

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

G. Edward Welmaker, Circuit Court Judge

ORIGINAL

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL L. WILLIS,

APPELLANT

APPELLATE CASE NO. 2013-001317

RECORD ON APPEAL

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JURY VOIR DIRE

Juror #	Name	Race	Sex	Strikes			Accept
				Court	Plaintiff	Def.	
109	Martin, Tory W	W	M				x
66	Gratz, Rhys W	W	M				x
117	Milner, Stephanie R	W	F			x	
7	Anderson, Monica M	W	F			x	
57	Foster, Brooke S	W	F			x	
27	Brown, Jenna E	W	F				x
48	Durham, Cody J	W	M		x		
26	Bright, Randall C	W	M				x
193	Kelly, Melissa P	W	F			x	
25	Bridges, William D	W	M				x
42	Davis, Spencer A	W	M				x
28	Bryson, Evan D	W	M		x		
180	White, Hannah T	W	F		x		
56	Fishking, David W	W	M				x
82	Hunnicutt, Melissa H	W	F			x	
123	Navarre, Kellon J	W	M		x		
91	Jones, Thomas B	W	M				x
71	Haight, Evan T	W	M		x		
49	Ellisor, Christopher M	W	M				x
84	Hunter, Keshara D	B	F				x
33	Center, Erikah P	W	F				x
95	Lang, Erin S	W	F				x
142	Rostin, Michael S	W	M			x	
10	Austin, Gertrude Barr	W	F			x	
107	Lynn, Casey J	W	M				x

25 MR. CHAMBERS: Susan Jean, that's correct.

1 THE COURT: Susan Willis and Jerry Edwin Willis
2 are potential witnesses? Is the correct pronunciation of
3 your witness, Ms. Bentley, Culclasure?

4 MS. BENTLEY: Culclasure, Your Honor.

5 THE COURT: Culclasure. All right. And both
6 indictments are going forward?

7 MS. BENTLEY: Yes, Your Honor.

8 THE COURT: So, JW and JDW are two different
9 individuals?

10 MS. BENTLEY: No, Your Honor, that would be a
11 typographical error. They're both JDW.

12 THE COURT: So both are JDW.

13 MS. BENTLEY: I didn't realize that. My
14 apologies. Just one JW and then one's listed as JDW, but
15 they're the same individual, Your Honor.

16 THE COURT: All right. Okay. All right. One
17 alternate do you feel like would be enough in this case?

18 MS. BENTLEY: Yes, Your Honor.

19 THE COURT: You believe it will be finished
20 tomorrow?

21 MR. CHAMBERS: I mean, I don't know if we'll be
22 finished tomorrow. But I think one alternate is probably
23 enough, Your Honor.

24 THE COURT: It may go into Friday?

25 MR. CHAMBERS: Well, I can't say.

1 THE COURT: Okay.

2 MR. CHAMBERS: I mean, it depends on how
3 lengthy the Solicitor's case is. I have, at most, three
4 witnesses.

5 THE COURT: Right. I noticed that. We'll go
6 with one alternate. So the strikes will be ten for the
7 Defense, five for the State, and then two and one
8 respectively on the alternate.

9 All right. Have the jury come up.

10 (WHEREUPON, the jury panel entered the open
11 courtroom at approximately 2:36 P.M.)

12 THE COURT: Thank you for your patience, ladies
13 and gentlemen. We are now ready to select a jury for the
14 next trial we have scheduled this week. This is a case
15 brought by the State of South Carolina against Mr. Daniel
16 Lee Willis. Two indictments have been given to me. One
17 of the indictments charges him with committing a criminal
18 sexual conduct with a minor in the first degree. The
19 allegations are that between June the 29th, 2003 and June
20 the 29th of 2008, that he committed this act upon an
21 individual with initials JW, who was less than eleven
22 years old. There's also an indictment that charges
23 criminal sexual conduct with a minor in the second
24 degree, again alleging that here in Greenville County
25 that the Defendant between 29 June of 2008 and May the

1 13th, 2011, committed a sexual battery upon the
2 individual JW who was fourteen years of age, but less
3 than -- at least fourteen years of age but at least
4 eleven years of age at the time. This, again,
5 constituting the statutory offense of criminal sexual
6 conduct with a minor.

7 Mr. Willis, he's entered a plea of not guilty to
8 both of these charges. The burden of proof, of course,
9 is on the State of South Carolina. By entering that
10 plea, the State has the burden of proving beyond a
11 reasonable doubt that he did, in fact, commit these acts
12 that he's alleged to have committed. I'm going to judge
13 the law in this case, be the law giver. We need to find
14 twelve fair and impartial jurors to judge the facts in
15 the case, to determine just what the facts are based upon
16 the evidence that'll be presented.

17 You've been qualified already to serve as a juror
18 this week. I need to ask you some additional questions
19 to determine your eligibility to serve on this particular
20 case. Many of you were here earlier this week when we
21 went through the qualifying process. You know the
22 protocol that we'll be following. It's not that I'm
23 forgetful. I need to ask the same questions to perfect
24 this record as well as the record in the first case we
25 had.

1 First of all, ladies and gentlemen, I need to ask
2 you, is there any member of the jury panel who has any
3 prior knowledge about this particular allegation that's
4 been made against Mr. Willis, either you've heard about
5 it in the neighborhood, through a coffee shop, the media,
6 a report, that you recall anything about it. If that
7 were to be the case from any of you, if you have
8 knowledge from whatever source, would you please stand?

9 (No response.)

10 THE COURT: Thank you, there is no response.

11 Is there any member of the jury panel related by
12 blood or marriage to Mr. Daniel Lee Willis? If so, would
13 you please stand?

14 (No response.)

15 THE COURT: Is there a member of the jury panel
16 who has a close business or a social, a personal
17 relationship with Mr. Daniel Lee Willis? If so, would
18 you please stand?

19 (No response.)

20 THE COURT: Again, there's no response.

21 Among the witnesses who may testify in this case
22 would be Jerry Edwin Willis, Susan Jean Willis, Melanie
23 Owens, Minor , Kolby Garrison, Miranda Owens.
24 From the Greenville County Sheriff's Office, James
25 Massey, Lorraine Henderson, Bradley King, Donna

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1 Brewington, Robert Perry. From the Greenville County,
2 also, Ron Bishop. From the Greenville County Health
3 Department, Kathy Culclasure. Also Dr. Mary Fran
4 Crosswell may be called upon to testify. Jane McLean. Is
5 there any member of the jury panel related by blood or
6 marriage to any of these potential witnesses? If so,
7 would you please stand?

8 (No response.)

9 THE COURT: Is there any member of the jury
10 panel have a close business or a social, a personal
11 relationship with any of these potential witnesses?

12 Yes, ma'am. If you'd state your name, please?

13 THE JUROR: Stephanie Milner.

14 THE COURT: And which of the witnesses do you
15 know?

16 THE JUROR: Jane McLean. I work with her.

17 THE COURT: Okay. You work with her at the
18 Greer Mental Health.

19 THE JUROR: I'm with Piedmont Mental Health.

20 THE COURT: Okay. But you have contact with
21 her?

22 THE JUROR: Yes, sir.

23 THE COURT: The fact that you work with this
24 person and if she were to be called upon to testify in
25 this case, would that -- do you work on a daily basis

1 with her?

2 THE JUROR: Not daily.

3 THE COURT: But you do have contact with her?

4 THE JUROR: Yes.

5 THE COURT: The fact that -- if she were to be
6 called upon to testify, would the fact that you work with
7 her, would that change your opinion about her testimony
8 because you work with her?

9 THE JUROR: No.

10 THE COURT: You could treat her testimony as
11 you do all testimony?

12 THE JUROR: Yes.

13 THE COURT: You could be fair to both the State
14 and to the Defendant in this case?

15 THE JUROR: Yes.

16 THE COURT: All right. Thank you. You may be
17 seated.

18 Is there any member of the jury panel expressed or
19 formed an opinion in any way about the facts in this
20 case? If so, would you please stand?

21 (No response.)

22 THE COURT: Is there any member of the jury
23 panel or a member of your immediate family involved in
24 law enforcement in any way? If so, would you please
25 stand? Yes, sir, your name, please?

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1 THE JUROR: Michael Rostin.

2 THE COURT: And what relative do you have in
3 law enforcement.

4 THE JUROR: My father. He works -- he was a
5 police officer for thirty years in the City of
6 Charleston. He's an investigator for Berkeley County
7 now.

8 THE COURT: Okay. Thank you. If you would
9 remain standing.

10 And your name, please, ma'am?

11 THE JUROR: Sonia Hicks.

12 THE COURT: And what relative do you have ---

13 THE JUROR: I have a -- my first cousin works
14 for the detention center.

15 THE COURT: Your who?

16 THE JUROR: My first cousins works for the
17 Detention Center.

18 THE COURT: Greenville County Detention Center?

19 THE JUROR: Yes, sir.

20 THE COURT: All right. Those of you standing,
21 the fact that you have this relative in law enforcement,
22 would that affect your ability to be a fair juror? Could
23 you set aside any relationship you have with those
24 relatives? If police officers testify, could you weigh
25 their testimony as you would any other testimony? Or do

1 you believe because of that relationship that you really
2 couldn't be a fair juror in this case? If you believe
3 you could be a fair juror, I'm going to ask you to please
4 be seated. If you believe that you'd have any hesitancy,
5 please remain standing. Let the record reflect that both
6 jurors have been seated.

7 Is any member of the jury panel a contributing
8 member of any organization whose primary concern is that
9 of law enforcement or victims' rights, such as the
10 Sheriff's Association, MADD or SADD, an organization
11 called PARR or CAVE? If you're a member of any such
12 organization, a contributing member, would you please
13 stand?

14 (No response.)

15 THE COURT: Thank you, there is no response.

16 Is there any member of the jury panel ever been
17 arrested or accused or charged in any way with abuse of a
18 child or a sexual offense against an individual? Or if
19 you've ever been the victim or a member of your immediate
20 family ever been the victim of any such allegation or
21 charge of sexual abuse or abuse against a child, would
22 you please stand? All right. Anyone else?

23 All right. If I could, I'd like for the two of you
24 to come up here. We'll put this on the record and let
25 the attorneys have an opportunity to hear those charges.

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1 If you'd stand back there, please, ma'am, and we'll call
2 you in just a moment.

3 Okay. Your name, please?

4 THE JUROR: Raquel Gutierrez.

5 THE COURT: Did you have -- did it happen to
6 you or were you charged in anyway?

7 THE JUROR: Me.

8 THE COURT: Oh, it was you?

9 THE JUROR: Uh-huh (affirmative).

10 THE COURT: Do you believe that would interfere
11 with your ability ---

12 THE JUROR: Probably.

13 THE COURT: I'm going to excuse you from the
14 trial of this case. I'm going to ask more questions.
15 You don't need to respond to any of those questions,
16 okay? What's your number?

17 THE JUROR: 70.

18 THE COURT: 70. Thank you very much. You may
19 have your seat.

20 All right. Ma'am, if you'd come forward. Yes,
21 ma'am, your name, please?

22 THE JUROR: Taylor Saxon.

23 THE COURT: Okay. You're number ...

24 THE JUROR: 146.

25 THE COURT: 146. Okay.

1 THE JUROR: I think I misunderstood your
2 statement.

3 THE COURT: Let me repeat it for you. If you
4 or a family member, your immediate family, has ever been
5 charged with child abuse or neglect or a sexual attack on
6 any person, or if you've ever been the victim of that, or
7 a member of your family has ever been a victim of that,
8 then I needed you to come up here.

9 THE JUROR: Yes, sir. Victim.

10 THE COURT: You, yourself or a family member?

11 THE JUROR: Myself.

12 THE COURT: Would that interfere with your
13 ability to be a fair juror in this case, do you think?

14 THE JUROR: I'd like to think not.

15 THE COURT: You would think not, but you think
16 it might?

17 THE JUROR: It might.

18 THE COURT: I'm going to excuse you from this
19 trial.

20 THE JUROR: Okay.

21 THE COURT: If you'll just have a seat, please.
22 Any other questions I ask, you don't need to respond to.

23 THE JUROR: Okay.

24 THE COURT: Okay. And I'll excuse you at the
25 end. Thank you very much.

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1 Is any member of the jury panel aware of any bias or
2 prejudice that would interfere with your ability to be a
3 fair juror if you were called upon to serve in this case?
4 If so, would you please stand?

5 (No response.)

6 THE COURT: At this time, I'm going to ask the
7 attorneys, if you would, please, stand and introduce
8 yourselves to the jury. Ms. Bentley.

9 MS. BENTLEY: Good afternoon. My name is Lisa
10 Bentley. I'm a prosecutor here in Greenville County.
11 Seated at my table is Ms. Binnie Moseley and she's my
12 investigator and paralegal.

13 THE COURT: Mr. Chambers.

14 MR. CHAMBERS: Good afternoon, ladies and
15 gentlemen. My name is Randy Chambers. I'm a solo
16 practitioner of law here in Greenville and I also do work
17 on a part-time basis for the public defender's office.
18 You see me seated here with my client Daniel Willis.

19 THE COURT: Thank you. Is there any member of
20 the jury panel related by blood or marriage to either of
21 these attorneys or members of their staff? If so, would
22 you please stand?

23 (No response.)

24 THE COURT: Is there a member of the jury panel
25 who has a close business or a social, a personal

1 relationship with either of these attorneys or members of
2 their staff? If so, would you please stand?

3 (No response.)

4 THE COURT: Is there a member of the jury panel
5 who's ever been involved in any litigation of any kind in
6 which either of these attorneys represented you or
7 represented the opposing side? If so, would you please
8 stand?

9 (No response.)

10 THE COURT: Thank you. There is no response.

11 The State of South Carolina and Mr. Daniel Willis,
12 they come into this courtroom today, they desire to have
13 twelve fair and impartial jurors to hear the evidence, to
14 listen to the law, and make a decision in light of the
15 evidence and the law and that alone. That's their
16 desire. Under the law of South Carolina and our
17 Constitution, they're entitled to that. Is there any
18 member of the jury panel aware of any reason whatsoever
19 that you believe in this particular case you could not be
20 fair to both the State and to the Defendant and render a
21 verdict that would speak the truth on the law and the
22 evidence? If for any reason you believe you could not be
23 a fair juror, would you please stand?

24 (No response.)

25 THE COURT: Thank you, there is no response.

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1 Any other questions from the State?

2 MS. BENTLEY: None from the State, Your Honor.

3 THE COURT: From the Defense?

4 MR. CHAMBERS: No, Your Honor.

5 THE COURT: Let's empanel a jury. Any
6 objection to the jurors standing in place? Would you
7 rather them come down?

8 MS. BENTLEY: No, Your Honor.

9 MR. CHAMBERS: No objection.

10 THE COURT: Okay. If your name is called, if
11 you'll just stand in place.

12 THE CLERK: Juror number 109, Tory Martin.

13 What says the State?

14 MS. BENTLEY: Please present Mr. Martin.

15 THE CLERK: What says the Defendant?

16 MR. CHAMBERS: Swear Mr. Martin, please.

17 THE CLERK: All right. You can bring your
18 things and have a seat in the jury box.

19 Juror number 66, Rhys Gratz. What says the State?

20 MS. BENTLEY: Please present the juror.

21 THE CLERK: What says the Defendant?

22 MR. CHAMBERS: Swear Mr. Gratz, please.

23 THE CLERK: Bring your things and have a seat
24 in the jury box, please.

25 Juror number 117, Stephanie Milner. What says the

1 State?

2 MS. BENTLEY: Please present Ms. Milner.

3 THE CLERK: What says the Defendant?

4 MR. CHAMBERS: Excuse Ms. Milner from the trial
5 of this case, please.

6 THE CLERK: Juror number 7, Monica Anderson.

7 What says the State?

8 MS. BENTLEY: Please present Ms. Anderson.

9 THE CLERK: What says the Defendant?

10 MR. CHAMBERS: Excuse Ms. Anderson from the
11 trial of this case, please.

12 THE CLERK: Juror number 57, Brooke Foster.

13 What says the State?

14 MS. BENTLEY: Please present Ms. Foster.

15 THE CLERK: What says the Defendant?

16 MR. CHAMBERS: Excuse Ms. Foster from this
17 case, please.

18 THE CLERK: You may have a seat.

19 Juror number 27, Jenna Brown. What says the State?

20 MS. BENTLEY: Please present Ms. Brown.

21 THE CLERK: What says the Defendant?

22 MR. CHAMBERS: Swear Ms. Brown, please.

23 THE CLERK: You may bring your things and have
24 a seat in the jury box.

25 Juror number 48, Cody Durham. What says the State?

1 MS. BENTLEY: Please excuse Mr. Durham from the
2 trial of this case.

3 THE CLERK: You may have a seat.

4 Juror number 26, Randall Bright. What says the
5 State?

6 MS. BENTLEY: Please present Mr. Bright.

7 THE CLERK: What says the Defendant?

8 MR. CHAMBERS: Swear Mr. Bright, please.

9 THE CLERK: You can bring your things, Mr.
10 Bright, and have a seat in the jury box.

11 Juror number 193, Melissa Kelly. What says the
12 State?

13 MS. BENTLEY: Please present Ms. Kelly.

14 THE CLERK: What says the Defendant?

15 MR. CHAMBERS: Excuse Ms. Kelly from this case,
16 please.

17 THE CLERK: Juror number 25, William Bridges.
18 What says the State?

19 MS. BENTLEY: Please present Mr. Bridges.

20 THE CLERK: What says the Defendant?

21 MR. CHAMBERS: Swear Mr. Bridges, please.

22 THE CLERK: You can bring your things and have
23 a seat in the jury box.

24 Juror number 42, Spencer Davis. What says the
25 State?

1 MS. BENTLEY: Please present Mr. Davis.

2 THE CLERK: What says the Defendant?

3 MR. CHAMBERS: Swear Mr. Davis, please.

4 THE CLERK: Bring your things and have a seat
5 in the jury box.

6 Juror number 28, Evan Bryson. What says the State?

7 MS. BENTLEY: Please excuse Mr. Bryson from the
8 trial of this case.

9 THE CLERK: You may have a seat.

10 Juror number 180, Hannah White. What says the
11 State?

12 MS. BENTLEY: Please excuse Ms. White from the
13 trial of this case.

14 THE CLERK: You may have a seat.

15 Juror number 56, David Fishking. What says the
16 State?

17 MS. BENTLEY: Please present Mr. Fishking.

18 THE CLERK: What says the Defendant?

19 MR. CHAMBERS: Swear Mr. Fishking, please.

20 THE CLERK: You can bring your things and have
21 a seat in the jury box.

22 Juror number 82, Melissa Hunnicutt. What says the
23 State?

24 MS. BENTLEY: Please present Ms. Hunnicutt.

25 THE CLERK: What says the Defendant?

1 MR. CHAMBERS: Excuse Ms. Hunnicutt from this
2 case, please.

3 THE CLERK: You may have a seat.

4 Juror number 123, Kellon J. Navarre. What says the
5 State?

6 MS. BENTLEY: Please excuse Mr. Navarre from
7 the trial of this case.

8 THE CLERK: You may have a seat.

9 Juror number 91, Thomas Jones. What says the State?

10 MS. BENTLEY: Please present Mr. Jones.

11 THE CLERK: What says the Defendant?

12 MR. CHAMBERS: Swear, Mr. Jones, please.

13 THE CLERK: Mr. Jones, bring your things and
14 have a seat in the jury box.

15 Juror number 71, Evan Haight. What says the State?

16 MS. BENTLEY: Please excuse Mr. Haight from the
17 trial of this case.

18 THE CLERK: You may have a seat.

19 Juror number 49, Christopher Ellisor. What says the
20 State?

21 MS. BENTLEY: Please present Mr. Ellisor.

22 THE CLERK: What says the Defendant?

23 MR. CHAMBERS: Swear Mr. Ellisor, please.

24 THE CLERK: You may have a seat in the jury
25 box. Juror number 84, Keshara Hunter. What says the

1 State?

2 MS. BENTLEY: Please present the juror.

3 THE CLERK: What says the Defendant?

4 MR. CHAMBERS: Swear Ms. Hunter, please.

5 THE CLERK: Bring your things and have a seat
6 in the jury box.

7 Juror number 33, Erikah Center. What says the
8 State?

9 MS. BENTLEY: Please present Ms. Center.

10 THE CLERK: What says the Defendant?

11 MR. CHAMBERS: Swear Ms. Center, please.

12 THE CLERK: Bring your things and have a seat
13 in the jury box.

14 Juror number 95, Erin Lang. What says the State?

15 MS. BENTLEY: Please present the juror.

16 THE CLERK: What says the Defendant?

17 MR. CHAMBERS: Swear Ms. Lang, please.

18 THE CLERK: You may have a seat in the jury
19 box. Juror number 142, Michael Rostin. What says
20 the State?

21 MS. BENTLEY: Please present the alternate.

22 THE CLERK: What says the Defendant?

23 MR. CHAMBERS: Excuse Mr. Rostin from this
24 case, please.

25 THE CLERK: Juror number 10, Gertrude Austin.

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Jury Voir Dire

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1 What says the State?

2 MS. BENTLEY: Please present Ms. Austin.

3 THE CLERK: What says the Defendant?

4 MR. CHAMBERS: Excuse Ms. Austin from this
5 case, please.

6 THE CLERK: You may have a seat.

7 Juror number 107, Casey Lynn. What says the State?

8 MS. BENTLEY: Please present Mr. Lynn.

9 THE CLERK: What says the Defendant?

10 MR. CHAMBERS: Swear Mr. Lynn, please.

11 THE COURT: Any matters we need to take care of
12 as far as the selection of the jury in this case, from
13 the State?

14 MS. BENTLEY: Nothing from the State?

15 THE COURT: From the Defense?

16 MR. CHAMBERS: No, Your Honor.

17 THE COURT: All right. Ladies and gentlemen
18 who were not selected, I'll let you go back down to the
19 assembly room. There'll be instructions there for you
20 when to call back. Ms. Olsen will provide. Thank you
21 very much for your coming today. You're excused at this
22 time. Everyone else, please remain seated.

23 (WHEREUPON, the jury panel exited the open court at
24 approximately 3:02 P.M.)

25 THE COURT: Ladies and gentlemen, let me just

1 briefly talk to you about the procedures we'll be
2 following. This is certainly not an instruction on the
3 law. I'll give you that at the end of the case. You've
4 seen the process by which you were selected. These
5 attorneys believe that you're the best twelve to hear
6 this case. You'll make this decision. You're going to
7 be the fact finders. You're going to determine what the
8 facts are in the case based upon the evidence that's
9 presented. I'm going to be the Judge of the law. And
10 I'll explain the law to you at the conclusion of the
11 case.

12 I'm well aware of your sacrifice in being here.
13 We're going to do everything within our power to keep the
14 case running in a smooth and efficient manner. I'll give
15 you as much downtime as -- the minimum amount of downtime
16 that we can. Part of my job is to decide when we take a
17 break, when we start in the morning, when we end at the
18 end of the day. Normally, we will take a break in the
19 morning. We'll take a break in the afternoon.
20 Hopefully, we won't go very long in the afternoon.
21 Sometimes, based on when witnesses are testifying, it
22 runs a little past five o'clock, but we'll try to keep
23 those obligations that you have in mind as we conduct the
24 trial.

25 My job also is to rule upon the admissibility of

1 evidence that's offered during the course of the trial.
2 Sometimes objections are made in a trial, sometimes there
3 are no objections, but if an objection is made by one of
4 the lawyers, I'll rule on that objection. Sometimes
5 legal matters come up that we can meet up here at the
6 bench and whisper and resolve those issues. Sometimes in
7 the course of a trial a legal matter comes up and you
8 have to be excused while I make that legal determination.
9 I want to make the best decision I possibly can as the
10 judge of the law and sometimes that might require me to
11 hear testimony that wouldn't normally be presented to
12 you. It may necessitate me doing some research in the
13 law or listen to lawyers argue cases that have been
14 presented. So those events will take place outside of
15 your presence because that's my role to be the law giver
16 and make the best decision that I possibly can on what
17 the law is.

18 Similarly, you'll be deciding what the facts are.
19 And even though I'm a judge, like you, I won't be
20 deciding those facts with you. That'll be your
21 prerogative and yours alone. You have the ability to
22 decide what the facts are because you're going to be
23 utilizing the good common sense with which you've been
24 blessed in your everyday experiences you enjoy in the
25 home and the workplace and social activities. And that's

1 going to serve you well in being the fact finder. You're
2 going to use that good discretion and watching what takes
3 place in the courtroom, the testimony that's given from
4 the witness stand, the demeanor of the witnesses while on
5 the witness stand. You'll be able to be the fact finder,
6 I'm confident.

7 The lawyers will make an opening statement to you
8 and then evidence will be presented. They'll make
9 closing statements to you and then I'll instruct you on
10 what the law is at the end of the case. Until I have
11 given you the law and given you the case to decide, you
12 shouldn't be discussing it, one with another. You
13 shouldn't discuss it with anyone at home or business
14 associates or anyone else. We're starting a process now
15 that you've been selected for that needs to maintain in a
16 pure state. These attorneys, these parties have
17 committed this case to you to decide. And that decision
18 is going to be made from what takes place here in the
19 courtroom and not from extraneous sources, from wherever
20 they may be. So even when you're back in your jury room,
21 you shouldn't be speculating on the case or talking about
22 what testimony you've already heard or exhibits that have
23 been presented. That'll take place when the case is
24 concluded and I've instructed you on the law. You'll
25 have an opportunity to share with your loved ones and

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1 friends your experience as a juror, but while the case is
2 in progress is not the time to be doing that.. Certainly,
3 you can tell your friends and family that you are in a
4 case that involves an allegation of criminal sexual
5 conduct, but other than that, you don't need to be
6 discussing the case with anyone until it's concluded.

7 By the same token, being in the information age that
8 we are, our chief justice of our State Supreme Court has
9 issued an order that's applicable to all the jurors such
10 as you, who have been placed in a jury box to decide a
11 case, and that is that there will be no communications by
12 you while serving as a juror through social media,
13 facebook, twitter or any other source, that that would be
14 improper for you to do and against the order directed to
15 you through me by the Chief Justice. Again, the
16 discussions of the case take place when it's concluded,
17 but not while it's in progress. By the same token, you
18 should refrain from doing any kind of independent
19 research or checking archives of news articles or looking
20 up words that you may hear in the course of the trial
21 that you're not sure of the meaning of, that would be
22 improper. These attorneys are going to present
23 everything to you that you're going to need to make a
24 good sound decision about the facts of the case. And
25 extraneous sources would not be proper under the rule of

1 law and the instructions of our Chief Justice.

2 We normally will go for an hour, hour and a half at
3 a time before we take a break. If you need a break and
4 one has not been called for by me, please get my
5 attention as best you can. If I'm not looking at you --
6 you've met your bailiffs, Mr. Fuller over to your right,
7 Mr. Pierce in the back. Ms. Fryer has been working some
8 this week; she may be back tomorrow. Any of these
9 bailiffs will certainly assist you in any. The young
10 lady, Ms. Shamey, who called your name out will be with
11 us this week from the Clerk's Office. Also, Danette
12 Hanks seated directly in front of me is the court
13 reporter and she's taking down everything that's said
14 during the course of the proceedings to protect the
15 record, mark any exhibits that may be introduced. David
16 Brown is the young man seated beside me, a recent law
17 school graduate, member of the South Carolina Bar and my
18 law clerk, is a valuable asset. You may see him coming
19 and going as the trial progresses, taking care of matters
20 in the office or otherwise. Any of these folks will
21 certainly help you in any way that they can.

22 It makes me proud that you've accepted the
23 responsibility that you have to be the fact finders in
24 this case, that you've made that commitment to both sides
25 that you'll be fair and impartial in your decision.

1 At this time, I'm going to have you go back to a
2 jury room. We've already had a trial going on this week.
3 I understand that the jury needs our assistance with a
4 verdict or question or whatever it may be, so I'm going
5 to need to take care of that. I don't know how long it
6 may last. It may last a little more extensively than I
7 would anticipate. Whatever it is, we'll take care of
8 that business so that when we get ready for the opening
9 statements we'll not have to break again until the end of
10 the day, hopefully, for you. Don't discuss the case. If
11 you'll go with Mr. Fuller now, he'll show you where you
12 are to be housed for the next few minutes.

13 Everyone else, please remain seated.

14 (WHEREUPON, the jury exited the open court at
15 approximately 3:11 P.M.)

16 THE COURT: Are there any -- I think there's
17 three motions. Are there any issues with the rape shield
18 statute?

19 MR. CHAMBERS: No, Your Honor, I don't think
20 so. I mean, I certainly don't have any information nor
21 intend to get into anything specific with any prior
22 sexual partners or anything like that. I think there may
23 be some general questions that I will get into about the
24 possibility of -- because, as the Court knows, we
25 discussed this earlier when we were off the record, she

1 was diagnosed as having Gonorrhea. And I may get into
2 some areas on cross-examination that would -- as to
3 possible other sources of her having contracted
4 gonorrhea. In other words, just sort of the general fact
5 that she was sexually active.

6 MS. BENTLEY: And, Your Honor, that's
7 prohibited.

8 THE COURT: Excuse me?

9 MS. BENTLEY: I believe that's prohibited under
10 this.

11 THE COURT: Okay. Isn't that what the rape
12 shield is all about?

13 MR. CHAMBERS: No, Your Honor. I mean, the
14 rape shield is to protect somebody from delving into
15 somebody's prior sex life with specificity. I mean,
16 listen, it's a viable defense that she could have
17 contracted that from somebody else. First of all, they
18 don't have any evidence that he had Gonorrhea. So I
19 think, you know -- and I won't know until I hear the
20 direct examination as to what I might ask.

21 You know, I'll put it to you this way. This is my
22 opinion. As far as all of these motions in limine, I
23 don't think they're appropriate for motions in limine.
24 If I get into an area that she thinks is prohibited,
25 she's free to make a contemporaneous objection. Just

1 like if she gets into areas that I believe are
2 prohibitive, I'll make a contemporaneous objection and
3 the Court can rule. I don't know what her evidence is
4 going to be until she puts it up there. I don't know
5 what areas that's going to lead me into. So I feel like
6 it's too early to be trying to deal with those. I mean,
7 I can't tell you, as I sit here right now, what I might
8 ask on cross-examination. But if she thinks that I've
9 gone beyond the rule, she can object to it, and then Your
10 Honor, of course, can rule on it.

11 THE COURT: What were the other motions,
12 Solicitor?

13 MS. BENTLEY: Your Honor, I have one regarding
14 the Defendant's refusal to provide non-testimonial
15 evidence. He was requested by detention center personnel
16 to submit to testing for STDs and he refused to do that
17 momentarily. Under *State v. Nethary*, providing blood and
18 urine, it's non-testimonial, it does not violate his
19 Fifth Amendment right if we comment on that.

20 MR. CHAMBERS: And, you know, and again, I
21 would like to hear what -- how that testimony comes in.
22 And I may have an objection to it at the time and then
23 the Court can rule on it. I mean, my understanding is
24 that what he said is he wanted to be able to talk to his
25 lawyer about it. If that's the case, then they can

1 comment on his refusal all they want.

2 THE COURT: What was your other motion?

3 MS. BENTLEY: Your Honor, it was regarding his
4 flight from ---

5 THE COURT: On his flight?

6 MS. BENTLEY: Yeah. And, again, as a
7 precautionary measure, I just wanted to let the Court
8 know that I intend on calling witnesses and getting into
9 this evidence. Mr. Chambers is obviously welcome to make
10 an objection. I just didn't want to ---

11 THE COURT: Okay.

12 MS. BENTLEY: I don't want to risk a mistrial,
13 Your Honor.

14 THE COURT: All right. Let's take a break. I
15 don't know what our jury has for us, if it's a verdict.

16 THE CLERK: It is a verdict.

17 THE COURT: I don't know what the verdict may
18 be as to how long it may take for us to be at ease, but
19 we'll take a break until we dispose of this case.

20 (WHEREUPON, the court stood in recess for a short
21 break.)

22 THE COURT: Solicitor, I'm inclined to agree
23 with Mr. Chambers that maybe these need to be approached
24 later or as they come up. But is the State's position
25 intending to bring out on its direct examination that the

1 victim has a sexually transmitted disease and it's from
2 the Defendant?

3 MS. BENTLEY: The State will -- in direct, it
4 will come out that the victim did have a sexually
5 transmitted disease.

6 THE COURT: Doesn't that kick in the second
7 part of the statute then, where it can then be brought
8 out by the Defense, as I read the statute?

9 MS. BENTLEY: I would argue that it would be
10 very limited.

11 THE COURT: Well, there are words about
12 specific and so forth, but I still -- we'll play it by
13 ear. But as I read the statute there is, there is the
14 exception to it. And we'll see how the case develops.

15 MS. BENTLEY: Okay.

16 THE COURT: It also talks about written
17 motions, about offering anything -- I guess that's been
18 taken care of. You're doing that?

19 MR. CHAMBERS: Pardon me, Your Honor.

20 THE COURT: About a written motion to offer it.
21 Do you intend to offer it?

22 MR. CHAMBERS: I don't -- Your Honor, I don't
23 intend to offer anything regarding that in my case in
24 chief. Now, I simply anticipate some cross-examination
25 along those lines.

1 THE COURT: All right. Let's have our jury
2 come in.

3 (WHEREUPON, the jury entered the open court at
4 approximately 4:01 P.M.)

5 THE COURT: Thank you, ladies and gentlemen,
6 for being patient with us. We're now ready to have the
7 opening statements of the attorneys. I urge you to
8 listen carefully as they address you. I'm confident that
9 each of them can give you valuable insights that perhaps
10 help you as you listen to the case develop.

11 Before they make their opening statements, I'm going
12 to have the clerk administer an oath to you. I hope
13 you'll listen carefully as the oath is administered.
14 It's a time-honored oath. It's been in existence well
15 before the foundation of our country. I'm confident that
16 you will listen to it and I'm equally confident that you
17 will fulfill the obligations thereof.

18 You may swear the jury at this time, Madam clerk.

19 THE CLERK: Would you please rise and raise
20 your right hand. The correct response to the oath is I
21 will.

22 You shall well and truly try the case of 2011-GS-23-
23 8275, Daniel Lee Willis, indicted for criminal sexual
24 conduct with a minor, first degree, and 2011-GS-23-7843,
25 for criminal sexual conduct with a minor, second degree,

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1 and a true verdict render according to the law and the
2 evidence, so help you God? I will?

3 JURORS: I will.

4 (WHEREUPON, the jury was duly sworn.)

5 THE COURT: Solicitor, you may address the jury
6 in your opening.

7 MS. BENTLEY: May it please the Court, Mr.
8 Chambers.

9 **OPENING STATEMENT**

10 **BY MS. BENTLEY:**

11 Fear comes in many forms especially for children.
12 The reason is not imagined monsters that live under their
13 beds or hide in their closets, the reason is not what
14 might be lurking in the dark. What some children in
15 Greenville County have reason to fear is somebody that
16 looks like an ordinary person, somebody that does not
17 hide who they are, but what they do. The fact that an
18 adult could physically abuse a child is not something
19 that anybody wants to talk about. The fact that an
20 adult, especially an adult family member, could sexually
21 abuse a child, is not something anybody wants to believe,
22 much less discuss in detail. Unfortunately, child sexual
23 abuse is a reality in Greenville County and it is the
24 reason we are all here today.

25 As I said earlier, my name is Lisa Bentley. I'm the

1 prosecutor in today's case. I'll be presenting evidence,
2 sometimes in the form of graphic testimony. The
3 Defendant committed the crimes of child sexual abuse. As
4 you heard from the Judge when he read the indictments,
5 Daniel Willis is accused of committing two different sex
6 crimes against someone identified on the indictments as
7 JDW and JW. You will soon hear that JDW and JW are the
8 same person. They're his biological daughter, Minor
9 Denise Willis. You will hear that he has alleged to have
10 started sexually abusing Minor around the time she was
11 six years old, and lasting until about a month before her
12 fourteenth birthday. Due to the nature of the
13 allegations and the State's burden of proof, you will
14 hear things that you probably never wanted to hear. The
15 State, I, have to prove that Mr. Willis committed these
16 crimes beyond a reasonable doubt. I have to leave you
17 firmly convinced, by the evidence, of his guilt.

18 These are some of the most serious charges a person
19 can face and I do not expect any of you to take this
20 burden lightly. The Defendant has been charged with two
21 counts relating to child sexual abuse, criminal sexual
22 conduct in the first degree and criminal sexual conduct
23 in the second degree.

24 First, criminal sexual conduct in the first degree.
25 The Judge will explain the law to you, but not until the

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1 end of the trial. There are some elements or parts of
2 the case that you needed to listen for as the testimony
3 is presented. Criminal sexual conduct in the first
4 degree; what makes it first degree is the age of the
5 victim. In South Carolina it's first degree if someone
6 commits a sexual battery upon a child under the age of
7 eleven. A sexual battery will also be judicially defined
8 for you at the end of the trial. But essentially sexual
9 battery is either sexual intercourse, penile, vaginal,
10 oral sex, and it also includes any penetration of any
11 part of the Defendant into the victim's mouth or vagina.
12 So CSC, I have to prove beyond a reasonable doubt that
13 the Defendant committed a sexual battery upon **Minor**
14 when she was under the age of eleven.

15 Criminal sexual conduct in the second degree; what
16 makes it second degree again is the age of the victim. I
17 have to prove that the Defendant committed a sexual
18 battery -- again, the same definition of sexual battery -
19 - on the victim when she was between the ages of eleven
20 and fourteen. The evidence will show that about a month
21 before her fourteenth birthday, **Minor** got some
22 devastating news. She was, again, thirteen at that time
23 and she was thirteen when she disclosed the abuse.

24 Now that you know what this case is about,
25 essentially what I have to prove, I want to tell you a

1 little bit about what you can expect in regards to the
2 State's case. You will hear from a number of witnesses.
3 You will hear from the victim, Minor You will hear
4 from her mother. You will hear from law enforcement
5 workers and some health care workers in this case. But
6 what I want you to keep in mind is that child sexual
7 abuse is a secret crime. It is not performed out in the
8 open. It is not performed with an accomplice. You will
9 not have a video of this crime occurring like you would
10 expect in a DUI. You will not have fingerprints in this
11 case like you'd expect in, you know, a burglary. And
12 oftentimes in criminal sexual conduct cases, there aren't
13 signs of physical trauma like you would expect in a
14 traditional assault and battery. Because of the nature
15 of child sex crimes, the testimony of the victim and the
16 witnesses are of the utmost importance. They're the only
17 ones that can tell you what happened.

18 At this point, I'm going to go ahead and let the
19 evidence speak for itself. I will come back at the end
20 of the trial and talk about the evidence and the
21 testimony in more detail. At this time, I want to thank
22 you. I want to thank you for your patience this whole
23 week. I want to thank you for your attention in this
24 really serious and uncomfortable matter. And I want to
25 thank you for giving Minor a chance at justice.

1 THE COURT: Mr. Chambers?

2 MR. CHAMBERS: May it please the Court, Your
3 Honor, Solicitor.

4 **OPENING STATEMENT**

5 **BY MR. CHAMBERS:**

6 Ladies and gentlemen, as I told you earlier, my name
7 is Randy Chambers. And I am here today in the capacity
8 as an advocate for Daniel Willis, who's seated here
9 beside me. And you're going to hear him referred to, in
10 fact, probably we've already heard him referred to as the
11 Defendant. That's what we call the person that sits at
12 this table that's been accused of a crime.

13 I was fortunate enough to start my legal career as a
14 Navy JAG. I spent four years on active duty. And in the
15 military system, one of the things I like about it is
16 when somebody has been accused of a crime, that's what we
17 call them. We call them the accused, which to me is a
18 more fitting way to describe the person who is sitting
19 there on trial. Because what you've heard so far, what
20 you heard when the indictments were read to you, what you
21 heard from the Solicitor in her opening statement, those
22 are accusations. And very specifically in this case,
23 it's an accusation that was made by Daniel's daughter,
24 Minor Now, I don't know yet what the Solicitor's
25 going to put up by way of evidence. As she told you and

1 as the Court told you, the burden of proof is on her. So
2 I wait, just as you do, to see who she's going to put up
3 there to testify and what they're going to have to say.
4 But through the natural discovery process that happens
5 prior to the trial, I do have some forewarning, some
6 knowledge about what she's going to present. And I
7 believe that what you're going to find is, that in this
8 case, all we have is the accusation that was made by
9 ~~Whit~~oor

10 You are going to hear from other people who will say
11 what she said. But basically it all comes down to what
12 she said. What she said. And so you have to decide, as
13 you listen to the evidence as it unfolds, whether what
14 she said convinces you beyond a reasonable doubt that he
15 did those terrible things that he's been accused of.

16 There aren't many things that you can accuse
17 somebody of that's worse than what he sits there accused
18 of, sexually molesting your daughter. And so some of you
19 probably sit there today thinking, well, a child would
20 never say that if it weren't true. But folks, here's
21 your job as you sit here today. You're the finders of
22 fact so you have to do what each of you do to one degree
23 or another just about everyday. When you are confronted
24 with somebody telling you something, you ask yourself, do
25 I believe this person? And how do you determine that?

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1 Well, besides the life experiences that all of you bring
2 in here with you, you ask yourself, well, does what
3 they're saying make sense? Is what they're saying
4 corroborated by other evidence? Is there physical
5 evidence in this case? Are there other witnesses? And
6 what were the circumstances under which the allegation
7 was made? Now, what you're going to hear in this case is
8 that the allegation came to light when the alleged victim
9 in this case was taken to the health department to get
10 birth control. And they do testing for sexually
11 transmitted diseases and she tested positive for
12 gonorrhea. It was after that, that she pointed the
13 finger at her father. At her father. So you can look at
14 those circumstances and you can ask yourself, does this
15 make sense to me? Are there other indicia of truth? Are
16 there things that make me believe this accusation.
17 Because, folks, that's what their case is going to be.

18 Now, you have heard a lot and you will hear a lot
19 about this burden of proof beyond a reasonable doubt.
20 And I'm going to spend just a little bit of time talking
21 about it. His Honor will tell you at the end of this
22 trial when he gives you the law that you have to be left
23 firmly convinced by the evidence. And I think it's
24 important to put that into context and understand what
25 firmly convinced means. If you look it up in the

1 dictionary, it's really another way of saying firmly,
2 definite, something definite. And convinced means you're
3 sure. So another way to say it would be that you're left
4 definitely sure. But let's look at it even a little
5 closer. Because there are different burdens of proof
6 that juries apply depending on the courtroom that they're
7 in.

8 I don't know if we have common pleas going on this
9 week, but if we have a lot of trials here in what we call
10 common pleas, which are civil cases, which involve a lot
11 of really serious matters. People who have been killed
12 or people who have been crippled for the rest of their
13 lives and a lot of money is at stake. And if you were in
14 that court and you were sitting on a jury, His Honor
15 would tell you that the burden that you're to apply is
16 proof by a preponderance of the evidence. So if you
17 think of a scale that's sitting here at the beginning of
18 the trial and it's balanced perfectly, the plaintiff, the
19 person bringing the lawsuit, would have to tilt that
20 scale ever so slightly in their favor. In other words,
21 prove by a greater weight of the evidence. Who do you
22 believe the most? That's really the standard, okay?

23 There are other courts that require proof by clear
24 and convincing evidence. And as you can tell from that
25 terminology, that is a much more substantial burden than

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1 preponderance of the evidence.

2 But ladies and gentlemen, the highest burden that we
3 put on anybody is the burden that we put on a prosecutor.
4 And that is to prove beyond a reasonable doubt. And the
5 reason for that is when you stand trial here, your
6 liberty is a stake. And there's nothing that you can
7 take from somebody that is more precious than their
8 liberty. So they have to prove to you beyond a
9 reasonable doubt.

10 So as you sit here and you do what we talked about,
11 where you look at the witnesses and you consider their
12 demeanor and you consider any inconsistencies in what
13 they may have said before, and you consider whether
14 there's any physical evidence or not any physical
15 evidence to corroborate what that person is telling you,
16 we'd keep that burden in mind. And remember that it's
17 not just who you believe the most, it is beyond a
18 reasonable doubt.

19 Now, you wouldn't be normal if there weren't a lot
20 of you sitting there who thought, well, if somebody's
21 accused of something like that, then they must be guilty
22 or we wouldn't be sitting here. But I'm confident, based
23 on a lot of experience, that you now understand this
24 whole concept, and you're going to erase that from your
25 mind, and you're going to hold them to the burden. And

1 it's important that you do because when our Founding
2 Fathers were deciding how we were going to do things, one
3 of the greatest things they came up with was the jury
4 system. It is the check against government and
5 overreaching. You folks right here. I always like to
6 paraphrase John Adams who said that trial by jury, that
7 is, the jury system, is the heart and lungs of our
8 democracy. And that really can't be overstated.

9 Folks, like you, I look forward to seeing what the
10 evidence is in this case. And we ask you to keep an open
11 mind. But most importantly, we ask you to hold them to
12 their burden in this case. Thank you very much.

13 THE COURT: Solicitor, you may call your first
14 witness.

15 MS. BENTLEY: The State calls James Massey to
16 the stand.

17 THE CLERK: Mr. Massey, would you please place
18 your left hand on the bible and raise your right hand.

19 Do you solemnly swear or affirm to tell the truth,
20 the whole truth and nothing but the truth, so help you
21 God?

22 THE WITNESS: Yes, ma'am.

23 THE CLERK: Would you please have a seat.
24 Please state your name for the record.

25 THE WITNESS: James Massey.

1 JAMES MASSEY,

2 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 DIRECT EXAMINATION

4 BY MS. BENTLEY:

5 Q. Mr. Massey, where are you employed?

6 A. Greenville County Sheriff's Office.

7 Q. What is your position there?

8 A. I'm a master deputy.

9 Q. How long have you been master deputy?

10 A. I've been Master Deputy about eight years now.

11 Q. How long have you worked for the sheriff's office in
12 total?

13 A. A little over sixteen years.

14 Q. Where are you currently or what is your current
15 assignment?

16 A. Right now I'm a school resource officer.

17 Q. And what was your assignment in May of 2011?

18 A. I was a master deputy in uniform patrol.

19 Q. Did you respond to a call from the victim's mother
20 in this case, Melanie Owens?

21 A. Yes, ma'am.

22 Q. Approximately what was the date and time of that
23 call?

24 A. The date this call come out was May 20th around 2011

25 -- I'm sorry -- May 20th, 2011 around four o'clock.

1 Q. P.M.?

2 A. A.M.

3 Q. A.M. And ---

4 A. Well, let me make sure I got that right. Yeah. I'm
5 sorry.

6 Q. Was there a nature of a call that you responded to
7 or were you just dispatched to that -- to wherever ---

8 A. It was dispatched in reference to a sexual assault
9 claim.

10 Q. Okay. Who did you speak to when you first arrived?

11 A. When I first got there, I met with the complainant
12 in this case, which is a Melanie Owens.

13 Q. Did she tell you who she was?

14 A. Yes, ma'am.

15 Q. Who did she tell you -- well, pardon me. Never
16 mind. What was Ms. Owens' demeanor when you arrived?

17 A. She was surprised. She seemed kind of shocked.

18 Q. Okay. Was she coherent?

19 A. Yes, ma'am.

20 Q. Did you speak to the victim in this case, Minor
?

22 A. I did.

23 Q. When did you first speak to Minor

24 A. After the mother had briefed me on why I was there.

25 And I had asked the mother if I could have permission to

1 speak with her out of the mother's presence. And I asked
2 some of the similar questions that had been briefed to me
3 that she had asked.

4 Q. That the mother had asked?

5 A. Yes, ma'am.

6 Q. Did you speak to Minor alone?

7 A. I did.

8 Q. Where did you speak to her?

9 A. On the front porch.

10 Q. Okay. Were y'all sitting or standing?

11 A. Standing.

12 Q. How was Minor What was her demeanor?

13 A. The one thing I noticed about her during this time
14 was she seemed to be -- I wrote it in my report --
15 mentally focused on something else during my interview,
16 as if she was very concerned about something. She wasn't
17 crying at the time that I spoke with her.

18 Q. I want you to just answer yes or no to the next
19 question. Did Minor disclose sexual abuse to you?

20 A. Yes.

21 Q. Did she tell you a time frame of when this abuse
22 occurred?

23 A. Yes, ma'am.

24 Q. What was the time frame that she gave you?

25 A. Ever since she was around six or seven years old.

1 Q. Did she tell you when the abuse ended?

2 A. This last previous weekend before this.

3 Q. Before the call?

4 A. Before the call came out.

5 Q. Okay. Did she tell you the place or places the
6 abuse occurred?

7 A. Yes, ma'am. She claimed that the abuse occurred at
8 her grandmother's home where -- when her father lived
9 with her and at his new home.

10 Q. At her father's new home?

11 A. Uh-huh (affirmative).

12 Q. What were the addresses that she gave you?

13 A. I have 180 Grant Road in Marietta, South Carolina,
14 is the address that I was given.

15 Q. Okay.

16 A. I believe that may have been -- I don't know if
17 that's the new home or the grandmother's home.

18 Q. What county is that in?

19 A. It's in Greenville County.

20 Q. Okay. After you spoke to Minor what did you do?

21 A. After I'd met with her, I met back with the mother
22 and advised her that this case -- I'd obtained all the
23 information needed and I was going to forward it to our
24 criminal investigators.

25 Q. Are there specific people at the sheriff's office

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James Massey - Direct Examination by Ms. Bentley

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- 1 Q. Did she tell you when the abuse ended?
- 2 A. This last previous weekend before this.
- 3 Q. Before the call?
- 4 A. Before the call came out.
- 5 Q. Okay. Did she tell you the place or places the
- 6 abuse occurred?
- 7 A. Yes, ma'am. She claimed that the abuse occurred at
- 8 her grandmother's home where -- when her father lived
- 9 with her and at his new home.
- 10 Q. At her father's new home?
- 11 A. Uh-huh (affirmative).
- 12 Q. What were the addresses that she gave you?
- 13 A. I have 180 Grant Road in Marietta, South Carolina,
- 14 is the address that I was given.
- 15 Q. Okay.
- 16 A. I believe that may have been -- I don't know if
- 17 that's the new home or the grandmother's home.
- 18 Q. What county is that in?
- 19 A. It's in Greenville County.
- 20 Q. Okay. After you spoke to Minor what did you do?
- 21 A. After I'd met with her, I met back with the mother
- 22 and advised her that this case -- I'd obtained all the
- 23 information needed and I was going to forward it to our
- 24 criminal investigators.
- 25 Q. Are there specific people at the sheriff's office

1 who handle these crimes?

2 A. Yes, ma'am.

3 Q. Are you one of those people?

4 A. No, ma'am.

5 Q. What was your job as the first responding officer to
6 a call like this?

7 A. Basically to take all the facts given and the things
8 that we see on scene and document it and forward it up to
9 the investigators.

10 Q. Was there anything else that you did as a part of
11 this case?

12 A. No, ma'am.

13 Q. I have no further questions. Please answer any
14 questions Mr. Chambers may have.

15 A. Yes, ma'am.

16 **CROSS-EXAMINATION**

17 **BY MR. CHAMBERS:**

18 Q. So you first met with Melanie Owens when you got
19 there; correct?

20 A. Yes, sir.

21 Q. And that's Minor mother?

22 A. Yes, sir.

23 Q. And she's the one who has primary custody of

24 Minor and Minor lived with her; is that correct?

25 A. To my knowledge, yes, sir.

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James Massey - Cross Examination by Mr. Chambers

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1 Q. And it was indicated to you that they had -- that
2 Melanie Owens and Mr. Willis had been separated from one
3 another since the child was about two years old; is that
4 accurate?

5 A. That's about what I recall, sir. Yes, sir.

6 Q. And through your investigation did you learn that
7 all of this came about -- that this allegation came about
8 after Minor had gone to the health department seeking
9 birth control; is that correct?

10 A. That's correct.

11 Q. And they did testing there and they were able to
12 find out that she had gonorrhea?

13 A. I was advised of a sexually transmitted disease. I
14 don't know what it was.

15 Q. Okay. And so after that is when this allegation was
16 made against Daniel Willis; correct?

17 A. That is correct.

18 Q. And when you talked to the victim, and I'm looking
19 at your report, the actions that she reported was that he
20 had touched my breast and fingered me, at both his house
21 and memaw's; is that right?

22 A. That is correct.

23 Q. And you specifically asked her if he had done
24 anything other than that and she said, no?

25 A. That's correct.

1 Q. In other words, what she told you was the only thing
2 that he had ever used was his hand and his finger?

3 A. That's what she advised.

4 Q. And you also -- you mentioned it on the stand and
5 then you also brought it up in response to the
6 Solicitor's question is that her demeanor was such that
7 she was not crying or upset while she was talking to you;
8 correct?

9 A. Not in my presence.

10 Q. And, in fact, seemed to be preoccupied with
11 something else, like she was focusing on something, other
12 than her discussion with you?

13 A. Yes, sir.

14 Q. That's all the questions I have for you, officer.
15 Thank you.

16 THE COURT: Any redirect.

17 MS. BENTLEY: No redirect, Your Honor. May
18 this witness be excused?

19 MR. CHAMBERS: No objection.

20 THE COURT: Without objection the witness may
21 be excused. Thank you, sir.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: You may call your next witness.

24 MS. BENTLEY: The State calls Investigator
25 Lorraine Henderson.

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Lorraine Henderson - Direct Examination by Ms. Bentley

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1 THE CLERK: Do you solemnly swear or affirm to
2 tell the truth, the whole truth and nothing but the
3 truth, so help you God?

4 THE WITNESS: I do

5 THE CLERK: Please have a seat. And please
6 state your name for the record.

7 THE WITNESS: Lorraine Henderson.

8 LORRAINE HENDERSON,

9 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

10 DIRECT EXAMINATION

11 BY MS. BENTLEY:

12 Q. Ms. Henderson, where are you employed and in what
13 capacity?

14 A. Greenville County Sheriff's Office, sex crimes
15 investigator.

16 Q. How long have you been a sex crimes investigator?

17 A. August -- excuse me. I think it was June 1st of
18 '86.

19 Q. Is when you started with the sex crimes unit?

20 A. Yes.

21 Q. How long have you been employed with the sheriff's
22 office in total?

23 A. Thirty-five years.

24 Q. Thirty-five years. So you were working as a sex
25 crimes investigator in May 2011; is that correct?

1 A. Yes, ma'am.

2 Q. And were you assigned a case regarding Mr. Willis,
3 to investigate?

4 A. I was.

5 Q. How did that case come to you?

6 A. When it's sent up from the road, it's sent to my
7 sergeant and he ---

8 Q. Now, when you say the road, what does that mean?

9 A. Uniform patrol.

10 Q. Okay.

11 A. And they're given out by my Sergeant, which is over
12 our division, the sex crimes division, and we go from
13 there. So it was assigned to me.

14 Q. Okay. So these cases are randomly assigned to the
15 unit of sex crimes investigators?

16 A. Yes, ma'am.

17 Q. When did you first pick up this case against, this
18 case against Daniel Willis?

19 A. It was assigned to me by my sergeant on 5/27/11.

20 Q. Okay. And when was the initial report made?

21 A. 5/24/11.

22 Q. By whom?

23 A. James Massey.

24 Q. Okay. When did you first speak to the victim in
25 this case, Minor Willis?

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Lorraine Henderson - Direct Examination by Ms. Bentley

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- 1 A. On 5/31/2011.
- 2 Q. Where did you speak with her?
- 3 A. Down at the sheriff's office. We have a -- we're
- 4 located at 301 University Ridge, Suite 5200.
- 5 Q. Okay. So University Ridge down Church Street?
- 6 A. Yes.
- 7 Q. Okay. Did you call her ahead of time to ask her to
- 8 come in?
- 9 A. I called her mother and asked to bring her in.
- 10 Q. And did her mother have any problem doing that?
- 11 A. She did not.
- 12 Q. Describe the situation that you were speaking to
- 13 Minor were y'all alone?
- 14 A. Yes. I spoke to her mother first.
- 15 Q. Okay.
- 16 A. And then I told her I was going to talk to her
- 17 daughter. And I went back out to the lobby to get her,
- 18 and I left the mother out in the lobby.
- 19 Q. How old was Minor when you met her?
- 20 A. Thirteen.
- 21 Q. Okay. Did she have any trouble speaking to you?
- 22 A. (No verbal response).
- 23 Q. Did she hesitate?
- 24 A. She was quiet about it and I kind of informed her
- 25 that this was an important -- that I needed to know what

1 happened. And I also them, you know, I need the truth
2 about what's going on and the consequences for not
3 telling me the truth.

4 Q. Okay. Did she seem to understand all of that?

5 A. She did.

6 Q. When you're speaking to Minor did she make a
7 disclosure of sexual abuse to you?

8 A. Yes, ma'am.

9 Q. Did she disclose a time frame when that abuse began?

10 A. Yes. When I told them I needed a statement, I told
11 them I needed in detail everything that happened from
12 when it started until the end. And she did. She told me
13 that she was in the first grade when it happened the
14 first time.

15 Q. okay. You said you asked her for a detailed
16 statement. Did you ask her to write this statement down
17 or just to tell you the story?

18 A. She talks and I type, but I type exactly what she
19 says, whether it's right or wrong, whatever she says,
20 whether it's grammatically correct or not. It's just her
21 words.

22 Q. Okay. And you did that in this case?

23 A. I did.

24 Q. So she told you that the abuse began when she was in
25 the first grade; is that correct?

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Lorraine Henderson - Direct Examination by Ms. Bentley

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1 A. She did.

2 Q. Did she give you a specific -- pardon me. Did she
3 tell you when this abuse ended, when the last occurrence
4 of abuse was?

5 A. Yes. She was thirteen. I think, if I'm not
6 mistaken, she was thirteen when it ended.

7 Q. And did she give you a specific date or ---

8 A. Yes. May the 13th, 2011.

9 Q. So she was fairly certain about when the abuse
10 ended?

11 A. Yes.

12 Q. Did she say where the abuse occurred?

13 A. She gave me two different locations where it started
14 on 171 Sweet Gum Road in Travelers Rest and the other one
15 was 180 Grant Road in Marietta, South Carolina.

16 Q. What county are both those residents in?

17 A. Greenville.

18 Q. Okay. Was she able to give specific locations
19 within those residents of where the abuse occurred? A
20 detailed place in the residence?

21 A. Yes. In Mr. Willis' room. It was happening in his
22 room. And then after he moved, it was in hers, her room.

23 Q. Her room. What did you do after Minor completed
24 her statement?

25 A. She has to read it to see if that's exactly what she

1 told. If it's exactly right. And she signed it after I
2 brought her mother back in and had another witness for
3 that.

4 Q. Okay.

5 A. And she brought her mother in to witness that. And
6 I also had someone to notarize that statement, that it
7 was true.

8 Q. Did you speak to Minor again?

9 A. Yes, I did.

10 Q. When did you next speak to Minor

11 A. It was September the 20th, 2011.

12 Q. And where did you speak to Minor on that date?

13 A. 301 University Ridge.

14 Q. Same location?

15 A. Yes.

16 Q. Did you speak with her alone?

17 A. I did.

18 Q. In the same type room as before?

19 A. Yes, ma'am.

20 Q. And what was the reason for this second meeting?

21 A. When she first came in everything was running
22 altogether, and she was basically talking about the last
23 incident that happened on May the 13th, 2011. She was
24 focusing on that. But I needed to know exactly -- even
25 though she told me when it started, I needed to know the

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1 whole details. When it started, where it started, where
2 she was and whose house she was at, so I did another one
3 because the age changed.

4 Q. Okay. So you wanted to get more details from her?

5 A. Yes, ma'am.

6 Q. Did she change any part of her story from the first
7 and second statement?

8 A. No, ma'am.

9 Q. Were there any other inconsistencies?

10 A. No.

11 Q. She just provided additional details?

12 A. Yes.

13 Q. Okay. What did you do after she gave you that first
14 statement in May 2011? What was the next step of your
15 investigation?

16 A. Well, I actually, after she told me about it, I
17 tried to contact her father.

18 Q. You tried to contact the Defendant?

19 A. Yes, Mr. Willis.

20 Q. How did you try to contact him?

21 A. On the telephone and asked him to come in to see me
22 after she had given me her statement.

23 Q. Did he respond?

24 A. Actually, I left him a message to call.

25 Q. Okay.

- 1 A. And I didn't hear from him.
- 2 Q. Did you contact any of his family members?
- 3 A. Later on, I contacted his mother.
- 4 Q. When was that?
- 5 A. I actually gave him time to call me back. And when
- 6 I didn't hear from him, when I made the second report, I
- 7 contact Ms. Susan Willis, which is his mother, on
- 8 9/19/2011 at two thirty P.M.
- 9 Q. Okay. When did you sign the warrants in this case?
- 10 Did you sign the warrants in this case?
- 11 A. I did.
- 12 Q. When was that?
- 13 A. The warrant was signed on -- I signed the warrant on
- 14 9/19/2011.
- 15 Q. When?
- 16 A. 9/19/2011.
- 17 Q. That's when you sought the warrant?
- 18 A. Signed. You said signed it?
- 19 Q. Sought the warrant. Like you asked that the warrant
- 20 -- you took it to a magistrate?
- 21 A. Yes.
- 22 Q. So you did not take those out in June of 2011?
- 23 A. After I talked to Ms. Willis, I signed that
- 24 particular one in 2011, after -- in 9 of 9, 2011.
- 25 Q. Okay.

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1 A. And the other one, the first one, 6/10/2011.

2 Q. Okay. When was that warrant that you took out in
3 June, when was that served on the Defendant? When was he
4 arrested?

5 A. I was notified -- after signing them, I placed them
6 on the front desk for service, and -- because I never
7 heard from him and I never got him to answer the phone,
8 that number that I was given, and I received information
9 from the officer on 8/26/2011. And I also received
10 another one on 8/30/2011 at eight forty-five P.M. that
11 they were at -- arrested Mr. Willis and was bringing him
12 back.

13 Q. Bringing him back from where?

14 A. Kentucky.

15 Q. Kentucky. The message that you left for Mr. Willis,
16 was there a recording on the answering machine?

17 A. Yes. Just his cell phone thing and I asked him to
18 call me. And I left my number.

19 Q. Did somebody identify themselves on the message on
20 the voice mail message?

21 A. I can't remember that. I just can't remember that.
22 I just left a message for Mr. Willis to call me on that.

23 Q. Do you know where you got the phone number for Mr.
24 Willis?

25 A. Yes. I got it from his daughter.

1 Q. From his daughter?

2 A. Yeah. The victim, excuse me.

3 Q. That's okay. That's fine. Who else did you speak
4 to, aside from Minor when you were investigating this
5 case?

6 A. I spoke with her mother and Ms. Willis.

7 Q. Ms. Susan Willis?

8 A. Yes, Ms. Susan Willis.

9 Q. And is she in the courtroom today?

10 A. I don't know her. I talked to her on the phone.

11 Q. Okay. And did you refer the victim for a medical
12 exam in this case?

13 A. I did.

14 Q. What is the process whereby you refer someone for a
15 medical exam? How does that happen?

16 A. I called the Julie Valentine Center for a chronic
17 sexual exam, because the initial phase of the sex part
18 was over and it was past my seventy-two hour realm. And
19 so when I called for a chronic exam, I got a date to have
20 her come to the Julie Valentine Center.

21 Q. Had you spoken to the victim within seventy-two
22 hours of the alleged abuse, what would the process have
23 been?

24 A. If it occurred within the seventy-two hour realm, it
25 would have occurred at Greenville Memorial Hospital or

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Lorraine Henderson - Direct Examination by Ms. Bentley*

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1 one of the hospitals in the system.

2 Q. Is that where somebody would get a rape kit?

3 A. Yes, ma'am.

4 Q. And you did not do that in this case?

5 A. No, ma'am.

6 Q. And why was that again?

7 A. Because my seventy-two hour realm, it was over and
8 done.

9 Q. Would there have been any physical evidence you
10 could have collected in this case?

11 A. Usually, in the seventy-two hours is what you're
12 going to get. After that it's -- you're not going to get
13 too much. So that's why I referred her to the Julie
14 Valentine Center.

15 Q. What about a forensic interview? Did you refer
16 Minor for a forensic interview?

17 A. No, ma'am.

18 Q. Why not?

19 A. Usually the Julie Valentine Center takes twelve and
20 under. And they sometimes take over the age of twelve if
21 there are underlying circumstances like delayed in mental
22 capacity or something like that.

23 Q. Did Minor seem to have any sort of mental delay
24 or problems remembering?

25 A. Not to me.

1 Q. Did she seem to have any problem recollecting or
2 identifying her perpetrator?

3 A. No, ma'am.

4 Q. Was there any additional investigation or evidence
5 collected in this case?

6 A. No, ma'am. Because, see, we were after, after the
7 realm of that.

8 Q. Okay. I have no further questions. Please answer
9 any questions Mr. Chambers may have.

10 **CROSS-EXAMINATION**

11 **BY MR. CHAMBERS:**

12 Q. When was the first time you spoke to Minor

13 A. On 5/31/2011.

14 Q. 5/30?

15 A. 31.

16 Q. 5/31.

17 A. Yes, sir.

18 Q. So that was eleven days after Deputy Massey spoke to
19 her; is that correct?

20 A. Well, now his report is 5/24.

21 Q. Okay. So I had 5/20, but we'll go with 5/24. So it
22 was seven days after?

23 A. Now, the 5/20 you might have is the incident.

24 Q. Okay. So he spoke to her on 5/24 and you spoke to
25 her seven days later?

1 A. Yes. It was assigned to me on 5/27.

2 Q. And did it take that long for you to be assigned?

3 A. (No verbal response).

4 Q. In other words, did it take seven days for you, as
5 the, you know, the sex crimes investigator, to be
6 assigned to that case?

7 A. It was assigned on 5/27 to me.

8 Q. Okay.

9 A. And the report was written on 5/24 and at night. It
10 goes down to the law enforcement center to his
11 supervisors. They in turn signed it off. And then it
12 comes up to the sex crimes division. It goes to my
13 supervisor and he in turn assigns it to me.

14 Q. So all of that, because of all of that, you spoke to
15 her seven days later than the initial officer spoke to
16 her; is that correct?

17 A. Yes, sir.

18 Q. And you got a statement from her at that point?

19 A. Yes, sir.

20 Q. And then you had her come back in September of 2011
21 and you got another statement from her?

22 A. Yes, sir.

23 Q. All right. And it was after September, is that when
24 you referred her to Julie Valentine or was that before?

25 A. She went to -- I called Stephanie Smith at that time

1 at the Julie Valentine Center at nine forty-eight on
2 6/2/11. And the medical should have been 8/1/11 at ten
3 thirty.

4 Q. So when you talked to her in September, she had
5 already been going for services and things at Julie
6 Valentine?

7 A. Yes, sir.

8 Q. And, in fact, had been going for a couple of months
9 when you talked to her?

10 A. (No verbal response).

11 Q. Well, from June to September?

12 A. Yeah. I don't know if she continued going. That's
13 when her initial examination was.

14 Q. And you said there was no forensic interview that
15 was done in this case?

16 A. No, sir.

17 Q. And that you say is because of the age?

18 A. Yes, sir.

19 Q. And describe, if you could for the jury, what a
20 forensic interview is?

21 A. It is actually a detailed forensic interview that
22 their forensic interviewer take that statement, they go
23 and they actually do the same thing, get a detailed
24 report of what happened, when it happened, who was
25 involved, where it was? Who lives in your household,

1 everything.

2 Q. And there's a mandated protocol that somebody doing
3 a forensic interview is supposed to follow; is that
4 correct?

5 A. Yes, sir.

6 Q. And those are routinely videotaped; aren't they?

7 A. Yes, sir.

8 Q. We don't have a videotaped interview of the alleged
9 victim in this case; do we?

10 A. She didn't have a forensic.

11 Q. Pardon me?

12 A. She did not have a forensic interview.

13 Q. She didn't have a forensic interview?

14 A. No, sir.

15 Q. And you didn't videotape her?

16 A. I did not.

17 Q. All right. You didn't say anything about it
18 earlier, but is it true that the initial allegation came
19 to light after the alleged victim in this case had gone
20 to the health department to secure birth control?

21 A. That's my -- yes, that's the information I obtained.

22

23 Q. And as part of their testing, she came back and it
24 showed that she had an STD; is that right?

25 A. Yes, sir.

1 Q. And it was then that she related these allegations
2 to her mother; correct?

3 A. Yes, sir.

4 Q. All right. And you talked about the fact that Mr.
5 Willis was picked up in Kentucky. Are you aware that he
6 waived extradition from Kentucky, came back here after he
7 was picked up there?

8 A. No, sir.

9 Q. Okay. But you don't know that he didn't waive
10 extradition?

11 A. No, sir.

12 Q. As a police officer with over thirty-five years of
13 experience, if a person doesn't waive extradition, does
14 that hold things up?

15 A. Yes, sir.

16 Q. All right. Thank you very much.

17 THE COURT: Any redirect?

18 MS. BENTLEY: No redirect, Your Honor.

19 THE COURT: Thank you. You may step down,
20 officer.

21 THE COURT: Can I see you just a second, Madam
22 Clerk?

23 (OFF THE RECORD)

24 THE COURT: You may call your next witness,
25 Solicitor.

1 MS. BENTLEY: The State calls Melanie Owens to
2 the stand.

3 THE COURT: If you would come around, please,
4 ma'am, put your left hand on the bible and raise your
5 right hand.

6 Do you swear or affirm the testimony you're about to
7 give this Court will be the truth, the whole truth and
8 nothing but the truth, so help you God?

9 THE WITNESS: Yes, sir.

10 THE COURT: If you would, please come around
11 and have a seat in the chair there. If you would, please
12 state your full name for the record.

13 THE WITNESS: Melanie Owens.

14 MELANIE OWENS,

15 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

16 DIRECT EXAMINATION

17 BY MS. BENTLEY:

18 Q. Ms. Owens, can you please tell me where you're from
19 originally?

20 A. Blue Ridge.

21 Q. Blue Ridge. And how long have you lived in South
22 Carolina?

23 A. Thirty-four years.

24 Q. And how old are you?

25 A. Thirty-four.

- 1 Q. Okay. So you've lived here all your life?
- 2 A. Yes, ma'am.
- 3 Q. Are you currently employed?
- 4 A. Yes, ma'am.
- 5 Q. Where do you work?
- 6 A. Hardee's.
- 7 Q. Hartness?
- 8 A. Hardee's.
- 9 Q. Hardee's?
- 10 A. Yes.
- 11 Q. Okay. And did you graduate from high school?
- 12 A. Yes, ma'am.
- 13 Q. Where did you graduate from?
- 14 A. Blue Ridge.
- 15 Q. Blue Ridge High School?
- 16 A. Yes, ma'am.
- 17 Q. What is your relationship to the victim in this
- 18 case, Minor Willis?
- 19 A. My daughter.
- 20 Q. She's your daughter? And who is Minor father?
- 21 A. Danny.
- 22 Q. You said Danny?
- 23 A. Yes.
- 24 Q. Is that Mr. Willis?
- 25 A. Yes, ma'am.

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- 1 Q. Seated at that table? How did you meet Mr. Willis?
- 2 A. In school.
- 3 Q. In high school?
- 4 A. Yes, ma'am.
- 5 Q. Do you remember what grade you were in?
- 6 A. I think tenth.
- 7 Q. Tenth grade?
- 8 A. Uh-huh (affirmative).
- 9 Q. And how long did you and Mr. Willis -- or when did
- 10 you begin dating?
- 11 A. When I was in tenth grade.
- 12 Q. And how long did y'all date?
- 13 A. About three or four years.
- 14 Q. Okay. And when did Minor come into the picture?
- 15 A. In June of '97.
- 16 Q. Okay. And had you finished high school at that
- 17 point?
- 18 A. Yes, ma'am.
- 19 Q. When did you graduate?
- 20 A. May of '97.
- 21 Q. Okay. And did you know Mr. Willis' family?
- 22 A. Yes, ma'am.
- 23 Q. Who is his mother?
- 24 A. Susan.
- 25 Q. And who's his father?

- 1 A. Jerry.
- 2 Q. Are they in the courtroom today?
- 3 A. Yes, ma'am.
- 4 Q. Where are they seated?
- 5 A. Right there.
- 6 Q. Who else is with them?
- 7 A. That's his niece and his sister.
- 8 Q. What is his sister's name?
- 9 A. Charlene.
- 10 Q. Does he have other sisters or brothers?
- 11 A. Yes.
- 12 Q. How many?
- 13 A. Two brothers.
- 14 Q. Okay. Did you meet all these people during the
- 15 course of your relationship with Mr. Willis?
- 16 A. Yes, ma'am.
- 17 Q. Did you visit with them often?
- 18 A. Yes, ma'am.
- 19 Q. And what was your relationship like with his family?
- 20 A. I moved in with them.
- 21 Q. For how long?
- 22 A. Six months maybe.
- 23 Q. Okay. When was that?
- 24 A. August of '96.
- 25 Q. Okay. And how long did you and Mr. Willis stay

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- 1 romantically involved after Minor was born?
- 2 A. About six to eight months.
- 3 Q. Okay. And could you describe the end of your
- 4 relationship for me?
- 5 A. Well, we got to where we fought all the time. We
- 6 argued all the time. We both got arrested for criminal
- 7 domestic violence, and then we both went our separate
- 8 ways.
- 9 Q. Okay. And did you keep in contact with him at all?
- 10 A. No, ma'am.
- 11 Q. Did you ever re-establish contact with him?
- 12 A. Years later.
- 13 Q. How many years later?
- 14 A. About four years later.
- 15 Q. And how old was Minor at that time?
- 16 A. She was about five.
- 17 Q. Okay. And do you remember who re-established
- 18 contact?
- 19 A. He did.
- 20 Q. He did?
- 21 A. Yes, ma'am.
- 22 Q. And did he give you a reason or ...
- 23 A. No.
- 24 Q. Did he begin or did y'all have any sort of formal
- 25 custody arrangement or support arrangement?

- 1 A. He gave up his custody. He had no custody.
- 2 Q. Okay. Did he ever seek visitation with Minor
- 3 A. No, ma'am.
- 4 Q. Did he ever ask to see her?
- 5 A. No, ma'am.
- 6 Q. Did she ever start -- did she ever ask to visit him
- 7 or meet her father?
- 8 A. She wanted to know who he was.
- 9 Q. And when was that, that she expressed that
- 10 curiosity?
- 11 A. Before I let her visit him.
- 12 Q. About how old would you say that she was?
- 13 A. Around five.
- 14 Q. Okay. And what did you do when she expressed that
- 15 interest?
- 16 A. I told her that I knew where he was at and I would
- 17 see how he felt about it and we would go from there.
- 18 Q. Okay. Did you contact Mr. Willis?
- 19 A. I did.
- 20 Q. Based on his response, did Minor begin visiting
- 21 him?
- 22 A. Supervised, yes.
- 23 Q. Okay. Where would those visits take place at first?
- 24 A. He lived at a house on Highway 11. And I would take
- 25 her up there so she could get to know who he was.

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1 Q. Okay. Did she ever begin unsupervised visits with
2 him?

3 A. Not there.

4 Q. Not there. Okay. Was there a location that she did
5 stay with him unsupervised?

6 A. At her memaw's.

7 Q. And who is her memaw?

8 A. Susan.

9 Q. Susan Willis?

10 A. Yes, ma'am.

11 Q. Do you know Ms. Willis' address or what it was at
12 the time?

13 A. 171 Sweet Gum Valley Road.

14 Q. Okay. And where is that located?

15 A. Travelers Rest.

16 Q. All right. When was it that she began visiting Mr.
17 Willis unsupervised at Sweet Gum Valley Road?

18 A. Right when she turned six.

19 Q. Okay. And tell me how often she would visit?

20 A. At first, about once a month for a weekend.

21 Q. Okay. And did that ever increase, decrease?

22 A. Yes, ma'am.

23 Q. What happened?

24 A. I started letting her go every other weekend,
25 sometimes on Wednesdays.

1 Q. Okay. Why would she go on a Wednesday?

2 A. Because I was usually working and he would get her
3 off the bus.

4 Q. Okay. How was your relationship with Mr. Willis
5 when the visitations began?

6 A. When they began it really wasn't much of a
7 relationship. I just went so she could see him.

8 Q. Okay. Did that ever change after visits -- as the
9 years went by?

10 A. Yes, ma'am.

11 Q. How did it change?

12 A. I thought we were getting closer. We got to where
13 we'd talk on the phone. We'd call each other. We'd
14 discuss her.

15 Q. So it was a friendly relationship?

16 A. Yes, ma'am.

17 Q. Did y'all ever get back together romantically?

18 A. No, ma'am.

19 Q. Okay. Did you ever speak ill of the Defendant or
20 his family to Minor

21 A. No, ma'am.

22 Q. In front of Minor

23 A. No, ma'am.

24 Q. Did Minor ever complain about the Defendant
25 disciplining her?

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- 1 A. No.
- 2 Q. Describe, to your knowledge, what his relationship
3 was like with Minor
- 4 A. Whatever she wanted, she got.
- 5 Q. So he was a doting father?
- 6 A. Yes, ma'am.
- 7 Q. Did you ever talk to Minor about her body parts?
- 8 A. Yes, ma'am.
- 9 Q. When was that?
- 10 A. From the time she was big enough to talk.
- 11 Q. Okay. Did you ever talk to her about her sexual
12 body parts?
- 13 A. Yes, ma'am.
- 14 Q. When was that?
- 15 A. When she was little, from the time she was little.
- 16 Q. Okay. Did you ever talk to her about good touching
17 and bad touching?
- 18 A. Uh-huh (affirmative). Yes, ma'am.
- 19 Q. What do you remember telling her?
- 20 A. Whenever she'd be in the bathtub or something, the
21 only people that can touch anywhere would be mommy or the
22 doctor.
- 23 Q. Okay. And I want to take you back to May of 2011.
- 24 A. Yes, ma'am.
- 25 Q. Do you remember that time period?

1 A. Yes, ma'am.

2 Q. Whose idea was it to take Minor to the health
3 department?

4 A. It was mine.

5 Q. And why were you taking her?

6 A. Because she is at that age. She had started her
7 period. It was irregular. I was trying to help more
8 than anything.

9 Q. So why did you take her?

10 A. To get her period regular and get her on some birth
11 control.

12 Q. Okay. To your knowledge was Minor sexually
13 active?

14 A. No, ma'am.

15 Q. To your knowledge did she have any type of
16 boyfriend?

17 A. Not nothing, no.

18 Q. No boys would come over?

19 A. No, ma'am.

20 Q. She was thirteen at the time?

21 A. Yes, ma'am.

22 Q. When's Minor birthday?

23 A. June 29th, 1997.

24 Q. 1997?

25 A. Yes, ma'am.

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- 1 Q. Okay. Had y'all talked about sex in detail?
- 2 A. Not a lot, no.
- 3 Q. Did she express an interest to get on birth control
- 4 pills?
- 5 A. No, ma'am. She didn't want to go.
- 6 Q. She didn't want to go?
- 7 A. No, ma'am.
- 8 Q. Why didn't she want to go?
- 9 A. I don't know.
- 10 Q. Okay. So you told her too bad and took her?
- 11 A. Uh-huh (affirmative).
- 12 Q. Okay. Did you have concerns about Minor getting
- 13 pregnant at a young age?
- 14 A. Well, I don't want any of them to do that because I
- 15 did.
- 16 Q. Right. Do you have other children?
- 17 A. Yes, ma'am.
- 18 Q. I'm sorry. Please tell me how many other children
- 19 you have?
- 20 A. Three others.
- 21 Q. Are any of them by the Defendant, Mr. Willis?
- 22 A. No, ma'am.
- 23 Q. Okay. So you had Minor at a young age and you
- 24 just wanted to take her?
- 25 A. Uh-huh (affirmative).

1 Q. Okay. Were you in the examination room with her?

2 A. No, ma'am.

3 Q. Since she was a minor, did you have to fill out any
4 paperwork or consent forms?

5 A. No, ma'am.

6 Q. Okay. Did Minor tell you anything about the
7 visit?

8 A. No, ma'am.

9 Q. Did you ever hear -- or did you ever get a call from
10 the health department?

11 A. Yes, ma'am.

12 Q. Do you remember who called you?

13 A. A lady. I can't her name. It's Cul-something.
14 She's got a weird name.

15 Q. Okay. That's fine. Did she talk to you on the
16 phone?

17 A. Yeah.

18 Q. Did you answer the phone?

19 A. I answered the phone, yes.

20 Q. And was she able to tell you what she needed to tell
21 you?

22 A. No, ma'am.

23 Q. Why? Why not?

24 A. Because of HIPAA.

25 Q. HIPAA?

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- 1 A. Uh-huh (affirmative). She can't tell me anything.
- 2 Q. Okay. Did she request Minor call her back?
- 3 A. Yes, ma'am.
- 4 Q. Okay. Do you remember when this was?
- 5 A. May, the end of May. Toward the end of May.
- 6 Q. Towards the end of May?
- 7 A. Yeah.
- 8 Q. Did you speak to Minor
- 9 A. I did.
- 10 Q. What did you tell her?
- 11 A. I told her that that lady had called and she better
- 12 call and see what was wrong.
- 13 Q. Okay. And why did you think something was wrong?
- 14 A. Because they never call.
- 15 Q. Okay. What did you think when they called?
- 16 A. I said, oh, Lord. She'd been lying. That's what I
- 17 thought.
- 18 Q. You thought she'd been lying about what?
- 19 A. Sex.
- 20 Q. So what had she told you about sex?
- 21 A. She'd never had sex.
- 22 Q. Okay. And so what did you do after you gave the
- 23 message to Minor
- 24 A. I gave her the phone and she went outside to call
- 25 her and I went to take my shower.

- 1 Q. Okay. And did you have any other plans or anything
2 going on that day?
- 3 A. I did. My son had a school play.
- 4 Q. Okay. How old's your son?
- 5 A. At the time or now?
- 6 Q. At the time?
- 7 A. Eight.
- 8 Q. Okay. When did you next see or hear from Minor
- 9 A. When I got out of the shower.
- 10 Q. How long would you say you were in the shower?
- 11 A. Maybe fifteen minutes.
- 12 Q. And where did you see her?
- 13 A. In my bedroom.
- 14 Q. Where was she?
- 15 A. Sitting in my floor.
- 16 Q. And how was she?
- 17 A. She was crying.
- 18 Q. Tell me what you said to her?
- 19 A. I asked her what was wrong.
- 20 Q. And ---
- 21 A. She didn't want to tell me anything.
- 22 Q. Okay. Did she eventually tell you what was wrong?
- 23 A. She did.
- 24 Q. Without ...
- 25 MS. BENTLEY: Excuse me, Your Honor.

1 Q. Was Minor pregnant?

2 A. No, ma'am.

3 Q. Did Minor have a health condition?

4 A. She did.

5 Q. Did you ask her -- and don't give me the answer --

6 did you ask her how she could have contracted it?

7 A. Yes.

8 Q. At that time, did she disclose -- and again, don't

9 give me any identifying names -- did she disclose sexual

10 abuse to you?

11 A. Yes, ma'am.

12 Q. Did she tell you at what time that sexual abuse had

13 started?

14 A. Yes, ma'am.

15 Q. When did she tell you?

16 A. Around the time she was six.

17 Q. Did she tell you when it ended?

18 A. I believe she said, last weekend.

19 Q. Okay. Did she tell you the place or places the

20 sexual abuse had occurred?

21 A. Yes, ma'am.

22 Q. What place or places did she tell you?

23 A. 171 Sweet Gum Valley Road, Susan's house. And then

24 Gantt Road, which was the new address to her dad's house.

25 Q. Okay. How did you respond to Minor disclosure?

- 1 A. I was furious. Upset. Mad.
- 2 Q. You're a mother. What was your first response?
- 3 A. I wanted to kill him.
- 4 Q. Okay. Don't tell us who. Did you believe Minor
- 5 A. Yes.
- 6 Q. Okay. What did you do next?
- 7 A. I called my mama.
- 8 Q. Okay. And who's your mom?
- 9 A. Julie Howard.
- 10 Q. Is she here today?
- 11 A. No, ma'am.
- 12 Q. Okay. Why did you call your mom?
- 13 A. Because I couldn't -- I was so upset and angry, I
- 14 couldn't talk. And at first, I didn't believe her and I
- 15 wanted somebody else -- I wanted her to tell somebody
- 16 else what -- so I could make sure.
- 17 Q. Why didn't you believe her?
- 18 A. Because she never talks to me. Or she didn't never
- 19 talk to me. She never told me anything.
- 20 Q. Was she a truthful child?
- 21 A. She was.
- 22 Q. Did she get in trouble for lying in school?
- 23 A. Never.
- 24 Q. Get in trouble for lying at home?
- 25 A. Never.

1 Q. Had you ever caught her doing something she wasn't
2 supposed to be doing?

3 A. No, ma'am.

4 Q. Sneaking out to a friend's house?

5 A. No, ma'am.

6 Q. What did you do after you got off the phone with
7 your mom?

8 A. I got my clothes on and I took her to my mother.

9 Q. Okay. And who was at your mom's house that night.

10 A. My sister.

11 Q. Okay. Do you just have one sister?

12 A. Yes, ma'am.

13 Q. And where did you go?

14 A. I went to school.

15 Q. To see your son's play?

16 A. Yes, ma'am.

17 Q. And what time did you return to get Minor

18 A. Probably around eleven.

19 Q. Eleven?

20 A. Yes, ma'am.

21 Q. And what happened when you got there?

22 A. My mama was outside crying.

23 Q. Okay. And did you stay there long?

24 A. Yeah. I stayed there and talked to my mom and

25 talked to my sister and tried to figure out what to do.

- 1 Q. Okay. What did you decide to do?
- 2 A. I took her home and called the police.
- 3 Q. About what time was that?
- 4 A. I do not remember.
- 5 Q. Okay. You'd been there for a while talking to your
- 6 mom and sister?
- 7 A. Yes, ma'am.
- 8 Q. How was Minor acting at this point?
- 9 A. She was upset.
- 10 Q. What type of demeanor did Minor have on a regular
- 11 basis?
- 12 A. At this point, she had gotten depressed and she
- 13 didn't care about anything.
- 14 Q. Tell me -- describe to me how she was depressed?
- 15 A. Just -- she wore the all black, always had on black,
- 16 she stayed in her room. She wouldn't come out. Her
- 17 lights was always off. She didn't watch TV. She didn't
- 18 talk to anybody.
- 19 Q. Did you ever talk to her about it?
- 20 A. She wouldn't talk to me.
- 21 Q. Did you ever try to get her to talk to anybody else?
- 22 A. Anybody, uh-huh (affirmative).
- 23 Q. Did she ever want to?
- 24 A. No, ma'am.
- 25 Q. Did you ever notice anything else that concerned you

- 1 about Minor around that time?
- 2 A. She'd started to slashing, the slicing.
- 3 Q. Cut herself?
- 4 A. Yes, ma'am.
- 5 Q. Do you remember when that started?
- 6 A. Probably about four months before all this came out.
- 7 Q. Okay. Did you do anything to get her treatment for
- 8 that or take her to the doctor?
- 9 A. No. I got up one morning and she had a big one on
- 10 her wrist. So the first thing I done was called her dad.
- 11 Q. Okay. So you had a close relationship with the
- 12 Defendant at this time?
- 13 A. Yes, ma'am.
- 14 Q. You called the police?
- 15 A. Yes, ma'am.
- 16 Q. Did they come out that night?
- 17 A. They did.
- 18 Q. Do you remember who came out?
- 19 A. I don't remember the name.
- 20 Q. Okay. Did you see the guy that was up here earlier?
- 21 A. Yes, ma'am.
- 22 Q. Was that the man that came out?
- 23 A. He was one of them. There was another one.
- 24 Q. Okay. Did you speak to them that night?
- 25 A. Yes, ma'am.

1 Q. Did you let them speak to Minor that night?

2 A. Yes, ma'am.

3 Q. After the police left, what did you do?

4 A. Cried.

5 Q. Did Minor ever complain about going to her
6 father's house?

7 A. At the end she did. When he moved, she did.

8 Q. Do you remember when it was that he moved?

9 A. Maybe like two months prior to all this coming out?

10 I'm not positive.

11 Q. Okay. But before that, she'd never complained?

12 A. No.

13 Q. Did you ever question her, why she didn't want to
14 go?

15 A. She just said she wanted somebody to be there. I
16 thought it was a normal teenage thing; she didn't want to
17 go unless somebody was going to be there.

18 Q. Okay. Have you talked to Minor -- you talked to
19 Minor when she disclosed to you?

20 A. Uh-huh (affirmative).

21 Q. Have you talked to her since then about this?

22 A. Yes, ma'am.

23 Q. Has she ever changed her story?

24 A. No, ma'am.

25 Q. Has she ever changed a detail?

1 A. No, ma'am.

2 Q. I have no further questions. Please answer any
3 questions Mr. Chambers may have.

4 **CROSS-EXAMINATION**

5 **BY MR. CHAMBERS:**

6 Q. So things, you said, between you and Daniel did not
7 end on a good note; is that correct?

8 A. No, sir.

9 Q. Y'all were fussing with each other and couldn't be
10 around each other?

11 A. Yes, sir.

12 Q. And so as a result of that, I guess he went for a
13 significant period of time without seeing his daughter?

14 A. Yes, sir.

15 Q. And then you said that when she was about five you
16 got in touch with Daniel. And you walked us through that
17 process about how she was introduced to him and started
18 eventually visiting with him at that point?

19 A. Yes, sir.

20 Q. And, in fact, y'all started to get along better,
21 didn't you, you and Daniel?

22 A. Yes, sir.

23 Q. In fact, not only was he -- was Minor being
24 dropped at his mother's house, but your other daughter,
25 who was a couple of years younger, was being dropped off

1 there everyday, as well?

2 A. On Wednesdays.

3 Q. Okay.

4 A. On Wednesdays he would get them. They would get off
5 the bus there, but I was there to pick them up, except
6 for Wednesdays.

7 Q. And all through those years, you would have no
8 complaints for her. She always seemed to look forward to
9 going over to visit with her father; correct?

10 A. Yes, sir.

11 Q. In fact, at one point, she told you she wanted to go
12 live with her father; didn't she?

13 A. She never said that.

14 Q. You indicated that she seemed depressed to you, that
15 she wore black, that she was cutting herself, that she
16 was doing all these things. How long had that been going
17 on?

18 A. About six months prior to this coming out.

19 Q. And you didn't take her to the doctor?

20 A. No, sir.

21 Q. You didn't take her anywhere to try and get her any
22 kind of help for that?

23 A. They said it was a teenage thing. I took her to the
24 family doctor. They said it wasn't deep enough to take
25 her to the emergency room or anything.

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- 1 Q. Well, the cut wasn't deep enough ---
- 2 A. Yeah.
- 3 Q. --- but, I mean, there are mental health
- 4 professionals and people that you can go to to deal with
- 5 depression and things like that?
- 6 A. The family doctor said she was fine.
- 7 Q. Okay. And who is this family doctor that took care
- 8 of Minor
- 9 A. At the time it was Goodnosh (phonics).
- 10 Q. Okay. Was that the doctor that -- was that still
- 11 the family doctor in May of 2011?
- 12 A. Yes.
- 13 Q. But you didn't consult him about these -- this
- 14 irregular period?
- 15 A. They didn't do birth control. Yes, I did.
- 16 Q. So you decided on your own that these birth control
- 17 pills would help and you took her to the health
- 18 department; is that right?
- 19 A. Yes, sir.
- 20 Q. And the health department, when they took her back,
- 21 they apparently did some testing on her; correct?
- 22 A. Yes, sir.
- 23 Q. And so when they called and didn't tell you why they
- 24 were calling, and you told Minor to call back ---
- 25 A. Uh-huh (affirmative).

1 Q. --- you said, if I heard you correctly a few minutes
2 ago, that before Minor even called them back, you were
3 upset about the call?

4 A. Uh-huh (affirmative).

5 Q. And your response was that even before knowing about
6 the STD or anything, that you thought that she had been
7 lying to you and that she had been sexually active?

8 A. No, I said I knew something was wrong.

9 Q. Okay. You didn't say that -- before she called, you
10 said that you thought that she had been lying about
11 having sex?

12 A. Because I knew something was wrong.

13 Q. Okay. So you did -- before you knew about the STD,
14 you jumped to a conclusion that she had lied and had been
15 having sex with somebody?

16 A. Any mother would, yes.

17 Q. All right. Just based on the phone call ---

18 A. They only if something's wrong.

19 Q. --- from the health department? Well, when she
20 left, did she have -- when y'all left that day that you
21 took her, did she leave with birth control in hand?

22 A. She did.

23 Q. Okay. So you didn't know about any of the other
24 testing or anything?

25 A. No, sir.

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1 Q. And then after she told you that there was an STD,
2 you said again you didn't believe her?

3 A. I don't want to believe her.

4 Q. You didn't believe that she wasn't ---

5 A. I didn't want to believe her.

6 Q. --- involved in sex with somebody else?

7 A. No.

8 Q. And you made it clear to her that you didn't believe
9 her; correct?

10 A. At first, yes. I begged her to tell me she was
11 lying. At first, yes.

12 Q. And you appeared to be angry to her; didn't you?

13 A. At first, yes.

14 Q. Okay. And so she knew that if she said anything to
15 you about being sexually active, that you were just going
16 to get madder at her?

17 A. No.

18 Q. In fact, you have a history with your children of
19 inappropriate anger; is that correct?

20 A. No.

21 Q. Isn't it true that you had a DSS case involving
22 physical abuse by you of your children, where the
23 children were removed from your home?

24 A. The children were removed from my home because I was
25 an addict.

1 Q. Okay.

2 A. And I signed my children over myself, to get myself
3 help.

4 Q. And that was all four of your children?

5 A. No, sir.

6 Q. And there was also a criminal case that went along
7 with that DSS case; correct?

8 A. There was.

9 Q. And the reason was because you were found to have
10 been a threat of harm for abuse and neglect to the
11 children; correct?

12 A. No, sir.

13 Q. You displayed a temper on a fairly frequent basis to
14 your children; didn't you?

15 A. No, sir.

16 Q. You said at one point that she was quiet and didn't
17 share things with you; correct?

18 A. Yes, sir.

19 Q. Well, logically, that would be because she's afraid
20 of making you mad; wouldn't it?

21 A. No, sir.

22 Q. And once you told her that her father had done these
23 things -- well, once she told you that her father had
24 done these things to her, all of a sudden you're not
25 angry with her anymore; are you? You're sympathetic to

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1 her?

2 A. I was angry at first. Any mother would be angry.

3 Q. But you weren't angry at her? You were angry now --

4 -

5 A. I was angry at her because she didn't tell. Seven
6 years and she did not tell.

7 Q. But you -- your anger turned to Danny Willis and
8 away from her; correct?

9 A. How? I don't understand what you're saying.

10 Q. That's all the questions I have for you. Thank you.

11 THE COURT: Any redirect?

12 MS. BENTLEY: Briefly, Your Honor.

13 **REDIRECT EXAMINATION**

14 **BY MS. BENTLEY:**

15 Q. Ms. Willis, was it your testimony that when the
16 health department called you thought Minor had been
17 lying about being sexually active?

18 A. Yes.

19 Q. Had she previously told you that she was not
20 sexually active?

21 A. She did.

22 Q. So you thought that she was lying about that?

23 A. Uh-huh (affirmative).

24 Q. And what was your reason for that?

25 A. Because they only call if you're pregnant or

1 something is wrong.

2 Q. And something's going to be wrong if ---

3 A. You've been having sex.

4 Q. Okay. And you first didn't believe -- you just said
5 you begged her to tell me she was lying?

6 A. I did.

7 Q. Tell me why?

8 A. Because I didn't want that to happen to my baby. I
9 didn't want him to hurt my baby like that. It was my
10 baby. Nobody's supposed to hurt my baby.

11 Q. Okay. So it wasn't that you -- so was it that you -
12 - did you not believe her or did you not want to believe
13 her?

14 A. I did not want to believe her.

15 Q. Okay.

16 MS. BENTLEY: I have no further questions.

17 THE COURT: All right. Thank you, ma'am. You
18 may step down.

19 Ladies and gentlemen, this might be a good time for
20 us to break for the evening. I'm going to let you go
21 home. You probably have other activities to do. We'll
22 start back at nine o'clock in the morning if you'll be
23 back in your jury room then. The bailiff will show you
24 where to report back.

25 Let me remind you again the importance of the

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1 process we're in now, not to discuss the case with
2 anyone. Not to let anyone discuss it with you. Any
3 information you get from any other source is not
4 pertinent to this case. I don't know that there'll be
5 any media coverage of this, maybe something on the TV
6 tonight or something in the newspaper. If that were to
7 happen, just refrain from reading it or listening to it
8 and let your family or friends retain that for you in
9 some way, recording it or clipping it. Let me remind
10 you, again, how important it is that you maintain that
11 impartiality that you've committed these parties to have
12 throughout the trial. These lawyers are going to give
13 you all the information you'll need to make a good sound
14 decision about the case from what takes place here in the
15 courtroom and not outside the courtroom. We'll be
16 ready to start back at nine o'clock in the morning if
17 you'll be back in your jury room then. Have a good
18 evening ladies and gentlemen.

19 Everyone else, please remain seated.

20 (WHEREUPON, the jury exited the open court at
21 approximately 5:15 P.M.)

22 THE COURT: All right. We'll be at ease until
23 nine o'clock in the morning.

24 (WHEREUPON, the court stood at recess in this case
25 for the day.)

1 June 6, 2013

2 THE COURT: Is the State ready to proceed,
3 Solicitor?

4 MS. BENTLEY: Yes, Your Honor.

5 THE COURT: The Defense is ready?

6 MR. CHAMBERS: Yes, Your Honor.

7 THE COURT: If our jury's ready, you can have
8 them come in.

9 (WHEREUPON, State Exhibit Numbers 1, 2 and 3 were
10 marked for identification.)

11 (WHEREUPON, the jury entered the open court at
12 approximately 9:09 A.M.)

13 THE COURT: Good morning, ladies and gentlemen.
14 Solicitor, you may call your next witness.

15 MS. BENTLEY: The State calls Dr. Mary Fran
16 Crosswell.

17 THE CLERK: Do you solemnly swear or affirm to
18 tell the truth, the whole truth and nothing but the
19 truth, so help you God?

20 THE WITNESS: I do.

21 THE CLERK: Please have a seat. Could you
22 please state your full name for the record?

23 THE WITNESS: My name is Mary Fran Ratchford
24 Crosswell.

25 MARY FRAN CROSSWELL.

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1 **BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

2 **DIRECT EXAMINATION**

3 **BY MS. BENTLEY:**

4 Q. Dr. Crosswell, where are you employed?

5 A. I'm employed by the Greenville Hospital -- or
6 Greenville Health System.

7 Q. Okay. And do you have a specific position there?

8 A. Yes. I am a child abuse pediatrician within the
9 division of forensic pediatrics, child abuse and neglect.

10 Q. Are there other places or organizations that you
11 work for?

12 A. Although I'm employed by the hospital, I see
13 patients both in the hospital and at the Julie Valentine
14 Center, which is our child advocacy center, and Pendleton
15 Place Children's Shelter.

16 Q. Okay. What are your primary duties as a child abuse
17 pediatrician?

18 A. When there is a concern of some type of child
19 maltreatment, whether it be physical abuse, sexual abuse
20 or physical neglect, they are referred to me for further
21 assessment and evaluation by either other physicians in
22 the community, Department of Social Services, or law
23 enforcement.

24 Q. Do you have special training or experience that
25 enables you to have or to diagnose children who have been

1 maltreated in some way?

2 A. I'm double board certified in both general
3 pediatrics and child abuse pediatrics, which has required
4 me to undergo extensive additional training.

5 Q. Tell me about your educational background, please?

6 A. My undergraduate degree is from Wake Forest
7 University. My medical degree is from the University of
8 Louisville School of Medicine.

9 Q. And tell me about the board certification process
10 for both -- for other qualifications?

11 A. For general pediatrics, I was required to undergo a
12 three-year residency program and then was eligible to sit
13 for the board testing. For child abuse pediatrics,
14 because it's a newer subspecialty, I was able to, what we
15 call, grandfather in based on my experience and my
16 duties, until I was eligible to sit for the board exam.

17 Q. Do you attend special trainings or seminars on a
18 regular basis?

19 A. Yes, I do.

20 Q. Can you tell me about some of the most recent
21 trainings or seminars you've been to?

22 A. In April, I was at a two-day child abuse conference
23 in Charleston. Last year, I went to a child abuse
24 radiology conference in Florida. Annually, I'm going to
25 receive additional continuing medical education in the

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1 field.

2 Q. Do you keep up with literature on child abuse in
3 those fields?

4 A. Yes, I do.

5 Q. And have you previously been qualified in General
6 Sessions Court as an expert in child abuse pediatrics?

7 A. Yes, I have.

8 MS. BENTLEY: Your Honor, at this time, the
9 State wishes to qualify Dr. Mary Fran Crosswell as an
10 expert in child abuse pediatrics.

11 THE COURT: Any voir dire or any objection?

12 MR. CHAMBERS: No, Your Honor.

13 THE COURT: All right.

14 Q. Dr. Crosswell, did you examine the victim in this
15 case, Minor Willis?

16 A. Yes, I did.

17 Q. Can you first tell me by whom she was referred to
18 you?

19 A. She was referred by law enforcement, the Greenville
20 County Sheriff's Office, because she had contracted a
21 sexually transmitted infection, which prompted her
22 disclosure of sexual abuse.

23 Q. Can you tell me, is that a typical referral for you?

24 A. It is one of many ways a child can be referred.

25 But, yes, a child disclosing sexual abuse prompting a

1 report to law enforcement, and in turn a referral to our
2 center for evaluation.

3 Q. What was the date of your exam of Minor

4 A. I evaluated Minor on August 1st, 2011.

5 Q. How old was she at that time?

6 A. She was fourteen years old.

7 Q. Can you tell me about the process of a forensic
8 medical exam and how it differs from a regular pediatric
9 exam?

10 A. So for our sexual abuse exams, a child comes to the
11 Julie Valentine Center. They're met by a child life
12 specialists who is also a hospital employee, who helps
13 guide children and teenagers through medical procedures.
14 She brings them back to our exam room and allows them --
15 shows them the entire physical examination process on a
16 doll. At that point, I would come in and take a history
17 from the caregiver who brings the child, a detailed past
18 medical history. And then I try to take a history from
19 my patient, him or herself. At that point, we would
20 proceed to do the physical examination, which is a head
21 to toe physical exam.

22 Q. May I interrupt you briefly, Dr. Crosswell?

23 A. Sure.

24 Q. Who was the caregiver that brought Minor to you?

25 A. Her mother, Melanie Owens.

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1 Q. Can you tell me if Melanie Owens, did she seem
2 honest and forthcoming in her presentation to you of the
3 past history?

4 A. She did.

5 Q. Did she disclose that DSS had previously been
6 involved with her family?

7 A. Yes, she did.

8 Q. Okay. Did you take that into account in your
9 assessment of Minor

10 A. Yes, I did.

11 Q. Okay. Going back to the physical exam, please
12 continue explaining that process?

13 A. So the main difference in the physical examination
14 that I perform that other pediatricians would perform is
15 that in the genital portion of the exam, I use a piece of
16 medical equipment called a culpascope. It is a piece of
17 medical equipment that allows for a light source, a
18 magnification system and an ability to document any
19 physical findings.

20 Q. Okay. And did you use that ---

21 A. Culpascope.

22 Q. --- culpascope on Minor

23 A. Yes, I did.

24 Q. Can you please tell me what the results of your
25 physical examination were?

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1 A. Yes. She did not have any acute or chronic changes
2 to her genital exam -- or to her genital area or any
3 other part of her body.

4 Q. Can you please tell me what that means in laymen's
5 terms?

6 A. So, essentially, she had a very normal exam for a
7 fourteen-year-old girl. She had -- there was no scaring,
8 no redness. She had very minimal white vaginal
9 discharge, which can be normal for a fourteen-year-old
10 girl.

11 Q. Okay. Did you -- when you spoke to Minor did
12 she disclose sexual abuse to you?

13 A. Yes, she did.

14 Q. Did she give you a time frame for that abuse?

15 A. Yes. She said that it had started when she was six
16 years old, and that the last time it had occurred was a
17 few months prior to her medical evaluation.

18 Q. Okay. Did she tell you a place or places where the
19 sexual abuse occurred?

20 A. She told me that it had occurred at her father's
21 house in a bedroom.

22 Q. Okay. Did you ask her detailed questions regarding
23 the sexual abuse?

24 A. Yes, I did.

25 Q. And in order to effectively treat or diagnose any

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1 condition she may have, did you ask her about specific
2 sexual contact that she experienced?

3 A. Yes, I did.

4 Q. What did she disclose to you?

5 A. She disclosed that she had been touched on her
6 vagina with a hand and it was underneath her clothes.

7 Q. Okay. Based on a normal physical exam, is it
8 possible to have sexual intercourse and still have a
9 normal genital exam?

10 A. Yes, it is possible.

11 Q. Is it possible to have engaged in other sexual
12 activity and still have a normal genital exam?

13 A. Yes.

14 Q. Can you explain why that might be?

15 A. In sexual abuse, the nature of the abuse either
16 doesn't leave an injury to the area or the injury can
17 heal very rapidly. The type of tissue in the vaginal
18 area is mucous tissue and so it can heal within a matter
19 of a couple of days without leaving any scarring or
20 tearing. Eighty-five to ninety percent, depending on
21 what study you look at, of confirmed -- or convicted
22 sexual abuse cases, the victims have normal physical
23 exams. The other component is that in a post-pubertal
24 female, the hymenal tissue, due to the effects of
25 hormones on the tissue, allows some elasticity. So it

1 can stretch and return to shape without tearing or
2 scaring.

3 Q. So it's possible to have a hymen intact and still
4 have experienced some sort of sexual activity?

5 A. Yes. There are studies on pregnant females who have
6 a normal hymen, which indicates previous vaginal
7 penetration without leaving any scars or findings.

8 Q. What type of possible injuries or signs might
9 digital penetration leave?

10 A. It could leave redness. Depending on how forceful
11 it was, it could tear the tissues and the tissues could
12 leave scaring. But typically, digital penetration
13 doesn't leave any lasting findings.

14 Q. What about oral sex on a female, would that alter
15 the genital region in any way?

16 A. No.

17 Q. Okay. Dr. Crosswell, are you aware or were you
18 aware of other disclosures of abuse that Minor made
19 regarding sexual activity?

20 A. Yes, I was.

21 Q. Were those disclosures of activity the same or
22 different than what she disclosed to you?

23 A. Partly the same, but there was additional disclosure
24 that she did not share with me during her evaluation.

25 Q. Does that -- did that concern you in any way?

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1 A. No. The disclosure process for children who've
2 undergone sexual abuse is very difficult. And in my
3 experience, children who the abuse has come to light due
4 to the identification of a sexually transmitted
5 infection, sometimes they just emotionally are not as
6 ready to share all the information and to share
7 information with strangers about very intimate details.
8 So it did not concern me that she did not share all of
9 the abuse that she'd described to other professionals or
10 to other people.

11 Q. Based on -- pardon me. Were there any other
12 indications that Minor had had some -- suffered some
13 type of sexual abuse?

14 A. I'm sorry. Could you repeat that question?

15 Q. I'm sorry. Let me rephrase that. You said that
16 Minor came to you based on a sexually transmitted
17 infection; is that correct?

18 A. That's correct.

19 Q. What was that sexually transmitted infection?

20 A. It was reported that she had been diagnosed with
21 gonorrhea.

22 Q. Did you test her for that again?

23 A. I did.

24 Q. Had she ---

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1 A. Excuse me. I did not because ---

2 Q. No?

3 A. I did not because she had been tested at the health
4 department and previously been treated with an
5 antibiotic.

6 Q. And did you see any other signs that she had re-
7 contracted it or it had come back?

8 A. No.

9 Q. Can you tell us a little bit about the sexually
10 transmitted infection gonorrhea?

11 A. So gonorrhea is caused by a bacteria, neisseria
12 gonorrhoeae and it can infect the genital tissues of both
13 male and female, as well as the oropharynx or throat,
14 mouth, of individuals. It is spread by direct contact of
15 infected fluids to those areas. It can be asymptomatic
16 in many individuals. It can cause burning with
17 urination. I can cause a discharge. In females it can
18 cause pelvic inflammatory disease.

19 Q. Okay. Is it possible to contract gonorrhea from
20 digital penetration alone?

21 A. Without there being infected secretions on the
22 hands, no. I would not expected digital penetration to
23 spread gonorrhea.

24 Q. What about oral sex on a male or female?

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1 A. It is possible. It is less likely to be spread
2 through oral sex unless it's oral penile contact. And
3 the you would expect oropharyngeal gonorrhea.

4 Q. And what about -- is it possible for a man with
5 gonorrhea to perform oral sex on a female and transmit
6 that disease?

7 A. It's possible. It's not likely, but it's possible.

8 Q. Okay. What about kissing? If it could be
9 transmitted through saliva, can kissing transmit
10 gonorrhea?

11 A. According to the Center for Disease Control, no.

12 Q. Okay. And traditional penile vaginal intercourse,
13 can that transmit gonorrhea?

14 A. Correct. Yes.

15 Q. Okay. What about the toilet seat method, you can
16 sit on a toilet seat or try on underwear in a department
17 store and contract gonorrhea?

18 A. For that to happen, there would have to be direct
19 contact of secretions from the toilet seat to the vaginal
20 area. So it would have to be straddling a toilet seat in
21 order to contract gonorrhea. So it's very, very
22 unlikely. Not impossible, but extremely unlikely.

23 Q. Okay. Based on Minor prior medical diagnosis
24 of gonorrhea, is that alone conclusive of sexual abuse?

25 A. No.

1 Q What part did her positive test result play in your
2 diagnosis of Minor

3 A. Because of the diagnosis of gonorrhea, it prompted
4 her disclosure of sexual abuse. And so, yes, the
5 presence of a sexually transmitted infection is
6 concerning, especially in a child who's denying any type
7 of sexual activity with anyone else, but that diagnosis
8 or that -- yeah, that diagnosis of gonorrhea did prompt
9 her disclosure of what had happened to her.

10 Q. Did you, yourself, make a diagnosis of Minor
11 regarding child abuse?

12 A. Yes. I did diagnose sexual abuse.

13 Q. You did diagnose sexual abuse. I have no further
14 questions. Please answer any questions Mr. Chambers may
15 have.

16 **CROSS-EXAMINATION**

17 **BY MR. CHAMBERS:**

18 Q. Now you said that when you talked to the mother she
19 made you aware of the fact that her children at one point
20 had been removed by the Department of Social Services?

21 A. I was not told that they were removed. I was told
22 that there was an investigation and that the case was
23 closed.

24 Q. Okay. And you were told that by Melanie Owens?

25 A. Yes.

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1 Q. Did you request any information from DSS regarding
2 that case?

3 A. No, I did not.

4 Q. It wasn't of any concern to you in doing your
5 forensic interview what may have gone in the home that
6 would have prompted DSS to be involved with Ms. Owens?

7 A. Well, first of all, I don't perform forensic
8 interviews, so that's not my job. I get a detailed
9 social history, but that did not appear relevant based on
10 the information that was provided me to the case that I
11 had, was being presented.

12 Q. Would it in any way concern you if you were to learn
13 that Ms. Owens' involvement with DSS had to do with her
14 extreme anger issues and with her involvement with drugs?

15 A. It would be concerning just for Minor overall
16 well-being and safety.

17 Q. And would it in any way call into questions Ms.
18 Owens' veracity?

19 A. Regarding the past medical history of her child, I
20 would not think so. But, you know, that is unclear to
21 me.

22 Q. So when you took this history, you just limited it
23 basically to whatever Melanie Owens told you in regard to
24 the past history; is that correct?

25 A. Based on what Melanie told me, based on what

1 Minor told me, and based on the information that I had
2 from law enforcement about the case.

3 Q. And so before you sat down in August of 2011 to talk
4 to Melanie and to talk to Minor you had, in fact,
5 spoken to people from law enforcement; is that correct?

6 A. I had not spoken to them. I had their law
7 enforcement report.

8 Q. So you saw their reports?

9 A. I did see their report.

10 Q. And, in fact, on page four of the thirteen page
11 report that you prepared, you indicated that you, in
12 fact, reviewed the law enforcement report; correct?

13 A. Correct.

14 Q. And you indicated that the patient had gone to the
15 health department to obtain birth control and that mother
16 was contacted by the health department and told that the
17 patient had a treatable sexually transmitted infection,
18 but they could not tell her what it was due to
19 confidentiality reasons?

20 A. Correct.

21 Q. So your understanding from your review was that when
22 Melanie Owens got the call from the health department,
23 they told her that she had an STD, but they didn't tell
24 her what it was?

25 A. Correct.

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1 Q. All right. And you also wrote in there that she
2 disclosed to the police officer that her father had
3 touched her vaginal area with his hand only.

4 A. Correct.

5 Q. So that was consistent with what she told you, as
6 well?

7 A. Correct.

8 Q. She never made any mention apparently to that
9 officer, whose report you reviewed, about any oral
10 genital contact; correct?

11 A. Correct.

12 Q. And she didn't make any reference of that to you?
13 In fact, she specifically denied that there was anything,
14 other than his hand touching her vagina?

15 A. Correct.

16 Q. And it was underneath her clothing?

17 A. Correct.

18 Q. And, in fact, after having reviewed the reports and
19 talking to her, she has never indicated anything such as
20 -- that she'd ever touched him or performed any sexual
21 acts or anything like that on him; correct?

22 A. Correct.

23 Q. And so here we have this diagnosis of her with
24 gonorrhea. All right. It would be fair to say that a
25 person giving her gonorrhea would, in fact, have to have

1 gonorrhea; would it not?

2 A. Correct.

3 Q. I mean, a person who's not infected with gonorrhea
4 could not transfer it to somebody else?

5 A. Correct.

6 Q. And if I understood your testimony correctly, in
7 order for someone to contract gonorrhea, it would have to
8 be through a transfer of fluids?

9 A. Correct.

10 Q. And, in fact, kissing you said, would not result in
11 giving someone gonorrhea?

12 A. That's correct.

13 Q. And even if that person had gonorrhea, it is
14 unlikely that oral sex, in other words, a man performing
15 cunnilingus on a woman would transfer gonorrhea?

16 A. That's correct.

17 Q. What it comes down to is, the most likely way that a
18 person would contract gonorrhea would be if they engaged
19 in sexual intercourse or if that person, that female,
20 performed oral sex on a man; correct?

21 A. It would not result in genital gonorrhea if she
22 performed oral sex on a man. It would result
23 oropharyngeal gonorrhea.

24 Q. So the most likely way then for Minor to have
25 contracted gonorrhea would have been through sexual

1 intercourse?

2 A. Correct.

3 Q. In fact, it's unlikely that she would have gotten
4 genital gonorrhea from any other, any other way?

5 A. Unless there were genital secretions on some other
6 part of the body that touched her there.

7 Q. Okay. In other words, we're talking about semen.
8 We're talking about semen?

9 A. Correct.

10 Q. Thank you very much.

11 **REDIRECT EXAMINATION**

12 **BY MS. BENTLEY:**

13 Q. Dr. Crosswell, did you review one police report or
14 two in this case; do you recall?

15 A. From my notes, it just appears one.

16 Q. Okay. So do you recall whether it was James
17 Massey's report or Lorraine Henderson's report, off the
18 top of your head?

19 A. It was the first.

20 Q. James Massey's report?

21 A. Correct.

22 Q. So you did not have access to Lorraine Henderson's
23 report?

24 A. I did not.

25 Q. Okay. So you do not know whether Minor disclosed

1 oral sex to investigator Henderson?

2 A. I do not know that.

3 Q. Okay. You said it was the most likely way that a
4 person would contract gonorrhea was through traditional
5 sexual intercourse; correct?

6 A. Correct.

7 Q. But it is not impossible for a man with gonorrhea to
8 transmit it to a woman via oral sex?

9 A. Correct.

10 Q. Okay.

11 MS. BENTLEY: No further questions.

12 THE COURT: Thank you. You may step down,
13 Doctor. Any objection to this witness being excused?

14 MR. CHAMBERS: Not from me, Your Honor.

15 THE COURT: All right. You may be excused.

16 MS. BENTLEY: Your Honor, I believe my next
17 witness is outside. May I go ...

18 THE COURT: Yes, you may.

19 MS. BENTLEY: The State calls Kathy Culclasure
20 to the stand.

21 THE CLERK: Come forward and put your left hand
22 on the bible and raise your right.

23 Do you solemnly swear or affirm to tell the truth,
24 the whole truth and nothing but the truth, so help you
25 God?

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1 THE WITNESS: I do.

2 THE CLERK: Please have a seat. State your
3 full name for the record.

4 THE WITNESS: Kathy Ann Culclasure.

5 KATHY CULCLASURE,

6 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MS. BENTLEY:

9 Q. Ms. Culclasure, where are you employed?

10 A. DHEC.

11 Q. And what is your -- is there a specific office?

12 A. Greenville.

13 Q. And is that also known as the Greenville County
14 Health Department?

15 A. Well, it's the Upstate DHEC Public Health Office in
16 Greenville County.

17 Q. Okay. How long have you worked there?

18 A. I've been employed there for thirty-nine years.

19 Q. What is your position there?

20 A. I'm the preventive health department head and I'm a
21 nurse.

22 Q. And a nurse?

23 A. Uh-huh (affirmative).

24 Q. Do you have any special training or certifications
25 relating to your position?

1 A. I do. Of course, I have my RN degree and I also
2 have a certificate in public health to perform female
3 exams and male exams in family planning and STD.

4 Q. Okay. What are part of your routine
5 responsibilities and duties at the Greenville office?

6 A. Okay. Well, I'm supervisor of about fifteen staff
7 members there. And on a daily basis I might do a family
8 planning or STD assessment on a female or male. And
9 sometimes I have given immunizations.

10 Q. Okay. Do you -- what other kind of services does
11 the health department provide?

12 A. The health department provides WIC, immunizations,
13 pregnancy testing, and, of course, the ones that I
14 mentioned, family planning and STD services.

15 Q. Can a minor come in for a gynecological exam?

16 A. Yes.

17 Q. Can a minor take birth control?

18 A. Yes.

19 Q. Do they need parental consent for either of those?

20 A. No.

21 Q. Did Minor Willis come in to see you in May 2011?

22 A. Yes.

23 Q. Do you recall what date that was?

24 A. I don't remember the date.

25 Q. Okay. Was she accompanied by a parent or guardian?

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Kathy Culclasure - Direct Examination by Ms. Bentley

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- 1 A. Yes.
- 2 Q. Do you recall who?
- 3 A. Her mother.
- 4 Q. Did you speak to her mother prior to examining
- 5 Minor
- 6 A. No.
- 7 Q. Did you speak to Minor
- 8 A. Yes.
- 9 Q. Did she indicate whether it was her idea to come in?
- 10 A. I can't remember. I'm sorry.
- 11 Q. That's fine. Who performed her -- do you recall the
- 12 reason for her visit?
- 13 A. She was requesting birth control.
- 14 Q. And who performed her -- pardon me. Let me back up.
- 15 What is the procedure when a woman comes in to obtain
- 16 birth control?
- 17 A. Okay. Well, if they're not sexually active, I do
- 18 not perform a pelvic exam, if they say they're not
- 19 sexually active. But I do routinely -- we screen
- 20 everybody twenty-four and under for STDs.
- 21 Q. Okay. Did Minor indicate whether or not she was
- 22 sexually active?
- 23 A. She said she was not.
- 24 Q. Did you perform a pelvic exam on her?
- 25 A. I did not.

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Kathy Culclasure - Direct Examination by Ms. Bentley

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1 Q. Did you conduct an STD screening panel on her?

2 A. Yes, because that is the routine screen we do on
3 everybody twenty-four and under on an initial or annual
4 visit.

5 Q. Okay. What type of STDs do you screen for?

6 A. Gonorrhea and chlamydia.

7 Q. Is that it?

8 A. Yeah. And sometimes a blood test if the patient
9 requests it.

10 Q. Okay. Would everyone who is seeking birth control
11 for any reason have to submit to these tests?

12 A. If they're twenty-four and under, it's a routine
13 screen.

14 Q. Okay. Who receives completed lab work in your
15 office?

16 A. Could you clarify what completed lab work is?

17 Q. Well, tell me about what happens after you -- you
18 collect a sample.

19 A. Okay.

20 Q. And tell me what happens with that sample?

21 A. I am the person who signs off on all the lab
22 results, negative or positive.

23 Q. Are the lab results tested in Greenville?

24 A. They're sent off to a bureau of laboratories in
25 another area.

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Kathy Culclasure - Direct Examination by Ms. Bentley

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1 Q. In another area?

2 A. Uh-huh (affirmative). In Columbia.

3 Q. And do you have any control or knowledge of what
4 happens to the sample once it leaves your office?

5 A. I do not.

6 Q. Does anybody keep track of that?

7 A. I just put it in the courier and send it away.

8 Q. Okay.

9 A. I don't know, no.

10 Q. What happens when the lab analysis is completed?

11 A. Okay. Once the test results come back, I'm notified
12 of all the positive test results on the patients that I
13 see. And there's a follow-up procedure after the
14 positive is received by me.

15 Q. Okay. I'm going to show you what's been marked as
16 State's Exhibit 1. And I want you to tell me if you just
17 recognize this document?

18 A. I do.

19 Q. And tell me how you recognize that document?

20 A. Okay. Well, this is a standard ---

21 Q. Without telling us what it is, how do you recognize
22 it?

23 A. Oh, oh.

24 Q. Is it a form you see on a regular basis?

25 A. I see this everyday.

- 1 Q. How many times a day do you see that form?
- 2 A. Once a day because I receive all the results once a
- 3 day.
- 4 Q. Okay. You're familiar with that form?
- 5 A. I am.
- 6 Q. Is it the same form that you get for male, female
- 7 patients?
- 8 A. Correct.
- 9 Q. Positive, negative results?
- 10 A. Correct.
- 11 Q. Has that form been -- aside from it being a copy,
- 12 has that form been altered in any way?
- 13 A. No, ma'am, it has not.
- 14 Q. Are there any initials or handwritings on that form?
- 15 A. Yes.
- 16 Q. And whose are they?
- 17 A. That's my initials.
- 18 Q. Okay. And what do your initials indicate?
- 19 A. My initials indicate that I've reviewed the results.
- 20 Q. Okay.
- 21 MS. BENTLEY: Your Honor, at this time, the
- 22 State wishes to submit Exhibit 1 into evidence.
- 23 THE COURT: Any objection?
- 24 MR. CHAMBERS: No objection, Your Honor.
- 25 THE COURT: Without objection, Exhibit 1 is

1 admitted and may be published.

2 (WHEREUPON, State Exhibit Number 1 was admitted into
3 evidence.)

4 Q. All right. Ms. Culclasure, tell me what that form
5 is now?

6 A. Okay. Once I receive this form, if there is a
7 positive result, I have certain protocol that I follow to
8 contact the patient.

9 Q. Okay. So is that a lab analysis form in your hand?

10 A. Yes, it is.

11 Q. Whose lab analysis form is that?

12 A. Are you wanting me to give you the name on here?

13 Q. The name.

14 A. Minor Willis.

15 Q. Okay. And what is the result that's on that lab
16 form?

17 A. It's a negative chlamydia and a positive gonorrhea
18 result.

19 Q. And what substance was tested?

20 A. Urine.

21 Q. Urine, okay. Is that how gonorrhea is tested at the
22 health department?

23 A. It's one way it's tested if the patient states that
24 they're not sexually active.

25 Q. Okay. So tell me what your procedure is after you

1 receive a positive result.

2 A. Okay. I then contact the patient. I'm supposed to
3 do it, hopefully, within three working days of receiving
4 this result.

5 Q. Okay. The patient in that case was a minor;
6 correct?

7 A. Correct.

8 Q. Are you able to -- so when you transmit the
9 information to the patient that they have a positive
10 result, if it's a minor, do you contact the minor or
11 their parent?

12 A. I only contact the person, the minor, the person
13 that the test is on.

14 Q. Okay. So tell me what happened when you made the
15 call -- the initial call on that case?

16 A. Okay. As far as I can remember, I did call her
17 within the time frame that I'm supposed to. And the
18 first time I called, she was not home. I knew that there
19 was parental involvement so I just told the mom to have
20 her call me. I didn't give any information to the
21 mother.

22 Q. Okay. And why was that?

23 A. Because the law requires me only to speak to the
24 patient whose -- the test result is on.

25 Q. Did you eventually get to speak to Minor

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- 1 A. I did.
- 2 Q. What did you tell her?
- 3 A. I told her that she had a positive gonorrhea test
- 4 and that she needed to come in and get treatment.
- 5 Q. Do you recall if she had any reply or question at
- 6 that time?
- 7 A. Well, at first, she was having a little problems I
- 8 think with transportation, but she did ask her mom to
- 9 bring her in.
- 10 Q. Okay. And can you tell me, would you have provided
- 11 the treatment for that infection?
- 12 A. Yes.
- 13 Q. What is the treatment for gonorrhea?
- 14 A. The treatment for gonorrhea at that time was
- 15 Rocephin injection.
- 16 Q. And tell me how long that course of treatment lasts?
- 17 A. Well, we usually tell the patient, you know, not to
- 18 be sexually active for at least seven to ten days after
- 19 the injection. So if she gets reinfected, you know, the
- 20 patient has to get treated again. So it's a cure if
- 21 she's not re-exposed.
- 22 Q. Okay. So it was one injection?
- 23 A. Yes, ma'am.
- 24 Q. One follow-up visit?
- 25 A. Yes, ma'am.

- 1 Q. And that's it?
- 2 A. Uh-huh (affirmative).
- 3 Q. Did you retest her?
- 4 A. If the patient ask me to be retested, I would. Uh-
- 5 huh (affirmative).
- 6 Q. Okay.
- 7 A. The normal procedure is not to retest unless the
- 8 patient asks.
- 9 Q. Okay. Can you tell me what other steps you might
- 10 take when a minor presents with a sexually transmitted
- 11 infection?
- 12 A. I'm a mandatory reporter, number one.
- 13 Q. Okay.
- 14 A. And I would be obligated to report any sexual
- 15 activity or positive results.
- 16 Q. Okay. Were you able to do that in this case or did
- 17 law enforcement ...
- 18 A. I was able to do that.
- 19 Q. Okay. Ms. Culclasure, the next few questions I'm
- 20 going to ask you do not relate to Minor Willis. I'm
- 21 going to show you what's been marked as State's Exhibit
- 22 2.
- 23 A. Okay.
- 24 Q. Do you recognize this document?
- 25 A. I do.

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1 Q. Is it the same type of document that State's Exhibit
2 1 is?

3 A. Well, it's the same type of document, but a
4 different test.

5 Q. Okay. And did you -- has that document been altered
6 or changed in any way?

7 A. No, ma'am, it has not.

8 Q. Is this the same document that you see many times?

9 A. Yes. Uh-huh (affirmative).

10 Q. Are your initials on that document?

11 A. They are.

12 Q. And why would your initials be on that document?

13 A. Because, again, I review all the negative and the
14 positive results that come back that are on the patients
15 I've done.

16 Q. Aside from your initials on that, have there been
17 any alterations, changes to that document?

18 A. No, ma'am.

19 Q. Okay.

20 MS. BENTLEY: Your Honor, at this time the
21 State wishes to introduce Exhibit 2 into evidence.

22 MR. CHAMBERS: No objection, Your Honor.

23 THE COURT: Without objection, it's admitted
24 and may be published.

25 (WHEREUPON, State Exhibit Number 2 was admitted into

1 evidence.)

2 Q. All right. Ms. Culclasure, can you tell me what
3 substance was tested in that lab result?

4 A. Okay. This was a blood test for syphilis, HIV and
5 hepatitis C.

6 Q. Okay. And whose blood test was that?

7 A. This was Daniel Willis.

8 Q. Okay. Was he tested for gonorrhea, according to
9 that?

10 A. Not according to this.

11 Q. Okay. Tell me about the procedure if someone is
12 brought into the health department for a blood analysis
13 on STDs? What is the -- what are the routine tests that
14 are done?

15 A. Well, again, it depends on what the client asks for.
16 I mean, some clients ask for HIV and syphilis. Normally,
17 we don't do hepatitis C testing unless they're at risk.

18 Q. Okay. What if it was a court-ordered blood drawn
19 STD test?

20 A. Yeah. I'm not familiar with the legal procedures
21 for that.

22 Q. Okay. So you would have just ...

23 A. I don't, I don't -- I would have to consult legal if
24 that was the case. I wouldn't know what to do without
25 consulting legal.

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1 Q. Okay. Is gonorrhea typically tested in a blood test
2 via the department of ---

3 A. You said gonorrhea?

4 Q. Gonorrhea?

5 A. No, it is not. It's not.

6 Q. Why is that?

7 A. It's only tested through urine or a gen/probe swab
8 into the meatus.

9 Q. Okay. And is there a reason for that?

10 A. I don't know the reason. I just know that that's
11 the procedure that you would do if you were testing for
12 gonorrhea.

13 Q. Okay. I have no further questions. Please answer
14 any questions Mr. Chambers may have.

15 A. Okay.

16 **CROSS-EXAMINATION**

17 **BY MR. CHAMBERS:**

18 Q. Do you have any recollection of Mr. Willis when he
19 came in for the test?

20 A. I do not.

21 Q. So do you have any recollection of whether or not it
22 was -- he was accompanied by guards from the detention
23 center?

24 A. I do not.

25 Q. Do you have any recollection of whether it was done

1 pursuant to a court order?

2 A. I do not.

3 Q. So you simply performed the tests that you were told
4 to perform?

5 A. Okay. I did not perform this test, sir.

6 Q. I understand. I misspoke. I understand you collect
7 the specimens that are eventually tested; is that
8 correct?

9 A. I did not collect this specimen.

10 Q. You only looked at the results?

11 A. I only looked at the results.

12 Q. All right. Well, based on what you know of your
13 thirty-nine years working there at the health department,
14 if somebody comes in, the health department performs the
15 tests that they are called upon to perform; is that
16 correct?

17 A. If the client requests a certain test, we perform
18 whatever tests they ask us to perform.

19 Q. And sometimes the client is the State of South
20 Carolina, who is having someone tested; is that correct?

21 A. I've just never have dealt with a patient that
22 required that. I don't know what the legal procedure is.
23 I'm sorry.

24 Q. I understand. And you said that y'all don't test
25 for gonorrhea by blood tests. Can you detect gonorrhea

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1 through blood tests?

2 A. I don't know. Not that I'm aware of. I don't know.

3 Q. But you can do it, you said, by either having
4 someone urinate in a bottle?

5 A. Uh-huh (affirmative).

6 Q. Or taking a swab, I guess, from the ...

7 A. Meatus.

8 Q. Which is what?

9 A. The male meatus or the female cervical canal.

10 Q. Okay. What is the male meatus?

11 A. That's the opening into the penal area.

12 Q. Okay. So you would actually put a swab in there ---

13 A. Uh-huh (affirmative). That's correct.

14 Q. Okay. And that's fairly easily done; isn't it?

15 A. Sometimes.

16 Q. Okay. Well, I mean, I know it's probably not
17 pleasant for the person who's having it done, but I mean,
18 you know, it's just a matter of having them pull their
19 pants down and then you do it; correct?

20 A. Correct.

21 Q. Thank you very much.

22 A. Uh-huh (affirmative).

23 MS. BENTLEY: I have no redirect, Your Honor.

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

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1 MS. BENTLEY: May this witness be excused?

2 THE COURT: Without objection.

3 MR. CHAMBERS: Yes, sir.

4 THE COURT: The witness may be excused.

5 MS. BENTLEY: Your Honor, the State calls

6 Minor Willis to the stand.

7 THE CLERK: Please come forward and put your
8 left hand on the bible and raise your right.

9 Do you solemnly swear or affirm to tell the truth,
10 the whole truth and nothing but the truth, so help you
11 God?

12 THE WITNESS: Yes.

13 THE CLERK: Come around and have a seat. Will
14 you state your full name for the record.

15 THE WITNESS: Minor Denise Willis.

16 Minor WILLIS,

17 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION

19 BY MS. BENTLEY:

20 Q. I'm going to move this microphone a little bit
21 closer to you. Minor how old are you?

22 A. Fifteen.

23 Q. When is your birthday?

24 A. June 29th, 1997.

25 Q. Where do you go to school?

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- 1 A. Blue Ridge High School.
- 2 Q. What grade are you in?
- 3 A. Tenth.
- 4 Q. And who are your parents?
- 5 A. Melanie Ann Owens and Daniel Lee Willis.
- 6 Q. Is Daniel Willis in the courtroom today?
- 7 A. Yes.
- 8 Q. Where is he?
- 9 A. Right there.
- 10 Q. Okay. When was the last time you saw Daniel Willis?
- 11 A. March 11th -- or March of 2011.
- 12 Q. March 2011?
- 13 A. March or May.
- 14 Q. Okay. Where did you go to elementary school?
- 15 A. Skyland Elementary and Tigerville Elementary.
- 16 Q. Where were you born, Minor
- 17 A. Greer, South Carolina.
- 18 Q. Have you lived in South Carolina all your life?
- 19 A. Yes.
- 20 Q. I'm going to ask you to speak up just a little bit.
- 21 I know you're kind of quiet. Do you have brothers and
- 22 sisters?
- 23 A. Yes.
- 24 Q. Tell me about your brothers and sisters?
- 25 A. I have one younger brother and two younger sisters.

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- 1 Q. How young is the youngest?
- 2 A. Five.
- 3 Q. Okay. Do you all live together?
- 4 A. Yes.
- 5 Q. Who do you live with?
- 6 A. My mother and my step-father.
- 7 Q. Who's your step-father?
- 8 A. Charles Walker.
- 9 Q. And where do you currently live?
- 10 A. In Landrum.
- 11 Q. Okay. Before you lived in Landrum, where did you
- 12 live?
- 13 A. In Greer.
- 14 Q. What was the address in Greer?
- 15 A. I don't remember the address.
- 16 Q. Okay. Did you move around a lot?
- 17 A. Yes.
- 18 Q. Have you always lived primarily with your mother?
- 19 A. Yes.
- 20 Q. Was there a time that you did not live with your
- 21 mother?
- 22 A. A short time.
- 23 Q. When was that?
- 24 A. When I was around eight maybe.
- 25 Q. Okay. And do you remember how long it was that you

Minor Willis - Direct Examination by Ms. Bentley

1 didn't live with her?

2 A. Two or three years.

3 Q. Okay. And who did you live with then?

4 A. My grandmother.

5 Q. Okay. Which grandmother?

6 A. Julie Howard.

7 Q. Julie Howard? Okay. Did you see your mom during
8 that time?

9 A. Yes.

10 Q. Did you see your dad during that time?

11 A. Yes.

12 Q. Okay. Minor has your dad always been part of
13 your life?

14 A. No.

15 Q. When did you first -- when do you first remember
16 spending time with your father?

17 A. When I was five.

18 Q. And do you remember why that was or how that
19 started?

20 A. No.

21 Q. Do you remember where you first started seeing him?

22 A. At his parents' house.

23 Q. Okay. Tell me about his parents' house. Do you
24 remember the address?

25 A. I know they lived on Sweet Gum Valley.

1 Q. Okay. And tell me about the house.

2 A. They first had a old house, it was either brown or
3 blue. And it was maybe two or three bedrooms. And then
4 they tore that one down and built a new one.

5 Q. Okay. And do you remember when that was?

6 A. When I was maybe nine, ten.

7 Q. Okay. Minor do you know why we are here today?

8 A. Yes.

9 Q. In your own words, I want you to tell us why we are
10 here today?

11 A. My father sexually abused me.

12 Q. And when did that start?

13 A. When I started visiting him.

14 Q. When was that?

15 A. When I was about five or six.

16 Q. Okay. When did that stop?

17 A. When I told my mom what happened.

18 Q. Do you remember when that was?

19 A. In May.

20 Q. Of what year?

21 A. 2011.

22 Q. What prompted you to tell your mom?

23 A. I had went to the health department.

24 Q. Why did you go to the health department?

25 A. To get put on birth control.

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1 Q. Why did you want to get put on birth control?

2 A. My mom suggested it.

3 Q. Why was that?

4 A. She felt that I was at the age where teenagers like
5 to start experimenting, and she didn't want me to get
6 pregnant.

7 Q. Okay. Were you sexually active at that time?

8 A. No.

9 Q. Did you have a boyfriend?

10 A. No.

11 Q. Okay. Did you want to go and get put on birth
12 control?

13 A. No.

14 Q. How often did the abuse with your father occur?

15 A. Every time I went over there.

16 Q. And how often was that?

17 A. Every other weekend and sometimes on Wednesdays.

18 Q. Did the abuse happen on Wednesdays too?

19 A. Yes.

20 Q. Okay. Aside from the abuse, did you have a good
21 relationship with your father?

22 A. Yes.

23 Q. Tell me about your relationship with your father,
24 outside of the abuse?

25 A. We did things together. We had a lot of fun.

- 1 Q. What type of things did you do?
- 2 A. We'd go to the movies and go out to eat and hang out
- 3 with his friends.
- 4 Q. His friends?
- 5 A. Uh-huh (affirmative).
- 6 Q. Okay. Did he ever have a girlfriend?
- 7 A. Not that I know of.
- 8 Q. So he never introduced you to a girlfriend?
- 9 A. (Negative nod).
- 10 Q. Okay. I want to talk to you about the first time
- 11 you remember your father sexually abusing you, okay?
- 12 A. Yes.
- 13 Q. How old do you think you were?
- 14 A. I was five or six.
- 15 Q. Why do you think that?
- 16 A. Because I had just started visiting him.
- 17 Q. Okay. What grade would you have been in?
- 18 A. First.
- 19 Q. Who was your first grade teacher?
- 20 A. Miss Grice.
- 21 Q. Where was that at?
- 22 A. Skyland Elementary.
- 23 Q. Did you like Miss Grice?
- 24 A. Yes.
- 25 Q. Who was your best friend at that time?

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- 1 A. Jessica Stephens.
- 2 Q. What did you like doing?
- 3 A. We liked playing house.
- 4 Q. Okay. And tell me about where you first remember
- 5 your dad living; was it in the blue house or the white
- 6 house?
- 7 A. The blue house.
- 8 Q. Tell me about what that house looked like?
- 9 A. It was really old and kind of trashy, forgive my
- 10 words. And it was always dark over there.
- 11 Q. Okay. Who did he live with?
- 12 A. His parents and his brother.
- 13 Q. Which brother?
- 14 A. Michael.
- 15 Q. How old was Michael?
- 16 A. A few years older than me, maybe fifteen.
- 17 Q. Okay. And you were five or six?
- 18 A. Yes.
- 19 Q. How long did that blue house, brown house, how long
- 20 was that there?
- 21 A. About five -- five or six years.
- 22 Q. Okay. And tell me about -- did your dad have his
- 23 own room at that house?
- 24 A. I believe so.
- 25 Q. Do you remember where you stayed at that house?

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- 1 When you would stay over, where would you sleep?
- 2 A. With him.
- 3 Q. Okay. Would you sleep in his bed with him?
- 4 A. Yes.
- 5 Q. Would you sleep anywhere else?
- 6 A. No.
- 7 Q. Okay. Tell me about the first time you remember the
- 8 abuse happening? Do you remember what day it was?
- 9 A. No. It was a Saturday.
- 10 Q. Why do you think it was Saturday?
- 11 A. Because I was waiting for my cousins to come over.
- 12 Q. Who were your cousins?
- 13 A. Patricia Willis and Jessica Willis.
- 14 Q. Are either of them in the courtroom today?
- 15 A. Yes.
- 16 Q. Which one?
- 17 A. Jessica Willis.
- 18 Q. Were you friendly with Jessica Willis?
- 19 A. Kind of.
- 20 Q. So tell me about what happened that Saturday you
- 21 were waiting for your cousins to come over?
- 22 A. I had just come in from playing and my grandmother
- 23 was cooking supper.
- 24 Q. Okay. So what time of day do you think it was?
- 25 A. It was in the afternoon.

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- 1 Q. Okay. Tell me what happened?
- 2 A. I had went into his room to get clothes, to change.
- 3 Q. And what happened?
- 4 A. He molested me.
- 5 Q. Okay. I'm going to ask you to be a little bit more
- 6 specific. What were you -- why were you going to change
- 7 clothes?
- 8 A. Because I had gotten dirty from outside playing.
- 9 Q. Okay. Where was your dad when you came in the room?
- 10 A. On his bed.
- 11 Q. Do you remember whether he was wearing clothes or
- 12 not?
- 13 A. Yes.
- 14 Q. Tell me what happened when you walked in the room to
- 15 get your clothes?
- 16 A. I went over to my dresser and got my clothes and he
- 17 pushed me down on the bed.
- 18 Q. He pushed you down on the bed?
- 19 A. Yes.
- 20 Q. Was the door to his bedroom open or closed?
- 21 A. It was closed.
- 22 Q. Tell me what happened after he pushed you on the
- 23 bed?
- 24 A. He took my pants off and touched me.
- 25 Q. Were you wearing panties?

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- 1 A. Yes.
- 2 Q. Did he take your panties off?
- 3 A. No.
- 4 Q. Okay. Tell me how he touched you?
- 5 A. He touched me with his hands.
- 6 Q. Where did he touch you?
- 7 A. On my private parts.
- 8 Q. Did he touch the outside or the inside?
- 9 A. The outside.
- 10 Q. How do you know?
- 11 A. I remember feeling it.
- 12 Q. Okay. Did he say anything to you?
- 13 A. No.
- 14 Q. Did you say anything to him?
- 15 A. I told him to stop.
- 16 Q. Did you understand what was happening?
- 17 A. No.
- 18 Q. Okay. How long did he touch you?
- 19 A. Not long.
- 20 Q. What happened after he stopped?
- 21 A. He put my pants back on and I left the room.
- 22 Q. Did you change your clothes before dinner?
- 23 A. No.
- 24 Q. Okay. How long was it before -- well, tell me what
- 25 you did after you left the room?

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1 A. I went outside.

2 Q. Did you tell anybody?

3 A. No.

4 Q. Why not?

5 A. I didn't understand what was happening. I didn't
6 know it was wrong at that time.

7 Q. Did he do anything that hurt you at that time?

8 A. No.

9 Q. Okay. How long did your dad live with his parents?

10 A. The whole time I visited him, except for maybe a few
11 months before I told.

12 Q. Okay. So he lived there until almost 2011?

13 A. Yes.

14 Q. Okay. Did his parents and his brother, Michael,
15 live there the whole time as well?

16 A. Yes.

17 Q. Okay. How many rooms were in the house?

18 A. Which house?

19 Q. The blue house?

20 A. Two or three.

21 Q. Okay. And who -- where did everybody sleep in that
22 house?

23 A. I believe my grandparents shared a room, Michael had
24 a room, and my dad had his own room.

25 Q. Okay. What about the white house?

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- 1 A. There was four bedrooms.
- 2 Q. And how were the bedrooms divided, who had what
- 3 room?
- 4 A. Everyone had their own room.
- 5 Q. So your grandmother had one room, your grandfather
- 6 had one room, Michael had one room and your dad had one
- 7 room?
- 8 A. Yes.
- 9 Q. Did you ever stop sleeping in your father's room?
- 10 A. Yes.
- 11 Q. When was that?
- 12 A. When I was about eight or nine.
- 13 Q. Okay. And what changed?
- 14 A. I slept in my grandmother's bed with her.
- 15 Q. Why was that?
- 16 A. Because I had gotten tired of the abuse and I was --
- 17 I didn't want it to happen anymore.
- 18 Q. Okay. Did you tell your grandmother?
- 19 A. Yes.
- 20 Q. When did you tell your grandmother?
- 21 A. When I was about seven or eight.
- 22 Q. Do you remember telling her?
- 23 A. Yes.
- 24 Q. Tell me what you remember about telling her?
- 25 A. We were sitting in the kitchen and she was sitting

- 1 by the window in her seat. And I told her that my dad
2 was doing things that weren't right to me. And she told
3 me to stay near her and that she would try to fix it.
- 4 Q. Okay. Do you remember what time of day that was?
- 5 A. I think it was around -- a little bit after morning.
- 6 Q. Okay. Where was your dad at that time?
- 7 A. I believe he was out.
- 8 Q. Okay. Was anyone else in the kitchen?
- 9 A. No.
- 10 Q. And you said you were seated where?
- 11 A. Beside her.
- 12 Q. At the kitchen table?
- 13 A. Yes.
- 14 Q. Okay. What were your -- do you remember what your
15 exact words were or how you phrased it to your
16 grandmother?
- 17 A. No.
- 18 Q. Okay. Did you know what the word molestation was
19 when you were seven or eight?
- 20 A. No.
- 21 Q. Did you know how to tell her exactly what was
22 happening?
- 23 A. No.
- 24 Q. Okay. But she was fine and that you could just stay
25 close to her?

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1 A. Yes.

2 Q. Okay. How soon after that did you start sleeping in
3 her room?

4 A. A year or two after that.

5 Q. Okay. How long was it before you started feeling
6 like what your dad did was wrong?

7 A. I was about nine.

8 Q. Okay. What grade do you think you were in when you
9 were nine?

10 A. Fourth or fifth.

11 Q. Okay. Tell me about growing up with your mom. Did
12 she talk to you about your body parts?

13 A. No.

14 Q. Did she ever tell you about touching or
15 inappropriate touching?

16 A. No.

17 Q. Did she talk to you about sex?

18 A. Some.

19 Q. When was that?

20 A. When I was about nine.

21 Q. Okay. And do you remember what she told you?

22 A. Well, she asked me if I was doing anything and I
23 told her no.

24 Q. When you were nine?

25 A. Yes.

1 Q. Tell me about school. Did you have sexual education
2 in school?

3 A. Yes.

4 Q. When did that start?

5 A. Sixth grade.

6 Q. Okay. And what kind of sexual education did you
7 have in school?

8 A. A couple of weeks in the middle of school the girls
9 and boys would split up and the teachers would explain
10 everything.

11 Q. Okay. Did anyone ever ask you about whether anybody
12 was doing anything that was wrong to you?

13 A. No.

14 Q. Okay. Did your father always leave your panties on
15 when he touched you?

16 A. No.

17 Q. Did your father always limit his abuse to using his
18 hands?

19 A. No.

20 Q. When did he start taking your panties off?

21 A. When I was about seven or eight.

22 Q. I want you to tell me one of the first times that
23 you remember him taking your panties off?

24 A. I was sleeping in his room and I woke up and he got
25 down on the floor and he took my pants and my underwear

1 off.

2 Q. You were on the floor?

3 A. Yeah.

4 Q. So were you sleeping on the floor?

5 A. Yes.

6 Q. Why weren't you sleeping in this bed?

7 A. I didn't want to that night.

8 Q. Okay. So did you always sleep in his bed like you
9 said earlier?

10 A. No.

11 Q. Where else would you sleep?

12 A. In the floor.

13 Q. Would you ever sleep on the couch?

14 A. Sometimes.

15 Q. Okay. Tell me about that night you were on the
16 floor?

17 A. He took my pants and my underwear off.

18 Q. Okay.

19 A. He spread my legs and he put his mouth to my
20 privates.

21 Q. Okay. You said you were asleep?

22 A. Yes.

23 Q. Are you sure it wasn't a dream?

24 A. Yes.

25 Q. Tell me why?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

150

- 1 A. Because when he started taking my pants off, I woke
- 2 up.
- 3 Q. Did he take your pants off and your panties off?
- 4 A. Yes.
- 5 Q. What about your shirt?
- 6 A. No.
- 7 Q. Were you able to move your legs away?
- 8 A. No.
- 9 Q. Why not?
- 10 A. He was holding them.
- 11 Q. Was anybody else home?
- 12 A. I believe so.
- 13 Q. Where were they?
- 14 A. In their rooms.
- 15 Q. Do you know what time of day it was?
- 16 A. It was at night.
- 17 Q. Did you say anything?
- 18 A. I told him to stop.
- 19 Q. Did you scream out?
- 20 A. No.
- 21 Q. Why not?
- 22 A. I didn't, I didn't want him to hurt me.
- 23 Q. Okay. Tell me how he put his mouth on you?
- 24 A. What do you mean?
- 25 Q. Tell me how it felt?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

151

1 A. Not right.

2 Q. What did he do with his mouth on your private?

3 A. He would lick me.

4 Q. Okay. How long did that last?

5 A. Not long.

6 Q. You said it felt not right. Did you know what was
7 happening?

8 A. No.

9 Q. Did you know any words to express what he was doing?

10 A. No.

11 Q. Had anyone ever told you about anything like that
12 before?

13 A. No.

14 Q. Okay. How did that make you feel?

15 A. Wrong.

16 Q. What did he do when he was done?

17 A. Put my pants back on.

18 Q. Did he ever say anything to you?

19 A. No.

20 Q. What did he do after he put your pants on?

21 A. He got back in bed and acted like it never happened.

22 Q. Okay. Do you remember what day that was?

23 A. Saturday night.

24 Q. Tell me about the weekends that you would spend with
25 your dad? When would you go over there?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

152

- 1 A. Friday after school.
- 2 Q. And when would you go home?
- 3 A. Saturday after -- Sunday afternoon.
- 4 Q. Okay. Did he ever -- do you remember him ever doing
- 5 anything to you on Friday after school?
- 6 A. Sometimes.
- 7 Q. Okay. What about Sunday before you'd go home?
- 8 A. No.
- 9 Q. Okay. You said he acted like it never happened.
- 10 What do you mean?
- 11 A. He would just go on about his day and act like the
- 12 world was perfect and like nothing had happened, like he
- 13 hadn't done anything.
- 14 Q. Did you ever talk to him about it?
- 15 A. No.
- 16 Q. Did you ever ask him any questions about it?
- 17 A. No.
- 18 Q. Why not?
- 19 A. It didn't feel right to me. I didn't want to bring
- 20 it up to anybody.
- 21 Q. Okay. How old do you think you were when he first
- 22 started using his mouth on you?
- 23 A. Seven or eight.
- 24 Q. Okay. Would you look at him while he was doing
- 25 that?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

153

- 1 A. No.
- 2 Q. What would you do?
- 3 A. I would close my eyes and wait for it to stop.
- 4 Q. Okay. Did he ever use his mouth and his hand on you
- 5 during the same night?
- 6 A. Yes.
- 7 Q. Okay. And how would that happen?
- 8 A. What do you mean?
- 9 Q. Tell me about a time that he would do both to you?
- 10 A. He would put his mouth on my privates and lick and
- 11 then he would put his fingers in my privates.
- 12 Q. Okay. Would he ever say anything to you during that
- 13 time?
- 14 A. No.
- 15 Q. Did you ever say anything to him?
- 16 A. No.
- 17 Q. Did you ever try to get away?
- 18 A. Yes.
- 19 Q. What would happen?
- 20 A. He wouldn't let me.
- 21 Q. What do you mean, wouldn't let you?
- 22 A. He would grab me.
- 23 Q. What would be the occasion that you would go over to
- 24 his house on a Wednesday?
- 25 A. To see my cousins.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

154

- 1 Q. Okay. Were your cousins over on the weekends too?
- 2 A. Yes.
- 3 Q. Did you enjoy spending time with your cousins?
- 4 A. Yes.
- 5 Q. Were you close to your mom's family at all?
- 6 A. Yes.
- 7 Q. Did you have cousins on that side?
- 8 A. Yes.
- 9 Q. Did you get to see them as often?
- 10 A. Yes.
- 11 Q. Okay. Were they ever around when this was
- 12 happening?
- 13 A. Yes.
- 14 Q. Where would they be?
- 15 A. In the living room or outside.
- 16 Q. Did your cousins ever spend the night?
- 17 A. Yes.
- 18 Q. Would you all -- where would you sleep when your
- 19 cousins were spending the night?
- 20 A. Sometimes in the living room and sometimes in
- 21 memaw's room.
- 22 Q. Okay. Would anything ever happen to you on the
- 23 nights that you were sleeping with your cousins?
- 24 A. Yes.
- 25 Q. How would that happen?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

155

1 A. I really didn't sleep beside my cousins. We would
2 sleep on separate couches.

3 Q. Okay. And what would happen?

4 A. He would come in after we were all asleep and do the
5 things that he did.

6 Q. Okay. With your cousins in the same room?

7 A. Yes.

8 Q. Did you ever say anything to him when that was
9 happening?

10 A. No.

11 Q. Why not?

12 A. I didn't want to wake my cousins up.

13 Q. Did you think they could help you?

14 A. No.

15 Q. Why not?

16 A. They were my age. There wasn't much they could do
17 and I didn't want him to hurt them.

18 Q. Did you ever talk to your cousins about it?

19 A. No.

20 Q. Did you ever think that he might be doing things to
21 them too?

22 A. Yes.

23 Q. Then why didn't you talk to them about it?

24 A. Because I wasn't sure if he was and if he wasn't, I
25 didn't want them to know my secret.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor *Willis - Direct Examination by Ms. Bentley*

156

1 Q. Okay. Aside from grabbing you back, did your father
2 ever use force or become violent with you?

3 A. Yes.

4 Q. Was that often or rarely?

5 A. Rarely.

6 Q. I want you to tell me about a time that you remember
7 him being forceful or violent with you? How old do you
8 think you were?

9 A. I was about ten or eleven.

10 Q. Okay. And why do you think that?

11 A. Because it was after I had started sleeping with my
12 grandmother.

13 Q. Okay. And tell me what happened?

14 A. My grandparents had went to the store and I was
15 laying on the couch. And he came in and he started to
16 try to mess with me.

17 Q. Tell me what you were doing on the couch?

18 A. I was trying to take a nap.

19 Q. Okay. What time of day was it?

20 A. It was mid-afternoon.

21 Q. Okay. Were you wearing clothes?

22 A. Yes.

23 Q. What kind of clothes were you wearing?

24 A. I was wearing blue jeans and a t-shirt.

25 Q. Okay. And you said your grandparents had gone to

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

157

- 1 the store?
- 2 A. Yes.
- 3 Q. Where was Michael?
- 4 A. I believe he was out of the house, too.
- 5 Q. Was anybody else home?
- 6 A. No.
- 7 Q. Tell me what happened?
- 8 A. He came in and he started trying to mess with me and
- 9 I told him to stop. And I tried to go out the door.
- 10 Q. Out the front door?
- 11 A. Yes.
- 12 Q. Okay.
- 13 A. And he grabbed my arm and he pulled me back and he
- 14 said, I know what Benji does to you. Why won't you let
- 15 me do it.
- 16 Q. Okay. Who's Benji?
- 17 A. My step-dad.
- 18 Q. Now, I thought his name was Charles?
- 19 A. His name is Charles Benjamin Walker.
- 20 Q. And he goes by Benji?
- 21 A. Yes.
- 22 Q. What did your dad mean by that?
- 23 A. I don't know.
- 24 Q. Did you ask him what he meant by that?
- 25 A. No.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

158

1 Q. Why not?

2 A. Because after he said that, I heard my grandparents
3 pull up and I ran outside.

4 Q. Okay. Did you say anything to them?

5 A. No.

6 Q. Tell me about Benji. When did he come into your
7 life?

8 A. When I was three.

9 Q. Okay. And is your mom still with him?

10 A. Yes.

11 Q. Do you and Benji get along?

12 A. We do now.

13 Q. Did you always get along?

14 A. No.

15 Q. For how long did you not get along?

16 A. Until I was maybe eleven or twelve.

17 Q. Okay. And tell me what kind of relationship you had
18 until you were eleven or twelve?

19 A. We wouldn't talk to each other.

20 Q. Okay. Why was that?

21 A. We just didn't like each other. We didn't get
22 along.

23 Q. Okay. Did Benji ever grab you?

24 A. No.

25 Q. Did he ever touch you in a way you didn't like?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

159

- 1 A. No.
- 2 Q. Did he ever do anything sexual to you?
- 3 A. No.
- 4 Q. Did he ever say anything sexual to you?
- 5 A. No.
- 6 Q. Were you ever scared of Benji?
- 7 A. No.
- 8 Q. Did you talk to your father about Benji?
- 9 A. No.
- 10 Q. How did your father know about Benji?
- 11 A. What do you mean?
- 12 Q. Do you know how he would know about Benji?
- 13 A. No.
- 14 Q. Okay. Had you ever said anything or done anything
- 15 to your father that would make him think Benji was
- 16 hurting you?
- 17 A. Not that I remember.
- 18 Q. Okay. Tell me about -- you were ten or eleven at
- 19 that time. So you were in the fifth or sixth grade?
- 20 A. Yes.
- 21 Q. Did you have friends at school?
- 22 A. Yes.
- 23 Q. Did you have any teachers that you were close to?
- 24 A. Yes.
- 25 Q. Which teachers?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor *Willis - Direct Examination by Ms. Bentley*

160

- 1 A. My English teacher and my math teacher.
- 2 Q. Okay. Did you ever think to tell any of them about
- 3 what was going on?
- 4 A. No.
- 5 Q. Why not?
- 6 A. I didn't want anybody to know.
- 7 Q. Did you want it to stop?
- 8 A. Yes.
- 9 Q. Did you think that they could help stop it?
- 10 A. No.
- 11 Q. Why not?
- 12 A. I didn't think anybody would believe me.
- 13 Q. When you told your grandmother, do you think she
- 14 believed you?
- 15 A. No.
- 16 Q. Why not?
- 17 A. Just the way she acted and the fact that nothing
- 18 stopped afterwards.
- 19 Q. Okay. Tell me about your relationship with your mom
- 20 when you were growing up?
- 21 A. We didn't get along well.
- 22 Q. Okay. Do you get along now?
- 23 A. Yes.
- 24 Q. When did you start getting along?
- 25 A. In 2011.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

161

1 Q. Before or after you told her about this?

2 A. After.

3 Q. Okay. Tell me about how -- tell me this, did you
4 know that your mother had a substance abuse problem?

5 A. Yes.

6 Q. Did you understand it at the time that it was
7 happening?

8 A. No.

9 Q. Okay. What did you understand at the time it was
10 happening?

11 A. I understood that she had a problem and that it
12 needed help.

13 Q. Okay. Did you ever witness your mother using any
14 substances that you know of?

15 A. No.

16 Q. Did anyone ever hurt you during that period of time?

17 A. No.

18 Q. Okay. Tell me about when you went to live with your
19 grandmother, Julie. How was that explained to you?

20 A. What do you mean?

21 Q. Did anybody tell you that -- did you just pack up
22 one day and go to her house? Tell me what happened.

23 A. I believe my grandmother or my mom took me over
24 there.

25 Q. Okay.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor *Willis - Direct Examination by Ms. Bentley*

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1 A. And they told me that I would be staying there for a
2 while.

3 Q. Okay. Did your brothers and sisters go with you?

4 A. Yes.

5 Q. Okay. And did you still see your mom?

6 A. Yes.

7 Q. How often did you see her?

8 A. A few times every week.

9 Q. Okay. And did you still see your dad?

10 A. Yes.

11 Q. Did y'all still keep about the same visitation
12 schedule?

13 A. Yes.

14 Q. Okay. Did you ever want to go live with your dad
15 instead?

16 A. No.

17 Q. Why not?

18 A. I didn't prefer it to being at home, but I didn't
19 like his house that much either.

20 Q. Okay. So you really didn't have a good place?

21 A. No.

22 Q. Were you always able to see what your dad was doing
23 to you?

24 A. No.

25 Q. Tell me about that?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

163

- 1 A. He would put a pillow over my head sometimes.
- 2 Q. When did that start?
- 3 A. When I was about seven or eight.
- 4 Q. And tell me how that would happen?
- 5 A. He would start messing with me and grab a pillow and
- 6 put it over my head.
- 7 Q. Tell me what you mean by he would start messing with
- 8 you?
- 9 A. He would start touching me.
- 10 Q. So were your clothes on or off?
- 11 A. He would take them off.
- 12 Q. Would he take all your clothes off?
- 13 A. No.
- 14 Q. What did he take off?
- 15 A. My pants and my underwear.
- 16 Q. Okay. And would he touch you before he put the
- 17 pillow over your head?
- 18 A. Sometimes.
- 19 Q. And sometimes what would happen?
- 20 A. He would put the pillow over my head first.
- 21 Q. Okay. Did he touch you while the pillow was over
- 22 your head?
- 23 A. Yes.
- 24 Q. Did he ever use his mouth on you?
- 25 A. Yes.

1 Q. Tell me, were you able to breathe?

2 A. Yes.

3 Q. Did you ever -- did he ever say anything about using
4 the pillow?

5 A. No.

6 Q. Did he ever do anything that felt different when the
7 pillow was over your head?

8 A. No.

9 Q. Okay. What would you do when the pillow was over
10 your head?

11 A. At first, I just tried to move it, but I couldn't.

12 Q. Why couldn't you move it?

13 A. He was holding it too hard.

14 Q. He was holding it over your head?

15 A. Yes.

16 Q. How long would he touch you with his hands or mouth
17 while the pillow was of over your head?

18 A. About ten minutes maybe.

19 Q. Would it be longer or short or the same time as the
20 other times?

21 A. The same time.

22 Q. Okay. Did you ever ask him to stop that?

23 A. Yes.

24 Q. Did he ever say anything?

25 A. No.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

165

1 Q. Okay. I want to talk to you a little bit about May
2 of 2011, okay? Tell me about your mother talking to you
3 about going on birth control?

4 A. She told me one day that she had made an appointment
5 for me to go to the health department to be put on birth
6 control because she didn't want me to be sexually active
7 and get pregnant by accident.

8 Q. Okay. Did she ever talk to you about the dangers of
9 having a child too young?

10 A. Yes.

11 Q. What would she tell you?

12 A. She told me about how she had a child too young.
13 And that it messed up her plans and it was a struggle.

14 Q. Okay. Tell me about what you were like when you
15 were twelve and thirteen. Who did you hang out with?

16 A. I hung out with a small group.

17 Q. Okay. How many of you were there that would hang
18 out together?

19 A. Three or four.

20 Q. Okay. Were they girls or boys?

21 A. Girls.

22 Q. Girls. What were some of their names?

23 A. Leanne, Jessica and Amber.

24 Q. Okay. Was it the same Jessica that you were friends
25 with in first grade?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

166

1 A. No.

2 Q. Okay. What would y'all do together?

3 A. I would hang out with them at school. I didn't see
4 them much outside of school.

5 Q. Okay. Did you ever have friends come over to your
6 house?

7 A. No.

8 Q. Why not?

9 A. I didn't like my living conditions.

10 Q. Okay. What would you do when you were at home after
11 school?

12 A. I would stay in my room.

13 Q. Okay. What would you do in there?

14 A. Sometimes I would sleep. I'd listen to a lot of
15 devil worshiping music, as my mom would say.

16 Q. Okay. Why would you do that?

17 A. I was really depressed.

18 Q. Tell me about being depressed. When did that start?

19 A. When I was about in seventh grade.

20 Q. Okay. Tell me what you mean by you were depressed?

21 A. I wore a lot of black. I would solitaire myself
22 from everybody. And I would cut.

23 Q. Okay. Why would you do that?

24 A. I didn't, I didn't want to accidentally let my
25 secret out. And I cut because it made me feel better.

1 Q. How did it make you feel?

2 A. Better, even for a short time. When I cut, it was
3 like I was letting out pain that had been built up for so
4 many years. And I was letting out my secrets that I
5 couldn't tell anybody.

6 Q. Okay. How long would you -- how many years would
7 you say that you stayed in your room like that by
8 yourself, listening to music?

9 A. About two or three.

10 Q. Okay. Did you do that up until you went to the
11 health department?

12 A. Yes.

13 Q. Okay. Did your mom ever try to get you out of your
14 room, try to get you involved with anything?

15 A. Yes.

16 Q. And what would you do?

17 A. I joined color guard.

18 Q. Okay. How did you like that?

19 A. I liked color guard.

20 Q. Okay. Are you still in color guard?

21 A. Yes.

22 Q. Tell me about the trip to the health department?

23 A. We went to the health department and we talked to a
24 doctor about getting put on birth control and she gave me
25 a medical exam.

1 Q. Okay. Did you see the woman that walked in and out
2 of here just a minute ago?

3 A. Yes.

4 Q. Was that the same woman?

5 A. Yes.

6 Q. Okay. Did she ask you questions about your sexual
7 activity?

8 A. Yes.

9 Q. What did she ask you?

10 A. She asked if I'd been sexually active.

11 Q. And what did you tell her?

12 A. I told her no.

13 Q. In your mind, was what you did with your dad sexual
14 activity?

15 A. No.

16 Q. What was it?

17 A. It wasn't sexual activity, but it wasn't normal. I
18 don't know how to explain it.

19 Q. Okay. Had you ever had someone else put their hands
20 on your private parts?

21 A. No.

22 Q. Had anyone else ever put their mouth on your private
23 parts?

24 A. No.

25 Q. To your knowledge, had anyone, including your dad,

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

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1 ever put their penis in you?

2 A. No.

3 Q. Okay. Tell me about the exam. Did she tell you
4 what she was doing?

5 A. Yes.

6 Q. And what did she tell you?

7 A. She took urine, and I believe that was it.

8 Q. Okay. Did you have any idea that you could have
9 contracted any type of disease from what had been going
10 on?

11 A. No.

12 Q. Did they teach you about the possibility of oral sex
13 transmitting infections in health ed?

14 A. No.

15 Q. Had your mom told you about that?

16 A. No.

17 Q. When was the last time that you saw your dad before
18 you went to the health department?

19 A. I think it was the weekend before I went to the
20 health department.

21 Q. Did you see him after?

22 A. Yes.

23 Q. When did you see him after?

24 A. Two weekends after.

25 Q. Okay. Was it before or after they called with your

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

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1 results?

2 A. Before.

3 Q. Okay. Tell me about the day that you called the
4 health department? Do you remember what day it was, day
5 of the week?

6 A. I think it was Monday.

7 Q. Okay.

8 A. And I called them and my mom was in the shower. She
9 told me to call them because they had called her. And I
10 called them and I talked to the doctor. And she told me
11 that I had gonorrhea.

12 Q. What went through your mind, as a thirteen-year-old,
13 being told you had gonorrhea?

14 A. I was scared.

15 Q. Did you know what gonorrhea was?

16 A. No.

17 Q. Did you know what it meant?

18 A. No.

19 Q. Did you have any signs that you knew of that you had
20 been sick?

21 A. No.

22 Q. What did you do after you finished your phone call
23 with the woman?

24 A. I had took the phone call on the front porch and I
25 sat on the front porch and I cried. And my mom either

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Minor Willis - Direct Examination by Ms. Bentley

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- 1 found me there or I went inside and told her.
- 2 Q. Okay. Tell me about telling your mom?
- 3 A. I told her in her room. She had just got out of the
- 4 shower. She was in a towel. And when I told her, she
- 5 asked me who gave it to me.
- 6 Q. And what did you say?
- 7 A. I told her my dad.
- 8 Q. How were you at that time? What was your emotional
- 9 state?
- 10 A. I was scared, I was sad and I was worried.
- 11 Q. Okay. How did your mom react?
- 12 A. She fell to the floor crying, begging me that it
- 13 wasn't true.
- 14 Q. Okay. Do you remember anything that she said to
- 15 you?
- 16 A. She kept asking me over and over again if I was sure
- 17 if it was him, if anybody else had done anything.
- 18 Q. And what did you tell her?
- 19 A. I told her it was him. Nobody else has ever done
- 20 anything like that to me.
- 21 Q. Okay. And was that the truth?
- 22 A. Yes.
- 23 Q. How long did you stay in your mom's room with her?
- 24 A. Maybe thirty minutes to an hour.
- 25 Q. Did you stay in there while she called your

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- 1 grandmother?
- 2 A. Yes.
- 3 Q. What happened after you left your mom's room?
- 4 A. I went into the living room and I sent my dad a
- 5 text.
- 6 Q. Okay. Did you text with your dad often?
- 7 A. No.
- 8 Q. Okay. Did you talk to him on the phone?
- 9 A. Sometimes.
- 10 Q. Did you -- when was the last time that you had
- 11 talked to him at that phone number?
- 12 A. The day that I sent the text.
- 13 Q. Okay. Before that, when was the last time that
- 14 you'd either texted him or talked to him?
- 15 A. I believe the day before.
- 16 Q. Okay. So that was his phone number?
- 17 A. Yes.
- 18 Q. Okay. And tell me what you told your dad in that
- 19 text message?
- 20 A. I told him that I had told my mom what he had done
- 21 to me.
- 22 Q. Did you get a reply?
- 23 A. He said, what?
- 24 Q. So the text just said what?
- 25 A. Yes.

- 1 Q. Did you respond?
- 2 A. I told him that he knew what he did and that he
- 3 needed to fess up to it.
- 4 Q. Okay. Did he respond after that?
- 5 A. No.
- 6 Q. Did you ever hear from your dad again?
- 7 A. No.
- 8 Q. Do you know if your mom tried to contact your dad?
- 9 A. I believe she did.
- 10 Q. But you don't know?
- 11 A. No.
- 12 Q. When was the next time -- pardon me. Did you still
- 13 continue to visit your grandparents at that time?
- 14 A. No.
- 15 Q. Why not?
- 16 A. For a while, I don't believe they knew what had
- 17 happened. But after they knew, I wasn't allowed over
- 18 there.
- 19 Q. Why weren't you allowed over there?
- 20 A. My grandfather wouldn't let me.
- 21 Q. Why wouldn't your grandfather let you?
- 22 A. Because I had told.
- 23 Q. Because you told. How do know that your grandfather
- 24 wouldn't let you?
- 25 A. I called him once and he said that I wasn't allowed

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1 to come over unless I dropped the charges.

2 Q. Okay. Did you ever talk to your grandmother after
3 that?

4 A. No.

5 Q. What about your cousins?

6 A. I kept in touch with them for a while on Facebook.

7 Q. Okay. What about now?

8 A. I still keep in touch with one every once in a
9 while.

10 Q. Which one is that?

11 A. Patricia.

12 Q. Okay. What about your aunts or uncles?

13 A. I kept in touch with Charlene for a few months after
14 that. And I still keep in touch with my uncle.

15 Q. Which uncle?

16 A. Justin.

17 Q. Okay. Tell me about the rest of the night that you
18 came forward?

19 A. After my mom called my grandmother, she finished
20 getting ready because she was going to my brother's play
21 at school. And she decided to take me over there to talk
22 to my aunt. And I stayed at my nanny's house for a few
23 hours and then we came back home that night and she
24 called the police.

25 Q. Okay. Did the police come out that night?

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- 1 A. Yes.
- 2 Q. What time of day was it?
- 3 A. It was at night. It was getting dark.
- 4 Q. Okay. If the police said it was early in the
- 5 morning, like late night, early morning, would that
- 6 surprise you?
- 7 A. Yes.
- 8 Q. Okay. How long had you been up that day?
- 9 A. All day.
- 10 Q. Okay. Were you tired?
- 11 A. Not really.
- 12 Q. Okay. How did you feel?
- 13 A. Worried.
- 14 Q. Okay. Did you think your mom believed you?
- 15 A. At first, I didn't, but then I did.
- 16 Q. What changed?
- 17 A. When she finally called the police.
- 18 Q. You thought that she believed you?
- 19 A. Yes.
- 20 Q. Who came out that night?
- 21 A. Two men.
- 22 Q. Okay. Did they talk to you with your mom there or
- 23 without your mom there?
- 24 A. Both.
- 25 Q. What did they say to you or did they ask you

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- 1 questions when your mom was there?
- 2 A. Yes.
- 3 Q. What did they talk to you about then?
- 4 A. They would ask me -- they asked me then if what I
- 5 was saying was true. And they told me the risks of lying
- 6 to the police.
- 7 Q. Okay. Did they ever talk to you by yourself?
- 8 A. Yes.
- 9 Q. What did they talk to you about by yourself?
- 10 A. They told me to tell them what my dad had done to
- 11 me.
- 12 Q. What do you remember telling them?
- 13 A. I remember telling them about the -- how he touched
- 14 me with his hands.
- 15 Q. Did you tell them about him using his mouth?
- 16 A. No.
- 17 Q. Why not?
- 18 A. I didn't even want anybody to know the first part,
- 19 much less everything else.
- 20 Q. Okay. Was touching you with the hand different than
- 21 touching with you with the mouth, in your mind?
- 22 A. Yes.
- 23 Q. Tell me how and why?
- 24 A. When he would touch me with his mouth, it just, it
- 25 felt worse. It felt more disgusting.

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- 1 Q. Okay. Do you remember seeing Dr. Crosswell?
- 2 A. Yes.
- 3 Q. Did she ask you about what happened?
- 4 A. Yes.
- 5 Q. What do you remember telling her?
- 6 A. I told her everything.
- 7 Q. Did you tell her about your dad using his mouth?
- 8 A. Yes.
- 9 Q. What if she says that you didn't tell her that?
- 10 A. I would be surprised.
- 11 Q. Okay. So you think that you told her everything?
- 12 A. I believe so.
- 13 Q. Okay. What about Investigator Henderson, do you
- 14 remember talking to Investigator Henderson?
- 15 A. Yes.
- 16 Q. How many times did you talk to her?
- 17 A. A few.
- 18 Q. Okay. Do you remember telling her everything, as
- 19 well?
- 20 A. Yes.
- 21 Q. Okay. I want you to tell me about the last time you
- 22 visited your father. When was that?
- 23 A. (No verbal response).
- 24 Q. Was it before or after you went to the health
- 25 department?

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1 A. It was after.

2 Q. Okay. When did you go over there?

3 A. Friday.

4 Q. And how long did you stay?

5 A. Until Sunday.

6 Q. Okay. Did anything sexual happen while you were
7 over there that weekend?

8 A. Yes.

9 Q. Tell me what happened?

10 A. I was in my own room. He had done moved into his
11 own trailer. And I was sleeping and he came into my room
12 and he took off my pants and my underwear and he started
13 touching me with his hands. And I told him to stop. And
14 he wouldn't stop, so I kicked him away.

15 Q. Okay. Did he touch you on the inside or outside of
16 your privates?

17 A. Both.

18 Q. Did he touch you anywhere else?

19 A. On my breasts.

20 Q. Had he always touched you on your breasts?

21 A. Not always.

22 Q. When did he start doing that?

23 A. When I was maybe eight.

24 Q. Okay.

25 THE COURT: This might be a good time if we can

1 take a short break.

2 MS. BENTLEY: Sure.

3 THE COURT: We've got some people who may need
4 a break. So let's just stop there and take about a ten-
5 minute break. We'll call you back in a few moments,
6 ladies and gentlemen.

7 (WHEREUPON, the jury exited the open court at
8 approximately 10:37 A.M.)

9 THE COURT: All right. Let's take a short
10 break. Young lady, you may step down. You just can't
11 talk about your testimony with anyone while we're taking
12 a break. We'll take about a ten-minute break.

13 (WHEREUPON, the court stood at recess for a short
14 break.)

15 (WHEREUPON, State Exhibit Number 4 was marked for
16 identification.)

17 THE COURT: Okay. If the jury's ready, have
18 them come in. Well, hang on just a minute. Let's get
19 our witness back up first.

20 (WHEREUPON, the jury entered the open court at
21 approximately 10:59 A.M.)

22 THE COURT: All right, Solicitor. You may
23 proceed with your examination of the witness.

24 Q. Minor we were talking about the last time that
25 you visited your father and your last recollection of

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1 sexual abuse. And I asked -- you mentioned that he had
2 touched your breasts on that time; is that correct?

3 A. Yes.

4 Q. When did he begin touching your breasts as part of
5 his abuse?

6 A. When I was about eight.

7 Q. Would he ever take your top off?

8 A. Yes.

9 Q. Would that happen often or rarely?

10 A. Rarely.

11 Q. Did he take your top off the last night that you saw
12 him?

13 A. No.

14 Q. Okay. As you got older, did you try more forcefully
15 to stop him?

16 A. Yes.

17 Q. What would happen?

18 A. He -- sometimes he would stop and he would go away.

19 Others, he wouldn't.

20 Q. Okay. Would he ever talk to you when this was going
21 on?

22 A. No.

23 Q. Did you ever watch him or look at him as he was
24 using his mouth or hands on you?

25 A. No.

1 Q. Why not?

2 A. I didn't want to do it. I didn't want to see him do
3 it.

4 Q. Okay. Tell me about the last time he used his mouth
5 on you. Do you remember that time?

6 A. Yes.

7 Q. When was it?

8 A. The weekend before I went to the health department.

9 Q. Okay. Tell me what happened that weekend?

10 A. I had went over to his house. I believe my friend
11 was with me.

12 Q. Okay. Which friend would have been with you?

13 A. Her name's Jackie.

14 Q. Okay. And would she have slept in your room with
15 you?

16 A. Yes.

17 Q. Okay. Tell me what happened?

18 A. He came into my room and I was all the way on the
19 right side of my bed and she was sleeping on the left.
20 And he went under the covers and pulled my pants and my
21 underwear down and started using his mouth.

22 Q. Was he on the bed with you?

23 A. Yes.

24 Q. Was he on top of the covers or underneath the
25 covers?

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- 1 A. Underneath.
- 2 Q. And Jackie was on the other side of the bed?
- 3 A. Yes.
- 4 Q. And she didn't wake up?
- 5 A. No.
- 6 Q. Did you make any sounds?
- 7 A. No.
- 8 Q. Did you move?
- 9 A. No.
- 10 Q. How long was he down there?
- 11 A. Five or ten minutes.
- 12 Q. Do you know what time of night it was?
- 13 A. I believe it was in the middle of the night.
- 14 Q. Okay. What did you do after he left?
- 15 A. I laid there and I cried.
- 16 Q. Okay. Did Jackie wake up at any point?
- 17 A. No.
- 18 Q. How were you the next morning?
- 19 A. Quiet.
- 20 Q. Okay. Did you ever think about telling Jackie?
- 21 A. No.
- 22 Q. Why not?
- 23 A. She was my best friend, yes, but she had had it done
- 24 to her and I didn't want to put my secrets out on her.
- 25 Q. So even though you knew that she'd experienced it,

1 you didn't want to share that with her?

2 A. No.

3 Q. Did she ever ask you if it had happened to you?

4 A. Yes.

5 Q. And you lied to her?

6 A. Yes.

7 Q. Minor were there any other friends that you

8 thought you could tell?

9 A. No.

10 Q. Why not?

11 A. I didn't want my friends to think differently of me.

12 And I wasn't sure they'd believe me.

13 Q. Okay. How is this experience been for you since you

14 disclosed? What's it been like?

15 A. It's been stressful.

16 Q. Okay. Why is that?

17 A. Because of having to go and retell what happened

18 over and over again to different people that I don't

19 know.

20 Q. Okay. Have you enjoyed the attention?

21 A. No.

22 Q. What about the medical exam?

23 A. I didn't enjoy that either.

24 Q. Okay. Do you like being here today?

25 A. No.

1 Q. Tell me what it's like to have to tell your story
2 over and over to strangers?
3 A. It's horrible not knowing if the person you're
4 talking to is going to believe you, not knowing what
5 their reaction is going to be. You have to sit there and
6 you have to look at them and you have to tell them what
7 your own father did.

8 Q. I have no further questions for you, Minor
9 Please answer any questions that Mr. Chambers will have.

10 **CROSS-EXAMINATION**

11 **BY MR. CHAMBERS:**

12 Q. So the first time that you said anything to anybody
13 about the abuse that you're alleging against your father
14 was after you got the test result back from the health
15 department; is that correct?

16 A. Yes.

17 Q. And up until that point, you hadn't said anything to
18 anybody, other than, I believe, you said you told your
19 grandmother. Is this your grandmother who is seated over
20 here?

21 A. Yes.

22 Q. Susan Willis?

23 A. (No verbal response).

24 Q. And after that, though, you told your mother what
25 you said your father had done to you; is that correct?

1 A. Yes.

2 Q. And you indicted to her when you told her that,
3 among other things, you said that he touched you with his
4 hand and that he touched you with his mouth; correct?

5 A. Yes.

6 Q. But then when you talked to Officer Massey, who was
7 the officer that came a few hours later, you specifically
8 told him, in response to his questions, that your father
9 only touched you with his hand; is that correct?

10 A. Yes.

11 Q. And he even specifically said to you, did he do
12 anything else? And you said, he only touched me with his
13 hand. Is that right?

14 A. Yes.

15 Q. And then when you later met with Investigator
16 Henderson for the first time, you told her the same
17 thing, that he only touched you with his hand. Right?

18 A. Yes.

19 Q. When you met with Dr. Crosswell, you told her that
20 he only touched you with his; correct?

21 A. Yes.

22 Q. And she specifically asked you if he had done
23 anything else; correct?

24 A. Yes.

25 Q. And you said, no, he only touched me with his hand.

1 Is that right?

2 A. Yes.

3 Q. But then later you gave another statement to
4 Investigator Henderson, which she typed up and you
5 signed, wherein then you indicated that he had touched
6 you with his mouth as well as his hand; is that right?

7 A. Yes.

8 Q. All right. And you said that this sort of abuse
9 stated from the very first time that you started going to
10 your father's house. It happened every time you went
11 over there after that, up until you were nearly fourteen
12 years old; is that right?

13 A. Yes.

14 Q. And so your testimony is that it happened every
15 single time, from the first time that you went to his
16 home or went to his grandparents' home?

17 A. Yes.

18 Q. Do you recall the statement that you gave to
19 Investigator Henderson?

20 A. Not all of it.

21 Q. I just want you to take a look at this, Minor
22 and see if you recognize that statement?

23 A. Yes.

24 Q. Okay. That is the statement that you gave
25 Investigator Henderson?

1 A. Yes, sir.

2 Q. And you had an opportunity to look it over to make
3 sure that it was correct?

4 A. Yes, sir.

5 Q. And then you signed it here. Is that your
6 signature?

7 A. Yes, sir.

8 Q. And then your mom was with you, so she signed as a
9 witness; is that right?

10 A. Yes, sir.

11 Q. And then Investigator Henderson signed; is that
12 right?

13 A. Yes, sir.

14 Q. And then somebody notarized it, attesting to your
15 signature. Do you recall all of that?

16 A. Yes, sir.

17 Q. You indicated that when you would go to your dad's
18 house that you would sleep in the bed with him. This was
19 when you were in the first grade. Do you remember saying
20 that?

21 A. Yes, sir.

22 Q. All right. As I look at your statement, and I'll
23 give you an opportunity to look at it, did you say, I
24 went to my grandparents' house on the weekend whenever I
25 could. I would sleep on the couch at my memaw's house.

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1 Do you remember saying that?

2 A. Yes.

3 Q. So in other words, you were sleeping on the couch at
4 her house. You weren't sleeping with your dad like you
5 testified a little bit earlier?

6 A. I would sleep on the couch sometimes.

7 Q. Well, you didn't say that in your statement; did
8 you?

9 A. No.

10 Q. You said you would sleep on the couch. Then later
11 on do you say here in your statement that he would do the
12 same thing to me. I started to keep my clothes in a book
13 bag and it would not happen so much. Do you remember
14 saying that?

15 A. Yes.

16 Q. So in other words, unlike you testified a few
17 minutes ago, it would seem that you're saying in this
18 statement that there were periods of time where it didn't
19 happen?

20 A. No, it still happened.

21 Q. You indicated that your mother -- you recall that
22 there were some problems with your mother and the
23 Department of Social Services; correct?

24 A. Yes, sir.

25 Q. And how old were you when that occurred?

1 A. I believe I was around eight.

2 Q. Okay. And do you recall that among the events that
3 led up to that was your mother slapping you, becoming
4 very angry with you?

5 A. No.

6 Q. You don't recall your mother's anger issues when she
7 was an addict and you being removed from the home because
8 of that?

9 A. She had anger issues, yes.

10 Q. So she was an angry person?

11 A. She could be.

12 Q. And somebody that you didn't want to make angry.
13 Was it fun to be around her when she was mad?

14 A. No.

15 Q. And, in fact, you were removed from that home and
16 lived with your other grandmother, your mom's mom for
17 three years; is that right?

18 A. Yes.

19 Q. Along with your other siblings?

20 A. Yes.

21 Q. And when you did move back in with your mom, you
22 indicated that your relationship with her was not a good
23 relationship?

24 A. No.

25 Q. And you didn't have a good relationship with your

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1 step-father?

2 A. No.

3 Q. And you were embarrassed about your surroundings to
4 the point that you didn't want anybody to come over and
5 visit with you?

6 A. Yes.

7 Q. And you had endured this DSS case where you'd
8 actually been removed and taken somewhere, where you said
9 you didn't really enjoy staying; right?

10 A. No, I enjoyed staying at my grandmother's.

11 Q. But your relationship with your mother, it sounds
12 like, improved considerably after you shared this
13 information about your father?

14 A. After I shared the information, I had nothing to
15 hide.

16 Q. Okay. She wasn't mad at you anymore?

17 A. She wasn't mad at me to start with.

18 Q. Well, her initial response when she got that call
19 from the health department was she was upset about that
20 call; wasn't she?

21 A. Yes. She thought I was pregnant.

22 Q. Yeah. Even before you told her about the gonorrhea,
23 she was mad at you?

24 A. Yes.

25 Q. And she accused you of lying to her about having had

1 any sexual contact with anybody?

2 A. Yes.

3 Q. And this was the woman who had taken you to the
4 health department to get birth control to begin with?

5 A. Yes.

6 Q. All right. Do you recall at one point that your
7 father had gotten your cell phone and looked at it and
8 had found a topless photograph that you had sent to
9 someone?

10 A. No.

11 Q. You don't recall that?

12 A. (No verbal response).

13 Q. Have you ever sent a topless photograph to anyone?

14 A. No.

15 Q. Since this initial revelation to your mother, as you
16 testified when you were talking to the Solicitor, you
17 have had numerous occasions to meet with different law
18 enforcement personnel, different health care personnel,
19 the people from the Julie Valentine Center, the people
20 from the Solicitor's Office, the people from the victim
21 witness office, and discuss this. And this has been
22 since way back in May of 2011; correct?

23 A. Yes.

24 Q. And in fact, in preparation for testimony here today
25 at some point, you met with the Solicitor and you went

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1 over your testimony with her?

2 A. Yes.

3 Q. And you have, they brought you in here to the
4 courtroom, showed you the courtroom, had you sit up there
5 in that chair so you would know what you were going to do
6 when you came in here?

7 A. No.

8 Q. So you never were brought into the courtroom at any
9 point prior to today?

10 A. No.

11 Q. Not by Brian Seay, who was the solicitor prior to
12 Lisa Bentley, who was handling this case?

13 A. No.

14 Q. But at any rate, you've had numerous opportunities
15 to go over this testimony and to get ready for today;
16 would that be fair to say?

17 A. Yes.

18 Q. That's all the questions I have for you. Thank you.

19 MS. BENTLEY: Brief redirect, Your Honor.

20 THE COURT: Yes, ma'am.

21 **REDIRECT EXAMINATION**

22 **BY MS. BENTLEY:**

23 Q. Minor when did all that stuff with your --
24 pardon me. When did you move in with your grandmother;
25 do you remember?

1 A. No. I know I was around eight.

2 Q. You were around eight. And you lived with her for,
3 you thought, a few years?

4 A. Yes.

5 Q. Okay. How were things when you moved back home with
6 your mom?

7 A. They'd gotten better.

8 Q. Okay. Were you ever scared of your mom before you
9 moved in with your grandmother?

10 A. No.

11 Q. Were you scared of your mom when you moved back?

12 A. No.

13 Q. Were you scared of your mom when you lived with your
14 grandmother?

15 A. No.

16 Q. Did you think that telling her something like this
17 would make your relationship better?

18 A. No.

19 Q. How did you think it would affect your relationship?

20 A. I thought it would make us more distant.

21 Q. Okay. Why was that?

22 A. Because this isn't something you tell your mom and
23 then expect to become really close friends.

24 Q. Okay.

25 MS. BENTLEY: I have no further questions.

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1 THE COURT: Thank you, ma'am.

2 MR. CHAMBERS: Excuse me, Your Honor.

3 **RECROSS EXAMINATION**

4 **BY MR. CHAMBERS:**

5 Q. How do you think your mom would have reacted if
6 you'd told her that you'd had a sexual relationship with
7 another -- a boy, perhaps, and had contracted gonorrhea
8 from that person?

9 A. She would have been upset.

10 Q. She would have been furious; wouldn't she?

11 A. No. She would have been upset.

12 Q. I mean, she had already gotten mad at you, you said,
13 even before talking to you about the phone call from
14 DHEC. Prior to you even calling DHEC you said she was
15 mad and accusing you of being pregnant?

16 A. Yes, she was mad.

17 Q. Okay. Thank you.

18 THE COURT: Thank you. You may step down.

19 You may call your next witness.

20 MS. BENTLEY: The State calls Bradley King.

21 THE CLERK: Put your left hand on the bible and
22 raise your right.

23 Do you solemnly swear or affirm to tell the truth,
24 the whole truth and nothing but the truth, so help you
25 God?

1 THE WITNESS: Yes.

2 THE CLERK: Please have a seat. State your
3 full name for the record.

4 THE WITNESS: My name is Bradley King.

5 BRADLEY KING,

6 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MS. BENTLEY:

9 Q. Mr. King, where are you employed?

10 A. At the Greenville County Detention Center.

11 Q. What is your position there?

12 A. I am a sergeant.

13 Q. And what are your duties as a sergeant at the
14 detention center?

15 A. I supervise about seventy officers. I respond to
16 emergencies. Supervision of inmates.

17 Q. Okay. If medical treatment is needed or requested,
18 do you ever get involved?

19 A. Sure.

20 Q. What would be an occasion where you would get
21 involved?

22 A. Any kind of medical activity where they have --
23 we've had people have seizures, people pass out, people
24 have panic attacks. Sometimes we ask people to give DNA.
25 Or, you know, if they're getting released, just various

1 reasons.

2 Q. Okay. I'm going to show you something marked as
3 State's Exhibit 4. Do you -- don't tell me what it is.
4 Do you recognize this document?

5 A. I do.

6 Q. Tell me what this document is, or how you recognize
7 it?

8 A. It is actually a -- when a inmate refuses any kind
9 of treatment from medical, they have to fill out a form
10 stating that they refuse.

11 Q. Okay.

12 A. Basically, it just says they don't want any help,
13 you know, they're going to deal with it on their own or
14 whatever the case may be.

15 Q. Okay. And is this form the form that is always
16 used?

17 A. As far as I know, yes, ma'am.

18 Q. Okay. Now, tell me, is your signature on that form?

19 A. It is.

20 Q. And what does your signature on that form indicate?

21 A. It indicates that I was a witness to him refusing
22 whatever medical treatment was asked of at that time.

23 Q. Okay. Do you recognize the other handwriting on
24 that form?

25 A. Not so much, no, ma'am.

1 Q. Okay. Would you have been present when whoever did
2 that -- can you read his signature? I don't know if you
3 can or not?

4 A. I don't recognize the signature, but I -- no, ma'am,
5 I don't recognize it.

6 Q. Okay. About how many times a day or how many times
7 over the course of your employment there have you had to
8 fill out one of these forms or witness one of these?

9 A. I couldn't even tell you. I mean, I've been there
10 for about nine and a half years, and I've probably signed
11 hundreds of them.

12 Q. Okay. So one incident is not going to stick out in
13 your mind over the other?

14 A. No, ma'am.

15 Q. And all you can testify to would be essentially the
16 procedure that's followed?

17 A. Correct.

18 Q. Okay. Does anything look out of place on that form?
19 Does it appear that anything's been crossed out, changed,
20 or altered in any way?

21 A. No, ma'am.

22 Q. And if you sign that form then you could testify
23 regarding what you would have done?

24 A. Yes, ma'am.

25 Q. Okay.

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1 MS. BENTLEY: Your Honor, at this time, the
2 State wishes to admit Exhibit 4 into evidence.

3 MR. CHAMBERS: I don't have any objection.

4 THE COURT: All right. Without objection. It
5 may be admitted and published to the jury.

6 (WHEREUPON, State Exhibit Number 4 was admitted into
7 evidence.)

8 Q. Sergeant King, who was the person that was consulted
9 on that day? Who was the individual that you were
10 requesting medical treatment for or from?

11 A. Mr. Willis, Daniel Willis.

12 Q. And what was being requested?

13 A. To my knowledge it was ---

14 Q. You can probably read it from the form.

15 A. Right. It was a DNA sample for STD testing.

16 Q. Okay. And what would be the procedure if you wanted
17 someone to submit to STD testing or to provide some sort
18 of serological sample, blood, urine, hair, saliva?

19 A. Our medical staff would actually -- they would do
20 most of the work. You know, usually we escort the inmate
21 to the medical area and they either go in the bathroom
22 and, you know, urinate or our medical staff takes blood
23 samples.

24 Q. Okay.

25 A. I've seen that done a couple of times. But usually,

1 I'm not a part of that. Usually, the escort officers
2 are.

3 Q. Okay. Now, what happens if someone -- did Mr.
4 Willis consent or refuse to treatment?

5 A. He refused.

6 Q. Okay. And what happens if someone refuses?

7 A. We have them to fill out this form.

8 Q. Okay.

9 A. You know, we tell them what the procedure is, you
10 know, what we're trying to do. Like we need a urine
11 sample or a blood sample, whatever.

12 Q. Okay.

13 A. And, you know, if they refuse then we get them to
14 fill out the form.

15 Q. Do you pressure them in any way?

16 A. No, ma'am.

17 Q. Do you ask them any subsequent questions?

18 A. No, ma'am.

19 Q. Okay. And did somebody sign this form?

20 A. Yes, ma'am.

21 Q. Who signed this form?

22 A. I signed it. I believe Mr. J.B. Cantrell signed it.

23 Q. Okay. Would Mr. Willis have signed it?

24 A. Yes.

25 Q. Is his signature on there?

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Bradley King - Cross Examination by Mr. Chambers

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1 A. Yes, ma'am.

2 Q. Okay. Would you have watched him sign it?

3 A. Oh, sure.

4 Q. Watched him refuse it?

5 A. (Affirmative nod.)

6 Q. Okay. I have no further questions. Please answer
7 any questions Mr. Chambers may have.

8 **CROSS-EXAMINATION**

9 **BY MR. CHAMBERS:**

10 Q. So, if I can make it out correctly, the date that
11 you went down there to talk to him to about this was July
12 26th of 2012; is that right?

13 A. Correct.

14 Q. And are you aware that Mr. Willis was and has been
15 incarcerated in the Greenville County Detention Center
16 since August 29th of 2011?

17 A. I'm not sure of the specific time he's been
18 incarcerated there.

19 Q. But you don't have any reason to doubt that if I say
20 it; correct?

21 A. No, sir.

22 Q. And you say that you have a medical staff that is on
23 duty over there at the detention center ---

24 A. Correct.

25 Q. --- to provide medical care, anything that needs to

1 be done for inmates?

2 A. Yes, sir.

3 Q. So if an inmate gets tested or treated for anything
4 while they're there, there will be records of that?

5 A. Should be, yes, sir.

6 Q. And those records would be readily available,
7 assuming you comply with all the regulations and things
8 that you have to go through. That information would be
9 readily available to anybody that wanted access to that
10 information, because you keep there; is that correct?

11 A. Well, we do. But I don't think it would be readily
12 available to anyone, because ---

13 Q. But law enforcement would be able to get; wouldn't
14 they?

15 A. Should be able to.

16 Q. Yes, sir. And so when you went in and you asked for
17 a DNA sample, I believe you said, and also for STD
18 testing on July 26th, Mr. Willis, at least, according to
19 this form, indicated that he needed to talk to his
20 lawyer?

21 A. Correct.

22 Q. All right. And he also -- you're probably not aware
23 of this, but I'll ask if you are aware of the fact that
24 just a couple of months later in September, he was
25 actually tested for STDs. Were you aware of that?

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Bradley King - Cross Examination by Mr. Chambers

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1 A. No, sir.

2 Q. You were not aware of that?

3 A. No, sir, not at all.

4 Q. And, again, had he at any point complained of any
5 kind of sickness or symptoms while he was at the
6 detention center, there would be records of that?

7 A. If he was treated by medical, there should be, yes,
8 sir.

9 Q. So if he had been treated himself for a sexually
10 transmitted disease, anywhere from August 29th, 2011
11 until today's date, there would be a record of that
12 somewhere?

13 A. Yes, sir.

14 Q. Thank you very much.

15 A. Yes, sir.

16 MS. BENTLEY: May this witness be excused, Your
17 Honor?

18 MR. CHAMBERS: No objection.

19 THE COURT: Without objection, the witness may
20 be excused.

21 THE WITNESS: Thank you.

22 MS. BENTLEY: The State calls Investigator
23 Robert Perry to the stand.

24 THE CLERK: Do you solemnly swear or affirm to
25 tell the truth, the whole truth and nothing but the

1 truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you. Please have a seat.

4 State your name for the record.

5 THE WITNESS: Robert Perry.

6 ROBERT PERRY,

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MS. BENTLEY:

10 Q. Investigator Perry, where are you employed?

11 A. With the Greenville County Sheriff's Office.

12 Q. How long have you worked there?

13 A. Since July of 2006.

14 Q. And were you in law enforcement prior to that?

15 A. I was.

16 Q. Where at?

17 A. I worked in North Georgia and Florida and eventually
18 retired.

19 Q. And retired?

20 A. Correct.

21 Q. So how long have you been in law enforcement total?

22 A. About twenty-six years.

23 Q. And what is your position at the Greenville County
24 Sheriff's Office?

25 A. I work in special victim's unit for violent crimes

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Robert Perry - Direct Examination by Ms. Bentley

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1 on children.

2 Q. Okay. So you are a sex crimes investigator?

3 A. Correct.

4 Q. How long have you been involved in the investigation
5 of sexual assaults on children?

6 A. More or less about ten years.

7 Q. Okay. Were you the primary investigator in this
8 case?

9 A. No, I was not.

10 Q. Did you participate in the actual investigation of
11 this case in any way?

12 A. Not the actual investigation of the case.

13 Q. Did you ever talk to the victim?

14 A. No, I did not.

15 Q. Did you ever talk to the victim's family?

16 A. No.

17 Q. Okay. Please tell me how you came to be involved at
18 all in this case?

19 A. Basically, Investigator Henderson was going to be
20 out of town. She had a court order needing a blood draw
21 from the Defendant, Mr. Willis. And she asked me to do
22 her a favor. And I said, you know, by all means. I'll
23 be glad to do it.

24 Q. Okay. And did she present you with the court order?

25 A. She did. And it stated that, basically, there was a

1 blood draw needed on Mr. Willis. I spoke to Investigator
2 Henderson and she said that I could basically get him
3 from the detention center and transport him over to DHEC.

4 Q. Okay. And what was the reason that the court order
5 was requesting a blood sample from him?

6 A. From what I remember, I thought it was for like DNA
7 because it was also asking for a swab.

8 Q. Okay.

9 A. So I was kind of thinking it was just for DNA.

10 Q. Did you read the order?

11 A. I may have. I don't remember.

12 Q. Okay. What did you do -- tell me about the process
13 for getting Mr. Willis and transporting him to the health
14 department?

15 A. Basically, we called the detention center, set up a
16 time for him to be pulled out of his cell block. I would
17 go over there, shackle and handcuffs or leg shackles,
18 whatever, transport him in my car over to DHEC. We would
19 go up to DHEC, I would show them the court order and then
20 turn around and we would go into a room where there was a
21 couple of nurses and they did the blood draw.

22 Q. So you handed the court order to DHEC?

23 A. Correct.

24 Q. Okay.

25 MS. BENTLEY: One moment, please.

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Robert Perry - Direct Examination by Ms. Bentley

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1 Q. Tell me what happened? Did you speak to anyone
2 there at all?

3 A. Probably to about five or six different people
4 because we waited for maybe an hour and a half or so.

5 Q. Okay. And did you ask anyone specifically for the -
6 - a specific test or you just handed them the court
7 order?

8 A. No. I just basically asked them -- or gave them the
9 court order and in the court order it talked about
10 getting a swab and then a blood draw.

11 Q. Okay. And they read the order and they did
12 everything themselves?

13 A. Correct.

14 Q. Okay. So you did not specify what test to be done?

15 A. I didn't have any knowledge of what exactly they
16 were looking for.

17 Q. Okay. What happened when the test was complete?

18 A. When the test was complete, she basically drew the
19 blood, signed everything, put it in its own little vials.
20 And then I handcuffed him back up and I think we stopped
21 and got a drink, a soda or something, and then we ended
22 up going back over to the detention center.

23 Q. Okay. Did you interview Mr. Willis at all?

24 A. Oh, no.

25 Q. Did you attempt to ask him any questions?

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Ron Bishop - Direct Examination by Ms. Bentley

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1 A. No.

2 Q. Okay. I have no further questions. Please answer
3 any questions Mr. Chambers may have.

4 MR. CHAMBERS: No questions for this witness,
5 Your Honor.

6 THE COURT: All right. Thank you. You may
7 step down.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: You may call your next witness.

10 MS. BENTLEY: The State calls Ron Bishop to the
11 stand.

12 THE CLERK: Do you solemnly swear or affirm to
13 tell the truth, the whole truth and nothing but the
14 truth, so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Please have a seat. State your
17 name for the record, please.

18 THE WITNESS: Ron Bishop.

19 RON BISHOP,

20 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION

22 BY MS. BENTLEY:

23 Q. Mr. Bishop, where are you employed?

24 A. Greenville County Sheriff's Office.

25 Q. And what is your position there?

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Ron Bishop - Direct Examination by Ms. Bentley

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- 1 A. Extradition officer.
- 2 Q. Tell me what an extradition officer does?
- 3 A. He coordinate the extradition and movement of
- 4 fugitives from one state to the next.
- 5 Q. Okay. Tell me how one becomes a fugitive?
- 6 A. Okay. If an individual is wanted by the Sheriff's
- 7 Office in Greenville County and flees to another state,
- 8 then that makes him a fugitive.
- 9 Q. Okay. Does the Greenville County Sheriff's Office
- 10 make any steps to locate someone that's wanted?
- 11 A. We do.
- 12 Q. What kind of steps are usually taken?
- 13 A. We place individuals on NCIC, which is a national
- 14 data base available to any law enforcement officer to
- 15 check for wanted persons. We send out leads to different
- 16 agencies.
- 17 Q. Okay. Did you participate in the extradition of Mr.
- 18 Daniel Willis?
- 19 A. I did.
- 20 Q. I'm going to show you what's been marked as State's
- 21 Exhibit 3. Do you recognize this document?
- 22 A. I do.
- 23 Q. Tell me how you recognize that document?
- 24 A. This document is a waiver of extradition and it's
- 25 given to me when I pick him up at the place where he's

1 being held.

2 Q. So do you get a document like this for any person
3 that's picked up in another jurisdiction?

4 A. Yes.

5 Q. And what does this document do, enable you to do,
6 symbolize?

7 A. Well, it's a form, a waiver where he has waived his
8 rights for an extradition hearing.

9 Q. Okay. Tell me a little bit about the -- pardon me.

10 MS. BENTLEY: Your Honor, at this time, the
11 State wishes to admit Exhibit 3 into evidence.

12 MR. CHAMBERS: No objection, Your Honor.

13 THE COURT: Without objection. Exhibit 3 is
14 admitted and may be published.

15 (WHEREUPON, State Exhibit Number 3 was admitted into
16 evidence.)

17 Q. Tell me a little bit about extradition, what exactly
18 that means, what it entails?

19 A. Okay. There are two ways that a fugitive is brought
20 back to the wanting state. One is by a waiver of
21 extradition where he waives his rights to come back
22 voluntarily. The other way is by a governor's
23 requisition.

24 Q. Okay. If someone waives their right to extradition,
25 what does that mean?

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Ron Bishop - Direct Examination by Ms. Bentley

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1 A. That he's waiving his rights for a hearing before
2 the governor.

3 Q. Okay. And what would happen in a hearing before the
4 governor? Would it be the governor of the state he's in
5 or South Carolina?

6 A. Well, in this case, if he chose not to waive, we
7 would, here at the sheriff's office, apply for the
8 governor's requisition. It would be prepared by the
9 prosecutor, sent to Columbia. The attorney general would
10 present that to the governor. A requisition would have
11 been issued, sent to the -- a silent state of Kentucky.
12 At one point, an extradition hearing would be set up.
13 And he would be carried before the attorney generals for
14 review.

15 Q. In your experience have you participated in such
16 hearings?

17 A. Yes.

18 Q. How often is extradition denied?

19 A. In thirty-five years, I've never seen one denied.

20 Q. Okay. Tell me on what date -- I'll give you this
21 form if you can tell me. Do you know when Mr. Willis was
22 found in Kentucky? Or can you just tell me when he was -
23 --

24 A. It was late August.

25 Q. Okay. And when did he come back to South Carolina?

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Ron Bishop - Direct Examination by Ms. Bentley

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- 1 A. It was late August. The latter part of August.
- 2 Q. Of what year?
- 3 A. Of 2011.
- 4 Q. Okay. Did he -- did you serve him with his South
- 5 Carolina arrest warrants in Kentucky?
- 6 A. No.
- 7 Q. Okay. Tell me what happened when you went to -- did
- 8 you go to Kentucky to retrieve him?
- 9 A. Yes, we did.
- 10 Q. Tell me what happened when you went to Kentucky?
- 11 A. We go to the institution where he's held. And then
- 12 he's transported back to Greenville. And once he gets
- 13 into Greenville, the detention center, then he's served
- 14 with the warrant.
- 15 Q. Okay. Do you interrogate anybody that's being
- 16 extradited back?
- 17 A. No.
- 18 Q. Why not?
- 19 A. We just handle the extradition, not the
- 20 investigation or the interrogation of anybody.
- 21 Q. Okay. Tell me where in Kentucky Mr. Willis was
- 22 found?
- 23 A. McCreary.
- 24 Q. Okay. Do you know where in Kentucky that is?
- 25 A. I don't recall. It was in the middle of the state.

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Ron Bishop - Cross Examination by Mr. Chambers

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1 Q. Middle of the state?

2 A. Yeah.

3 Q. All right. I have no further questions. Please
4 answer any questions Mr. Chambers may have.

5

CROSS-EXAMINATION

6 **BY MR. CHAMBERS:**

7 Q. For somebody to be a fugitive, that simply means
8 that they are not in the state at the time that you have
9 a warrant that you want to serve on them; correct?

10 A. Right.

11 Q. So if a person had left the state with no knowledge
12 that there was a warrant or before a warrant was even
13 issued, and then they were out of state, they would be
14 considered a fugitive because you want them back in South
15 Carolina so you can serve that warrant on them; is that
16 correct?

17 A. That's right.

18 Q. And in this case, Mr. Willis here was located there
19 in McCreary County, Kentucky. And you said in late
20 August.

21 A. Well, I'm not sure exactly the date, but I think he
22 was -- I'm not sure of the exact arrest date, but he was
23 extradited in late August.

24 Q. He voluntarily came back as that form indicates;
25 correct?

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Kolby Garrison - Direct Examination by Ms. Bentley

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1 A. Exactly. Uh-huh (affirmative).

2 Q. All right.

3 MR. CHAMBERS: That's all the questions I have.

4 MS. BENTLEY: May this witness be excused, Your
5 Honor?

6 THE COURT: Any objection?

7 MR. CHAMBERS: No, Your Honor.

8 THE COURT: Without objection the witness may
9 be excused.

10 MS. BENTLEY: The State calls Kolby Garrison to
11 the stand.

12 THE CLERK: Do you solemnly swear or affirm to
13 tell the truth, the whole truth and nothing but the
14 truth, so help you God?

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Please have a seat. State your
17 full name for the record.

18 THE WITNESS: Kolby G. Garrison.

19 KOLBY GARRISON,

20 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION

22 BY MS. BENTLEY:

23 Q. Mr. Garrison, where are you employed?

24 A. Marvin's Produce.

25 Q. And what is your position there?

State of South Carolina -vs- Daniel Willis (2011-GS-23-03885 and 03886)
Kolby Garrison - Direct Examination by Ms. Bentley

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- 1 A. I'm the GM.
- 2 Q. The general manager?
- 3 A. Yes, ma'am.
- 4 Q. Tell me what Marvin's Produce is, does?
- 5 A. We're a wholesale produce distributor to South
- 6 Carolina, North Carolina and Western Georgia.
- 7 Q. How long have you been general manager of Marvin's
- 8 Produce?
- 9 A. Seven years.
- 10 Q. How long have you worked there in total?
- 11 A. Seven years.
- 12 Q. Okay. Mr. Garrison, do you know the Defendant in
- 13 this case, Daniel Willis?
- 14 A. Yes, ma'am.
- 15 Q. How do you know him?
- 16 A. He was an employee of ours.
- 17 Q. Do you recall when he began working with Marvin's
- 18 Produce?
- 19 A. It was around August of 2010.
- 20 Q. Okay. And what kind of employee was he?
- 21 A. He was a great employee.
- 22 Q. Okay. How many hours a week did he work?
- 23 A. Between twenty and forty, depending. He was a
- 24 school driver so it was depending on the schools.
- 25 Q. Okay. What does a school driver for Marvin's

1 Produce do?

2 A. Delivers to schools.

3 Q. Delivers produce to schools?

4 A. Yes, ma'am. Sorry.

5 Q. That's okay. And you said he was a great employee?

6 A. Yes, ma'am.

7 Q. What does that mean to you?

8 A. He was a good driver. He was quick. We never had a

9 complaint on him personally. He was just -- he was a

10 good driver. He was a model, model employee.

11 Q. Okay. Was he late to work?

12 A. No, ma'am.

13 Q. Did he ever -- let me back that up. Until May 2011,

14 did he ever fail to report?

15 A. No, ma'am.

16 Q. Did he ever show up late?

17 A. No, ma'am.

18 Q. Did he ever take extended leave?

19 A. No, ma'am, not that I recall.

20 Q. Okay. And tell me when his employment with Marvin's

21 Produce ended?

22 A. It was May 24th, was the last DOT record we have.

23 Q. Okay. And tell me what his schedule had been like

24 during May 2011. Had he been working regularly?

25 A. Yes, ma'am.

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Kolby Garrison - Direct Examination by Ms. Bentley

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- 1 Q. Tell me what happened on May 24th?
- 2 A. It was just a no call, no show.
- 3 Q. So he was scheduled to work on May 24th?
- 4 A. Yes, ma'am.
- 5 Q. And what does a no call, no show mean?
- 6 A. It just means there was no call or no indication of
- 7 coming, not being able to come to work.
- 8 Q. Okay. What did you do that day?
- 9 A. We attempted to contact him a couple of times on his
- 10 cell phone, and actually had another driver try to
- 11 contact him on his cell phone, as well.
- 12 Q. Okay. Were you able to get any response?
- 13 A. No, ma'am.
- 14 Q. Was that surprising to you?
- 15 A. It was.
- 16 Q. Why?
- 17 A. Danny's a model employee.
- 18 Q. Okay. So it was a sudden departure?
- 19 A. Yes, ma'am.
- 20 Q. If it had not been for the no call, no show, would
- 21 you have been happy to have him back?
- 22 A. Absolutely.
- 23 Q. Okay. Does Marvin's Produce have any type of rule
- 24 about no calls, no shows? Do you get a second chance?
- 25 A. We don't. We're not a -- we're a family-owned

- 1 business. We just kind of -- you know, depending on the
2 employee. There's no written policy, no, ma'am.
- 3 Q. So if he'd called you a day or two later and said
4 oops, something came up, I'm so sorry, would you have let
5 him come back?
- 6 A. Absolutely.
- 7 Q. Okay. So May 24th, 2011, no call, no show?
- 8 A. Yes, ma'am.
- 9 Q. Never heard from him again?
- 10 A. No, ma'am.
- 11 Q. No further questions.
- 12 A. Thank you.
- 13 Q. Please answer any questions Mr. Chambers may have.

14 **CROSS-EXAMINATION**

15 **BY MR. CHAMBERS:**

- 16 Q. Is the owner of the company somebody by the name of
17 Marion?
- 18 A. Yes, sir.
- 19 Q. And were you aware that Marion received a voice mail
20 from Daniel that he wasn't going to be coming in that
21 day?
- 22 A. No, sir, I did not hear that.
- 23 Q. Okay. Thank you.
- 24 THE COURT: Thank you, sir. You may step down.
- 25 MS. BENTLEY: May I redirect.

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Kolby Garrison - Redirect Examination by Ms. Bentley

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1 THE COURT: Yes.

2 REDIRECT EXAMINATION

3 BY MS. BENTLEY:

4 Q. Did you speak to Marion prior to coming in today?

5 A. No, ma'am.

6 Q. Okay. Thank you.

7 MS. BENTLEY: You may be excused.

8 THE COURT: All right. Thank you. You may
9 step down and without objection, he may be excused.

10 MR. CHAMBERS: No objection, Your Honor.

11 THE COURT: You may call your next witness.

12 MS. BENTLEY: The State calls Jane McLean.

13 THE CLERK: Do you solemnly swear or affirm to
14 tell the truth, the whole truth and nothing but the
15 truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please have a seat. State your
18 full name for the record.

19 THE WITNESS: Jane Ann McLean.

20 JANE MCLEAN,

21 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION

23 BY MS. BENTLEY:

24 Q. Ms. McLean, where are you employed?

25 A. I'm employed at the Piedmont Center for Mental

1 Health Services, specifically at our Greer Clinic.

2 Q. And what is your position there?

3 A. I'm a mental health therapist. I work with children
4 and adolescents and their families.

5 Q. What type of training and experience do you have or
6 do you need to become a licensed therapist?

7 A. We have to have a master's degree. And it could be
8 in various areas. I happen to have one in social work.
9 I have the highest level possible. It's a LISW/CP, which
10 stands for licensed independent social work in the
11 clinical program.

12 Q. How long have you been a licensed clinical
13 therapist?

14 A. I've been at Piedmont Mental Health Center for
15 fifteen and a half years. And I got my LISW/CP about two
16 years later.

17 Q. Okay. Did you see the victim in this case as a
18 patient, Minor Willis?

19 A. I did.

20 Q. Was she referred to you?

21 A. Yes, she was.

22 Q. By whom was she referred to you?

23 A. The Julie Valentine Center.

24 Q. Okay. When did you first see Minor

25 A. It was in July of 2011.

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Jane McLean - Direct Examination by Ms. Bentley

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1 Q. And how would you describe -- pardon me. Was she
2 receptive to therapy?

3 A. No. She did not want to be involved in therapy,
4 which is not uncommon.

5 Q. Okay. When you first met with her, did someone
6 bring her?

7 A. Her mother.

8 Q. Okay. And how was her mother?

9 A. Meaning?

10 Q. Was she -- did she act -- was she encouraging her to
11 go to therapy?

12 A. Yes. Yes, she did. Yes.

13 Q. Okay. Did you speak to her mother, Melanie Owens,
14 that day?

15 A. Yes, I spoke to both of them.

16 Q. Okay. Did you speak with them together or
17 separately?

18 A. I spoke to them together and then I spoke with
19 Minor separately.

20 Q. Okay. Tell me how many times over the course of the
21 past two years you've seen Minor

22 A. Ten times.

23 Q. Okay. And ---

24 A. I have seen her ten times. She's also been seen by
25 our psychiatrist and our nurse additional times.

1 Q. Okay. Tell me, without giving me any details, did
2 Minor disclose sexual abuse to you?

3 A. Yes.

4 Q. Did she disclose the time line that the abuse
5 occurred to you?

6 A. Beginning at age six, for eight years.

7 Q. Okay. And did she tell you the place or places that
8 abuse occurred?

9 A. No.

10 Q. Okay. Describe Minor attitude to therapy?

11 A. She was very -- it was mixed. For the most part,
12 she was avoidant. She did not want to talk in detail
13 about what happened. And that is not uncommon for
14 adolescent girls because they've already been interviewed
15 by multiple officials and caseworkers, so that's not
16 uncommon for that to happen.

17 Q. Okay. Do you work with sexual abuse victims on a
18 regular basis?

19 A. Yes, I do.

20 Q. Do you have special training in that area?

21 A. I have had some, yes.

22 Q. Okay. Tell me, are those patients treated
23 differently than any other patient that comes into your
24 practice?

25 A. Each patient is actually treated differently no

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1 matter what they come in for.

2 Q. Okay.

3 A. Depending on where they are emotionally,
4 behaviorally, cognitively.

5 Q. Could you describe Minor behavior to you? She
6 was avoidant. Was she respectful?

7 A. She was very respectful and she did answer
8 questions. It's not like she -- she was not irritable,
9 she was not angry, she was not completely uncooperative.
10 She was guarded, but she did answer the questions I did
11 ask.

12 Q. Okay. Tell me what course of therapy you thought
13 was best for Minor and why?

14 A. I would have felt that using several different
15 therapies would have been beneficial, cognitive
16 behavioral therapy, solution-focused therapy, narrative
17 therapy. For the most part, we didn't get involved in
18 therapy. I could say that in the times that I did meet
19 with her, though, occasionally I would use some cognitive
20 behavioral therapy, which is basically helping people
21 change their thoughts about how they feel about
22 themselves, so they'll feel better and act differently.

23 Q. Okay. How did Minor feel about herself?

24 A. At the time, her self-esteem was very low. She was
25 isolating herself. She felt very guarded, hypervigilant.

1 Q. Okay. Tell me, did you ever put her on any type of
2 medication?

3 A. Yes, our psychiatrist put her on Zoloft, which is
4 for depression.

5 Q. Okay. And how did that seem to do?

6 A. That seemed to help her a lot. She functioned a lot
7 better when she was on it. And at times she -- a couple
8 of times, I think she went off of it, which, again, most
9 teenagers do go off their medications. And then when she
10 got back on it, pretty much at her mother's insistence,
11 she would do better.

12 Q. Okay. And tell me a little bit about treating
13 teenagers in general, teenage females anyway?

14 A. In what respect?

15 Q. How are they unique patients or are they unique
16 patients?

17 A. Well, I guess the truth is, as part of my training
18 is that I see every client as a unique patient.

19 Q. Person?

20 A. Yes. So ...

21 Q. Okay. Practically speaking, how are teenage girls
22 as patients? Are they usually eager to talk to you?

23 A. And, again, that varies. I have some who ask to be
24 in therapy and they want to come to therapy and they want
25 to talk about a lot of personal issues. And then I have

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1 teenage girls whose parents may insist that they come to
2 therapy to deal with something that they don't want to.

3 Q. Okay.

4 A. So it is a wide variety.

5 Q. Okay. Where did Minor fit on that spectrum?

6 A. She fit in on the pat that she really didn't want to
7 be there. But whenever her mother would make
8 appointments, she would come. And we did come to an
9 agreement that -- because my theory is that you -- first
10 of all, I'm not a forensic interviewer. And my theory is
11 that you never can force anyone to talk about anything.
12 That's counterproductive. So we all came to an agreement
13 that she would come see me at least every two or three
14 months. And then in between she also saw our
15 psychiatrist and our nurse. So I could at least stay in
16 touch with what her symptoms -- how her symptoms were and
17 how she was doing and to see what else might need to be
18 done to help.

19 Q. What symptoms did she exhibit when she first saw
20 you?

21 A. She was depressed. And part of depression is being
22 irritable. Isolating herself, wanting to sleep a lot.
23 So that was part of -- that was the depression. Like I
24 said, she was also hypervigilant, very guarded. She did
25 cut herself and that was to -- I remember her words. It

1 was so she could feel something because often victims of
2 abuse just start feeling numb.

3 Q. Okay.

4 A. Some of the other symptoms were that she -- one of
5 the cognitive symptoms, had poor concentration. Her
6 grades, she'd always been a fairly good student. Her
7 grades were starting to drop. She was having a harder
8 time paying attention.

9 Q. Did any of those symptoms stand out as unusual to
10 you based on what she disclosed?

11 A. No. I mean, those are symptoms I would expect.

12 Q. Okay. And ---

13 MS. BENTLEY: One moment.

14 Q. Has she gradually improved over the course of the
15 two years?

16 A. Yes, she has.

17 Q. Okay. Have you noticed any specific improvements or
18 positive changes?

19 A. Yes. I think her grades have improved, for one.
20 She's -- and, again, she's gone back and forth between
21 isolating herself and becoming more active. At this
22 point, she seems to have more friends. She has stayed
23 involved with the color guard, which is very important to
24 her. And it seems like she's developed more friendships
25 through them, versus just having one or two friends like

1 at first, that she felt comfortable with because of lack
2 of trust.

3 Q. Did Minor express any type -- or exhibit any
4 signs that she enjoyed the attention that this has
5 brought upon her?

6 A. She would be one of the ones that I would describe
7 as absolutely hating the attention. And would have done
8 anything to have -- not have to do anything to talk about
9 this.

10 Q. Including therapy?

11 A. Correct. Well, like I say, when she came, she was
12 polite, she was respectful and she did talk to me, you
13 know, occasionally, about how she was felling.

14 Q. I have no further questions. Please answer any
15 questions Mr. Chambers may have.

16 **CROSS-EXAMINATION**

17 **BY MR. CHAMBERS:**

18 Q. I thought you indicate just a few minutes ago that
19 you were talking about the symptoms and things that she
20 displayed, specifically the cutting, that that was
21 basically her looking for some attention at that point?

22 A. No, that's not what I said. I said that she cut in
23 order to feel something. And this is typical in cases of
24 abuse where they feel a sense of numbness.

25 Q. Well, this depression and this cutting behavior and

1 those things, that can come about with things other than
2 sexual abuse, can it not?

3 A. Absolutely.

4 Q. Yeah. So if you had someone, for example, who had
5 grown up in a household with a mother who was a drug
6 addict and had an extremely bad temper, that's the kind
7 of thing that could lead to that sort of behavior;
8 correct?

9 A. Well, some of those, yes.

10 Q. Yeah. If you lived under the same roof with a
11 mother and a step-father, both of whom you describe as
12 having a bad relationship with, if you live in a home
13 where you were so embarrassed by the surroundings that
14 you lived in, that you didn't want have friends come to
15 your home, that could lead to this sort of behavior as
16 well, could it not?

17 A. It could, depending upon the severity of the
18 conditions.

19 Q. And if at some point the relationship began with
20 your mother, for example, to improve and she became
21 supportive and even sympathetic of you, along with taking
22 Zoloft, those things could cause someone to start getting
23 better and to enjoy life more, could it not?

24 A. Uh-huh (affirmative).

25 Q. All right. Now, you said that Minor really never

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1 wanted to participate in any of the therapy; is that
2 correct?

3 A. That's correct.

4 Q. All right. And, in fact, I'm looking at your report
5 which I can let you look at if you need to, but perhaps
6 you remember it. You described her as extremely
7 resistant and refuses to participate. Do you recall
8 that?

9 A. Uh-huh (affirmative). And, again, that's not
10 uncommon with teenage girls.

11 Q. She indicated to you, I believe, and, again, I'm
12 taking this from your report, that she had a boyfriend
13 who was seventeen years old?

14 MS. BENTLEY: Objection. We need to approach.

15 THE COURT: All right.

16 (WHEREUPON, Ms. Bentley and Mr. Chambers approached
17 the bar.)

18 THE COURT: You may proceed.

19 Q. Did Minor indicate to you that she had a
20 seventeen-year-old boyfriend and that she liked to spend
21 time with him, talk to him, that sort of thing?

22 A. Yes, sir.

23 Q. Did she also indicate to you that he was going to be
24 returning from Kansas at some point?

25 A. Yes, sir.

1 Q. And that there had been some problems related to
2 that relationship and she was upset about that?

3 A. I don't recall that there were problems in her
4 relationship with him.

5 Q. Okay. And I think she was probably fourteen at the
6 time she told you this?

7 A. Or fifteen. I don't remember.

8 Q. All right. Do you remember in your report the
9 possibility of having family therapy because, as you
10 describe it, the relationship between Minor and mother
11 was chronically conflictual?

12 A. Yes.

13 Q. You do recall that?

14 A. And it did improve.

15 Q. Okay. Do you recall in your report indicating that
16 Minor has signs of being somewhat manipulative, will
17 tell you one thing when you meet together and then agrees
18 with the mother when mom joins us and points out that not
19 all of what Minor reports is true?

20 A. Yes. And that is very common in every single
21 therapy session I have with most of my clients.

22 Q. So your description of her was that she could be
23 manipulative at times?

24 A. Like most teenagers, yes.

25 Q. Okay. That's all the questions I have for you.

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1 Thank you.

2 THE COURT: Any redirect?

3 MS. BENTLEY: Briefly.

4 REDIRECT EXAMINATION

5 BY MS. BENTLEY:

6 Q. So going back to this report, Minor had a
7 boyfriend at the time?

8 A. Yes.

9 Q. And he lived in Kansas?

10 A. Yes.

11 Q. Okay. I have no further questions.

12 THE COURT: All right. Thank you. You may
13 step down.

14 MR. CHAMBERS: I'm sorry. Excuse me, Your
15 Honor. Just one question.

16 THE COURT: All right. Wait must a moment.
17 Yes, sir.

18 RECROSS-EXAMINATION

19 BY MR. CHAMBERS:

20 Q. Is that he lived in Kansas or he was simply in
21 Kansas for the summer and was getting ready to come back
22 home?

23 A. Honestly, I don't remember the facts about that
24 because he was not my concern.

25 Q. Okay. I'm going to show you the report.

1 A. Okay.

2 Q. First of all, you can indicate whether or not that
3 is your report, that's one of the pages from your report?

4 A. Uh-huh (affirmative).

5 Q. Okay. And you see this portion here about the
6 boyfriend. If you could, just read that, please?

7 A. Which part? I'm sorry.

8 Q. Starting here where it says, patient also happy
9 because boyfriend is returning.

10 A. Right. The patient is also happy because her
11 boyfriend is returning from Kansas. Boyfriend is
12 seventeen years old and family sent him away because they
13 did not approve of his relationship with patient.
14 Actually, these are not my notes.

15 Q. Okay.

16 A. These are the psychiatrist's notes.

17 Q. Okay. And it indicates that he was ---

18 A. Those aren't my notes. I just realized those aren't
19 my notes.

20 Q. All right. That's all I have for you.

21 MS. BENTLEY: And I'm going to redirect
22 briefly.

23 THE COURT: All right.

24 RE-REDIRECT EXAMINATION

25 BY MS. BENTLEY:

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1 Q. Even though these are not your notes, can you tell
2 me the date that these notes were taken?

3 A. This is -- what you're showing me right now is a
4 progress summary that I wrote between April, a three-
5 month period.

6 MS. BENTLEY: One moment. Let me consult with
7 ...

8 Q. Okay. It's the same date. I'm going to show you
9 this. Can you tell me the date of these?

10 A. This was June 15th, 2012.

11 Q. 2012?

12 A. And also, I mean, I realize there's actually some
13 question marks because the doctor wasn't real clear about
14 exactly --

15 Q. That's okay. So 2012. So a year after she began
16 seeing you?

17 A. Yes.

18 Q. And she would have been fifteen at the time?

19 A. Fifteen or almost sixteen.

20 Q. No further questions.

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

23 MS. BENTLEY: May this witness be excused, Your
24 Honor?

25 MR. CHAMBERS: No objection, Your Honor.

1 THE COURT: Without objection. Thank you very
2 much. You're excused.

3 You may call your next witness, Solicitor.

4 MS. BENTLEY: Your Honor, the State rests.

5 THE COURT: All right. Ladies and gentlemen,
6 I'm going to ask if you would, we have some matters we
7 need to take care of at this time from a legal
8 standpoint. I'm going to ask you if you would, let's
9 just take a little earlier lunch today. We'll take care
10 of these matters, get us a bite to eat, as well. If
11 you'll be back at one fifteen, I believe we'll be ready
12 to start then with the conclusion of the trial.

13 Let me remind you again not to be discussing the
14 case one with another, not let anyone else discuss with
15 you. If you're out and about eating lunch and someone at
16 an adjoining table is talking about this case in any way,
17 you take the initiative and just move to a different
18 booth or a different table. You've made the commitment
19 to well and truly try the case, fairly and impartially.
20 I want to maintain that purity in this process. And I
21 know you do as well. Certainly, the parties deserve
22 that.

23 I can't imagine someone would come up to you and
24 want to share information with you or ask you questions.
25 If that were to happen, just tell the person you're on a

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1 jury. You can't be talking about the case. If anyone
2 were to insist, excuse yourself as soon as you can, get
3 the name of that individual, if possible. I assure you,
4 I'll take care of that. I don't expect anything like
5 that to happen. I just want to make sure you understand
6 how important it is that the process that we're now in
7 stays in that impartiality that we've committed to.

8 If you'll be back at one fifteen, we'll be ready to
9 proceed at that time. Have a good lunch.

10 Everyone else, please remain seated while the jury
11 departs.

12 (WHEREUPON, the jury exited the open court at
13 approximately 12:03 P.M.)

14 THE COURT: All right. Are there any matters
15 we need to take care of before I talk with Mr. Willis
16 about his right to testify?

17 MR. CHAMBERS: Your Honor, I make a motion for
18 a directed verdict.

19 THE COURT: At this stage in the trial, I
20 certainly have to consider all the evidence in the light
21 most favorable to the non-moving party. I find there's
22 not just an absence of evidence here, there's sufficient
23 evidence for the jury to act upon this matter. I
24 respectfully deny your motion, Mr. Chambers.

25 MR. CHAMBERS: Thank you, Your Honor.

1 THE COURT: Any other matters?

2 MR. CHAMBERS: No, Your Honor.

3 THE COURT: All right. If you would come
4 forward with your client. Mr. Willis, if you'd come with
5 your attorney and stand right there in front of the
6 podium.

7 (WHEREUPON, Mr. Chambers and Mr. Willis approached
8 the bar.)

9 THE COURT: If you would, please raise your
10 right hand. Do you swear or affirm the testimony you're
11 about to give me will be the truth, the whole truth and
12 nothing but the truth, so help you God?

13 THE DEFENDANT: Yes, sir.

14 (WHEREUPON, the Defendant was duly sworn.)

15 THE COURT: I'm going to explain to you certain
16 matters. I'm confident you've had a chance to talk with
17 your attorney already about these matters. I need to be
18 satisfied in my own mind you understand the rights that
19 you enjoy now. We're at the stage in the trial where you
20 can present a defense. You have a right to claim the
21 protections that are given to you under the Constitution
22 of the United States of America, the Constitution of
23 South Carolina. Each of those documents say that no
24 person in a criminal trial, criminal case, can be
25 compelled to be a witness against himself. That means

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1 you can't be required to testify in this case. You have
2 a right to testify on your behalf, but nobody can make
3 you testify. It's a personal right that you enjoy.
4 Nobody can waive this right, except you.

5 Now, Mr. Willis, if you decide to testify, you'll be
6 subject to the same rules that govern any other witness.
7 You can be examined and cross-examined on any relevant
8 issue in the case. In addition, if you have prior
9 convictions that involve dishonesty or false statements
10 or crimes that are punishable by imprisonment for more
11 than one year and the Court determines that the probative
12 value of admitting this evidence would outweigh its
13 prejudicial effect to you, then the Solicitor would be
14 able to introduce your criminal record to attack your
15 credibility. If you decide to testify, sir, the decision
16 on your part must be freely made by you, voluntarily made
17 by you, intelligently made by you, with the knowledge of
18 the protections that you have under our Constitution,
19 weighed in light of the consequences of your decision to
20 testify. You may choose not to testify. And if you make
21 that decision, then I'll instruct the jury that they
22 can't give that fact any consideration whatsoever that
23 you chose to exercise your right to not testify. There
24 would be absolutely no prejudice toward you from the jury
25 by exercising that right.

1 Whether to testify or not to testify, that's left
2 entirely up to you. You can talk with your attorney,
3 with family, with friends or anyone else, but ultimately
4 that final decision is yours and yours alone to make. Do
5 you understand that, sir?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you have any questions of what
8 I've explained to you?

9 THE DEFENDANT: No, sir.

10 THE COURT: All right. If you would, please
11 return to your table with your attorney.

12 Are there any impeachable offenses by which the
13 State would use to seek to cross-examine?

14 MS. BENTLEY: Yes, Your Honor. The Defendant
15 was convicted of contributing to the delinquency of a
16 minor in 2001. And I believe it was a drug related
17 offense and not sexual.

18 THE COURT: Was there a sentence in that?

19 MS. BENTLEY: There was, Your Honor. It was
20 three years and a fine of three thousand dollars,
21 provided upon the service of nothing and then suspended
22 with probation for two years.

23 THE COURT: What's your position on the
24 admissibility of that, Mr. Chambers?

25 MR. CHAMBERS: My position is that it's beyond

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1 the ten years. He didn't receive -- it doesn't sound
2 like he got an active sentence that would have been
3 carried into -- within the ten year parameter. So given
4 the fact that it's more than ten years old, our position
5 would be that it's too remote at this point for it to be
6 used for impeachment purposes.

7 THE COURT: Solicitor, isn't it certainly
8 beyond the ten years, you'd agree with that?

9 MS. BENTLEY: I would agree with that, Your
10 Honor.

11 THE COURT: Well, under 609, 609(b), I'm not
12 inclined to allow that into evidence. Any other matters?

13 MS. BENTLEY: Nothing from the State, Your
14 Honor.

15 MR. CHAMBERS: Nothing from the Defense, Your
16 Honor.

17 THE COURT: Let's take a break, be back at one
18 fifteen.

19 (WHEREUPON, the court stood at recess for a lunch
20 break.)

21 THE COURT: All right. Mr. Chambers, are you
22 ready to proceed?

23 MR. CHAMBERS: I am, Your Honor. My client's
24 indicated to me that he does not want to testify. As a
25 result of that, we're going to go ahead and rest at this

1 point.

2 THE COURT: All right. What I'll do, of
3 course, is let you rest in front of the jury and then
4 we'll be ready for our closing arguments. Then I'll
5 charge my usual burden of proof, reasonable doubt,
6 presumption of innocence, right not to testify. Let me
7 let each of you look at a verdict form that I've prepared
8 to make sure it ...

9 MS. BENTLEY: Your Honor, will you charge the
10 non-corroboration statute from the CSC cases?

11 THE COURT: The what?

12 MS. BENTLEY: The non-corroboration statute,
13 about the testimony of the victim.

14 THE COURT: Well, that's clearly the statute.
15 I'll certainly give other instructions about
16 believability of witnesses. I will charge the statute.

17 MS. BENTLEY: Thank you.

18 THE COURT: Any other matters we need to take
19 care of?

20 MS. BENTLEY: Nothing from the State, Your
21 Honor.

22 MR. CHAMBERS: No, Your Honor.

23 THE COURT: All right. Again, Mr. Chambers,
24 you can rest in front of the jury and then I'll explain
25 to them about the closing statements. If they're ready,

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1 you can have them come in.

2 THE BAILIFF: Yes, sir.

3 (WHEREUPON, the jury entered the open court at
4 approximately 1:32 P.M.)

5 THE COURT: Mr. Chambers, you may call your
6 first witness.

7 MR. CHAMBERS: Your Honor, the Defense rests.

8 THE COURT: All right. Ladies and gentlemen,
9 you've heard all the testimony in the case now. That
10 means that we're at the stage where the attorneys will
11 have a chance to give a closing statement, a summary of
12 what each of them feels is the pertinent parts about the
13 evidence that's been presented. After each has addressed
14 you in their closing, I'll instruct you on the law. The
15 case will then be yours to decide.

16 I told you yesterday that what the attorneys have to
17 say to you in their opening or in their closing is not
18 evidence. Nevertheless, I urge you to listen carefully
19 as they address you. After that, I'll give you the law,
20 and the case will be then yours to decide.

21 Solicitor, you may address the jury in your closing.

22 MS. BENTLEY: May it please the Court, Mr.
23 Chambers.

24 **CLOSING STATEMENT**

25 **BY MS. BENTLEY:**

1 Ladies and gentlemen, at the beginning of the trial

2 I told you that some children have a reason to fear.

3 Minor Willis was one of those children. Minor

4 Willis was sexually abused by her father, Daniel Willis,

5 from the age of six until she was thirteen years old, a

6 month shy of her fourteenth birthday.

7 At the beginning of the trial, Mr. Chambers and I

8 both spoke to you a little bit about reasonable doubt.

9 The Judge will fully explain what reasonable doubt is,

10 what it means and how I have to overcome that burden in a

11 few minutes. Mr. Chambers will also discuss reasonable

12 doubt with you. The State has the burden of proof in

13 every criminal case. Daniel Willis is presumed guilty

14 from the minute he walks in this door, until you come

15 back with your verdict -- presumed innocent. My

16 apologizes. Presumed innocent until you come back with a

17 verdict. It only if I have presented enough evidence to

18 leave you firmly convinced of his guilty, that that

19 burden is met. That is the very foundation on which our

20 justice system is based. So let's talk about that

21 first. Proof beyond a reasonable doubt is proof that

22 leaves you firmly convinced of the Defendant's guilt. It

23 is proof by the means of evidence, physical evidence,

24 circumstantial evidence, testimony, that proves to you

25 that he committed the crimes charged.

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1 Reasonable doubt; what is reasonable doubt? There
2 is reasonable doubt when you would hesitate to act. If
3 you go back there and you deliberate and you talk to each
4 other and you discuss the witnesses and what you believe
5 and what you're not sure you believe, all of that is
6 deliberation. That is not reasonable doubt. Reasonable
7 doubt is when, at the conclusion of your deliberations,
8 you cannot sign your name to a verdict of guilty. If, on
9 the other hand, you do not hesitate to sign your name to
10 a verdict of guilty, you do not hesitate, you do not
11 believe there is a true chance that Daniel Willis did not
12 commit these crimes, then he is guilty.

13 Now, the Defense has done what they can to take your
14 eye off of the evidence pointing to Mr. Willis's guilt.
15 They've brought up that Melanie Owens suffered from
16 addiction problems and that she gave up her rights to her
17 children for a period of time. Okay. What does that
18 prove or disprove? Nothing. It has nothing to do with
19 Minor allegations against the Defendant. It has
20 nothing to do with why we're here today. Melanie was
21 asked about it. The police investigators were asked
22 about it, the therapist was asked about it, Minor was
23 asked about it, Dr. Crosswell was asked about it. Nobody
24 thought that it had any bearing on Minor disclosure.
25 It does not matter. Melanie Willis [verbatim] told you

1 she gave up her children. She told you she had a
2 problem. Okay. People make mistakes. She made a
3 mistake, she got better. Minor told you that those
4 years that she wasn't living with her were fine. She was
5 happy at her grandmother's house. She still saw her mom.
6 She still saw the Defendant every other weekend. In her
7 eight-year-old mind, nothing really changed. It didn't
8 upset her. She came back. When she came back; it didn't
9 affect her.

10 The second thing that they touched on is the fact
11 that Mr. Willis was not tested for gonorrhea and we'll
12 talk about that in detail at the end.

13 I want to talk to you about the evidence that the
14 State presented today, the evidence proving Mr. Willis's
15 guilt. I also told you at the beginning of the trial
16 that child sexual abuse is a secret crime. It is a
17 secret crime in two ways. The first way was the way that
18 I told you. It's secret. People do not openly discuss,
19 acknowledge -- people want nothing to do with being
20 associated with criminal sexual conduct with a minor.
21 There is no street cred that you get from that. And
22 there's no -- often no evidence that can be left behind.
23 You're not going to have a video. You're not going to
24 have fingerprints. And as Dr. Crosswell told you, in
25 many, eighty-five to ninety percent, she said, of cases,

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1 there's no physical changes even to the genital area of a
2 victim. It's a secret crime. The second way it's a
3 secret crime is what you heard from Minor who kept
4 telling you that the abuse was her secret. It was a
5 secret she kept inside. Victims choose not to tell.
6 It's a deep dark secret. She told you she didn't hang
7 out with her friends because she was scared of letting
8 her secret out. She had friends that had disclosed to
9 her, she didn't want to burden them with her secret.

10 So let's talk about criminal sexual conduct in the
11 first degree and criminal sexual conduct in the second
12 degree. Criminal sexual conduct in the first degree, as
13 I told you, is when an adult commits a sexual battery on
14 a victim younger than eleven. Minor told you that she
15 was approximately six years of age when the abuse began.
16 That coincides with when you heard she began visiting the
17 Defendant at his parents' house where he lived. Melanie
18 Owens told you that when she was about five, she started
19 visiting with Daniel. And that for a year they had
20 supervised visits, they were not at that house. When she
21 was about six, she began going to the house unsupervised.
22 They'd had a year of these supervised visits, she felt
23 comfortable, she was trying to be a good mother and keep
24 her daughter safe. A year, until she was about six years
25 old, supervised visits. And what happens when those

1 visits aren't supervised anymore, Daniel Willis takes
2 advantage of his six-year-old daughter. Minor told
3 you that it started with digital penetration. That the
4 first time she was going to get clothes out of his room -
5 - she remember it was Saturday afternoon, she'd been
6 playing outside. Her grandmother was cooking dinner.
7 She was excited her cousins were coming over. She was
8 going to change her clothes. She'd been outside playing.
9 And as she goes to get her clothes, her father pushes her
10 on the bed, his bed. He took her pants off, but not her
11 panties and he touched her vagina. She said she
12 remembers feeling it inside. That is a sexual battery.
13 The Judge will define sexual batter for you in a few
14 minutes. But as I said earlier, sexual battery is any
15 penetration of any part of the Defendant into the
16 victim's vagina or mouth, and that includes oral sex, as
17 well.

18 Minor told you that this abuse continued and
19 changed gradually. For a while, it was just digital
20 penetration underneath her panties. And then one night
21 she's sleeping on the floor and he takes her pants and
22 her panties off. And he holds her legs down and spreads
23 them apart and performs oral sex on her. She thinks
24 she's about seven or eight at the time. Sexual battery
25 on a victim younger than eleven.

1 Minor also told you that this continued. It
2 continued in the same manner and that eventually he would
3 start putting a pillow over her face sometimes. She
4 didn't want to look any way so she didn't struggle too
5 hard, but he was pushing down on it so she couldn't
6 remove it. Minor didn't look at him while he was
7 doing this. She didn't cry out. But she told you that
8 she told him to stop repeatedly. She remembered that she
9 was in the first grade. She remembered Miss Grace was
10 her teacher, Jessica Stephens was her best friend.
11 Minor remembered all of these details because of the
12 trauma that she experienced. Criminal sexual
13 conduct in the second degree; when a defendant commits a
14 sexual battery on a victim between the ages of eleven and
15 fourteen. Minor told you when she was up here that
16 the last time her father performed oral sex on her was
17 the weekend before she went to the health department in
18 May 2011. She was thirteen. She told you the last time
19 that he digitally penetrated her was the weekend after
20 she went to the health department. She was still
21 thirteen.

22 So if you believe that the sexual batteries
23 occurred, then the other elements, the age of the victim,
24 have been clearly established.

25 Ladies and gentlemen, the truth is consistent. As

1 horrible as it may be, the truth is consistent. Did
2 Minor want to disclose this abuse? No. She never
3 wanted to tell anybody. She told you that herself. Her
4 therapist told you that she absolutely hated the
5 attention. She hated everything about this process. She
6 just did not want to talk about it. But she had to over
7 and over and over again. From the time she told her
8 mother, who cried and screamed and begged her to tell her
9 she was lying, to then to her grandparents and her aunts
10 after her mom left her there to go to the school play,
11 and in that same night to a strange -- two strange male
12 police officers. And later to Investigator Henderson and
13 then later to Mary Fran Crosswell, and then later to Jane
14 McLean in therapy. And then later to me. And then
15 finally to you, thirteen strangers in this courtroom.
16 She has had to tell this secret that she guarded so
17 closely over and over and over again. And her story, the
18 truth, hasn't changed. It was consistent.

19 She told you, and it's come out, that there were two
20 people that she did not disclose the oral sex part to.
21 The first officer, the first two male officers that came
22 to her home that first night in May when she'd just
23 disclosed. And then to Mary Fran Crosswell, the
24 examining physician. Minor told you that she thought
25 that she told her, but maybe she didn't. Is it

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1 reasonable doubt that she left out the fact that her
2 father performed oral sex on her to two people? No.
3 That is a thirteen-year-old girl, fourteen-year-old girl,
4 who feels disgusted. She told you she thought that act
5 was disgusting. Those were her words. Does it surprise
6 you, does it cause you to hesitate, that she would just
7 leave out that detail to two people? She didn't leave it
8 out to anybody else. She told her mom that first night.
9 And the evidence shows Minor told you several
10 instances of abuse that span the course of eight years.
11 I did not ask her to tell you about every other weekend,
12 every event that she remembered. That's not required to
13 meet the burden of proof. What's required is that you
14 hear enough to know all the elements of the crime and you
15 know enough to know that Minor is telling the truth,
16 that she is consistent with her story.

17 The Judge will tell you that there's a special part
18 of the law in South Carolina. And it relates to the fact
19 that sexual abuse is a secret crime, like I told you
20 before. In criminal sexual conduct cases, the testimony
21 of the victim doesn't need to be corroborated. You can
22 believe -- you can find the Defendant guilty based solely
23 on Minor testimony.

24 Now, you have a lot more than that here. You may
25 not realize it, but you do. You have all sorts of things

1 that your common sense will tell you, some of these
2 papers will tell you, and that you heard from other
3 witnesses. These will all tell you everything you need
4 to know to come back and find the Defendant guilty.

5 What made Minor finally disclose this abuse? The
6 health department called her and notified her that she
7 had gonorrhea. She is thirteen years old, her mother has
8 taken her, against her wishes, as her mother told you and
9 Minor told you, to get birth control pills. Her mom
10 had Minor as you heard, a month after high school
11 graduation. She didn't want Minor to get pregnant,
12 that was her concern. As Minor told you, her mom told
13 you, that it messed up her plans. She didn't want the
14 same thing for her daughter. She'd started her period,
15 it was irregular, her mom was, like, we're just going.
16 We're going to get it done. I don't care what you say.
17 You heard her mom. She was very, very real with you.
18 You heard from Kathy Culclasure the nurse that examined
19 Minor And she told Nurse Culclasure, like she told
20 her mother, and like she told you, she was not sexually
21 active. She did not believe that what her father was
22 doing was right. But she also didn't consider that
23 sexually active. It wasn't voluntary. It was, it was
24 something else. And she also just didn't want to tell
25 anybody about what was happening. And she also didn't

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1 even know, as some of you may not have known, that it was
2 a possibility to get a sexually transmitted infection via
3 oral sex. Chances are low. But as Dr. Crosswell told
4 you, it's possible. More possible than if you're
5 straddling a toilet seat.

6 Is Minor scared of her mom at this point? The
7 Defense wants you to think so. They want you to think
8 that she was terrified of her mother's reaction,
9 terrified that her mother would hate her for being
10 sexually active. That is as far from the truth as
11 possible. And you heard it yourselves. Her mom took her
12 to get the birth control. Her mom -- it was her mom's
13 idea. She did not care if Minor was sexually active.
14 She told her she's at the age where she might start
15 experimenting, she just didn't want her to have a baby.
16 This is not a mom that is going to shame her in any way.
17 You saw her yourself. But when Minor discovers that
18 she has a sexually transmitted infection, and she's
19 shocked and she's crying and she's scared, she breaks
20 down. And she tells her mother the truth. That all of
21 these years, every other weekend, her father has been
22 abusing her. Her mom, she told you, didn't want to
23 believe it. She didn't want to believe that her child's
24 father would hurt her baby. She didn't want to believe
25 that. Who, who would want to believe that their child

1 was sexually abused? Sexually abused for eight years
2 without them knowing it. Of course, she begged her to
3 tell her she was lying. But she wasn't lying. And she
4 told her mother the same story that she told everyone of
5 you today, two years later. Because the truth is
6 consistent.

7 The fact that Minor had gonorrhea has come up a
8 lot. It was the reason, and the only reason, that she
9 came forward. She had to get treatment for a sexually
10 transmitted disease. You can see her positive test
11 result. We talked to the woman that gave it to her. The
12 Defendant was not tested for gonorrhea. You can see
13 where we requested a year later for him to submit to a
14 test and he refused. He said he wanted to talk to his
15 lawyer. Never volunteered to give us a test. We got
16 some blood. We thought the blood would be sufficient.
17 We got test results from that blood for syphilis, HIV I,
18 HIV II, syphilis again, Hepatis C, another antibody,
19 everything except gonorrhea because the health department
20 only tests gonorrhea via urine. Why? They don't know.
21 It's just their policy.

22 Presume, because the Defendant is presumed innocent.
23 Presume we tested him and he did not have gonorrhea.
24 Presume the test came back negative. Would that mean
25 that Minor was lying? No. Because what else happened

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1 after Minor disclosed? The Defendant ran for the
2 hills of Kentucky. She texted her father that she had
3 come clean, she'd told her mother. He responded to her.
4 She said you know what you did. And he took off. He ran
5 as far and as fast as he could from South Carolina. He
6 didn't call his employer. Model employee. Model
7 employee, not a cross bad word to say about him. And
8 just no call, no show. Kolby Garrison told you that they
9 called him and called him. They're a mom and pop shop;
10 they wanted him back. Never returned their phone calls,
11 never answered their phone calls, they never heard from
12 him again. Lorraine Henderson tried to call him, tried
13 to get him in. Nope. Wasn't at his house. Gone. May
14 24th, the same day as the police report. They came in
15 early that morning, late that night. Minor told and
16 out the state. You can considered that, ladies and
17 gentlemen. You can consider the fact that when she came
18 forward, he took off. What does that say? What does
19 that say to you? To me, it says he had something to
20 hide. And it gave him three months, until the very end
21 of August to do whatever he needed to do to cover up his
22 tracks, including get treatment for any and all STDs.
23 One shot. One shot, one visit, gonorrhea was gone. So
24 let's say he had a negative result. We came in here,
25 presume that that negative result is Daniel Willis's. It

1 wouldn't disprove a thing Minor told you.

2 What else happened when Minor disclosed? Has it
3 been a good experience for her? No. In addition to all
4 those other people that she's had to talk to and be poked
5 and prodded by, and given medications by, she has been
6 completely shunned by her grandparents. She told you
7 that she told her grandmother when she was about eight or
8 nine years old. They were sitting in the kitchen. She
9 didn't have the words to express exactly what was going
10 on, but she said, he's doing something that's not right.
11 And she just said, okay. Well, you stay close to me.
12 She didn't think she believed her. All right. What
13 happens when she comes forward again, when she's older,
14 when she has the words to describe what happened to her?
15 She still wants a relationship with them. They're still
16 her grandparents. She saw them every other weekend too,
17 because that's where the Defendant lived, with them. And
18 what did her granddad tell you, don't come around here
19 until you drop those charges. They don't want anything
20 to do with her. She lost her family over this. Her
21 cousins that she played with, all those aunts and uncles,
22 her grandparents. This family, as she told you, as her
23 mom told you, she wanted when she was five. She asked
24 about her daddy. She asked to see him. And the minute
25 she comes forward and says what he's done, she loses it

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1 all. Loses it all. She could have gotten it back if she
2 had lied. If she'd come in here and said, it didn't
3 happen. But that's not what she did. She came in here
4 and told you the same truthful, consistent story she's
5 said since May 2011. Daniel Willis sexually molested her
6 every other weekend for eight years.

7 I ask that you go back there and you deliberate.
8 And you take all the time you need and you think about
9 every witness. You think about how Minor acted when
10 she was on the stand, how she had to close her eyes and
11 take a breath and steady herself each time before she had
12 to tell you about a memory she had of abuse. And then I
13 want you to come back out here and I want you to remove
14 the presumption of innocence from Daniel Willis. I want
15 you to remove that presumption and sign your names to a
16 verdict of guilty. Thank you.

17 THE COURT: Mr. Chambers, you may address the
18 jury.

19 MR. CHAMBERS: Thank you, Your Honor,
20 Solicitor.

21 **CLOSING STATEMENT**

22 **BY MR. CHAMBERS:**

23 Ladies and gentlemen, we have come to the close of
24 this trial and you've heard all the evidence that you're
25 going to hear. And you've heard a lot about this concept

1 of reasonable doubt and I want talk to you about it. I
2 want you to keep that at the very forefront of your mind,
3 reasonable doubt and the burden that they have to prove
4 beyond a reasonable doubt that Danny Willis did these
5 awful things that he's accused of doing. Because I'll
6 tell you, there's not anything that you can accuse
7 somebody, particularly a father of, that is more heinous
8 than what he is accused of. And he sits here facing not
9 only losing years and years of his life behind bars, but
10 being labeled as some sort of sexual deviant for the rest
11 of his life. So before you do that to him, before you
12 go back and find him guilty, I want you to very seriously
13 and very thoroughly consider the evidence that has been
14 presented to you and the evidence that has not been
15 presented to you in this case.

16 To sum it up, here's the State's case. Minor
17 said that her father digitally penetrated her and
18 performed oral sex on her. That's the evidence. That's
19 the case. Now, we had a series of witnesses who came in
20 and said we talked to her and more or less said, we
21 believe her. But that's the case. So you have to ask
22 yourself, do I believe Minor More importantly, do I
23 believe her beyond a reasonable doubt? Does what she had
24 to say leave me firmly convinced that Daniel Willis did
25 these things he's accused of? Am I definitely sure,

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1 based on what I heard, that Daniel Willis did these
2 things he's accused of doing?

3 Now, it's normal to sit there and think to yourself,
4 somebody's daughter would never say that if it didn't
5 happen. And it's normal to say, you know, when she took
6 the stand, she seemed composed, she knew what she was
7 saying. I believe her because I want to believe her.
8 But folks you can't stop there. First of all, you have
9 to look at the circumstances leading up to the statement
10 being made. And you have to consider it. Now, I take
11 very strong issue with something the Solicitor said a few
12 minutes ago and that is that we've tried to throw you off
13 track, that we don't want you to look at the evidence in
14 this case. No, to the contrary. I want you to look very
15 hard at the evidence in this case. She's the one that's
16 trying to get you off in the weeds. She's the one that's
17 saying the circumstances under which this girl grew up,
18 and the person that she grew up with, that that doesn't
19 have anything at all to do with this case. And all those
20 people that came and testified, oh, we didn't consider
21 that. We don't need to think about that. That's trying
22 to throw you off. Talking about how when he was arrested
23 he was in Kentucky. That's trying to throw you off.
24 That's not wanting you to look at the evidence in this
25 case.

1 So let's look at it. Let's go back through this.
2 As you heard, Daniel was never married to Melanie Owens.
3 They had a relationship and apparently they couldn't get
4 along, and they went their separate ways. And, in fact,
5 it was apparently such a bad relationship that Daniel
6 didn't have any contact with Melanie after that and
7 didn't have any contact with his daughter. When they
8 broached the subject of him seeing her, he was open to
9 it. And they started to do that. Apparently,
10 tentatively at first, and then they eased into it, to the
11 point that she was going over there every other weekend.
12 Now, I want you to bear in mind, because this is
13 important, okay? There was never a court order from
14 Family Court that said that she had to go visit with him,
15 that said that Melanie had to send her over there. This
16 was something that they were doing voluntarily of their
17 own volition. And it's interesting that now Minor
18 comes in and says, this began to happen immediately, the
19 first visit. And it literally happened every time that I
20 went over there thereafter, up until I was thirteen and
21 found out I had gonorrhea.

22 Now, even if she was trying to keep it a secret
23 because she was embarrassed, and I'm not going to act
24 like that doesn't happen. Listen, I don't in any way
25 want you to think that anything I have to say thinks that

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1 I don't take the issue of sexual abuse seriously. It is
2 a very serious issue. And there are people who suffer in
3 silence for a long time. And I know that people are not
4 always forthcoming when something like that happens to
5 them. But, you know, she didn't have to keep going over
6 there. Nobody was forcing her to go. And she could have
7 very easily, at any point during that time, have said --
8 just told her mama, I don't want to go. She didn't even
9 have to give a reason. I don't want to go. But she
10 never did. And to the contrary, she appeared by all
11 accounts to be anxious to go. I mean, her mother, at
12 least on the stand, seemed very concerned about how her
13 daughter was acting and the things that she was doing.
14 Had she detected that there was any problem at any point
15 with Daniel Willis, she would not have let that little
16 girl go over there. And this girl -- I mean, listen,
17 children have a way of letting you know if they don't
18 want to do something. You know, I've got four kids. Two
19 of them are grown and I started over and I've got two
20 little ones. And they don't have any problem with
21 letting me know they don't want to do something. And if
22 she didn't want to go over there, she would have made
23 that clear. She might not have told the reason, but she
24 would have made it clear. She even went over at times
25 like on Wednesday because she was anxious to see her

1 cousin. And I want you to bear in mind, the testimony
2 was clear that there were always lots of people in the
3 house, Mr. Willis, Mrs. Willis, Daniel Wills. A cousin
4 was usually over there. It was a small house. And you
5 have to think that the circumstances under which she said
6 these things happened. It just belies common sense that
7 it could be going on and that she would continue to
8 willingly go over there, look forward to going over there
9 when she didn't have to. And that nobody would pick up
10 on anything that was going on.

11 And, you know, the Solicitor says truth is
12 consistent. Then this truth was inconsistent. There was
13 no consistency with what she had to say. And it's
14 important. You can't just brush it away, okay? She
15 tells the first officer that she talks to, Deputy Massey
16 -- and folks this is important. I want you to think
17 about this. He said, and he volunteered this, that her
18 demeanor struck him as strange. That she didn't seem to
19 have any emotion. She certainly wasn't crying and she
20 seemed preoccupied with something else, like her mind was
21 somewhere else. Probably because she was worried about
22 the fact that she wasn't telling the truth.

23 Now, the mother's background is very important in
24 this. She said on the stand herself that she was an
25 addict. Minor testified that her mother had anger

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1 issues. When I asked her about that, she agreed with me
2 about that. This condition apparently was so bad that
3 DSS got involved and they removed all of the children
4 from the home and they went to live with the maternal
5 grandmother for three years. Minor testified that she
6 didn't particularly like -- in fact, she didn't like her
7 step-father. She didn't like her mother. Her mother had
8 anger issues. These are all things that Minor said.
9 When she talked to the therapist, the therapist even said
10 that the relationship between mother and daughter was
11 extremely combative. That tells you a lot about the
12 tension and the conflict that existed between Minor
13 and her mother. And if you've ever been in a situation
14 like that, if you've ever been around somebody like that
15 who has this hair trigger, you walk on eggshells with
16 somebody like that. You do everything you can to keep
17 from trying to set them off. And that was certainly the
18 situation with Minor Now, this whole thing
19 apparently supposedly came to light when mom just decided
20 that her thirteen-year-old girl needed to be on birth
21 control, because she was worried about her getting
22 pregnant, because she had gotten pregnant when she was
23 seventeen. Folks, there's a big difference between a
24 thirteen-year-old and a seventeen-year-old. You have to
25 ask yourself, why did she think it was necessary for her

1 thirteen-year-old daughter to be on birth control. She
2 threw something in there about the -- wanted to regulate
3 her period. But, you know, there's no doctor that was
4 prescribing that. She just went to the health department
5 and the daughter said, to get her the birth control.
6 And, of course, they tested her, as they always do, for
7 sexually transmitted diseases. And lo and behold, she
8 had one. Her mother had even said to -- and this was

9 Minor testimony, that at age nine her mother had
10 asked her if she was doing anything. That's a direct
11 quote from her. Her mother said, was she doing anything.
12 So Minor had every reason to fear her mother, this
13 volatile woman, finding out that she was involved with
14 somebody else, that she was fooling around, that she was
15 doing things that she shouldn't be doing at that age.

16 And, you know, it's funny that even upon getting the
17 phone call, before she even knew what it was about, that
18 the mother was mad. Minor said she immediately
19 accused her of being pregnant. Again, that makes you
20 wonder, what was going on with Minor What was going
21 on with Minor Now, after they fact they say, well,
22 she was depressed. And everybody says that that fit
23 perfectly, that just dovetails with the fact that she was
24 being sexually abused. But, again, she's living in a
25 home with this volatile woman, with these two people that

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1 she says she doesn't like, in a home that she's so
2 ashamed of that she won't bring her friends to it.
3 That's enough to cause depression. Not to mention the
4 fact that, let's face it, thirteen and fourteen-year-old
5 kids a lot of times just don't like to spend a whole lot
6 of time with their parents. They just don't. She knew
7 already about sexual molestation and sexual abuse
8 because, as she told you, she had this friend, Jackie,
9 who strangely enough she said was sleeping in the bed
10 with her when apparently Daniel Willis had the audacity
11 to climb into a bed with another girl laying directly
12 beside her and perform oral sex on her. Again, that sort
13 of belies any kind of credibility. But this person had
14 already told her, hey, I've been abused. So that's in
15 her mind.

16 So when she gets this call and she says to herself,
17 oh, I've got gonorrhea. What am I going to tell my mom?
18 Well, certainly if she tells her, I've been sexually
19 active, I've picked this up from, you know, some boy,
20 from some man, from whoever, she knows mom's going to go
21 off. Mom's already been mad at her before she even heard
22 about it. So she thinks and says, my dad. My dad did
23 this.

24 And the details evolve as time goes on. They're not
25 consistent the way the Solicitor says they are. And

1 here's the thing, the Solicitor said, well, you know, she
2 could have come in here, if it hadn't happened and told,
3 just said, you know what, it didn't happen. And all of
4 this would have been over and I would have had my family
5 back and all those things. But once you're invested in a
6 lie, folks, I mean, you know, you got to ride it out.
7 You've got to stick with it. Because the consequences at
8 that point are much, much worse potentially. We've all
9 been in that situation at some point in our lives.
10 Either where we know that somebody has lied to us, but
11 even faced with the stark reality, the truth, we'll not
12 back off of that lie. Or maybe we've been in that
13 position ourselves, maybe some little white lie that we
14 tell and we stick with it because we're invested in it.
15 And that's what happened.

16 And guess what happened as a result of this, things
17 got drastically better between Minor and her mother.
18 That was her testimony. We didn't like each other. We
19 didn't get along up until 2011, after I told her about
20 this. And then all of sudden, they're getting along.
21 And mom is very sympathetic and life gets better. So at
22 that point, there's no reason to recant. There's no
23 reason to say that you weren't telling the truth because
24 all these people that you're telling it to, they believe
25 you. Mom's being nice to you. Things get better. She

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1 supposedly became more active in school after she got on
2 the Zoloft and mom was being nice to her. Even had a
3 boyfriend. The guy from Kansas, who, apparently the
4 parents, according to the witness that testified, didn't
5 approve of. But here's the thing, when you tell a lie,
6 even if you're invested in it, it's hard to be
7 consistent. So you start out by telling the first
8 officer you talk to, well, he just used his finger. And
9 then you talk to the Investigator, Lorraine Henderson,
10 and the first time you talk to her, you say, well, he
11 only used his hand. He only touched me with his hand.
12 But then you talk to Lorraine Henderson again and,
13 apparently she told her mom right off the bat. She said,
14 well, you know, he performed oral sex on me. So the
15 second time you talk to Lorraine Henderson, that's when
16 you say, you know, he used his mouth. But when you go
17 and you talk to the doctor, the one that's doing the
18 examination, you tell her, oh, no, no. He only used his
19 hand. He only used his hand. And she even asked her
20 specifically because she'd reviewed law enforcement's
21 review. She knew what the report said. She even asked
22 her specifically if he had done anything and used
23 anything other than his hand. She said, oh, no. No. So
24 there's no consistency in the way she told that.

25 But here's the thing, folks. Not only is she not

1 believable and is their evidence not proved beyond a
2 reasonable doubt, but the evidence goes the other way.
3 The evidence presented shows that she's not telling the
4 truth. First of all, if she was -- they offered her
5 counseling and treatment. She was very reluctant. Made
6 it clear she didn't want to participate. Now, I guess
7 one explanation for that is the explanation that they
8 gave you, and that is that it was just such a horrible
9 thing that she didn't want to relive it. But you could
10 also, because you know that what you're saying is not the
11 truth, that you weren't sexually molested, at least not
12 by your father, that would be a reason not to want to go
13 through with it. And do not lose sight of the fact that
14 the therapist herself referred to her as being
15 manipulative, that she would say things happened one way,
16 but then after input from her mother, who would then be
17 in the room, would back up and say something else.
18 That's not my word, that's the therapist's word.
19 Now, because she knew she was in here testifying in a
20 trial where they are trying to convict Daniel Willis, she
21 tried to play it off as saying, well, you know, girls
22 that age, they're all manipulative. But here's the
23 thing, it's her report. And it was an important enough
24 aspect of her contact with Minor that she put it in
25 there. She's manipulative. Which, again, goes right

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1 back to somebody making this up to keep mom at bay. So
2 the mom's not mad, so that mom doesn't know that she's
3 sexually active, that she got gonorrhea from somebody
4 else. And here's the thing. And this is probably the
5 most important piece of evidence here. You've got the
6 test that shows that Minor tested positive for
7 gonorrhea. We know she got it.

8 Now, remember Dr. Crosswell, and this is really
9 important. I think this is in the defining part of the
10 whole case. Dr. Crosswell said that you are only going
11 to get gonorrhea from somebody through the transfer of
12 fluids. Is it possible to get it from a man performing
13 cunnilingus on a woman? She said it is possible, but it
14 is highly improbable. In fact, it is unlikely. It is
15 unlikely. You cannot get it from a hand alone. You
16 cannot -- and it is extremely unlikely -- she said that a
17 woman performing oral sex on a man could get it from the
18 man. But it would be a different kind. It would be
19 gonorrhea of the throat. In order for her to have the
20 genital gonorrhea, she would have had to have had fluids
21 transferred into that area. And the most likely way for
22 that to have happened, she said, was through sexual
23 intercourse. You've got to keep that in mind. Because
24 they have presented no proof at all that this man ever
25 had gonorrhea. In fact, the proof seems to be that he

1 didn't have it.

2 Now, the fact that from May until August they didn't
3 have him in custody, they want to blame that all on him.
4 She makes an assumption that he ran off on May 24th and
5 went to Kentucky, but she has no evidence of that. And
6 she didn't present any evidence of that to you. We know
7 that he was there in August and we know that he
8 voluntarily came back. He could have made it difficult.
9 He could have fought it tooth and nail, but he signed a
10 waiver of extradition and he came back. And they realize
11 that they have problems with their case and they want to
12 get you off in the weeds someplace, so they even bring in
13 that -- now, keep in mind, this is July of 2012. They've
14 had him in custody since August of 2011. In July of
15 2012, they decided that they want to get a DNA sample and
16 they want to get a urine test. So they go ask him.
17 Well, guess what? He's sitting over there falsely
18 accused of something in jail, so what does he say? I'd
19 like to talk to my lawyer. I would like to talk to my
20 lawyer. And so lo and behold, two months later -- and
21 there was a court order, but folks, there wasn't a
22 hearing. I consented to it. They take him over to the
23 health department to be tested. Now, it's not his fault
24 that they didn't get the right sample. He went over
25 there and they took blood. Apparently, they test through

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1 urine. Or, as she said, they can take a swab from inside
2 the opening of the penis. And they didn't do that. It's
3 not his fault. He didn't have gonorrhea. How else do
4 you know he didn't have it? They've had him in the jail
5 since August of 2011. Any medical treatment that he has
6 gotten for anything, he's gotten over there. And there
7 are records of it. And there he sits. He hasn't had any
8 treatment at all or we'd know about it because they would
9 have told you about it. Does he look like he's, you
10 know, eaten up with gonorrhea. He never had it. She got
11 it from somebody else. She didn't get it from him. And
12 let's play the game that the Solicitor did where you say,
13 let's assume, let's assume he did have it. He didn't
14 give it to her based on what she said he did because Dr.
15 Crosswell told you that it was nearly impossible.

16 Folks, this comes down to whether you believe
17 Minor beyond a reasonable doubt. And I know that some
18 of you really want to do that. But you cannot ignore the
19 circumstances under which this revelation was made. You
20 cannot ignore the background and the acrimonious
21 relationship that she had with her mother and the fear
22 that she had of upsetting her mother. You cannot ignore
23 that apparently this young lady was, at least her mother
24 suspected, was sexually active. Because why else would
25 she have taken her for birth control? And it was

1 something that clearly upset her. You know, the
2 Solicitor said, oh, she was very understanding about her
3 daughter engaging with sex with somebody else, then why
4 was the mother so upset at a phone call from the health
5 department when she hadn't even talked to anybody? Why
6 did she immediately jump to the assumption that her
7 thirteen-year-old daughter was pregnant? That's somebody
8 that you don't want to upset. That's somebody that you
9 don't want to disappoint. You have to consider all the
10 inconsistencies in what she had to say. You have to
11 consider the fact that over all these years when she said
12 she was abused at every visit that she never simply said,
13 I don't want to go. I don't want to go over there. She
14 didn't do that. You have to consider the circumstances
15 under which she said these things happened and ask
16 yourself, is he crawling in there with another girl
17 laying there in the bed and nobody ever knows about it?
18 No. It's ridiculous. It doesn't make sense.

19 So her mere accusation, I mean, that can't be
20 enough, folks. That can't be enough and you have to
21 consider all these other issues. It's our position and I
22 believe borne out by the evidence that, in fact, the
23 evidence points to her not telling the truth. And you
24 cannot convict somebody if you have any doubts at all
25 about the evidence in this case and there's plenty of

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1 room for doubt. Plenty of room for doubt.

2 Now, I'm going to do the hardest thing I'm going to
3 do all day. I'm going to go over there and I'm going to
4 have a seat. And I'm probably going to think of things
5 that I wish I'd said to you, things that are important
6 about this case that I didn't bring up. But here's the
7 thing, and this is what gives solace, I've watched y'all
8 over here. I know that you have listened attentively to
9 what's going on. And I know that you take your burden as
10 -- or your duty as jurors very seriously. And that you
11 are going to hold them to the burden they have in this
12 case. And you're going to look at all the things that
13 you and I talked about. And there are probably going to
14 be things that I didn't bring up that y'all are going to
15 talk about. Keep in mind when you go back there to
16 deliberate that none of you is any more or less important
17 than the other, that all of you go back there with your
18 own opinion about what happened in this case. And you
19 have to come to a unanimous verdict. Yes, you're
20 supposed to, through deliberations, listen to other
21 people, consider their viewpoints. But if you're
22 struggling with this, that's reasonable doubt. If you
23 think that there is a real possibility that she's not
24 telling you the truth, that's reasonable doubt. And
25 don't let anybody shake you from that. That's how the

1 system works. That's why trial by a jury is as important
2 as it is.

3 You know, I am Danny Willis' advocate. And I take
4 that very seriously. And so I hope that anything that I
5 have said or done or any decisions that I have made have
6 not in any way made you more likely to not like Daniel
7 Willis. But I have, again, every faith that you are
8 going to hold them to the burden in this case. And I
9 want to say it one more time. It's the highest burden
10 that we have in any court. It is beyond a reasonable
11 doubt. And throw out the term, firmly convinced. Folks,
12 when you go home tonight after you've made your decision,
13 are you going to feel comfortable with it? If that was
14 somebody you knew sitting over there, would you feel
15 comfortable saying, yeah, I believe he did those awful
16 things he's accused of. Could you do that? Because
17 that's what you have to think of when you go back there.
18 I really appreciate your being here. I can tell you that
19 Daniel Willis appreciates your being here. It's been a
20 long couple of years for him. He's been sitting over
21 there in jail since August of 2011 waiting for his day in
22 Court and he's glad that it's here. He's glad that he
23 finally got to face his accuser. He's glad that you
24 folks are here to consider the evidence in this case.

25 Ladies and gentlemen, the proper verdict in this

1 case is not guilty. They have not proven their case to
2 you. She was not telling the truth. And the evidence in
3 this case, in fact, supports the fact that she was not
4 telling the truth.

5 **CHARGE**

6 **BY THE COURT:**

7 Ladies and gentlemen, it's now my responsibility to
8 instruct you on the law of the case. Let me remind you
9 that the indictments that I read to you when we started
10 this case that are before me, those indictments and the
11 fact that the Defendant in this case has been arrested
12 and charged, that's not evidence. It's not any
13 consideration by you that he's guilty of these charges.
14 It doesn't create any presumption that he's guilty or any
15 inference of guilt. The indictments are merely the
16 papers that bring this case before this Court for
17 disposition, as we've done yesterday and today.

18 Now, the Defendant has pled not guilty to the
19 indictment and that places the burden on the State of
20 South Carolina to prove his guilt. A person charged with
21 committing a criminal offense in South Carolina is never
22 required to prove themselves innocent. I charge you that's
23 an important rule of law, that in a criminal case, no
24 matter how serious the charge may be, the one charged
25 will always be presumed to be innocent of the crime for

1 which that indictment was issued unless guilt is proven
2 by evidence satisfying you of that guilt beyond a
3 reasonable doubt. Presumption of innocence doesn't end
4 when you begin your deliberations. It accompanies the
5 Defendant throughout the trial until you've reached a
6 verdict of guilt, based on the evidence satisfying you of
7 that guilt beyond a reasonable doubt. Presumption of
8 innocence is not a mere legal theory. It's not just a
9 legal phrase that's used. It is a substantial right to
10 which every defendant is entitled unless you, the jury,
11 are satisfied from the evidence of the Defendant's guilt
12 beyond a reasonable doubt.

13 You may ask yourself what is a reasonable doubt in
14 the law? A reasonable doubt is the kind of doubt that
15 would cause a reasonable person to hesitate to act. Now,
16 the State has the burden of proving guilt beyond a
17 reasonable doubt. You may have served in the past in
18 civil trials in Magistrate's Court or up in this Court
19 where you were told that it was only necessary to prove a
20 fact is more likely true than not true, such as by the
21 greater weight of the evidence or the preponderance of
22 the evidence. In criminal cases the State's proof is
23 more powerful than that. It is proof beyond a reasonable
24 doubt. That would be proof that leaves you firmly
25 convinced of the Defendant's guilt.

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1 Now, in this life there is very few things that we
2 know with absolute certainty. And in criminal cases, the
3 law doesn't require proof that overcomes every possible
4 doubt. If, based upon your consideration of the
5 evidence, you are firmly convinced that the Defendant is
6 guilty of the crimes charged, you must find the Defendant
7 guilty. If, on the other hand, you think there's a real
8 possibility that the Defendant is not guilty, then you
9 must give the Defendant the benefit of that doubt and
10 find him not guilty.

11 Now, you and I have had certain duties to perform
12 during the course of this trial. As the Trial Judge,
13 it's been my responsibility to preside over the trial of
14 the case, to rule on the admissibility of evidence that's
15 been offered during the trial. You're to consider only
16 the competent evidence that is before you, the testimony
17 that's been offered from the witness stand, the exhibits
18 that are made a part of the record and that alone. My
19 job is also to charge you the applicable law in the case.
20 As the Presiding Judge, I am the sole exclusive Judge of
21 the law in the case. It's your duty as jurors to accept
22 the law and apply that law just as I state it to you.
23 Some of you may have any idea of what the law is in a
24 case of this nature or even a notion of what the law
25 ought to be in a case such as this. If you have such an

1 idea and it's not in agreement with what I now tell you
2 the law is, you must abandon such an idea. Because under
3 your oath, you've sworn to accept the law and apply that
4 law just as I state it to you.

5 Every case that's tried in this courtroom before a
6 jury, that jury becomes the sole and exclusive judge of
7 the facts in a case. A Trial Judge can't intimate or
8 state or comment on or make any statement whatsoever to a
9 trial jury about the facts in a case. Since you, ladies
10 and gentlemen, are the sole judges of the facts in the
11 case, you're not to infer from anything I've said during
12 the progress of the trial, any rulings I've made on the
13 admissibility of evidence or otherwise, anything I say to
14 you now in the course of this instruction to you, that I
15 have an opinion about the facts in the case. I don't
16 have an opinion about the facts. The Law of South
17 Carolina, the Constitution of our State prohibits a Trial
18 Judge, such as I, from having an opinion about the facts
19 in a case. That's a matter solely for you, the jury, to
20 make that determination. As jurors, it's your duty to
21 decide the effect and the value, the weight, and the
22 truth of the evidence presented during the trial.

23 Now, there's typically two kinds of evidence that
24 are presented in a trial. There's what's called direct
25 evidence and circumstantial evidence. Direct evidence is

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1 the testimony of a person who claims to have actual
2 knowledge of a fact, such as an eye witness. It's
3 evidence which immediately establishes the main fact to
4 be proved. Now, circumstantial evidence is proof of a
5 chain of facts and circumstances that indicate the
6 existence of a fact. It's evidence which immediately
7 establishes collateral facts from which the main fact may
8 be inferred. Circumstantial evidence is based on
9 inference and not on personal knowledge or observation.
10 The law makes absolutely no distinction between the
11 weight or the value to be given either direct evidence or
12 circumstantial evidence, nor is a greater degree of
13 certainty required of circumstantial evidence than of
14 direct evidence. You should weigh all of the evidence in
15 the case, ladies and gentlemen. And after weighing that
16 evidence if you're not convinced of the guilt of the
17 Defendant beyond a reasonable doubt then, of course, you
18 must find the Defendant not guilty.

19 Necessarily, you must determine the credibility of
20 the witnesses who've testified in this case. Credibility
21 simply means believability. It becomes your duty as
22 jurors to analyze and evaluate the evidence, determine
23 which evidence convinces you of its truth. In
24 determining the believability of witnesses who've
25 testified, you can believe one witness over several

1 witnesses. You can believe several witnesses over one
2 witness. In your discretion you can believe part of the
3 testimony of a witness and reject the remaining part of
4 the testimony of that very same witness. You can believe
5 the testimony of a witness in its entirety or you can
6 reject the testimony of a witness in its entirety. You
7 can consider the demeanor of the witness, the appearance
8 of the witness while on the witness stand. Did the
9 witness have any bias or prejudice or other motive in the
10 case? Was the witness straightforward or hesitant in
11 answering? The testimony of that witness, was it
12 consistent or inconsistent? How did that witness's
13 testimony stack up with the other evidence? Was it
14 strengthened or weakened by other evidence? It's totally
15 your prerogative, ladies and gentlemen, to determine the
16 credibility of the witnesses who have testified in the
17 case.

18 Now, ordinarily in a trial, the rules of evidence
19 would not allow a witness to give an opinion or a
20 conclusion, but there is an exception to this with
21 witnesses that we call expert witnesses. And a witness,
22 who by education and experience, has become an expert in
23 some profession or science or calling, may give an
24 opinion as to any relevant and material matter in which
25 the witness claims to be an expert and state a reason for

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1 that opinion. You should consider any expert opinion
2 received into evidence in this case, and like all other
3 evidence, give it the weight that you think it deserves.
4 If you decide the opinion of an expert is not based on
5 sufficient education and experience or you conclude that
6 the reasons given by the expert in support of that
7 opinion are not sound or that the opinion is outweighed
8 by other evidence, you can disregard that opinion
9 entirely. An expert witness testimony is to be given no
10 greater weight than that of any other witness simply
11 because the person is an expert. Further, you're not
12 required to accept an expert's opinion, even though it
13 may be uncontradicted.

14 In order to establish criminal liability, criminal
15 intent is required and must be proven by the State beyond
16 a reasonable doubt. Criminal intent is always a matter
17 that must be determined by a jury from the circumstances
18 surrounding the situation. There's no way that intent
19 can be proven to a mathematical certainty. There's no
20 way medical science can dissect a person's brain and
21 determine what that person had in mind. So the law says
22 that criminal intent may be inferred from the
23 circumstances shown to have existed. It's not necessary
24 to establish intent by direct and positive evidence, but
25 it may be established by inference, in the same way as

1 any other fact, taking into consideration the acts of the
2 parties and all the facts and circumstances of the case.
3 Criminal intent is a mental state. It's a conscious
4 wrongdoing. It's up to you to determine what the
5 Defendant intended to do based upon the circumstances
6 shown to have existed. Now, I instruct you and I
7 emphasize to you the fact that in this case the Defendant
8 did not testify is not a factor to be considered by you
9 in any way in your deliberations and in your
10 consideration of the question of the guilt or innocence
11 of the Defendant. It must not be considered by you in
12 any manner whatsoever. A defendant has a Constitutional
13 right to remain silent and the assertion of this right
14 must not be considered by you in your deliberations. I
15 repeat, under your oath, you're to draw no conclusions
16 whatsoever from the fact the Defendant in this case did
17 not testify. The fact that this Defendant did not
18 testify should not even be discussed by you in the jury
19 room. The burden of proof is on the State. As I've
20 mentioned to you, the Defendant is not required to prove
21 his innocence. That burden remains on the State to prove
22 guilt beyond a reasonable doubt.

23 Now, in this case there are two separate charges.
24 As I've mentioned, the indictments charge the Defendant
25 with first degree criminal sexual conduct with a minor

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1 and also criminal sexual conduct with a minor in the
2 second degree. You should consider each of these
3 distinct and separate in your evaluation of the facts
4 presented by the State.

5 Now, as to the charge of first degree criminal
6 sexual conduct, the State must prove beyond a reasonable
7 doubt that the Defendant engaged in a sexual battery with
8 the victim. A sexual battery is sexual intercourse,
9 cunnilingus, fellatio, anal intercourse or any intrusion,
10 however slight, of any part of a person's body or of any
11 object into the genital or anal opening of another
12 person's body, except, of course, when the intrusion is
13 accomplished for medically recognized treatment for
14 diagnostic purposes. The State must then prove beyond a
15 reasonable doubt for this offense that the victim was
16 less than eleven years old at the time of the sexual
17 battery.

18 The Defendant is also charged with second degree
19 sexual conduct with a minor. Again, to prove this
20 offense, which is separate and distinct from the other,
21 the State must prove beyond a reasonable doubt that the
22 Defendant engaged in sexual battery with the victim. And
23 I just explained to you the definition of a sexual
24 battery. For this offense, the State must also then
25 prove beyond a reasonable doubt that the victim was at

1 least eleven years old but not more than fourteen years
2 old at the time of the sexual battery. Consent or
3 willingness or indifference or ignorance on the part of
4 the minor, if any, as to what was taking place does not
5 in any way affect the charge of criminal sexual conduct
6 with a minor because such a minor could not legally
7 consent to sexual intercourse. And the testimony of a
8 victim under the law of South Carolina need not be
9 corroborated in prosecutions of this nature, that being
10 criminal sexual conduct with a minor.

11 Now, as I've said, there are two charges in this
12 case, criminal sexual conduct in the first degree and
13 also in the second degree, both with a minor. I believe
14 the verdict form will be self-explanatory. After you've
15 deliberated on these charges if you find that the State
16 has met its burden of proof, then you'd simply check
17 guilty. If you find the State has failed in any way of
18 meeting its burden of proof, the check would be not
19 guilty. The same would apply to the second degree
20 criminal sexual conduct.

21 Your verdict must be a unanimous one. All twelve of
22 you must agree upon a verdict. Your verdict can't be
23 based upon sympathy or passion or prejudice or emotion or
24 any other consideration not in evidence in the case.
25 There's no significance, of course, in which the guilty

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1 or the not guilty charge are listed. One has to be
2 listed before the other.

3 I'm going to appoint Mr. Jones to be the foreperson
4 of the jury. I believe the form will be self-
5 explanatory. What his duties as the foreperson will be,
6 of course, is to facilitate the discussion, make sure
7 everyone has their individual input into the facts as
8 each sees them. And then once the verdict has been
9 reached unanimously, then, Mr. Foreman, you would just
10 merely check the appropriate block on each of those.
11 First degree criminal sexual conduct with a minor or
12 second degree, sign your name as Foreperson and date it.
13 We will receive the verdict form back here in the jury
14 room.

15 At this time, I'm going to ask you to go back to
16 your jury room. Don't start your discussions just yet.
17 There's a final matter of law I need to take care of with
18 the attorneys, after which, hopefully, we'll have the
19 exhibits to come back with the verdict form and with
20 instructions that you can begin your deliberations. But
21 for right now, don't start your deliberations. I'll ask
22 you if you would to retire to your jury room.

23 Everyone else, please remain seated.

24 (WHEREUPON, the jury exited the open court at
25 approximately 2:44 P.M.)

1 THE COURT: Any exception to the charge from
2 the State?

3 MS. BENTLEY: None, Your Honor.

4 THE COURT: From the Defense?

5 MR. CHAMBERS: No, Your Honor.

6 THE COURT: All right. Y'all get all the
7 exhibits in order. Here's your verdict form to go with
8 it. Send them back to the jury with their instructions
9 to start their deliberations.

10 If you would have Mr. Lynn come out, the alternate.

11 THE BAILIFF: Yes, sir.

12 THE COURT: We'll be at ease until we hear from
13 our jury.

14 (WHEREUPON, the verdict forms and exhibits were
15 delivered to the jury at approximately 2:45 P.M.)

16 THE COURT: Mr. Lynn, you've been a bridesmaid
17 twice, haven't you? Well, the other jury survived so
18 you're welcome to stay with us or you're free to go. We
19 won't need your services tomorrow. You can come and go
20 outside, inside, go home if you want to. Thank you for
21 your service. You've been a good juror even though you
22 didn't actually get to participate in deliberations, but
23 thank you for your service. I hope it's been an
24 educational process for you, a good experience. Thank
25 you. You've been a good juror. You can go with Ms.

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1 Pierce. If you'd like to stay we'd be glad to have you.

2 Thank you a lot.

3 Okay. We'll be at ease until we hear from our jury.

4 (WHEREUPON, court stood at recess awaiting the
5 verdict of the jury.)

6 THE COURT: All right. We've received a
7 statement from the jury. It states that they're locked,
8 cannot reach a unanimous decision. It's signed by the
9 foreperson. I propose, based upon the hour, to send them
10 home for the evening or if they want to order supper and
11 continue deliberating tonight, I'll be glad to do that.
12 I'm reluctant to give them an Allen charge now. Let them
13 come back tomorrow with a fresh overnight look and
14 continue their deliberations. Any input from either of
15 the attorneys about that?

16 MS. BENTLEY: Whatever the Court decides, Your
17 Honor.

18 MR. CHAMBERS: I'm fine either way with that,
19 Your Honor. One thing I do want, and I don't now if this
20 is the appropriate time or not, but I'll take the
21 opportunity. I have an emergency hearing in Family Court
22 in the morning at nine-thirty. I don't anticipate it's
23 going to be a very long hearing, but I just want to let
24 the Court know that. I'd like to be able to go over and
25 take care of that hearing.

1 THE COURT: If I have them come back at nine
2 o'clock in the morning, you'd be back here by ten,
3 wouldn't you?

4 MR. CHAMBERS: Assuming that they get started
5 right at nine-thirty. I don't think that would be much
6 of a problem. Because that's going to be the first
7 hearing of the day.

8 THE COURT: Okay.

9 MR. CHAMBERS: So, yeah.

10 THE COURT: Judge Kinlaw or ---

11 MR. CHAMBERS: I can't remember what Judge I'm
12 in front of, to be honest with you.

13 THE COURT: Okay. Well, we'll work with them
14 and you take care of that. I've got other matters I'm
15 going to be doing, so I'll let the jury know that it may
16 be a little late. I'll let them come back in the morning
17 and continue their deliberations.

18 If you'll have the jury come in, please?

19 (WHEREUPON, the jury entered the open court at
20 approximately 5:41 P.M.)

21 THE COURT: Mr. Foreman, I understand that you
22 -- I've read the note and I stated to the attorneys that
23 you feel you're locked and cannot reach a unanimous
24 verdict. You've heard two days of trial and you've been
25 deliberating a while. I think what I normally do with a

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1 jury -- certainly, we can order supper and let you
2 continue deliberating. But sometimes I find if you just
3 take a good night's rest and come back tomorrow and,
4 again, everyone giving their opinions and working through
5 it, that this will be the way we can have this matter
6 concluded. I'm going to be here on some other matters in
7 the morning anyhow, so I think, unless you just want to
8 stay tonight, I'm going to let you get a good night's
9 rest and come back tomorrow and see if you can't continue
10 your deliberations at that time. I'll be here and
11 certainly can answer any questions or other needs that
12 you have.

13 Let me remind you again not to be discussing the
14 case with anyone. You're well into the process now and
15 maintaining that purity and that impartiality is vitally
16 important. So we'll be able, I'm confident, to continue
17 tomorrow and I'll be here hearing some non-jury matters
18 and will be available anytime you may need further
19 assistance from me.

20 Have a good night, ladies and gentlemen. If you'll
21 be back at nine o'clock. As you come in, make sure you
22 don't start your deliberations prematurely. When the
23 last juror is here, then you can start your deliberations
24 at that time. I'll be here and the bailiffs will be here
25 to assist you, as well.

1 Have a good evening ladies and gentlemen. I'll see
2 you back at nine o'clock in the morning.

3 (WHEREUPON, the jury exited the open court at
4 approximately 5:44 P.M.)

5 THE COURT: All right. Any objection to the
6 comments made from either side?

7 MS. BENTLEY: Nothing from the State, Your
8 Honor.

9 MR. CHAMBERS: Not from the Defense, Your
10 Honor.

11 THE COURT: All right. I'm going to mark this
12 as Court's Exhibit Number 1 and we'll make that part of
13 the record.

14 (WHEREUPON, Court Exhibit Number 1 was marked for
15 identification.)

16 THE COURT: All right. See you back at nine.
17 If you need to go straight over there to that, would that
18 help?

19 MR. CHAMBERS: If you need me to come here at
20 nine, Your Honor, I can run by.

21 THE COURT: What's going to happen is what I
22 just told them. As soon as everybody's here, say, ten
23 after nine, then they're going to start their
24 deliberations.

25 MR. CHAMBERS: But you're not going to bring

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1 them back in the courtroom?

2 THE COURT: I'm not, no.

3 MR. CHAMBERS: Then I'll just go on over to
4 Family Court and check back in ---

5 THE COURT: And maybe you can get it heard and
6 let them know that you need to be back here.

7 MR. CHAMBERS: Yes, sir.

8 THE COURT: That'll be fine. We won't --
9 obviously, we won't do anything without you being here.
10 I'll just let them wait. And I'm certainly not going to
11 tell them why they're having to wait. But I've told them
12 that I have other matters I need to do. The bailiffs can
13 just tell them I'm tied up with the revocations or
14 whatever.

15 MR. CHAMBERS: Thank you, Your Honor.

16 THE COURT: All right.

17 MS. BENTLEY: Thank you, Your Honor.

18 THE COURT: If you were to get long delayed,
19 you know, please let us know, Mr. Chambers, if something
20 were to happen.

21 MR. CHAMBERS: I don't think it will be very
22 long, Your Honor.

23 THE COURT: If the court reporter's not there
24 or whatever.

25 (WHEREUPON, the Court stood at recess in this case

1 for the day.)

2 June 7, 2013

3 (WHEREUPON, the jury continued their deliberations
4 commencing at 9:07 A.M.)

5 THE COURT: I understand the jury's reached a
6 verdict. Are there any matters we need to take care of
7 before we receive the verdict? From the State?

8 MS. BENTLEY: Nothing from the State, Your
9 Honor.

10 THE COURT: From the Defense?

11 MR. CHAMBERS: Nothing from the Defendant, Your
12 Honor.

13 THE COURT: All right. If our jury's ready.
14 You can have them come in.

15 (WHEREUPON, the jury entered the open court at
16 approximately 10:41 A.M.)

17 THE COURT: Mr. Foreman, I understand the jury
18 has reached a verdict. Is that correct?

19 THE JUROR: Yes, sir.

20 THE COURT: Is it a unanimous verdict as to
21 both charges?

22 THE JUROR: Yes, sir.

23 THE COURT: If you would, please hand the
24 verdict form to the bailiff.

25 Madam Clerk, you may publish the verdict.

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Jane McLean - Re-redirect Examination by Ms. Bentley

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1 THE CLERK: In indictment 2011-GS-23-7843 and
2 2011-GS-23-8275, Daniel Lee Willis. We, the jury,
3 unanimously find the Defendant, Daniel Lee Willis,
4 guilty. As to the charge of criminal sexual conduct with
5 a minor first degree and as to the charge of criminal
6 sexual conduct with a minor second degree, guilty. If
7 this is your verdict and still your verdict, please
8 indicate by raising your right hand.

9 (WHEREUPON, all jurors' right hands were raised.)

10 THE COURT: Anything we need to take care of
11 with the jury in this case before they're discharged?
12 From the State?

13 MS. BENTLEY: Nothing from the State, Your
14 Honor.

15 THE COURT: From the Defense?

16 MR. CHAMBERS: No, Your Honor.

17 THE COURT: Ladies and gentlemen, thank you
18 very much for your service in this case, for your service
19 this week. You've been a conscientious group. You've
20 had an experience that you may never have again, serving
21 as a juror. I'm confident that if you ever find yourself
22 sitting at one of those tables, either in a civil
23 contract dispute or being accused of some crime against
24 the State of South Carolina, you'll want good solid
25 people such as yourselves sitting in that jury box

1 deciding what the facts are in the particular case that
2 you are involved in.

3 You may remember from our discussion on Monday when
4 you were qualified that the law gives you a right to be
5 excused from jury service for the next two years if you
6 get called to this Court. I hope that you'll consider
7 the experience you've had this week and opportunity to
8 serve as a juror to be one that you wouldn't want to
9 waive that exemption, but take the opportunity to serve
10 again as a juror. I hope it's been an enlightening
11 experience for you as to how the court system works.
12 You've been a good group to work with. You've been alert
13 and listened attentively and I'm grateful for that. It's
14 been my honor to have a chance to serve with you, to be a
15 fellow judge with you. Some of you may need statements
16 for your employer that you've been involved in jury
17 service. If that's the case, they'll have those for you.
18 If not up here, then you can stop by the assembly room
19 downstairs.

20 You're dismissed at this time. We have no more
21 cases for the week that will involve a jury. I would ask
22 the foreman, if you would please, to just wait in the
23 hallway. The Clerk has another document for you to sign.
24 The rest are excused. Thank you very much for your
25 participation. I hope you have a good weekend. You're

1 dismissed at this time.

2 Everyone else, please remain seated while the jury
3 departs.

4 (WHEREUPON, the jury exited the open court at
5 approximately 10:46 A.M.)

6 THE COURT: We'll wait just a moment until the
7 clerk gets back.

8 All right. Any matters we need to take care of
9 before sentence is imposed?

10 MS. BENTLEY: When you're ready, Your Honor,
11 under 16-3-655, the judge was asked to make a finding on
12 the record as to whether the CSC first degree involved a
13 sexual -- whether the sexual battery involved a sexual
14 intercourse by a person or intrusion by an object. I
15 don't think it was very clear on the record that it was
16 all intercourse type matters. But I just wanted to make
17 sure that was brought out.

18 THE COURT: I think -- I've read that statute
19 and I think clearly the evidence shows and the charge
20 that was given to the jury, certainly would show that
21 there was -- the record was replete with evidence to show
22 that there was penetration, not by any object, but by the
23 person of the Defendant. So I do make that finding that
24 there was digital penetration, pursuant to the statute on
25 criminal sexual conduct with a minor in the first degree.

1

2 MS. BENTLEY: That's all, Your Honor.

3 THE COURT: I believe the evidence clearly
4 shows that. Mr. Chambers?

5 MR. CHAMBERS: Your Honor, I would make a
6 motion for a judgement, notwithstanding the verdict, and
7 also a motion for a new trial.

8 THE COURT: I think the jury had sufficient
9 evidence. They made their decision. I believe it should
10 stand based on the facts presented. I respectfully deny
11 your motion.

12 All right. Mr. Chambers, if you would come forward
13 with your client. I'll certainly be glad first to hear
14 anything that the State has to present and then I'll be
15 glad to hear from you and your client or anyone else that
16 would like to address me.

17 (WHEREUPON, Mr. Chambers and the Defendant
18 approached the bar.)

19 THE COURT: Anything from the State?

20 MS. BENTLEY: Your Honor, the State believes
21 that all the facts were laid out on the record
22 appropriately. And I believe the victims have said
23 everything that they needed to say during trial.

24 THE COURT: And I believe the only prior record
25 was the contributing to the delinquency of a minor in

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Jane McLean - Re-redirect Examination by Ms. Bentley

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1 2001?

2 MS. BENTLEY: Yes, sir, Your Honor. 2001,
3 conviction, Your Honor.

4 THE COURT: It was drug related, you said?

5 MS. BENTLEY: It was. It was giving marijuana
6 to minors. I'm not sure of their ages.

7 THE COURT: Mr. Chambers.

8 MR. CHAMBERS: Your Honor, obviously the jury
9 has spoken at this point. I'm not going to stand here
10 and retry the case. I will tell the Court that, unlike
11 most cases I have, this was a very difficult case for me.
12 Because I'm very cynical, I usually don't concern myself
13 about whether my client is innocent or not. I simply try
14 to win the case. That said, I just have always strongly
15 believed that Daniel did not do the things he was accused
16 of. The jury saw it differently and I'm left to second-
17 guess decisions that we made and things that we didn't do
18 that we might have done and those sorts of things.

19 But that said, Your Honor, as you heard, he really
20 has no significant prior record. He does have this
21 contributing to the delinquency of a minor. He was
22 significantly younger himself at that point. And I think
23 it just involved some people that were together,
24 essentially in a party atmosphere and they shared some
25 marijuana and that's about it. Other than that, I mean,

1 he's been a hardworking, contributing member of society.
2 Certainly, he's never displayed the kind of behavior for
3 which he was convicted toward anyone else. Doesn't
4 appear to ever have been a threat to anybody. He's
5 certainly not going to be a continuing threat to his
6 daughter in this case. I don't think under any
7 circumstances they're ever going to have any contact with
8 one another again. I know that in cases like this, he's
9 facing a lot of prison time. And the expectation a lot
10 of times is that's what you're going to get. But I ask
11 the Court to consider that in addition to the fact that
12 he will not be a threat to this young lady, even if he
13 were allowed to walk out of here today, he is going to,
14 for the rest of his life, have to be on the sex offender
15 registry. People are going to -- he's going to carry the
16 stain of that around with him. He's already spent nearly
17 two years in jail. And I would ask the Court to consider
18 a very light sentence, given all of those factors. I
19 mean, he will not walk away from this unpunished. And I
20 just, you know, would like to think that he will be able
21 to have, you know, some years ahead of him where he's not
22 behind bars when he leaves here. I don't know what else
23 I can say at this point. And I don't know if Daniel
24 would like to speak or not.

25 THE COURT: Anything you want to tell me, sir?

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Jane McLean - Re-redirect Examination by Ms. Bentley

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1 THE DEFENDANT: I just, I don't know what to
2 say. I'm speechless right now. I was hoping it was
3 going the other way.

4 THE COURT: How old are you, sir?

5 THE DEFENDANT: I am thirty-six years old.

6 THE COURT: What's your education background?

7 THE DEFENDANT: Graduated high school and done
8 a little bit of college.

9 THE COURT: Where did you finish high school?

10 THE DEFENDANT: Blue Ridge High.

11 MS. BENTLEY: Your Honor, I believe the minimum
12 sentence on this is twenty-five years.

13 THE COURT: Yes. From the first.

14 MS. BENTLEY: Yes, sir, Your Honor.

15 THE COURT: Case 2011-GS-23-8275, the sentence
16 of the Court is the Defendant be committed to the State
17 Department of Corrections for a period of twenty-five
18 years.

19 Case 2011-7843, the sentence is twenty years, to be
20 concurrent. Credit for time served on each charge.

21 I wish you the best, sir. I certainly wish the best
22 for your daughter.

23

24 [END OF REQUESTED TRANSCRIPT OF RECORD]

1 CERTIFICATE OF REPORTER

2

3 I, the undersigned Danette P. Hanks, Official Court
4 Reporter for the Thirteenth Judicial Circuit of the State
5 of South Carolina, do hereby certify that the foregoing
6 is a true, accurate, and complete transcript of record of
7 all the proceedings had and evidence introduced in the
8 trial/hearing of the captioned case, relative to appeal,
9 in the Circuit Court for Greenville County, South
10 Carolina, on the 5th day of June, 2013.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

13 I do further certify that I am neither of kin,
14 counsel, nor interest to any party hereto.

15 September 23, 2013

16

17

18

A handwritten signature in cursive script, reading "Susan Danette Hanks", is written over a horizontal line.

19

Circuit Court Reporter

20

WITNESSES

Lorraine Henderson

Greenville County Sheriffs Office

8/30/2011

DOCKET NO. 2011-GS-23-

BSD

The State of South Carolina

County of Greenville

007843

COURT OF GENERAL SESSIONS

April TERM 2011²⁰¹³

THE STATE

vs.

DANIEL LEE WILLIS

ARREST WARRANT NUMBER

1434170

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)

VIOLATION §16-03-0655(B)

RECEIVED

OCT 06 2011

Clerk of Court
Greenville County

Foreperson of Petit Jury

Date: 6-7-13

299

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

" INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE
(11-14)

At a Court of General Sessions, convened on

APR 23 2013

the Grand Jurors of Greenville

County present upon their oath:

That DANIEL LEE WILLIS did in Greenville County, between the 29th day of June 2008 and the 13th day of May 2011, commit a sexual battery on J.W., who was fourteen years of age or less but who was at least eleven years of age. This is in violation of §16-3-655(B)(1) [formerly §16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

Lorraine Henderson

Greenville County Sheriffs Office

9/20/2011

DOCKET NO. 2011-GS-23-

BSD

000275

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2011

2013

THE STATE

VS.

ARREST WARRANT NUMBER

J993885

DANIEL LEE WILLIS

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

RECEIVED

NOV 01 2011

Clerk of Court
Greenville County

Foreperson of Petit Jury

Date: 6-7-13

301

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

APR 23 2013

the Grand Jurors of Greenville

County present upon their oath:

That DANIEL LEE WILLIS did in Greenville County, between the 29th day of June, 2003 and 29th day of June, 2008, commit a sexual battery on J.D.W., who was less than eleven years of age. This is in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Bryna L. Seay
SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

5th day of May, 2014



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

RECEIVED

MAY 05 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

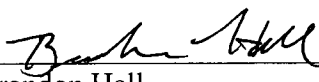
DANIEL L. WILLIS,

APPELLANT

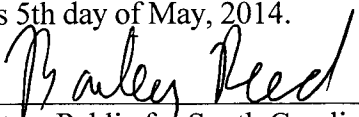
APPELLATE CASE NO. 2013-001317

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 5th day of May, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 5th day of May, 2014.


_____(L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021.