay. Have you made a decision as to
23 whether you do or do not wish to testify in this matter.

24 THE DEFENDANT: Your Honor, yes, I have. I wish to
25 testify.

1 things because they are just inferences. They're not proof
2 of anything.

3 You can take the statement back, Ms. Mayes.

4 All right. Anything else, Ms. Mayes?

5 **MS. MAYES:** No, sir, Your Honor.

6 **THE COURT:** All right. Bring the jury in.

7 (WHEREUPON the jury entered the courtroom at 4:14
8 p.m.)

9 **THE COURT:** All right. Thank you, ladies and
10 gentlemen. And we are now ready to go forward in this
11 case. You have heard the State announce that they have
12 rested their case. Now the defense will have the right to
13 present any evidence or testimony that they wish to
14 present.

15 Ms. Fullwood?

16 **MS. FULLWOOD:** The defense calls Jim Walker.

17 **THE COURT:** All right. Mr. Walker, come around,
18 please.

19 JAMES WALKER,
20 having been duly sworn, testified as follows:

21 **THE CLERK:** Thank you. Once you're seated, speak
22 up loud and clear, stating your full name, spelling your
23 last, please.

24 **THE WITNESS:** Jim Wilson Walker, W-a-l-k-e-r.

25 ///

James Walker - Direct Examination by Ms. Fullwood

DIRECT EXAMINATION

BY MS. FULLWOOD:

Q Jim, you're from Ohio, right?

A Yes, ma'am. Originally from Ohio.

Q Okay. And what part of Ohio are you from?

A I was born in Columbus, Ohio and raised in -- about an hour north in Bellville, a little farm community.

Q Okay. So a rural area?

A Very rural. Very rural.

Q And who raised you?

A My grandparents. They had me since birth. Took me out of the hospital and adopted me when I was five. So they raised me.

Q All right. And did you go to high school up there?

A Yeah, I graduated from Clear Fork High School in 1988.

Q And after that, did you go to college right then or begin to work?

A I started work right after high school.

Q Okay. And when did you and Nancy meet?

A We met about fall -- I'd say first of the year of '91.

Q All right. And how did you two meet?

A One of my friends' girlfriends thought I needed to have a girlfriend and so she set me up with a friend of

James Walker - Direct Examination by Ms. Fullwood

1 hers who stood me up and I ended up dating Nancy,
2 substitute blind date.

3 Q Okay. And how long did you two date before you got
4 married?

5 A It was a little over a year and a half.

6 Q And how old were you when you got married?

7 A Twenty-two.

8 Q And she?

9 A Twenty.

10 Q And when was ^{Minor 2} born?

11 A ^{Minor 2} was born in [REDACTED] of [REDACTED].

12 Q And ^{Minor 1} When was she born?

13 A She was born in [REDACTED] of [REDACTED].

14 Q And when were your sons born?

15 A ^{D.W.}, he was born in [REDACTED]; and ^{M.W.}
16 was born in [REDACTED].

17 Q Now, in general, what type of work did you do when
18 you lived in Ohio?

19 A When I lived in Ohio, I started actually in retail
20 appliance sales and warehousing.

21 Q Okay. And when did you two move to South Carolina?

22 A We come down on vacation probably '97, '98. Right
23 around that area, Fall of '97, Spring of '98.

24 Q And then it sort of happened like Nancy described
25 it?

James Walker - Direct Examination by Ms. Fullwood

1 A Exactly, yeah. We came down on vacation and kind
2 of fell in love with the area and both had jobs and found a
3 place to live before we went back.

4 Q All right. Now, did the two of you live in South
5 Carolina the entire time from that first time you came and
6 moved down here?

7 A No, actually, we were in Columbia about a year and
8 a half and I got transferred to Myrtle Beach. From Myrtle
9 Beach was about six months and then a head hunter called me
10 and I took a job down in Miami, Florida --

11 Q Okay.

12 A -- and moved the whole family.

13 Q Okay. And where did you go from Miami?

14 A Miami, I was down there a little over a year, maybe
15 a year and a half then we -- I got a promotion and got
16 transferred to Chicago, Illinois.

17 Q And stayed there how long?

18 A We were there about six months and that's when I
19 started working for her sister's company down here in South
20 Carolina again.

21 Q Okay. So you moved back?

22 A Yeah, we moved back.

23 Q All right. Now, I want to direct your attention to
24 the years between 2006 and 2011.

25 A Uh-huh.

James Walker - Direct Examination by Ms. Fullwood

1 Q Where in Lexington County were you living? Was it
2 on [REDACTED]?

3 A 2006 was Gilbert, [REDACTED].

4 Q Okay. And where were you working at that time?

5 A I was currently working -- in 2006 I was working
6 for Kyzer Contract Cleaners out of Keylin, Wisconsin.

7 Q Okay. And what did you do for them?

8 A I was -- I started in their food safety department
9 in their food safety program. I had forty-four accounts on
10 the East Coast, which included everything east of the
11 Mississippi, including Wisconsin and Illinois.

12 Q Okay. And what was your work schedule like?

13 A Worked crazy hours. Sometimes we'd drive six to
14 twelve hours going to a plant, work the remainder of the
15 night or during the day, meet the plant management and then
16 maybe go get a hotel, grab a couple hours of shuteye and go
17 back and meet with some more management and come back, get
18 another couple hours of sleep and then finish out the night
19 with our cleaning crew.

20 Q Okay. So about how many days of the week would you
21 be home?

22 A I tried to be home on weekends. I'd usually get
23 home either Friday night, late or Saturday morning.
24 Occasionally Saturday afternoons come home, take a nap
25 before Nancy went to work.

James Walker - Direct Examination by Ms. Fullwood

1 Q Okay. And did you -- how long did you work there.

2 A I was in the Kyzer end of it for about two and a
3 half, three years and then I transferred to Packers
4 Chemical, which is their chemical division.

5 Q Okay. And that would be Kyzer's Chemical Division?

6 A Well, it's -- it's a division -- Kyzer owned
7 Packer's Chemical. They supplied their contract cleaners;
8 kind of one hand feeds the other.

9 Q And about what year then did you switch?

10 A It was 2007 I switched with them.

11 Q Okay. And can you describe for us your work
12 schedule when you worked with them?

13 A It actually was pretty much similar. Same
14 accounts, start ups we would be included in on so I may be
15 on the road for two months at a start up where we get a new
16 customer and started them.

17 Q Okay. So about how often would you be at home with
18 that job?

19 A It was maybe one or two days a week. Unless there
20 was some down time during a holiday. I might get three or
21 four days a week. Generally when I was home, I was still
22 answering phones and doing e-mails.

23 Q And how long did you stay with Packer?

24 A Packers Chemical was about a year and a half.

25 Q Okay. So that would take you into about '09?

James Walker - Direct Examination by Ms. Fullwood

1 A Yeah, yeah. I left Packers in -- towards the Fall
2 of '09 and started work for Sasco Chemical Group out of
3 Albany, Georgia.

4 Q And did your work schedule and home schedule change
5 when you started to work for Sasco?

6 A Yeah. Drastically. Their philosophy was spend
7 more time at home. You could do a lot of your work, make a
8 lot of your sales calls from the house. So I would get
9 weekends home; sometimes I'd get entire weeks at home,
10 still doing e-mails and phone calls and everything.

11 Q And you held that job up until the time you were
12 arrested?

13 A Correct.

14 Q Okay. Now, generally between the years of 2006 and
15 say 2008, 2009, when you were on the road a lot, did the
16 kids basically seem happy at home?

17 A Yeah. Seems like they'd miss me when I would come
18 back and then they would get back into their normal
19 routine.

20 Q And how were they doing in school?

21 A Doing great. Both my daughters did really great.
22 The boys are holding their own.

23 Q Being boys?

24 A Being boys.

25 Q Okay. And as has been testified to, they were

James Walker - Direct Examination by Ms. Fullwood

1 participating in extracurriculars?

2 A Correct. Correct. There was soccer, there was
3 even a couple of plays they participated in. There was a
4 lot of clubs.

5 Q They would have friends over to the house?

6 A Yeah, yeah, both of them did.

7 Q And did you folks do things together as a family
8 from time to time?

9 A I tried to -- being raised by my grandparents,
10 family meals were pretty important, so we tried to at least
11 have one family meal if I was home.

12 Q Okay. And, now, during the period of time we're
13 talking about, did you ever have occasion to go into your
14 children's bedrooms during the nighttime?

15 A I would get up in the middle of the night and kind
16 of check on everybody to make sure the TVs were shut off,
17 xboxes were shut off. Every now and then you'd hear one of
18 them fuss.

19 Q Okay. And did either of them have any particular
20 health problems or conditions that would require you to
21 tend to them?

22 A ^{Minor 1} once in a while would complain that her
23 stomach hurt. She did have some acid reflux when she was
24 younger. We had problems with her taking pills. I would
25 talk to Nancy because she would be at work and -- to see if

James Walker - Direct Examination by Ms. Fullwood

1 there was any medication that was given, if not I would
2 give her some Mylanta or Maalox.

3 Q Okay. And would you rub her stomach during those
4 times?

5 A Yeah, and she would generally calm down and go back
6 to sleep.

7 Q Okay. And what about ^{Minor 2} Did she have any
8 kind of difficult or medical conditions that involved her
9 sleeping?

10 A Occasionally she would get up and answer her cell
11 phone and kind of sleepwalk.

12 Q Okay. And did you ever see her doing that?

13 A Yes.

14 Q And what would you do?

15 A I would just put her back in bed.

16 Q Okay. Now, Jim, did you ever touch either of your
17 daughters in a sexual or inappropriate way?

18 A No, ma'am.

19 Q All right. Now, have you ever said to your
20 daughters, Love me?

21 A Yes.

22 Q Okay. Is that an expression you guys use in your
23 family?

24 A Yeah. When they were toddlers, you'd say, Love me,
25 and they would give you a big 'ol bear hug.

James Walker - Direct Examination by Ms. Fullwood

- 1 Q Okay. So you'd say it to your daughters?
- 2 A Yeah, and the boys too.
- 3 Q You'd say it to your sons?
- 4 A Yeah.
- 5 Q Say it to your wife?
- 6 A Yes.
- 7 Q All right. Did you ever say love me to your
- 8 daughters in a sexual way or was a connotation?
- 9 A No, ma'am, just a term of endearment.
- 10 Q Did you ever inappropriately touch either of your
- 11 daughters or say something sexual to either of your
- 12 daughters while they were watching TV?
- 13 A No, ma'am.
- 14 Q Now, did a time come when your relationship with
- 15 Nancy, your wife, change?
- 16 A Yeah. We started having some issues.
- 17 Q All right. And about when was this?
- 18 A It was about 2010.
- 19 Q And at the same time, did the nature of your
- 20 relationship with your daughters change?
- 21 A Yeah. There seemed to be a lot more agitation,
- 22 hostility towards me.
- 23 Q And did this coincide with the change in your
- 24 schedule from working at Packers to Sasco?
- 25 A Yeah. There were some comments made that, Well,

James Walker - Direct Examination by Ms. Fullwood

1 you've been home more than a couple of days, it's time for
2 you to hit the road, or, you know, Isn't there somewhere
3 you need to go.

4 Q And did you and Nancy begin disagreeing about
5 money?

6 A Yeah. We've had some issues about money.

7 Q All right. And when you traveled a lot what was
8 your role in the family as far as meting out discipline?

9 A Generally, I would find out about things. Nancy
10 would call and generally it seemed to me handled the
11 immediate disciplining them.

12 Q So she did the day-to-day?

13 A Yeah, she did the day-to-day. If there were some
14 serious consequences then she would call.

15 Q Okay. All right. Now, once you began working at
16 Sasco, did you become more involved in the day-to-day
17 discipline?

18 A Generally. There wasn't a whole bunch of
19 discipline to hand out because the girls were older.

20 Q All right. Did you begin to have more say in what
21 they could and couldn't do as teenagers or young adults?

22 A Well, I put my two cents in. That was just the way
23 I was raised.

24 Q Okay. And what were your daughter's reactions to
25 this?

James Walker - Direct Examination by Ms. Fullwood

1 A A lot of disagreements, hostilities. We usually
2 ended in an argument.

3 Q Okay. Did you have disagreements about whether or
4 not ^{Minor 2} was going to get a job?

5 A Yeah. We talked about her maybe picking up a
6 summer job. In fact, I went out and got her some
7 applications for Burger King. I thought it would be good
8 experience for her. I worked when I was young. It was
9 good experience for me.

10 Q All right. And her reaction?

11 A She was looking for some specific job. Something
12 you're not going to find, especially being a high school
13 student. I felt, you know, any job you pick up during high
14 school, you could always look for another job while you're
15 working.

16 Q Okay. Did you ever have disagreements about what
17 they'd be allowed to do unsupervised?

18 A Yeah. I more or less felt that their mother was --
19 at that point in time -- was trying to be more of a friend
20 and just kind of letting them run wild. We had picked up a
21 second family vehicle, a Jeep Wrangler that the girls were
22 driving around; and ^{Minor 2} was good about hauling the rest
23 of the kids around, taking care of errands and stuff for
24 us.

25 Q And can you tell the jury about the last

James Walker - Direct Examination by Ms. Fullwood

1 conversation you had with ^{Minor 2} and what it was about?

2 A She had brought up she wanted to go to -- she and
3 her sister go down to Charleston. She was looking at
4 college down in Charleston and she wanted to take the Jeep.
5 And there was some disagreement on whether or not they
6 should go. I felt that, you know, a seventeen and a
7 sixteen-year-old shouldn't be, you know, unsupervised down
8 there. And then there was an issue of, you know, how much
9 money was being spent.

10 Q And when was that?

11 A That was probably the last conversation I had with
12 them in August.

13 Q Okay.

14 A And it ended in an argument where she said she
15 hated me and she wished I was dead.

16 Q Okay. Is that the last conversation you had with
17 her?

18 A Yes, that's the last conversation I had with her.

19 Q Now, in August also, did you and Nancy reach a
20 final decision about what you were going to do about your
21 marriage?

22 A Yeah, we had decided to separate and when I was --
23 I was actually looking for a place in Macon, Georgia.

24 Q And when did you learn that the police had been
25 contacted?

James Walker - Direct Examination by Ms. Fullwood

1 A I had gotten a phone call from Detective Collins
2 and it was a voicemail saying that he needed to talk to me.
3 And it was a message because it was in connection with a
4 meeting. And that was on the 8th.

5 Q Okay. And did you know what he wanted to talk to
6 you about?

7 A No, ma'am. I was worried that maybe somebody had
8 gotten in an accident or something was wrong.

9 Q And did you come down to talk to him the next day?

10 A Yes, I did. I drove up from Albany, Georgia, about
11 a five-and-a-half-hour drive.

12 Q And once you got with him and he told you what
13 these allegations were, what was your reaction?

14 A Shock, surprise. I couldn't see how --

15 Q Well, did you tell him that the girls aren't liars?

16 A I don't think my girls would lie, no.

17 Q Okay. Well, did you say, tell him, Well if they
18 said it happened, it must have?

19 A No, ma'am.

20 Q Okay. At that time did you tell him I failed my
21 family?

22 A No, ma'am.

23 Q All right. Now, you talked to him again about ten
24 days later, correct?

25 A It was on the 19th, yes.

James Walker - Direct Examination by Ms. Fullwood

1 Q Okay. Down at the sheriff's department?

2 A Yeah. I drove up from Texsarkana, Texas. I come
3 up through Ohio.

4 Q And what had you done the night before that
5 meeting?

6 A Did a lot of drinking.

7 Q What -- you're talking -- what do you mean by a
8 lot?

9 A I had had a bottle and a half of crown, one of the
10 small bottles.

11 Q Well --

12 A Not the mini bottles.

13 Q The pint bottle?

14 A Yeah, they're about a pint, pint and a half.

15 Q Okay. And any -- did you do anything else?

16 A Attempted suicide.

17 Q By -- in what way?

18 A I ingested some pills, laid in the bathtub with a
19 knife at my throat. I couldn't do it.

20 Q And were you trying to kill yourself because you
21 had a guilty conscience over doing something wrong with
22 your daughters?

23 A No.

24 MS. MAYES: Objection to the leading, Your Honor.

25 THE COURT: Overruled. Proceed.

James Walker - Direct Examination by Ms. Fullwood

1 THE WITNESS: No, ma'am. I'm distraught about the
2 divorce because I really didn't want it.

3 BY MS. FULLWOOD:

4 Q Okay. And when you got there, what was your
5 physical shape once you got into Lexington?

6 A Very emotional.

7 Q Okay.

8 A I was a basket case.

9 Q Okay. And how did you feel physically?

10 A Hung over.

11 Q Okay.

12 A Yeah.

13 Q And can you explain to the jury how this second
14 conversation with Mr. Collins occurred?

15 A I called and left a message with Detective Collins
16 and I wanted to go over some more questioning.

17 Q Okay. And did he just let you talk or did he talk
18 or how did this...

19 A He pulled me into one of their interview rooms
20 after I got there. You have to go between a couple of
21 locked doors to get to the interview room; and he sat me
22 down and asked me a lot of speculative questions.

23 Q And did you tell him -- Well, I did touch my
24 daughters, I just don't remember it?

25 A No.

James Walker - Direct Examination by Ms. Fullwood

1 Q Okay. You heard his testimony earlier, correct?

2 A Yes, I did.

3 Q Do you have the same recollection of how that
4 conversation occurred as he does?

5 A No, ma'am. Like I said, there was a lot of
6 speculative questioning. Well, if you were on this
7 medication, do you think it could be possible you could
8 have done this -- a lot of who fors and whys.

9 Q Okay. So were you just talking in a monologue
10 there in his office?

11 A Yes.

12 Q You were talking and you alone?

13 A No. No, Detective Collins was asking me questions.

14 Q And so there was a dialogue?

15 A Yes, ma'am.

16 Q Who was leading the conversation?

17 A Detective Collins.

18 Q All right. Now, you mentioned medication. Did you
19 take medication?

20 A Yeah. I took -- I take a high blood pressure pill
21 and I take Zolpidem, which is Ambien.

22 Q All right. And did a doctor prescribe it to you?

23 A Yes. He prescribed it back in '06 -- '05, '06 when
24 I was working for Kyzer.

25 Q And why did he prescribe it to you?

James Walker - Direct Examination by Ms. Fullwood

1 A Because of the irregular hours, all the traveling,
2 I was having problems shutting my mind off and trying to
3 fall asleep. And that was the reason for the Ambien.

4 Q Did you take it as directed?

5 A Yeah. Yeah. It was a half to the whole pill as
6 needed.

7 Q Did you ever use it any other way than the way it
8 was prescribed to be taken?

9 A No, ma'am.

10 Q Did you ever go to your doctor and say I'm having
11 problems with this medicine?

12 A I was having some issues of waking up at certain
13 places.

14 Q Okay.

15 A Either in my car or outside or somewhere else in
16 the house.

17 Q Did -- did you talk to your doctor about that.

18 A I had mentioned something to him about it. He was
19 like, well, there's some side affects, you know.

20 MS. MAYES: Objection to hearsay, Your Honor.

21 THE COURT: He's said what he said, I thought.

22 MS. FULLWOOD: He said the doctor said there were
23 side effects.

24 THE COURT: Oh, okay. I will sustain that
25 objection.

James Walker - Direct Examination by Ms. Fullwood

1 BY MS. FULLWOOD:

2 Q Now, did anybody in the family ever inform you that
3 you'd done something outrageous or totally inappropriate
4 while you were on Ambien?

5 A No, ma'am.

6 Q Okay. If they had, what would you have done?

7 A I would have went to the doctor.

8 Q Okay. Now, of course, you've been here and you
9 heard your girls testify?

10 A Right.

11 Q And you took Ambien for quite a while?

12 A Yeah. I took it up until the latter part of '09
13 when I was working for Sasco. I had an incident at the end
14 of the driveway.

15 Q Okay. And do you believe that you could have done
16 something as elaborate as what your daughters described
17 while you were taking Ambien?

18 A No.

19 Q All right. Did you ever go into your daughter's
20 bedroom and do things to them to achieve some sort of
21 sexual gratification?

22 A No, ma'am.

23 Q Did you ever do something, touch them, while they
24 were watching TV to obtain some sort of sexual
25 gratification?

James Walker - Cross-Examination by Ms. Mayes

1 A No, ma'am.

2 Q Did you ever touch either of them anywhere in your
3 house trying to arouse their sexual urges?

4 A No, ma'am.

5 Q And have you ever touched any of your children
6 inappropriately?

7 A No, ma'am.

8 Q That's all the questions that I have. Please
9 answer any Ms. Mayes has for you?

10 THE COURT: Cross-examination, Ms. Mayes?

11 MS. MAYES: Yes, sir, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. MAYES:

14 Q Mr. Walker, you would agree with the evidence
15 that's already on the record concerning the fact that your
16 wife, Nancy, frequently worked the night shift at Lexington
17 Medical Center, correct?

18 A On weekends, yes.

19 Q And you would agree that the night shift she
20 normally worked had her gone pretty much from 6 p.m. at
21 night until 6 a.m. the next morning?

22 A Yeah. She usually left around 6:30.

23 Q All right. And on those occasions when you were
24 home on weekends, you were there with the girls and your
25 boys, correct?

James Walker - Cross-Examination by Ms. Mayes

1 A Correct.

2 Q And you would agree with the layout of the home
3 that's been testified to so far concerning the fact that
4 one of your girls bedroom is here and the other bedroom is
5 located here? They are across the hall from one another?

6 A Yeah, they are across the hall. That's not the
7 exact layout though. ^{Minor 1} bedroom door is sitting at
8 a 45 degree angle and ^{Minor 2} bedroom, front corner wall
9 is at the 45 degree angle and the doors to the utility
10 rooms are located approximately two and a half feet to the
11 right.

12 Q All right. There's no dispute that the girls rooms
13 are across from one another, correct?

14 A Correct.

15 Q And in fact, this very photograph here State's
16 Exhibit 4, that we are looking at --

17 A I haven't seen it.

18 Q You're standing in ^{Minor 1} bedroom --

19 A Okay, that's ^{Minor 1} room, I was thinking it was
20 the other room around there.

21 THE COURT: All right. Speak up.

22 THE WITNESS: I'm sorry. I wasn't aware that was

23 ^{Minor 1} room. I was thinking it was ^{Minor 2}

24 BY MS. MAYES:

25 Q And you would agree that if you're standing in

James Walker - Cross-Examination by Ms. Mayes

1 Minor 1 bedroom, you can see out of the bedroom to the
2 doorway of Minor 2 room, correct?
3 A At this angle, yes. That's not a true
4 representation of the flat plain of the door.
5 Q Okay. You're disputing that this paragraph is a
6 true representation of the doorways?
7 A I'm disputing the angle of the picture.
8 Q How so?
9 A That it is sitting at a 90 degree perpendicular
10 angle, which is the reason for having a wall. If you're in
11 her bed, you cannot see her door.
12 Q Your testimony is that if you're in the bedroom of
13 her -- of your daughter -- of Minor 1 room, that you
14 can't see the doorway of Minor 2 room? You dispute that?
15 A Yes, I dispute that because if you're standing
16 parallel with the door, you're actually looking at the wall
17 of the boys room because the door sits at a 45 degree
18 angle.
19 Q Mr. Walker, isn't it a fact that Minor 1 bed is
20 located right here on this side of the bedroom adjacent to
21 the doorway?
22 A About three and a half feet, yes.
23 Q All right. Have you sat on her bed to observe
24 who's coming and going from Minor 2 room?
25 A Not intentionally.

James Walker - Cross-Examination by Ms. Mayes

1 Q Now, your testimony on direct examination was that
2 your daughter ^{Minor 2} was a sleepwalker?

3 A Yes.

4 Q And you're telling us that in the middle of the
5 night, you would come to the aid of your sleepwalking
6 daughter and take her to her bedroom?

7 A Yes.

8 Q Mr. Walker, that certainly doesn't explain the
9 events that we've heard about in this courtroom, does it?

10 A No.

11 Q Your daughter, ^{Minor 1} your testimony on direct
12 examination was that she had acid reflux?

13 A Yes, that's correct.

14 Q All right. And as a result of having acid reflux,
15 she would sometimes take medication for that?

16 A Yeah, she has a prescription.

17 Q Is it your testimony that you would go in her room
18 in the middle of the night while she was sleeping in order
19 to rub her because of the acid reflux?

20 A No.

21 Q So that's not what you're trying to say? That's
22 not --

23 A What's the question?

24 Q I'm trying to get clarification about your
25 testimony on direct examination. You testified about the

James Walker - Cross-Examination by Ms. Mayes

1 acid reflux as if it was relevant, but I'm asking you, were
2 there occasions that you would get up in the middle of the
3 night and go to your daughter, who's sleeping in her bed
4 and start rubbing on her because of acid reflux?

5 A She wouldn't be sleeping.

6 Q So you deny that there were ever times that you
7 ever went to her room to wake her up?

8 A Correct.

9 Q Now, you also testified on direct examination that
10 you would go in their rooms to make sure that the TV's and
11 the xboxes were off. Mr. Walker, ^{Minor 2} and ^{Minor 1}
12 neither one of them even have a TV in their room, correct?

13 A I didn't state that they were in their room.

14 Q All right. So when you testified on direct
15 examination about at night going to make sure the TV and
16 the xboxes were off, you're not referring to ^{Minor 2} or
17 ^{Minor 1} correct?

18 A Correct.

19 Q Now, can we agree that based on your testimony
20 during direct examination, your wife, Nancy, had been
21 primarily the disciplinarian for the girls, correct?

22 A Correct.

23 Q And ^{D.W.} and ^{M.W.} as well?

24 A Correct.

25 Q And I believe your testimony on direct examination

James Walker - Cross-Examination by Ms. Mayes

1 was there wasn't a whole lot of discipline that was needed
2 once they got older?

3 A The girls, no.

4 Q And that's because both of the girls were active in
5 school and they were good students and they were student
6 athletes and there wasn't a lot of tension other than the
7 emotional hostility, correct?

8 A Correct.

9 Q And that emotional hostility seemed to get worse,
10 especially as ^{Minor 2} got older, didn't it?

11 A Yes.

12 Q Let's talk about what you testified concerning the
13 divorce. The testimony on direct examination was that you
14 were planning to move to Macon Georgia, correct?

15 A Correct.

16 Q In fact, the divorce had not been a bad thing or a
17 negative thing from your perspective because you were ready
18 to move on and meet other people, correct?

19 A No, ma'am.

20 Q You deny that?

21 A Yeah.

22 Q Mr. Walker, didn't you in fact have profiles on
23 FaceBook that you used to meet other people?

24 MS. FULLWOOD: Objection, Your Honor.

25 THE COURT: What's your objection?

James Walker - Cross-Examination by Ms. Mayes

1 MS. FULLWOOD: 404.

2 THE COURT: No. Cross-examination, the defendant
3 has taken the stand. He's subject to examination on these
4 issues. The objection is overruled.

5 BY MS. MAYES:

6 Q Didn't you, in fact, have a FaceBook account that
7 you used in order to socialize with other people, including
8 other females?

9 A Yes.

10 Q All right. And also a Twitter account?

11 A That was for work, yeah.

12 Q All right. And also an account at Meet Locals?

13 A No.

14 Q You deny that?

15 A (Witness nodded head.)

16 THE COURT: Is that a yes?

17 THE WITNESS: Yes.

18 BY MS. MAYES:

19 Q Yes, you did?

20 A Yes, I had an account at Meet Locals.

21 Q All right. And Meet Locals is an opportunity to
22 meet other people that you may potentially want to date or
23 have a relationship with, correct?

24 A Correct.

25 Q All right. Now, your testimony was that you

James Walker - Cross-Examination by Ms. Mayes

- 1 attempted suicide. When did that occur?
- 2 A That happened that Sunday.
- 3 Q I'm sorry?
- 4 A That happened that Sunday, the 18th.
- 5 Q Sunday the 18th?
- 6 A Sunday the 18th.
- 7 Q All right. Sunday the 18th was, in fact, the same
- 8 day that you were trying to contact this Detective Steve
- 9 Collins by telephone, correct? You recall --
- 10 A I don't recall if that --
- 11 Q You recall phoning him?
- 12 A I recall phoning him that morning of the 19th.
- 13 Q All right. So you had actually attempted to
- 14 contact the officer on the 19th in order to discuss the
- 15 case, correct?
- 16 A Correct.
- 17 Q All right. And your testimony is that the day
- 18 before that, the day before you contacted Detective Steve
- 19 Collins you had, in fact, attempted suicide?
- 20 A Correct.
- 21 Q And your testimony was that you took an overdose of
- 22 pills?
- 23 A Yes.
- 24 Q What were those pills?
- 25 A They were blood pressure.

James Walker - Cross-Examination by Ms. Mayes

- 1 Q Blood pressure pills?
- 2 A Correct. It's a beta-blocker.
- 3 Q And that you held a knife to your throat?
- 4 A Yes, ma'am.
- 5 Q You didn't cut yourself with the knife, did you?
- 6 A No.
- 7 Q And were you treated for what you've testified was
- 8 an overdose of pills?
- 9 A No.
- 10 Q Okay. So whatever occurred was not serious enough
- 11 for you to need to seek medical treatment?
- 12 A Yes.
- 13 Q So that occurred on Sunday the 19th, and then the
- 14 following morning you attempted to contact Detective
- 15 Collins by phone. You're calling him about wanting to
- 16 discuss the case with him?
- 17 A Uh-huh.
- 18 Q And your testimony under direct examination was
- 19 that the -- what you termed to be attempted suicide that
- 20 that was because you remember distraught over the divorce?
- 21 A Yeah. There were some text messages back and forth
- 22 between Nancy and I.
- 23 Q All right. So it had nothing to do with the fact
- 24 that you were under investigation and knew you were under
- 25 investigation for sexual assault of your daughters?

James Walker - Cross-Examination by Ms. Mayes

1 A Can you rephrase the question.

2 Q All right. Your testimony on direct examination
3 was that you attempted suicide on the 18th, less than
4 twenty-four hours later, you're calling this officer to
5 talk about the case that you already have known for ten
6 days you're under investigation for. But your testimony is
7 that that suicide attempt was related only to you being
8 what you call distraught over the divorce?

9 A Yes.

10 Q Didn't have anything at all to do with the fact
11 that you were under investigation?

12 A No.

13 Q So let's talk about the statements that you did, in
14 fact, have with Detective Collins. You agree that you met
15 with Detective Collins, originally back on September 9th.

16 A Correct.

17 Q And you met with him actually in the interview room
18 of the Lexington County Sheriff's Department?

19 A Correct.

20 Q And on that date, on the 19th, do you recall
21 stating to Detective Collins that you do not think your
22 daughters would lie?

23 A Yeah, I didn't think they would.

24 Q And do you recall stating to him that you had taken
25 sleeping pills that made you act weird?

James Walker - Cross-Examination by Ms. Mayes

1 A The sleeping pills weren't discussed until the
2 second investigation.

3 Q So you deny that?

4 A Yes.

5 Q Then, of course, approximately eight or nine days
6 later, you have the suicide attempt, which based on your
7 testimony is related only to being distraught over the
8 divorce and not the investigation. And then the morning of
9 the 19th, you make contact with Detective Collins and you
10 want to talk about the case?

11 A Yeah.

12 Q And you end up actually meeting with him on the
13 19th at the lobby of the sheriff's department?

14 A Correct.

15 Q And you end up having an interview with Detective
16 Collins that takes place, once again, in the interview
17 room?

18 A Right, correct.

19 Q Do you recall being emotional while you talked with
20 Detective Collins?

21 A Yes.

22 Q In tears?

23 A Yes.

24 Q And at that point in time, you told Detective
25 Collins about the suicide -- that you had contemplated

James Walker - Cross-Examination by Ms. Mayes

1 suicide, didn't you?

2 A Correct.

3 Q Do you recall having a conversation with Detective
4 Collins that attempting suicide would not fix what had
5 happened with your daughters and that it would in fact
6 leave your children without a father?

7 A We talked that suicide wasn't the way to go.

8 Q Do you recall stating to Detective Collins that
9 you, Had been thinking about this since the last time we
10 talked and you know that your daughters would not lie?

11 A I told him I didn't think they would lie.

12 Q Do you recall stating to him that you had tried to
13 remember everything that happened, but you just couldn't
14 remember?

15 A I had no memories of it.

16 Q Do you recall stating to him that you were on
17 medication that made you act strange?

18 A Yes.

19 Q You recall stating that you were sorry for what you
20 had done and that you loved your family?

21 A I stated that I loved my family.

22 Q So you deny you stated that you were sorry for what
23 you had done?

24 A Sorry for the divorce.

25 Q Your testimony is when you were talking about being

James Walker - Cross-Examination by Ms. Mayes

1 sorry, you were talking about being sorry about the
2 divorce?

3 A Yeah.

4 Q Well, Mr. Walker, again, for someone who, as you're
5 testifying today is so distraught over their divorce, who
6 exactly is Jim 20242 at adult friend finders?

7 A That's the account Nancy --

8 MS. FULLWOOD: Objection, Your Honor.

9 THE COURT: What's your objection?

10 MS. FULLWOOD: 402, 404, 403.

11 THE COURT: Overruled. It's cross-examination.

12 THE WITNESS: Would you rephrase the question?

13 BY MS. MAYES:

14 Q Yes. Who is Jim 20242 at Adult Friend Finders?

15 A That's an account Nancy set up for us.

16 Q For us?

17 A For us, yes.

18 Q And grounded88 at Meet Locals was you?

19 A Correct.

20 Q And I believe you also had accounts at Watchme.com
21 and getiton.com, correct?

22 A No, I didn't.

23 Q You deny that?

24 A Yeah, I deny that.

25 Q Isn't it fair to say, Mr. Walker, that you were

James Walker - Cross-Examination by Ms. Mayes

1 ready to move on with your life and meet other people?

2 A No.

3 Q Now, you had a Twitter account, correct?

4 A Correct.

5 Q Do you recall using that Twitter account, pesky
6 gadget, to, in fact, meet other women and have
7 conversations with other women?

8 MS. FULLWOOD: Same objection, Your Honor.

9 THE COURT: Overruled.

10 THE WITNESS: Yes.

11 BY MS. MAYES:

12 Q All right. So, again, the divorce isn't what had
13 you distraught and attempting suicide, is it, Mr. Walker?
14 There was more to it than the divorce?

15 A No, there wasn't.

16 MS. MAYES: Nothing further, Your Honor.

17 THE COURT: Redirect?

18 MS. FULLWOOD: No further questions, Your Honor.

19 THE COURT: All right. Thank you. You may step
20 down.

21 All right. Ms. Fullwood, you may call your next
22 witness.

23 MS. FULLWOOD: Your Honor, the defense rests.

24 THE COURT: All right. Anything in reply, Ms.
25 Mayes?

1 MS. MAYES: Your Honor, it's possible there may be
2 reply, we would need a moment.

3 THE COURT: I'm sorry, say that again?

4 MS. MAYES: We would need a moment, Your Honor.

5 THE COURT: All right. Come up.

6 (WHEREUPON, there was a bench conference out of the
7 hearing of the jury and the Court Reporter.)

8 THE COURT: All right. Ladies and gentlemen, we've
9 got a couple of things that we've got to do, but we do want
10 to go a little further this afternoon, so I'm going to ask
11 you to go to your jury room. Please leave your note pads
12 there. Do not discuss the case among yourselves, we'll
13 send for you in not more than ten minutes, but we need
14 to -- and we will need move forward. But please go to your
15 jury room at this time.

16 Thank you very much.

17 (WHEREUPON the jury left the courtroom at 5:01
18 p.m.)

19 THE COURT: All right. Ms. Fullwood, I believe you
20 had some motions you want to make under Rule 19?

21 MOTIONS

22 MS. FULLWOOD: Yes, sir. At this time I would like
23 to renew my motion for a directed verdict on the same
24 groundings that I argued at the close of the State's case.

25 THE COURT: All right. That motion is denied on

1 the same grounds as put on the record at the end of the
2 State's case.

3 All right. We'll take -- it's five after. I want
4 to be ready to start back at 5:15. And everybody please be
5 in your places. Thank you.

6 (WHEREUPON a recess was observed.)

7 THE COURT: All right. Back on the record with
8 regard to the matter of State versus Walker. Mr. Walker is
9 present with his counsel. The State is represented by the
10 Eleventh Circuit Solicitor's Office. Will there be
11 anything in reply, Ms. Mayes?

12 MS. MAYES: Yes, sir, Your Honor.

13 THE COURT: All right. Keep in mind it's got to be
14 true reply. Bring in jury in, please.

15 (WHEREUPON the jury entered the courtroom at 5:14
16 p.m.)

17 THE COURT: All right. Ms. Mayes, anything in
18 reply?

19 MS. MAYES: Yes, sir, Your Honor. The State calls
20 Detective Steve Collins.

21 THE COURT: All right. Mr. Collins, come around,
22 please. You are already under oath. It will not be
23 necessary that you be re-sworn.

24 THE WITNESS: Yes, sir.

25 ///

Stephen Collins - Cross-Examination by Ms. Fullwood**DIRECT EXAMINATION**

BY MS. MAYES:

Q Detective Collins, on September 19th, 2011, when you met with the defendant, Jim Walker, at the sheriff's department and he was emotional and told you that he had contemplated suicide, was there ever any mention of it being related to the divorce?

A No, ma'am. He never mentioned that the suicide was related to divorce.

Q What was the topic of conversation when you were discussing the issue of suicide with him?

A It was about the case that I was investigating involving Mr. Walker and his two daughters and the sexual abuse.

MS. MAYES: Nothing further.

THE COURT: Cross-examination?

MS. FULLWOOD: Briefly.

CROSS-EXAMINATION

BY MS. FULLWOOD:

Q You did not take any handwritten notes while you were in that interview, did you?

A No.

MS. FULLWOOD: No further questions.

THE COURT: Anything further?

MS. MAYES: Yes, sir, Your Honor.

REDIRECT EXAMINATION

BY MS. MAYES:

Q Did you document the conversation with Mr. Walker in any way?

A Yes, I did, in my supplemental statement or supplemental report.

MS. MAYES: Thank you. Nothing further.

THE COURT: Anything further?

MS. FULLWOOD: No, sir.

THE COURT: All right. Thank you. You may step down.

Anything further, Ms. Mayes?

MS. MAYES: No, sir, Your Honor.

THE COURT: All right. Ladies and gentlemen that will conclude all of the testimony in this case and there are only two things that remain to be done. Those are the arguments of counsel and the instructions on the law by the Court. However it is 5:20 and I don't think that it's appropriate that we go any further this evening, so we are going to recess for the evening and reconvene in the morning, at which time you will hear from counsel for both sides and then I will instruct you on the law. After I have done that, then you will be allowed to go to your jury room to deliberate your verdict.

So I am going to excuse you for the evening. What

1 I'm going to ask you to do is leave your notes, please, on
2 the seats in the jury room (sic). I'm going to have the
3 bailiffs take up those notes. I will assure you that no
4 one will look at them. They will be locked up and put --
5 and returned to you in this morning after the jury -- after
6 you have heard the arguments of counsel and the
7 instructions on the law and you will be able to use those
8 notes in the jury room during the course of your
9 distributions.

10 Over the evening recess, do not discuss the case
11 with anyone; do not allow anyone to discuss it with you and
12 when you reconvene in the jury room tomorrow morning, do
13 not discuss it among yourselves. It would still be
14 inappropriate for you to begin any discussions of this
15 matter, but be back in the jury room tomorrow morning at
16 9:30 and we'll be ready to start promptly at that time.

17 Have a pleasant evening and I'll see you tomorrow.
18 Thank you just leave your notes there on the seat.

19 (WHEREUPON the jury left the courtroom at 5:17
20 p.m.)

21 POST-TRIAL MOTIONS

22 THE COURT: All right. Thank you. And Ms.
23 Fullwood, I assume you would like to renew your motions
24 under Rule 19 at the conclusion of all of the testimony?

25 MS. FULLWOOD: That's right, I do renew them.

1 **THE COURT:** All right. And same grounds and same
2 ruling. I think there is evidence in this record by
3 which -- that -- which precludes me from granting a
4 directed verdict. It's not my job to weigh the evidence or
5 determine the believability of the evidence. That is a
6 matter for the jury's determination. My task is to
7 determine the existence of the evidence and I think there's
8 evidence in this record by which a jury could make a
9 decision in the case and I would respectfully deny the
10 motions.

11 All right. Counsel, come up just a minute -- well,
12 first of all, let me ask y'all this: Are there any special
13 request to charge on behalf of the State, Ms. Mayes?

14 **JURY CHARGE CONFERENCE**

15 **MS. MAYES:** Yes, sir, Your Honor. The State would
16 request the Court's charge concerning expert witnesses and
17 in addition to that a charge concerning criminal intent.

18 **THE COURT:** Okay. I think both of those are
19 appropriate and I had already made a note -- let me tell
20 you what I will charge and then y'all tell me if there 's
21 anything else you want. Let me see where I made my notes
22 about that.

23 All right. A general felony charge, which will
24 include presumption of innocence, burden of proof,
25 reasonable doubt, and credibility. Of course, the offense

1 clerk. It will in no way compensate you for the time that
2 you've been up here, but it's a small token of appreciation
3 on behalf of the County for your services this week. I
4 hope that you have a better appreciation of our criminal
5 justice system as a result of having served this week. I
6 know it is a great deal different from television, but I do
7 hope that by serving this week you have a better
8 appreciation of our criminal justice system.

9 With those admonitions and with those instructions,
10 you are excused and you are free to go. Thank you very
11 much.

12 All right. Go ahead and take the exhibits and the
13 verdict form to the jury and tell them to begin their
14 deliberations. And let us know when they have reached a
15 verdict and we will stand at ease on this case.

16 (WHEREUPON the jury began deliberations at 10:52
17 a.m.)

18 (WHEREUPON it was reported that the jury sent a
19 note to the Court at 1:41 p.m.)

20 QUESTION FROM THE JURY

21 THE COURT: All right. We have a note from the
22 foreman of the jury. The note which will be given to the
23 court reporter and marked as a Court's Exhibit says,
24 Definition of lewd act as the law states it signed by the
25 foreman. And I'm going to give this to the court reporter

1 **THE FOREPERSON:** Please.

2 **THE COURT:** All right. Lewd means obscene,
3 lustful, indecent, lecherous, tending to moral impurity.
4 Lascivious means tending to excite lust, indecent, obscene,
5 tending to deprave the morals in respect to sexual
6 relations.

7 All right, sir. Thank you. If you will return to
8 your jury room and resume your deliberations.

9 (WHEREUPON the jury left the courtroom at 1:46
10 p.m.)

11 **THE COURT:** Exceptions, Ms. Mayes?

12 **MS. MAYES:** None from the State, Your Honor.

13 **THE COURT:** From the defense?

14 **MS. FULLWOOD:** None other than my earlier request.

15 **THE COURT:** All right. That's noted. Again, as I
16 say that is outside the scope of the jury's request. I
17 think I have responded and responded correctly to the
18 inquiry of the jury.

19 Thank you. We'll be at ease until we hear from the
20 jury.

21 (WHEREUPON court was at ease while the jury resumed
22 deliberations.)

23 (WHEREUPON it was reported that the jury had
24 reached a verdict at 2:08 p.m.)

25 **THE COURT:** All right. Back on the record with

1 regard to the matter of the State versus Walker and two
2 indictments, Indictments No. 2012-GS-397 and 398. I've
3 been advised by the jury that they have reached a verdict.
4 Anything before we bring the jury in on behalf of the
5 State, Ms. Mayes?

6 MS. MAYES: Nothing from the State, Your Honor.

7 THE COURT: On behalf of the defendant?

8 MS. FULLWOOD: No, Your Honor.

9 THE COURT: All right. I will tell everyone here
10 that I'm going to have to require that everyone maintain
11 the order and decorum in the courtroom. This is a court
12 and I cannot permit any shows of emotions or expression,
13 any clapping or any other kind of emotions whatsoever. If
14 there's anyone here who thinks that they cannot sit quietly
15 when the verdict is published, I would ask that you leave
16 now.

17 (WHEREUPON there was no response.)

18 THE COURT: All right. Thank you. Bring the jury
19 in, please.

20 (WHEREUPON the jury entered the courtroom at 2:13
21 p.m.)

22 VERDICT

23 THE COURT: Mr. Foreman, have you reached a
24 verdict?

25 THE FOREPERSON: Yes, sir.

1 **THE COURT:** Would you give it to the bailiff,
2 please.

3 (WHEREUPON the Court looked at the verdict.)

4 **THE COURT:** All right. From the standpoint of
5 form, the verdict appears to be correct.

6 Ms. Fullwood, would you and your client stand while
7 the verdict is published, please.

8 And Madame Clerk, you may publish the verdict.
9 Stand, please.

10 **THE CLERK:** Indictment 2012-GS-32-00397, and
11 Indictment 2012-GS-32-00398, the State versus James Walker,
12 We, the jury, by unanimous agreement on the charge of
13 committing or attempting a lewd act upon a child, to wit
14 Minor 2 do find the defendant, James Walker, guilty.

15 We, the jury, on unanimous agreement on the charge of
16 committing or attempting a lewd act upon a child, to wit,
17 Minor 1 do find the defendant, James Walker,
18 guilty.

19 And it is so signed foreperson, Kenneth Marquis,
20 dated November 8th.

21 Mr. Foreman, ladies and gentlemen of the jury, if
22 this is your verdicts please indicate, each of you, by
23 raising your right hand.

24 All hands raised, Your Honor.

25 **THE COURT:** Thank you. Ms. Fullwood, you may be

1 (WHEREUPON the jury left the courtroom at 2:23
2 p.m.)

3 POST-TRIAL MOTIONS

4 THE COURT: Motions on behalf of the defendant, Ms.
5 Fullwood?

6 MS. FULLWOOD: Yes, Your Honor. At this time we'd
7 move for a new trial. The grounds for the motion is all
8 exceptions made and exceptions taken during the course of
9 the trial.

10 THE COURT: All right. Thank you. I would
11 respectfully deny those motions. I believe that the
12 rulings made during the course of the trial on evidentiary
13 matters as well as the directed verdict motion are correct;
14 and all other rulings made during the course of the trial I
15 believe were the correct rulings and I would respectfully
16 deny the motion for a new trial.

17 Ms. Mayes, do you have sentencing sheets?

18 MS. MAYES: Yes, sir, Your Honor.

19 THE COURT: All right. Ms. Fullwood would you and
20 the defendant come around, please.

21 (WHEREUPON the defendant and his attorney came
22 forward.)

23 SENTENCE

24 THE COURT: All right, Ms. Mayes, first of all,
25 from the State, is there any criminal record that the

1 this case and come up with a sentence that we think is
2 appropriate. As I said, sometimes it doesn't satisfy
3 anyone. Seldom does it satisfy everyone.

4 I will say to the victims that I can certainly
5 empathize with you in connection with this matter. I'm the
6 father of two daughters, now grown and long gone from home,
7 but I do consider it a very serious matter and one which I
8 have utmost contempt for anyone who would take advantage of
9 a family relationship with his daughters. Having said
10 that, I have arrived at a sentence -- I realize he has no
11 record, but -- and I've taken that into consideration;
12 however, as has been mentioned in this courtroom, this is
13 not a kind of crime that normally is out in the open and
14 that people see and they know what happens but at the same
15 time it -- it is somebody that has taken advantage of the
16 situation they were in; that is the parent of a child that
17 they're really supposed to be protecting and not taking
18 advantage of.

19 So having said that, I have come up with the
20 sentence that is less than the maximum, but is still, I
21 think, a serious punishment for the crime that was
22 involved.

23 The sentences that will be imposed are to run
24 concurrent with each other. That means that they will be
25 run at the same time. Of course, there will be the sexual

1 registry -- which you will have to be on for the rest of
2 your life -- and he will be given credit for the time that
3 he served since September 19th of 2011. But the sentence
4 of the Court is that the defendant is committed to the
5 State Department of Corrections for a term of twelve years,
6 provided that upon the service of eight years the balance
7 is suspended and placed on probation for five years. And
8 as I say given credit for the time that he has served.

9 All right. The hearing is adjourned but no one is
10 excused at this time except the members of the jury. If
11 they would like to leave, they're free to go at this time.

12 (WHEREUPON the jurors that had come back in to
13 watch sentencing left the courtroom.)

14 THE COURT: All right. Let's wait just a couple of
15 minutes to give the jury the opportunity to clear this
16 building.

17 Madame Clerk?

18 (WHEREUPON the Court was giving the sentencing
19 sheets to the clerk.)

20 MS. FULLWOOD: Thank you, Your Honor.

21 THE COURT: Thank you. Wait just a few minutes.

22 MS. FULLWOOD: I was going to go talk to my client
23 if that's all right.

24 THE COURT: Sure. You're excused.

25 (WHEREUPON there was a pause in the proceedings.)

JIM W WALKER

6'1" 286

0

IF EVER TOUCHED THEM WAS UNINTENTIONAL

WOULD GO INTO THE KIDS ROOM

Minor 1

) AND

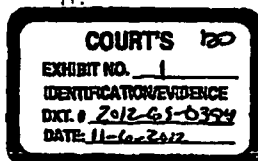
WOULD RUB HER BELLY

Minor 2

WOULD SLEEP WALK PUT HER BACK
INTO BED

WAS ON SLEEPING PILLS MAKE HIM ACT
WEIRD

(0930 AM)
9.19.11



9.19.11

HAD THE SUBJECT SET UP FOR A POLYGRAPH AT SLED
AT 9:30AM

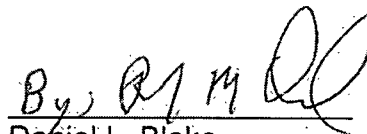
- WAS LATE CHECKED OFFICE MESSAGES SUBJECT
LEFT MESSAGE SAYING HE WANTED TO TALK
- SUBJECT SHOWED UP AT 9:40 WHILE I WAS
LISTEN TO THE MESSAGE
- ROBERT BROUGHT HIM TO A ROOM AND WAS GOING
OVER RIGHTS SUBJECT TOLD HIM HE WANTED A
LAWYER
- ROBERT STOPPED THE EXAM CAME OUT TO ME
AND BROUGHT ME TO THE SUBJECT HE SAID
THAT HE WANTED TO TALK TO ME AND BEEN TRYING
TO TALK TO ME ABOUT THE CASE
- I SAT DOWN WITH HIM AND HE BROKE DOWN
AND STARTED TO CRY HE TOLD ME THAT HE
KNOWS THAT HIS DAUGHTER WOULD NOT LIE
HE SAID THAT HE DID NOT REMEMBER EVERYTHING
HE DID REMEMBER TOUCHING THEM (HE SAID
HE SAVED HIS FAMILY)
- I ASKED HIM HE WOULD MIND GOING TO THE
SHERIFF'S DEPARTMENT AND HE SAID HE WANTED TO
TALK TO ME
- TALKED IN THE PARKING LOT TOLD ME ABOUT
HIS TWO BREEDING TICKETS SAID HE HAD THE
ADDRESS IN HIS GPS

- MEET HIM AT LCSD WENT UP TO THE FRONT LOBBY AND WALKED HIM BACK TO AN INTERVIEW ROOM
- AGAIN WENT OVER HIS RIGHTS AND CONFIRMED THAT HE DID WANT TO TALK AND HE KNEW HIS RIGHTS - HE SAID HE DID

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."

April 14, 2014



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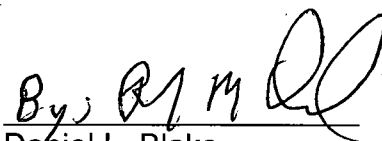
Robert M. Dudek
Chief Appellate Counsel

Attorneys for Appellant

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."

April 14, 2014

A handwritten signature in black ink, appearing to read "By: D L Blake", written over a horizontal line.

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Chief Appellate Counsel

Attorneys for Appellant

ORIGINAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APR 14 2014

APPEAL FROM LEXINGTON COUNTY
Howard P. King, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2012-213741

The State Respondent

v.

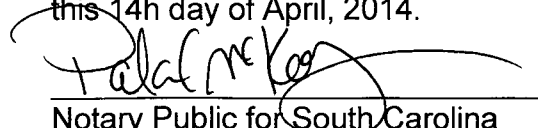
James Walker Appellant

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Tracy A. Meyers, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14th day of April, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 14th day of April, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022