

ORIGINAL

Volume I of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BERKELEY COUNTY

R. Markley Dennis, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROGER WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2012-213388

RECORD ON APPEAL

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Pages 1-500

INDEX

INDEX	i
PRE TRIAL MOTIONS TRANSCRIPT DATED SEPTEMBER 18, 2012	1
MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS	4
GUILTY PLEA TO DESECRATION OF HUMAN REMAINS	11
TRIAL TRANSCRIPT DATED OCTOBER 8 – 11, 2012	21
OPENING STATEMENT BY MS. HERRING-LASH	22
OPENING STATEMENT BY MR. FALK	39
TESTIMONY	
NAOMI BROUGHTON	
Direct examination by Ms. Herring-Lash	53
Cross examination by Mr. Falk	54
JONATHON LANE	
Direct examination by Ms. Herring-Lash	56
J.C. BRUDER	
Direct examination by Ms. Herring-Lash	66
Cross examination by Mr. Falk	69
JASON POTTEIGER	
Direct examination by Solicitor Williams	70
GRACE TROTMAN	
Direct examination by Ms. Herring-Lash	82
Cross examination by Mr. Falk	163
Redirect examination by Ms. Herring-Lash	200
Recross examination by Mr. Falk	204
SHANEEKA WASHINGTON	
Direct examination by Ms. Williams	205
Cross examination by Mr. Falk	229
DEAN KOKINDA	
Direct examination by Ms. Williams	235

KEVIN MURPHY	
Direct examination by Ms. Williams.....	245
MORRIS CLARK	
Direct examination by Ms. Williams.....	250
LAMONA SMITH	
Direct examination by Mr. Herring-Lash	257
Cross examination by Mr. Falk.....	264
NICHOLAS BATALIS	
Direct examination by Ms. Williams.....	267
Cross examination by Mr. Falk.....	285
Redirect examination by Ms. Williams	290
KIMBERLY COLLINS	
Direct examination by Mr. Falk.....	291
Cross examination by Ms. Herring-Lash.....	303
CAROL JENNY	
Direct examination by Ms. Williams.....	305
Cross examination by Mr. Falk.....	326
Redirect examination by Ms. Williams	339
Recross examination by Mr. Falk.....	340
RUSSELL MINTER	
Direct examination by Ms. Williams.....	346
Cross examination by Mr. Falk.....	354
BOBBY SHULER	
Direct examination by Ms. Williams.....	356
Cross examination by Mr. Falk.....	361
MOTION FOR DIRECTED VERDICT.....	365
RULING BY THE COURT	367
TESTIMONY	
KELLY GARRETT	
Direct examination by Mr. Falk.....	370
Cross examination by Ms. Williams.....	385

RON PATEL	
Direct examination by Mr. Falk.....	393
Cross examination by Ms. Williams.....	396
WHILDEN BAGGETT	
Direct examination by Mr. Falk.....	397
Cross examination by Ms. Williams.....	403
Redirect examination by Mr. Falk.....	405
OPENING ON THE LAW BY MS. HERRING-LASH.....	407
CLOSING ARGUMENT BY MR. FALK.....	411
CLOSING ARGUMENT BY MS. WILLIAMS.....	435
CHARGE ON THE LAW.....	468
VERDICT.....	496
SENTENCING.....	508
STATE'S EXHIBIT # 71 (GRACE TROTMAN POLYGRAPH 7-7-2010).....	510
STATE'S EXHIBIT # 72 (GRACE TROTMAN 7-6-2010 INTERVIEW).....	651
STATE'S EXHIBIT # 73 (TROTMAN INTERVIEW 7-7-2010).....	696
DEFENSE EXHIBIT # 1 (ECONOMY INN DAILY REPORT).....	890
INDICTMENTS AND SENTENCE SHEETS.....	900
CERTIFICATE OF COUNSEL.....	906

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 10-GS-08-1519
	)	
Roger Williams,	)	
	)	
Defendant.	)	

TRANSCRIPT OF HEARING

The within Hearing was held in above-captioned action on September 18, 2012, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Court of General Sessions, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

APPEARANCES:

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State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

12

1 everything. So really and truly it's not that
2 I am trying to be evasive. I just -- the
3 better thing to do is -- I understand your
4 concern about certain things, and it may
5 restrict it. But to the extent that it is
6 necessary and can be tied to -- and I think
7 circumstantial evidence supporting the
8 deduction that he is guilty, that's probably
9 admissible. I think it has some probative
10 value. Whether or not that weight is
11 outweighed by the prejudice, I don't know.
12 We'll have to see about that.

13 MR. FALK: And, Your Honor, of
14 course I filed these Motions and wanted to
15 bring the issues to the court.

16 THE COURT: I appreciate that.

17 MR. FALK: I've briefed some of
18 the Motions. I know that your determination
19 would have to depend a lot on whether or not a
20 proper foundation was laid. I appreciate all
21 that.

22 THE COURT: Thank you so much.
23 Motion to exclude autopsy photographs.
24 What are you ---

25 SOLICITOR WILLIAMS: Your Honor,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

13

1 we ---

2 THE COURT: Did y'all discuss the
3 ones that you intend to use?

4 SOLICITOR WILLIAMS: We are only
5 offering seven. None of them are pictures of
6 the child's body, except that there is one
7 that has a small piece. They are -- right now
8 we are marking them as Court's exhibits. I
9 don't know if this would be too inconvenient
10 but there is a Motion to suppress statements
11 and we have witnesses here for that. I think
12 by the time -- if we could get to that Motion,
13 we'd be done marking the autopsy photos.

14 THE COURT: Okay.

15 SOLICITOR WILLIAMS: But we're not
16 offering any but seven. So a lot of the ones
17 that are referred to in Mr. Falk's Motion, we
18 are not contesting that those are prejudicial
19 and we -- we would not offer them as evidence.

20 THE COURT: Well, let me inquire.

21 SOLICITOR WILLIAMS: Yes, Your Honor.

22 THE COURT: What's the reason that
23 I am going to suppress a statement of a
24 witness without having heard the evidence?

25 SOLICITOR WILLIAMS: Well, it's

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

54

1 ---

2 THE COURT: Her role -- there's a
3 reason for talking that she was a guardian ad
4 litem, but I'll read the case and I will make
5 that discernment. All right.

6 MR. FALK: Nothing further.

7 THE COURT: All right, I will take
8 that under advisement. That is my leaning,
9 but I've been known to read the cases and
10 change my mind. So I will let you know.

11 SOLICITOR HERRING-LASH: Thank
12 you, Your Honor.

13 THE COURT: It may be several
14 weeks, though, before we -- this case is set
15 for October 8th?

16 SOLICITOR HERRING-LASH: October
17 8th, (affirmative nod).

18 THE COURT: Okay. I'll read it.
19 I'll let you know.

20 MR. FALK: Thank you, Your Honor.

21 THE COURT: All right, what else do
22 we have?

23 SOLICITOR WILLIAMS: I think that
24 leaves the autopsy Motion, Your Honor, and --
25 I'm going to just pass up to the court, just

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

55

1 so that you know what we are talking about,
2 (tendering).

3 There's fifty autopsy pictures. I've
4 given all of this to Mr. Falk. One through
5 seven is the only thing that the State seeks
6 to introduce. They have been previously
7 marked.

8 Your Honor, I think that this court
9 knows that, you know, it is improper to try to
10 prejudice the jury with emotion. There are
11 several cases on this issue. You know, if
12 there is a probative reason to enter the
13 autopsy pictures, then it is proper to enter
14 them. In this case what we have is -- because
15 of the manner in which the defendants disposed
16 of this body, by the time that the body is
17 found they benefitted from that in that it
18 accelerated decomposition and there's less of
19 the body left for the ---

20 THE COURT: What the purpose of --
21 what's the probative value of the pictures?

22 SOLICITOR WILLIAMS: So the
23 probative -- what I'm saying is that there is
24 very little probative value to the pictures of
25 the body, and that's why we are not seeking to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 introduce ---

2 THE COURT: I understand that.

3 What's the probative value of one through
4 seven.

5 SOLICITOR WILLIAMS: One through
6 seven is just basically -- basically show the
7 manner in which and the extent to which the
8 defendants went to conceal the body. It is
9 very unique and very extensive.

10 In addition to that, the pathologist
11 is going to explain the impact of that type of
12 concealment on his examination of the body.
13 In fact, in the autopsy report he points to
14 the manner in which the body was concealed as
15 one of the -- one out of five of the reasons
16 that he came to the conclusion that it was a
17 homicide.

18 THE COURT: I appreciate it but
19 that's -- you know, I don't know the
20 significance at this juncture how that becomes
21 probative. I haven't heard the case yet.
22 I'll tell you now that right now my
23 inclination would be that they don't -- that
24 they aren't probative, that the prejudice
25 outweighs the probative value. But I --

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

57

1 again, I have not heard that. I understand
2 the reason for it but right now I don't know
3 if that's an issue yet.

4 SOLICITOR WILLIAMS: I understand,
5 Your Honor.

6 THE COURT: So ---

7 SOLICITOR WILLIAMS: But just for
8 clarification, are you talking about the
9 pictures of the barrel and body?

10 THE COURT: I am talking about one
11 through seven, is what you said that you are
12 seeking to enter.

13 SOLICITOR WILLIAMS: And those are
14 just of the barrel, (affirmative nod).

15 THE COURT: Well, that's all that I
16 saw that was ---

17 SOLICITOR WILLIAMS: The rest of
18 them we're not trying to introduce anyway.

19 THE COURT: I understand that. So
20 I don't need to address those. Right now, one
21 through seven, I can't tell you whether they
22 come in or don't. I don't see how they -- I
23 can't imagine where the probative value
24 becomes that significant, but I haven't heard
25 the trial.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 SOLICITOR WILLIAMS: Okay. Thank
2 you, Your Honor.

3 THE COURT: All right. What else?

4 MR. FALK: Just regarding one
5 through seven, number seven is not like the
6 other six before it, in that it shows body
7 parts.

8 THE COURT: Well, again, ---

9 MR. FALK: Yes, Your Honor.

10 THE COURT: First of all, I don't
11 even -- I don't even think that any of them
12 come in.

13 MR. FALK: Okay.

14 THE COURT: Because they are going
15 to describe that he was encased in cement. I
16 mean, we don't need to see a picture of that.
17 That, frankly, I would think from the State's
18 standpoint that that would be all that is
19 necessary. That just shows that somebody took
20 the time to put a body, put it in cement. I
21 just think that the picture doesn't do
22 anything. It doesn't add to that. So I don't
23 -- in fact, the only other reason is the
24 inflammatory aspect of it. I think that it is
25 inflammatory at this juncture. So -- but,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

59

1 anyway, I will deal with those when I have to.

2 MR. FALK: Right. Thank you.

3 THE COURT: All right. What else?

4 MR. FALK: Well, Your Honor, my
5 final Motion, I think that I know what your
6 response is going to be. I think that will be
7 something that we will address as we get --
8 the specific evidence of these facts, I think
9 that a line might be drawn that some might be
10 more inflammatory than probative. Again, I
11 will leave it to the court to decide at that
12 time once I've laid the foundation.

13 THE COURT: As far as evidence of
14 the acts of the ---

15 MR. FALK: (Affirmative nod), the
16 specific conduct.

17 THE COURT: I would say anything
18 that led up to the death and concealment is
19 probably going to be probative. I haven't
20 heard it, so I don't know.

21 MR. FALK: Thank you, Your Honor.

22 THE COURT: But I will certainly
23 deal with it on a case by case basis. I
24 concur that it may be relevant. I am well
25 aware of 403 and the significance of 403.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al.
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 MR. FALK: Thank you.

2 THE COURT: If it requires to make
3 the findings, I will make the findings to
4 support it. All right, what else?

5 MR. FALK: I have one really kind
6 of housekeeping matter. I haven't address
7 them because -- basically, I haven't practiced
8 in your court before. I'd like to make a
9 separate Motion for him not to appear in
10 shackles. Or is that something ---

11 THE COURT: Well, you can provide
12 him the clothes. He's not going to be in
13 shackles. He'll be in street clothes.

14 MR. FALK: So he can be in street
15 clothing and not shackles?

16 THE COURT: Right.

17 MR. FALK: Thank you.

18 THE COURT: As long as he conducts
19 himself appropriately, and I don't anticipate
20 him not doing that. He understands.

21 MR. FALK: (Affirmative nod).

22 SOLICITOR HERRING-LASH: Your
23 Honor, may I approach about a different issue
24 (unrelated case)?

25 THE COURT: Sure.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

61

1 (OFF RECORD SIDEBAR)

2 THE COURT: What is the sentence
3 for this?

4 SOLICITOR WILLIAMS: Up to ten
5 years, Your Honor.

6 THE COURT: Thank you. All right,
7 Mr. Williams, please rise and let me talk to
8 you about this.

9 DEFENDANT: (Complies).

10 THE COURT: I have been handed
11 Indictment 2010-GS-08-1876 charging you with
12 the offense of destruction or desecration of
13 human remains. Mr. Falk is your lawyer?

14 DEFENDANT: Yes, sir.

15 THE COURT: And he's explained that
16 charge to you and the possible punishment?

17 DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that
19 I could punish you up to ten years?

20 DEFENDANT: Yes, sir.

21 THE COURT: How do you plead,
22 guilty or not guilty?

23 DEFENDANT: I plead guilty.

24 THE COURT: Are you satisfied with
25 your lawyer?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 DEFENDANT: Yes, sir.

2 THE COURT: Any complaints about
3 the way that he has handled your case?

4 DEFENDANT: No, sir.

5 THE COURT: Solicitor, it appears
6 that this is without any recommendation; is
7 that correct?

8 SOLICITOR WILLIAMS: That's
9 correct, Your Honor.

10 THE COURT: Is that your under-
11 standing, Mr. Williams, as well?

12 DEFENDANT: Yes, sir.

13 THE COURT: Mr. Falk, you have
14 discuss this matter with your client?

15 MR. FALK: Yes, I have, Your
16 Honor.

17 THE COURT: He has been advised
18 fully of the consequence of his plea?

19 MR. FALK: I believe he has, Your
20 Honor.

21 THE COURT: In your opinion, does
22 he fully understand and appreciate both?

23 MR. FALK: Yes, Your Honor.

24 THE COURT: Based on your
25 investigation, do you concur with his decision

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

63

1 to enter the plea?

2 MR. FALK: (Affirmative nod), it
3 was my recommendation, Your Honor.

4 THE COURT: Is that true, Mr.
5 Williams?

6 DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that
8 you don't have to follow your attorney's
9 recommendation?

10 DEFENDANT: Yes, sir.

11 THE COURT: Do you understand fully
12 the consequences of what you are doing?

13 DEFENDANT: Yes, sir.

14 THE COURT: Are you under the
15 influence of any alcohol or any medication?

16 DEFENDANT: No, sir.

17 THE COURT: Have you taken any type
18 of medication or consumed any alcohol within
19 the last twenty-four hours?

20 DEFENDANT: No, sir.

21 THE COURT: Have you been treated
22 in the past for any mental problems or
23 emotional problems?

24 DEFENDANT: No, sir.

25 THE COURT: Have you had sufficient

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 time to reflect and think about what you're
2 doing here today?

3 DEFENDANT: Yes, sir.

4 THE COURT: This is your decision?

5 DEFENDANT: Yes, sir.

6 THE COURT: You realize that if I
7 accept your plea on this charge that you will
8 not have a jury trial and that you give up the
9 right to confront the witnesses against you?

10 DEFENDANT: Yes, sir.

11 THE COURT: You also realize that
12 you're giving up your right to remain silent
13 by entering this plea?

14 DEFENDANT: Yes, sir.

15 THE COURT: Have any threats or
16 promises been made to you to get you to plead
17 guilty?

18 DEFENDANT: No, sir.

19 THE COURT: Solicitor, I believe
20 that I know the facts and I've seen pictures
21 -- have you seen the photographs that we just
22 looked at?

23 DEFENDANT: Yes, sir.

24 THE COURT: And that is -- that's
25 the consequence of your action on this

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

65

1 particular situation?

2 DEFENDANT: Yes, sir.

3 THE COURT: Any question in your
4 mind that you did the act, in this regard of
5 the desecration of human remains?

6 DEFENDANT: No, sir, no question
7 about that.

8 THE COURT: You understand that the
9 sentence that I impose will be deferred? That
10 means that I am not going to impose a sentence
11 today.

12 DEFENDANT: Yes, sir.

13 THE COURT: But you understand that
14 at the future date when that time comes that I
15 will hear further from the State concerning
16 the appropriate sentence, and of course with
17 you and your lawyer. But that I can sentence
18 you up to ten years in jail?

19 DEFENDANT: Yes, sir.

20 THE COURT: It is still your desire
21 to enter this plea?

22 DEFENDANT: I do.

23 THE COURT: And that's because that
24 is what you want to do, not because your
25 attorney recommends it to you?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 DEFENDANT: Yes, sir.

2 THE COURT: Anything else, Mr.

3 Falk, on the issue of whether the plea is
4 freely and voluntarily entered?

5 MR. FALK: No, Your Honor.

6 THE COURT: I find Mr. Williams to
7 have had the benefit of competent counsel,
8 with whom he has indicted that he is totally
9 satisfied. I will -- I find that his plea --
10 that there is certainly a factual basis to
11 support the plea, having viewed evidence --
12 some of which, if need be, we will add that at
13 the appropriate time. I just don't think that
14 ought to be in the record of the file at this
15 point. But at the appropriate time, when we
16 sentence I'd like to make one of the pictures
17 a court's exhibit to support the foundation
18 for the plea. Do you agree with that, Mr.
19 Falk?

20 MR. FALK: Yes, Your Honor.

21 THE COURT: And you concur with
22 your client's assessment that the photographs
23 do establish all the elements of ---

24 MR. FALK: Yes, sir.

25 THE COURT: --- of the crime, based

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

67

1 on his admission.

2 MR. FALK: Yes, sir.

3 THE COURT: All right. I therefore
4 find his plea to be freely, voluntarily,
5 knowingly and intelligently made and entered
6 and I will accept it. Thank you.

7 MR. FALK: Thank you.

8 THE COURT: All right, do we need
9 to be heard further on any other Motions?

10 SOLICITOR WILLIAMS: None from the
11 State.

12 MR. FALK: I don't believe so.

13 THE COURT: Let me ask you, was
14 there any offer made in this case?

15 SOLICITOR WILLIAMS: Your Honor, we
16 did offer the minimum, which was -- we offered
17 the minimum on the homicide by child abuse and
18 the minimum for the other three charges,
19 consolidated; which he is charged with two
20 counts of unlawful conduct and one count of
21 desecration of human remains.

22 THE COURT: And the minimum
23 sentence is what?

24 SOLICITOR WILLIAMS: Ten for each
25 of those.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

1 THE COURT: To be concurrent?

2 SOLICITOR WILLIAMS: Well, we
3 offered thirty for everything and we would
4 have dismissed one of the counts of unlawful
5 conduct.

6 THE COURT: You offered a cap or
7 thirty? Thirty is the minimum sentence for
8 homicide by child abuse?

9 SOLICITOR WILLIAMS: Twenty is the
10 minimum sentence and then the ten was the
11 minimum for the other. But, quite frankly,
12 Your Honor, there was no indication by ---

13 THE COURT: Well, I understand that
14 but ---

15 SOLICITOR WILLIAMS: The original
16 offer was thirty years, if he would have ---

17 THE COURT: So that would have been
18 twenty plus ten?

19 SOLICITOR WILLIAMS: Yes, Your
20 Honor.

21 THE COURT: Which would have been a
22 recommendation, not a negotiated ---

23 SOLICITOR WILLIAMS: Yes, Your
24 Honor.

25 THE COURT: You instructed your

1 lawyer to reject that offer, Mr. Williams?

2 DEFENDANT: Yes, sir.

3 THE COURT: You understand that
4 that now takes the offer off the table?

5 DEFENDANT: Yes, sir.

6 THE COURT: Thank you so much.

7 And you discussed that with your client?

8 MR. FALK: Yes, Your Honor.

9 THE COURT: Thank you so much.

10 The record now reflects the offer extended and
11 that it was properly rejected. Thank you.

12 (HEARING CONCLUDED)

13

14 OCTOBER 11, 2012 2:15 P.M.

15 (JURY TRIAL OF OCTOBER 8-11, 2012)

16 MR. FALK: Your Honor, may we
17 handle the sentence on the desecration at
18 this time?

19 THE COURT: Oh, and the sentence
20 on the charge to which you have already pled
21 guilty, we deferred that sentence, and I
22 impose a sentence of ten (10) years and it
23 runs concurrently with your other charges.
24 Thank you, sir. Thank you, Mr. Falk.

25 (DEFENDANT IN CUSTODY)

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Hearing of September 18, 2012 - Sentence of October 11, 2012
before The Honorable R. Markley Dennis, Jr.

CERTIFICATE OF REPORTER

I, the undersigned, Deborah Garrison,
official court reporter for the 9th Judicial
Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true,
accurate and complete transcript of the
hearing held before The Honorable R. Markley
Dennis, Jr., on September 18, 2012, and of the
sentence imposed on October 11, 2012;

I further certify that I am neither kin
nor counsel to any of the parties and have no
interest in the outcome of this action.



Deborah Garrison

Circuit Court Reporter

9th Judicial Circuit

Charleston, South Carolina

September 7, 2013

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF BERKELEY	)	COURT OF GENERAL SESSIONS
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 10-GS-08-1519
	)	
Roger Williams,	)	
	)	
Defendant.	)	

TRANSCRIPT OF JURY TRIAL

The within jury trial was held in above-captioned action on October 8 through October 11, 2012, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Court of General Sessions, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

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 Anne Williams, Assistant Solicitor
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 300 California Avenue
 Moncks Corner, SC 29461
 Appearing for State of South Carolina

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State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

110

1 commitment that you've made to the State, to
2 Mr. Williams and to this court. I ask you to
3 now give the same attention that you have given
4 me as they give their opening statements.

5 Ms. Williams? Or Ms. Herring-Lash?

6 SOLICITOR HERRING-LASH: May it
7 please the Court?

8 THE COURT: Yes, ma'am.

9 SOLICITOR HERRING-LASH: Minor
10 is a happy, happy little boy, well cared for
11 and loved by family who spent a lot of time
12 with him. From around the age of five months,
13 around March of 2008 until May of 2009, a
14 family that lives in Mount Pleasant named
15 Hugers. He goes there very often, he loved
16 to go to school. He wakes up every morning
17 singing *Jesus Loves Me*.

18 His mom is Nikki Washington, a single
19 mother. So Ms. Huger has stepped in, the whole
20 Huger family, and taken care of Minor
21 Caretaking, transportation to medical
22 appointments, actually goes with his mom to
23 medical appointments. They are very involved.

24 On the other side is Nikki Washington.
25 How this begins is that she meets the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

111

1 Defendant, Roger Williams. They have a
2 relationship and around her 21st birthday, she
3 has made plans to go out with some friends.
4 She did not include Mr. Williams in those
5 plans. He becomes angry that he can't go.
6 They separate and they are no longer a couple.

7 Very shortly after that, she finds out
8 that she is pregnant. She gets in touch with
9 Mr. Williams to tell him that she is pregnant
10 with his child. He does not believe her that
11 this is his child, he does not want this child.
12 She tries going through a DSS procedure to have
13 him served for child support. That never
14 works.

15 At the same time, Mr. Williams is also
16 living with Grace Trotman, who he has been in a
17 relationship with for some time. They had
18 broken up a little while, but he has a daughter
19 with her named Yajura W. which everyone calls
20 Yaya. She was born in September of 2007.

21 Minor was not born until November of 2007.

22 Mr. Williams had made it clear that he
23 wanted the mother of his children to be one
24 person. He wanted Grace Trotman, since she had
25 already had a child. But as time goes on,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

112

1 Nikki proceeds to say 'you're the father,
2 you're the father.'

3 One day she is shopping at a drug
4 store and sees that they now sell DNA kits to
5 determine paternity, at the drugstore. So she
6 decided that is what she will do. She asked
7 Mr. Williams and he agrees to meet with her and
8 little [Minor] in a hotel room to do some
9 swabs to send off to see if he is in fact the
10 father. It comes back that he is actually the
11 biological father of [Minor]

12 At this point in time, Mr. Williams
13 agrees to spend time with [Minor] And Ms.
14 Trotman, who is living with him, agrees that it
15 would be okay with her if little [Minor] comes
16 into their home also.

17 It also works out that around that
18 time the Hugers aren't able any longer to care
19 as much for [Minor] so it's another place
20 that Ms. Washington can send [Minor] to kinda
21 give her a break, as she sees it.

22 So he starts going there. Things go
23 very well at first. He is a sweet little boy.
24 However, he is, according to the description by
25 Ms. Trotman a timid little boy and, they

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

113

1 thought, a quiet little child, very different
2 from how the Hugers saw him. But perhaps it
3 was a new environment. You know, he was timid
4 and very reserved.

5 He meets his little sister Yaya, his
6 little half-sister, who is not timid at all.
7 She is described as "a little pistol." She is
8 a little larger, bigger, more aggressive and
9 kind of a take-what-she-wants little girl.

10 Nikki in mid -- the beginning, maybe
11 March of 2010, is going to move to Columbia.
12 So they make the decision that that summer of
13 2010 that [Minor] will spend from May to the
14 end of the summer -- May 20th, somewhere around
15 there, until the end of the summer, with his
16 dad. Nikki is thinking, 'Oh, this is good. He
17 will have a dad to take care of him and I can
18 get settled and on my feet in Columbia.' So he
19 goes around late May.

20 Things go well in the beginning, the
21 first couple of days. But [Minor] changes.
22 He's a little more quiet, he cries a lot and
23 Roger begins calling him "soft." He tells
24 several people, you know, "that boy stands like
25 a girl, he acts like a girl." He's got to man

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

114

1 him up, that he is not going to have a faggot
2 for a son. They say that he kinda stands like
3 this (illustrating hip out). Mr. Williams sees
4 that as standing like a girl. He doesn't want
5 that.

6 He encourages Yaya and Minor to
7 fight. Minor won't fight back because he
8 has been taught not to fight by the Hugers. So
9 it's a little confusing. At one point when he
10 won't fight back, he has Yaya -- Mr. Williams
11 has Yaya drag him on the floor crying, and he
12 videotapes this. You will hear a little bit
13 more about that videotape in a moment.

14 At this point he begins hitting
15 Minor in the chest and he falls sometimes.
16 He hits him when he sees him standing like a
17 girl or acting like a girl. On one of these
18 occasions when he falls, Minor has what
19 these two people, Ms. Trotman and Mr. Williams,
20 describe as a seizure. Now, obviously they're
21 not medical people and they aren't able to
22 really diagnose what a seizure is but it kinda
23 -- that's what it looked like to them.

24 Their descriptions of what they see is
25 kind of different. Mr. Williams actually gives

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

115

1 a very much more detailed description. But for
2 anybody that has ever seen a seizure, it's
3 kinda hard to look at and it is scary. Ms.
4 Trotman doesn't get the details as much as Mr.
5 Williams does. But it is a scary thing to see.

6 But neither Grace Trotman nor Roger
7 Williams called 911, they don't call a doctor,
8 they don't even call his mother to say, you
9 know, 'Does this child have any seizure
10 problems? Has he ever had a problem?' By
11 this time, Mr. Williams knows about Mrs. Huger
12 because she has been texting him 'please let me
13 know if you need anything, I love Minor
14 He doesn't call her.

15 The next day Ms. Trotman goes to wake
16 him up and he doesn't wake up, he is not as
17 responsive as he usually is. She says that
18 usually he is one of those little boys that
19 just pops right up. But he won't wake up, so
20 she has to shake him. She describes that as a
21 second episode, although she doesn't describe
22 the kind of shaking and trembling that you see
23 in a seizure. She tells Mr. Williams when he
24 comes home that this has happened. Once again,
25 neither do anything.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

116

1 Minor spends a lot of that week
2 just laying around. Lamonia, Ms. Trotman's
3 sister, comes over one day and notices Minor
4 just laying in his room and kinda questions
5 that. Ms. Trotman kind of remembers that he
6 did act a little more lethargic that week.

7 That Friday, Ms. Trotman leaves to go
8 get her hair done. So she doesn't know what
9 happened that day. But Mr. Williams, in one of
10 his statements, says that he did hit Minor
11 that day on the chest. And a neighbor sees the
12 two little children run after her as she drives
13 off in the car.

14 Then on Sunday, June 6th, Minor has
15 an accident in his Pampers. It's pretty bad
16 and it's all over the floor in his little
17 bedroom. Mr. Williams gets very upset with
18 him. Ms. Trotman hears a violence in the room.
19 She hears that. He comes out and pours bleach
20 on the little stain so that it won't smell as
21 bad. He tells her that he is okay, he leaves
22 to go out for the night.

23 He works during the day loading trucks
24 and he has another job at night promoting
25 parties and dancers at clubs afterhours. So

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

117

1 he leaves to go out to his all night job. He
2 comes home in the morning to get dressed,
3 change clothes to go to work.

4 That morning Ms. Trotman and the kids
5 get up, she says that she is breastfeeding and
6 -- that Yaya and Minor are fussing. She
7 says 'y'all stop.' They don't. So when she
8 gets finished breastfeeding, she gets up and
9 she has gotten permission from Mr. Williams
10 that it would be okay for her to pop Minor
11 if she had a problem with him. He had to give
12 her permission since he was the blood father,
13 she thinks.

14 So she popped Yaya and she popped
15 Minor. When she pops him this time, he hits
16 the floor and then goes back and his head hits
17 the wall. He has another one of these
18 episodes, but this one is different because he
19 seems to not be breathing. She has seen on the
20 Baby Network or some channel how to give CPR,
21 so she tries to give CPR to Minor and she
22 thinks that she hears a little bit of air
23 coming through.

24 So she runs out, down the street,
25 looking for a cell phone because she has no

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

118

1 phone. She tried -- she finally finds a phone
2 at a neighbor's and she calls Mr. Williams at
3 work.

4 His boss comes to the phone, because
5 she can't get him on his cell phone at work,
6 for some reason, that day. The boss gets the
7 first call at 10:37 that morning. She is
8 frantic, hysterical on the phone: "Something
9 is wrong with the baby, the baby is not
10 breathing!"

11 He goes and gets Mr. Williams from his
12 workplace where he is loading a truck. She
13 tells him, "I've got to call the ambulance.
14 Something is wrong." He tells her "do not call
15 the ambulance, I'm on my way home."

16 His ride lives in Summerville and he
17 is working on North Rhett. So he calls his
18 ride to come and get him. Meanwhile, she has
19 to give that cell phone back. She runs down
20 the street and finds another cell phone, calls
21 back to the job. He's gone back to work
22 because he's waiting on his ride. She gets him
23 on the phone again, "I need to call the
24 ambulance." And he tells her "no, don't call
25 the ambulance."

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

119

1 So he eventually gets home after
2 waiting on his ride. When he comes home, Grace
3 Trotman is waiting outside with the cell phone.
4 They go in and Minor is unresponsive.

5 Don't know exactly when he gets home but
6 10:37, then the ride comes from Summerville to
7 North Rhett, from North Rhett back to
8 Summerville.

9 At 12:02 he calls a friend to come
10 help him go buy some cement. Now, the friend
11 is at work and he can't come until later. So
12 it's later that they go get it. But he called
13 his friend at 12:02, not very long at all after
14 being home and seeing this body.

15 The friend does come and get him, they
16 go to Lowe's. They buy a trash can and they
17 buy cement. When he gets back home, he takes
18 Minor body and puts him into, feet first,
19 one trash can. He puts the other trash can
20 over his head and kind of tapes it around.
21 Then he puts him headfirst into the trash can,
22 mixes the concrete, covers his body and they
23 leave -- Ms. Trotman and Mr. Williams -- that
24 trash can in the garage.

25 They then -- the next day, Ms. Trotman

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

120

1 goes and rents a Home Depot truck. She has a
2 driver's license. They go riding around
3 looking for a place to take the body. They
4 don't find the exact place that day, so they
5 take the truck back; because you can only take
6 this truck for so many hours.

7 Ms. Trotman gets a ride back the next
8 day and rents the truck again. They put the
9 trash can in the truck, along with some other
10 articles. They go off on an exit near Vance,
11 South Carolina, to where some trash is dumped
12 and they dump the trash can into that dump.

13 They have discussed what to do if
14 anyone ever finds out about this. Mr. Williams
15 has told her to say that he fell down the steps
16 and fell on top -- and Yaya fell on top of him.

17 For that next month, we're talking
18 about June, Ms. Trotman is having a hard time
19 keeping herself together. She goes and stays a
20 lot with her sister. She is going to leave and
21 get on her feet. She gets a job -- because
22 they are also being evicted. She gets a job
23 with her sister and they are going to share --
24 the sister will work days, she'll work nights.
25 This comes into the July 4th weekend. So she's

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

121

1 -- she and her two children, because by then
2 they've had another baby, I mentioned
3 breastfeeding a moment ago, Ya'King W.

4 The 4th of July weekend, also Nikki is
5 in town and she is trying, with the aid and
6 encouragement of Mr. and Mrs. Huger to find
7 Minor because it's been a month since she
8 has talked to him.

9 Now, she has heard his voice crying --
10 because that little tape that I told you about
11 is what they play for her when she calls to
12 say, 'Oh, he can't come to the phone. He's off
13 somewhere with his mother.' So they've been
14 playing this tape for her and she accepts
15 that's him crying.

16 So Mr. Williams pays a friend of his
17 to go and rent a car, takes that car to Grace,
18 tells her to get the two kids in the car and to
19 get her sister's little boy -- but the sister
20 won't let her, so she ends up with just the two
21 kids -- and he will tell her where to go from
22 there.

23 At the same time, and you will see the
24 phone records from that day, he is talking to
25 Nikki Washington, telling her where to go.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

122

1 Well, Ms. Trotman ends up at The
2 Battery and the story is, 'I lost Minor
3 He was walking behind me and somebody', you
4 know, he's gone. A huge search ensues for
5 this child. They take Ms. Trotman to the City
6 Police Department. She lies. She says for
7 hours and hours, most of the night, 'He was
8 with me, on The Battery. That's where he was.
9 I don't know what happened.' The story isn't
10 real convincing to the police, but she keeps on
11 telling it.

12 An FBI agent is talking to her because
13 they think that it's a kidnaping. And at some
14 point in the early morning hours when she's
15 been left alone in the room, the FBI agent
16 mentions to her that Mr. Williams has been
17 picked up. Because they were looking for him
18 and the child, just trying to find that this
19 child was safe.

20 She waits a little while. She calls
21 for the FBI agent to come back. She changes
22 the story to 'fell down the steps, Yaya fell on
23 top of him.' She'll tell you that she changed
24 it because she felt like Mr. Williams was
25 picked up and she was safe.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

123

1 But she changed it -- because it's
2 still a lie, and she continues to lie for
3 awhile. She finally ends up, 'I think I can
4 take you to the body. He fell down the steps
5 and when I went home -- I went to my sister's
6 and when I got home, he wasn't there. I don't
7 know where he is but I think I can take you to
8 the body.' She still is not telling the truth.

9 But she does take them, about noon or
10 1:00 o'clock the next day, -- she's been
11 questioned since early evening of the day
12 before. They find the body and she, after
13 that, talks again and finally -- first blames
14 it on Yaya and then finally says, "I hit him
15 also." She tells them about Roger having hit
16 him all these other days and the last day she
17 hits him and the story.

18 As you hear this, I'm sure you think,
19 'Well, Grace Trotman is guilty of this.' She
20 is. She's pled guilty to homicide by child
21 abuse and neglect and she has pled guilty to
22 desecration of human remains. She will testify
23 to what she knows about this.

24 You will hear different statements
25 that Mr. Williams has made to different people.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

124

1 Lay people, officers. Just listen to those for
2 the differences.

3 The charges that Mr. Williams faces
4 here are homicide by child abuse. I'll read
5 this to you, I know that you can read but
6 you've not used to statutes and this is pretty
7 complicated and the more you can see it and
8 hear it, the better it will be for you to kind
9 of understand.

10 (Reading): "A person who causes the
11 death of a child who is under eleven while
12 committing child abuse and neglect and the
13 death occurs under circumstances manifesting
14 an extreme indifference to human life."

15 After I read you some of this, I'll
16 try to give you one definition out of the case
17 of extreme indifference also.

18 (Continues reading): "Or knowingly
19 aids and abets another person to commit child
20 abuse or neglect and the child abuse or neglect
21 results in the death of a child."

22 "Harm" is defined as, "inflicts or
23 allows to be inflicted upon the child physical
24 injury, including injuries sustained as the
25 result of excessive corporeal punishment. Or

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

125

1 *falls to supply the child with adequate food,*
2 *clothing, shelter, healthcare and a failure to*
3 *do this causes an injury or a condition*
4 *resulting in the child's death."* Or abandons
5 the child.

6 "Child abuse and neglect" is defined
7 in this statute as "a means, an act or omission
8 by any person which causes harm to the child's
9 physical health or welfare."

10 Some of the case law explains "extreme
11 indifference" as a "conscious act of
12 disregarding a risk which a person's conduct
13 has created or a failure to exercise ordinary
14 due care."

15 Now, at the end of this case Judge
16 Dennis will give you the law. If what I say in
17 any way differs from him, you go by what he has
18 told you. I am just trying to explain to you a
19 little bit at this point.

20 (Continues reading): "Or conduct of
21 the parent, which evinces a subtle purpose to
22 forego parental duties that may fairly be
23 characterized as willful, because it manifests
24 a conscious indifference to the rights of the
25 child to receive support and consortium from

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

126

1 *the parent."*

2 I know that may not be real clear.

3 But this statute kind of conceives the idea
4 that we owe children a duty. We cannot
5 delegate the duty that we owe our own child.
6 It is different from a murder statute. It was
7 created because very often deaths that result
8 from child abuse and neglect don't really fit
9 the murder statute. It usually is not a
10 gunshot, a one time slitting of the throat.
11 It is often a series of inflictions of injury
12 that culminate in something that causes the
13 death. We have an expert that will explain
14 that to you.

15 The other part of that statute that is
16 very different than the murder statute is the
17 omission part. If you remember, you are also
18 under the duty to act and it's an omission to
19 get healthcare. That is also in that statute.
20 So it is very different from the murder
21 statute, specifically in those two ways.

22 He is also charged with unlawful
23 conduct toward a child. (Reading): *"It is*
24 *unlawful for the person who has charge or*
25 *custody or who is the parent or guardian of a*

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

127

1 *child to place that child at unreasonable risk*
2 *of harm, affecting a child's physical or mental*
3 *health, or to do or cause to be done bodily*
4 *injury."*

5 The child abuse or neglect in this
6 case also resulted in the homicide, and the
7 omission resulted in the homicide.

8 Now, Ladies and Gentlemen, you will
9 hear the evidence in this case. After you have
10 heard all the evidence, we will ask you to
11 reach a verdict that speaks the truth about the
12 acts and the omissions of Roger Williams that
13 resulted in the death of Minor Washington.
14 Thank you.

15 THE COURT: Thank you, Ms. Herring-
16 Lash. Mr. Falk.

17 MR. FALK: Good afternoon. My name
18 is James Falk. It is my privilege this
19 afternoon to represent Roger Williams in this
20 case.

21 The State has laid out their case
22 against my client and I want you to sort of
23 hear the other side of the story, the other
24 side of the coin. The first thing I want you
25 to understand, at the very beginning, is that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

128

1 my client has already pled guilty to the
2 desecration of a corpse, the destruction of
3 human remains. This was not part of any type
4 of plea agreement. He's took responsibility
5 for the acts that he has done.

6 It was a bad thing. There is no
7 question that he did something bad. He did
8 something criminal, he did something felonious
9 and he's going to be punished, he is going to
10 be sentenced for that and he's going to -- he's
11 going to be punished for that story about
12 putting the corpse in the barrel, burying it
13 and all that kind of stuff.

14 That is not really something -- it's
15 very difficult evidence to hear. It's very
16 difficult for us to keep going over it.
17 However, what you need to do here is to
18 understand that he's going to be punished for
19 that. That's really a separate box over here.

20 What I need you all to do is to focus
21 on the evidence of the charges against Mr.
22 Williams, the charges that he has here, the
23 homicide by child abuse charge and the unlawful
24 conduct towards a child.

25 I believe that the evidence is going

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

129

1 to show one thing, that Mr. Williams is not
2 responsible for the death of Minor [REDACTED]
3 I believe that because really the evidence that
4 -- in order to convict my client of these
5 charges, you are going to have to believe the
6 testimony of Grace Trotman. You are going to
7 have to believe the testimony of the lady who
8 was watching Minor [REDACTED] at the time.

9 I believe that there is not going to
10 be any question in the evidence, when it comes
11 in, that the child died when Mr. Williams was
12 at work.

13 I believe that the State, who wants to
14 bring in all the evidence about the acts that
15 they did to cover this up, in order to -- well,
16 one, they may want you to know that he did that
17 part. But I think that they also want you to
18 draw the conclusion that anybody who takes a
19 step in a cover-up like that is only going to
20 be there for one reason, and that is to cover
21 up because he is guilty of the other act. That
22 you don't go and do something like that unless
23 you're really covering up for your own crime.

24 I submit to you today that I think the
25 evidence is going to show that Mr. Williams was

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

130

1 not covering up his own crimes, but that he was
2 covering up what Grace Trotman did.

3 I believe that the evidence is going
4 to show that when she called him on the
5 telephone that she didn't tell him that the
6 child was barely breathing. I believe that she
7 called and told him that the child was not
8 breathing, I think she called and told him that
9 the child was dead. It probably makes sense
10 why then Grace Trotman wouldn't have been the
11 first person, when she goes and talks to the
12 neighbor, why she doesn't call 911.

13 Or if it is true, what the State has
14 said, that she performed CPR and the child was
15 barely breathing, so she left a two-year-old
16 child on the sofa, then walked out to call the
17 neighbor? That would seem -- you know, if the
18 child was just barely hanging on, maybe the
19 smarter thing to have done would have been to
20 take the child with you to go call the
21 neighbor. That way you will always be in
22 contact with the child and you will know, and
23 you won't be having conversation out across the
24 yard or across the street to somebody else and
25 not know what is going on inside with this

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

131

1 child, where you know this child is. I believe
2 probably the best explanation is that Grace
3 Trotman knew that the child was dead.

4 Now, there are a couple of people that
5 are going to be involved in this case and
6 you've got to understand a couple of things --
7 and the State has told you that Grace Trotman
8 was lying, but I don't think that the State has
9 really told you to the extent of the different
10 stories that she has told about the death of

11 Minor [REDACTED]

12 Her first story is that the child fell
13 down the stairs. I think that the State wants
14 you to believe that it was Roger Williams'
15 story but I think the evidence may show that
16 that is her story, or that maybe they concocted
17 that story together and it's really a lie.

18 I think the most telling story that
19 Grace Trotman told about the death was that her
20 two-year-old child was responsible for the
21 death of Minor [REDACTED] Now, here's somebody who is
22 going to try and tell -- going to try and lead
23 the authorities to believe that their two-year-
24 old caused the death of her half-sister, her
25 half-brother, stepsister. I am not sure what

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

132

1 kind of parent throws a two-year-old under the
2 bus, wants to label them, wants to sell them
3 the guilt that they may have been responsible
4 for the death of a child, especially when she
5 knew all along that she was lying. That's
6 troubling to me. That's been troubling to me
7 from the whole start.

8 The State also raised the point that
9 she had to call and get permission to
10 discipline Minor I don't think that story
11 is going to follow through also, because I
12 think that the evidence is going to show that
13 she disciplined Minor with a KoolAid spoon.
14 I mean, she admitted slapping the kid with a
15 KoolAid spoon. The kind of discipline she
16 wants to talk about is pop the child on the
17 arm.

18 At one time when she gave an
19 interview, after on numerous occasions the
20 Berkeley County representative that was trying
21 to get her to tell the truth, she breaks down
22 and she starts crying and then she tells them
23 which I think might actually be the true story,
24 in fact. She says that she snapped. When she
25 admitted she snapped, the Berkeley County

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

133

1 prosecutor kinda suggested that; you know, it
2 was kinda believable. That here she is locked
3 in the house -- well, she was not locked in the
4 house. She was sitting in the house, she had
5 no telephone, she had no cell phone, she had no
6 car, she's watching somebody else's kid. She
7 is watching the child of Shaneeka Washington.
8 This is the child -- Ms. Washington is the
9 mother of the victim here. You have to maybe
10 believe that there is possibly some jealousy
11 or animosity between Grace Trotman and Ms.
12 Trotman. I mean, their children are two months
13 apart in age. Here she is watching somebody
14 else's child, that is not her's. Her husband,
15 I am sure that she will testify, is never home.
16 He is either at his job or he's out running
17 around, he's working, he's never at home.

18 So at some point in this interview
19 that she has, she tells the sheriff's officer
20 that she snapped. She says that she "hailed
21 off and hit him on the shoulder." And if you
22 get an opportunity, you can see that she even
23 demonstrates how the child made contact with
24 the wall in the house, a snapping motion with
25 his head coming up and hitting the wall.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

134

1 That's a believable story.

2 Later on she talks to the prosecutor
3 and she gives the prosecutor a proffer, the
4 prosecutor gave her an opportunity to come
5 clean, just tell the truth. You know, 'what-
6 ever you say, nothing is going to be held
7 against you.' Nothing more. During the
8 proffer she backs off that story and goes back
9 to the story of some combination of Yaya
10 pushing the child and maybe her disciplining
11 him on the arm, maybe giving him a pop.

12 Now, the one thing she has done, she
13 has slowly -- she clearly had responsibility
14 in this case and she has pled guilty. But she
15 tries to bring -- she tries to find anybody
16 else that she can blame for this. First she
17 blames Yaya for it, and now she is going to
18 blame Roger Williams. She going to tell
19 stories about the disciplining that Roger
20 Williams performed on the child. She is going
21 to tell several different stories, that this
22 occurred in different locations. I think that
23 there is plenty of reason to believe that those
24 stories might not have happened, that it is all
25 part of her effort to sort of share the burden

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

135

1 of this crime that she committed with somebody
2 else.

3 My client took part in probably the
4 stupidest cover-up plan that you've ever come
5 up. There's no question why it ultimately
6 broke down. I mean, what they tried -- you
7 know, whatever they came up with -- and I
8 believe that they probably came up with the
9 story together, but I believe that Grace
10 probably was leading it because she was the one
11 most likely responsible for the child's death.

12 It was clear that there was no way
13 that you were ever going to be able to say that
14 this child fell into The Battery. The fact
15 that they even thought that this would work is
16 beyond believable.

17 Now, I think that there is going to be
18 some medical testimony brought in and they are
19 going to talk about two things. The medical
20 testimony, they're going to have two medical
21 experts. There is going to be a medical
22 examiner who is going to talk about the cause
23 of death, to the extent that he can. There is
24 also going to be a pediatrician, I believe
25 she's from the state of Rhode Island, and the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

136

1 State refers to her as an expert. They are
2 going to try to talk to you about something
3 about the causes of death.

4 But I think that when you hear the
5 testimony that you're still not going to be
6 able to say that Roger Williams was the causal
7 factor. In order to believe that Roger
8 Williams did this, you're going to have to
9 believe Grace Trotman's story hook, line and
10 sinker that Roger Williams was constantly
11 disciplining this child, breaking it down to
12 the point that he was so weakened that on that
13 Monday morning when she just barely popped him
14 on the arm that he hit the wall -- maybe he hit
15 the floor, maybe he hit the floor and the wall,
16 her story has gone back and forth -- and that's
17 what led to the child's death.

18 She is also going to talk about
19 seizures. She is going to give symptoms that
20 the child suffered seizures after some of these
21 alleged instances of abuse that she is saying
22 that my client inflicted. And, again, these
23 seizures -- her description of these seizures
24 change. Now, I mean, granted it is a very
25 difficult thing to look at but it seems that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

137

1 if you're the person there and the person
2 witnessing it that you're not going to be
3 consistent about knowing whether or not the
4 child was shaking, whether or not he was,
5 whether or not he was fixed, whether his tongue
6 was sticking out or whether it wasn't.

7 She is also going to talk about the
8 fact that she performed CPR on Minor I
9 think that this is an important part of the
10 story, not so much that she performed CPR but
11 when she performed the CPR. She has told
12 different stories as to whether or not she did
13 it right away, whether or not no CPR was
14 performed until Roger Williams got home. I
15 think the only important thing to know about
16 the CPR is that that is when she was on top of
17 the child and that's when she knew that the
18 child was no longer breathing and that's when
19 she called Roger Williams. Why else wouldn't
20 she call 911?

21 I expect them to try and say that she
22 felt intimidated by Roger Williams. I think
23 you are going to find from the testimony that
24 that is not true. She could have left this
25 house at any time. She talked about the fact

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

138

1 that Roger Williams was never in the home, he
2 was either working, out with some other people,
3 he was partying late at night, he was never
4 home. The fact is that if she really felt like
5 she was in fear, like she's testified to in the
6 past, it's hard to believe that she wouldn't
7 have just got up and left. She had people who
8 would take care of her -- the Deas, she moved
9 in with her family members, the Deas, and I am
10 sure the State will talk about that. There
11 were places for her to go. The fact that she
12 didn't go is because she didn't want to go.

13 Her whole accounts of child abuse that
14 she says that Roger Williams inflicted and her
15 physical abuse that she was inflicted with, I
16 think is all part of a story so she becomes one
17 of the victims in this. I think she wants to
18 be a victim in this whole story along with Ms.
19 Washington.

20 We contend that she is the culprit,
21 that she is the person who caused the death,
22 that she is the one that caused the homicide by
23 child abuse. By the time that she contacted
24 Roger Williams, there was nothing that he could
25 have done. On that Monday when she contacted

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

139

1 him at work, the child was already dead and
2 there was nothing that he could have done.

3 I need you really to -- I know that
4 this is a bad case, I know that the facts in
5 this case are really bad, but I really just
6 need you hang on, listen to all the evidence
7 as it goes all the way through and maybe you
8 can pick up some of these discrepancies in the
9 testimony that Grace Trotman is going to say.
10 Because really in order to convict my client
11 you're going to have to believe Grace Trotman's
12 testimony. I believe that her testimony you're
13 going to find to be inherently contradictory
14 and not trustworthy.

15 Thank you for your attention to this
16 case. I am really quite sure that the Judge is
17 going to instruct you on this but I need you to
18 sort of keep blinders on to the point -- there
19 may be something in the newspaper about this
20 tonight. If you don't read it, you're probably
21 going to have a family member who is going to
22 talk to you about that. The stuff that is in
23 the newspaper about this, I don't know where
24 some of the -- I don't know where they got some
25 of this stuff. But you need to confine your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

140

1 deliberations and your thoughts about this case
2 to only what we talk about here in court and
3 not what your neighbor thinks about this, not
4 what you read in the newspaper, not what you
5 hear on a TV account of this. I am just hoping
6 that you will keep an open mind through this
7 whole deliberation and at the end of the day
8 that we will get a fair decision.

9 THE COURT: Thank you, Mr. Falk.
10 Ladies and Gentlemen, at this point I am going
11 to recess for the evening.

12 Please understand something, you've
13 heard no evidence so there is nothing for you
14 to discuss among yourselves. But once we start
15 hearing the evidence, you must remember that
16 you are not at liberty to talk about this case
17 among yourselves or with anyone. In fact
18 tonight when you go home, if there is someone
19 there, I imagine the first question is going to
20 be 'what are you doing, what is this case
21 about, what is going on?' Great -- I am sure
22 that it will be an urge -- a human response
23 would be, 'well, let me tell you about it.'
24 If you do, you will have violated the oath that
25 you just took because you would have started

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

157

1 BY SOLICITOR HERRING-LASH:

2 Q. Captain Broughton, where do you work?

3 A. City of Charleston Police Department.

4 Q. How long have you been there?

5 A. Twenty-seven years.

6 Q. What is your position?

7 A. I am the Captain over the Investigations
8 Bureau.

9 Q. Did you deal with this case back in July
10 of 2010?

11 A. I did.

12 Q. How were you notified of the situation?

13 A. I received a command page that we had a
14 missing juvenile at The Battery, and responded
15 to The Battery to assist with the command post.

16 Q. And what did you do?

17 A. I was in charge of the command post and
18 the resources that were being utilized.

19 Q. What were those resources?

20 A. Oh, my gosh, quite a few. We had seven
21 boats out in the water, we had Charleston
22 County Rescue, Charleston County Sheriff's
23 Office, City of Charleston Police Department,
24 fire department, DNR, Coast Guard.

25 Q. And did you kind of coordinate that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

158

1 response team?

2 A. I did.

3 Q. What were your goals that evening?

4 A. Well, our goals were first of all to
5 secure the scene for a rescue detail; second of
6 all, to inform all the citizens, businesses and
7 residents in the area as to the status of the
8 missing juvenile; third was to ascertain if the
9 juvenile was missing, abducted or in some kind
10 of distress; and also to coordinate with the
11 other entities there to make a unified command.

12 Q. At some point did that search end?

13 A. It did. I want to say that it was around
14 5:45 because we had the second shift coming on
15 at 6:00 and we discontinued the search around
16 that time.

17 Q. Was that the end of the search and the
18 Police Department that evening? Did your
19 investigation end?

20 A. As far as the command post was concerned
21 in the search, yes.

22 SOLICITOR HERRING-LASH: That's all
23 that I have?

24 THE COURT: Cross examine?

25 CROSS EXAMINATION

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

159

1 BY MR. FALK:

2 Q. Was it your testimony that y'all suspended
3 the search at the end of your shift?

4 A. No, because -- actually we didn't end it
5 until -- it was close to 6:00 a.m. in the
6 morning.

7 MR. FALK: Thank you.

8 THE COURT: Redirect?

9 SOLICITOR HERRING-LASH: No, Your
10 Honor.

11 THE COURT: You may come down. Do
12 you wish the witness to be excused?

13 SOLICITOR HERRING-LASH: Yes, Your
14 Honor.

15 THE COURT: Any objection, Mr. Falk?

16 MR. FALK: No, Your Honor.

17 THE COURT: You also are free to
18 leave. Thank you.

19 (WITNESS STEPS DOWN)

20 THE COURT: Call your next witness,
21 please.

22 SOLICITOR HERRING-LASH: Officer
23 Jonathon Lane.

24 (WITNESS TAKES STAND)

25 JONATHON LANE, being duly sworn to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 tell the truth, the whole truth and nothing
2 but the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR HERRING-LASH:

5 Q. Detective Lane, where do you work?

6 A. I work with the Charleston Police
7 Department.

8 Q. How long have you worked there?

9 A. I've worked there going on almost my tenth
10 year.

11 Q. What are your duties there?

12 A. Currently I am assigned to the U.S.
13 Marshals Fugitive Task Force. It's a arm of
14 the investigative division of the Charleston
15 Police Department. Collectively we work
16 fugitive cases.

17 Q. Okay. Back in July of 2010, what was your
18 position?

19 A. I was still in the U.S. Marshals Task
20 Force but I was currently working the on duty
21 detective assignment with the central
22 detectives division at Charleston Police.

23 Q. And the night that this call came in, you
24 were the on-duty officer at that time?

25 A. Correct.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

161

1 Q. Do you know what time and what day that
2 you got the call?

3 A. We got the call on July 6th of 2010 and we
4 responded to a missing persons call at 2005
5 Hours, or 8:05 in the evening, at The Battery.

6 Q. And when you arrived there, did you meet
7 with Grace Trotman?

8 A. Yes, ma'am, that's correct.

9 Q. Did she give you an account of what
10 happened?

11 A. She did.

12 Q. And during this time, did you look at her
13 phone?

14 A. Correct. We did.

15 Q. What did you see on her phone?

16 A. Uh, when we looked at her phone, we were
17 trying to ascertain a little more information
18 about the missing persons case in reference to
19 a two-year-old. We were developing some
20 information. Once I looked at her phone we
21 realized that the missing person's, or the
22 victim at the time, father, Mr. Williams, had
23 contacted Grace on her telephone from a number
24 843-539-6213.

25 Q. And you could tell that by looking at her

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

162

1 phone?

2 A. That's correct.

3 Q. What calls had she made?

4 A. She had contacted Mr. Williams in addition
5 to, I believe, contacting Minor mother as
6 well in the course of some of those preceding
7 hours, hour or two hours before that.

8 Q. And Minor mother is Ms. Washington?

9 A. Correct.

10 Q. Did you also meet with her?

11 A. We did. She responded to The Battery, the
12 incident location as well as multiple other
13 resources.

14 Q. What happened when she responded?

15 A. When she was down there, we were trying to
16 develop some information and the whereabouts of
17 the victim at the time. Once she was on scene,
18 some of her family members were there at well,
19 at one point there was an almost physical
20 altercation between the victim's biological
21 mother and Ms. Trotman due to some tension that
22 was going on in the family and lies that were
23 being told.

24 Q. While you were talking to Ms. Washington,
25 did she receive a call?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

163

1 A. That's correct.

2 Q. Who called her?

3 A. She received a call from the victim's
4 father, Mr. Williams.

5 Q. That is Roger Williams?

6 A. That is Roger Williams, (affirmative nod).

7 Q. And did you talk to him on her phone?

8 A. I did, briefly.

9 Q. And what did he say to you?

10 A. Mr. Williams was very evasive. I tried to
11 ascertain the whereabouts of his son, tried to
12 get a better grip of what was developing in the
13 case, where his son was. We were trying to
14 develop some efforts to have him meet with us
15 to get some more information. We weren't
16 interested in, per se, Mr. Williams at the
17 time. We were more interested in just locating
18 his son.

19 Q. What was his response to you?

20 A. Mr. Williams was very flippant with us.
21 Seemed like he didn't care at all. Said that
22 he had some outstanding warrants and problems
23 with some other agencies, didn't want to meet
24 with us because he was worried about his own
25 well-being and thought we just wanted to arrest

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 him for those offenses.

2 Q. Did you also talk with Ms. Trotman again?

3 A. That's correct.

4 Q. Did she receive a call from Mr. Williams
5 also?

6 A. She did.

7 Q. So did you talk to him again?

8 A. I did. Again I tried to plead with him to
9 meet with us on scene or to meet with me at a
10 remote location where I could just get some
11 more information. At the time I really felt
12 like he was, uh, playing family games, if you
13 will, with the biological mother in an attempt
14 to keep the son for a longer period of time.

15 Q. You were just looking for the child?

16 A. Correct, we were just looking for the
17 child.

18 Q. Now, could you hear -- did Ms. Trotman
19 talk with him on your phone?

20 A. Correct. We had some connection problems,
21 so what I did was I got his cell phone number,
22 I used my business-issued cell phone, called
23 him directly. Again spoke with him a little
24 bit on my phone, pleading with him to try to
25 get me some information. Then allowed Ms.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

165

1 Trotman to also speak with him on my cell
2 phone.

3 Q. But could you hear what he told her when
4 she was on your phone?

5 A. Not clearly. There was some sort of
6 discussion. He was very accusatory towards Ms.
7 Trotman, very flippant, saying -- well, 'I
8 don't know. Last time I left him, he was with
9 her situation.' Trying to divert all the
10 attention back on Ms. Trotman, didn't want to
11 be involved in the case at all.

12 Q. Was Ms. Trotman taken to the station?

13 A. She was.

14 Q. How was that done?

15 A. She was escorted -- Detective Stanley, who
16 was also out there at the Charleston Police
17 Department, escorted her just for some security
18 purposes. He rode with her in her vehicle,
19 took her back to the Police Department where an
20 interview continued.

21 Q. And later that night, did you have some
22 additional involvement in this case?

23 A. I did. Once we got some additional
24 resources on scene for the investigative
25 efforts for the detective division, I kinda

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

166

1 changed roles from the investigative on scene
2 detective to my fugitive task force role of
3 trying to apprehend Mr. Williams, in an effort
4 to ultimately locate the child that was
5 missing.

6 Q. Where did you go to find him?

7 A. We met up -- we had several resources that
8 indicated that, uh, Mr. Williams had been
9 located in Summerville. We responded to the
10 Econo Lodge, I believe that it was, in
11 Summerville, and ---

12 Q. Did you go to the room?

13 A. We did. I did. We went to his room at
14 the Econo Lodge, made contact with Mr. Williams
15 and I believe that it was -- a female inside.
16 Harrison, I think was her last name.

17 Q. So they were the only two in the room?

18 A. That's correct.

19 Q. And did you meet with Ms. Harrison?

20 A. I did.

21 Q. Did she have any information regarding the
22 missing child?

23 A. Not directly. We looked in the room.
24 There were no children's toys or clothing or
25 anything. As far as we could tell, the child

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

167

1 was last seen on Friday, which was July 2nd,
2 by her. So it was -- that was the only
3 information that we could get.

4 Q. So she had seen him on Friday, July 2nd?

5 MR. FALK: Objection, Your Honor.
6 I believe that this is hearsay.

7 THE COURT: I sustain the objection.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR HERRING-LASH:

10 Q. Was Roger with her when you got the --
11 when you were speaking with him at The Battery,
12 or were you able to tell that from Mr.
13 Williams?

14 A. At the time, Mr. Williams didn't indicate
15 that he was with anyone else. However, he
16 seemed cool, calm and, again, uninvolved.
17 It was almost like I was bothering him by
18 continuously calling him to try to find out
19 where his son was.

20 Q. When you left the hotel, where did you go?

21 A. When we left the hotel, we responded to
22 another location for a female by the name of
23 Sabrina Smith.

24 Q. Why did you go to Sabrina Smith's home?

25 A. Sabrina Smith had rented the vehicle that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

168

1 Grace Trotman had transported the children in
2 when she responded to The Battery. So we
3 responded to Ms. Smith's residence in order to
4 figure out her association with Mr. Williams
5 and also why cars were being rented when they
6 clearly had other methods of transportation.

7 Q. And did you find her at her home?

8 A. That's correct.

9 Q. Had she rented a car for Mr. Williams?

10 A. She did rent a vehicle for Mr. Williams.

11 Mr. Williams had responded to her residence

12 earlier in the day, paid her three hundred

13 dollars (\$300) in cash to rent the vehicle.

14 At the time, we felt like the child might be at

15 her residence. She allowed us to search. The

16 child also was not in that residence. But she

17 indicated that the vehicle had been rented.

18 Q. And you looked at all the kids there?

19 A. That's correct.

20 SOLICITOR HERRING-LASH: Those are

21 all the questions that I have, Mr. Lane.

22 THE COURT: Cross ---

23 SOLICITOR HERRING-LASH: Court's

24 indulgence?

25 THE COURT: Yes, ma'am.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

169

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR HERRING-LASH:

3 Q. When you went into the hotel room, what
4 did Mr. Williams say?

5 A. Mr. Williams said, "I am the one you're
6 looking for." To which I said, "Actually I am
7 not looking for you, I'm looking for your son."

8 Q. Going back to The Battery, what was Ms.
9 Trotman's demeanor when you met with her at The
10 Battery?

11 A. She was very unemotional. She did not
12 seem upset by the case at all. It was a very
13 clear indication to us that there was some
14 deception going on, that the case was not as it
15 seemed or not as it was being presented. That
16 was our initial clue that something was amiss.

17 SOLICITOR HERRING-LASH: Those are
18 all the questions that I have.

19 THE COURT: Cross examine?

20 MR. FALK: No, Your Honor. He is
21 excused.

22 THE COURT: Very well. Do you wish
23 the witness to be excused?

24 SOLICITOR HERRING-LASH: Yes, Your
25 Honor.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

170

1 THE COURT: You are free to leave.

2 (WITNESS STEPS DOWN)

3 THE COURT: Call your next witness,
4 please.

5 SOLICITOR HERRING-LASH: Detective
6 J.C. Bruder.

7 (WITNESS TAKES STAND)

8 J.C. BRUDER, being duly sworn to tell
9 the truth, the whole truth and nothing but the
10 truth, testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR HERRING-LASH:

13 Q. Detective Bruder, where do you work?

14 A. I work for the Charleston Police
15 Department.

16 Q. And were you working there in July of
17 2010?

18 A. Yes, ma'am.

19 Q. What were your duties then?

20 A. Then I was assigned to the field
21 intelligence unit as a supervisor.

22 Q. Do you provide support services in that
23 role?

24 A. Yes, ma'am.

25 Q. And did you do that in this case?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

171

1 A. Yes, ma'am.

2 Q. And, uh, what did your team do?

3 A. We assisted with the investigation in
4 trying to locate the juvenile.

5 Q. Were you able to locate Roger Williams?

6 A. I was able to locate Roger Williams that
7 night.

8 Q. How did y'all locate him? What technology
9 did you use?

10 A. We utilized SLED's phone tracking
11 equipment.

12 Q. Is that cell tower analysis?

13 A. It's far more sophisticated than I under-
14 stand, but it involves a myriad of things to
15 track cell phones.

16 Q. You gave the phone number to SLED?

17 A. I didn't give the phone number to SLED but
18 SLED had the phone numbers for him.

19 Q. After that, did you go to the hotel where
20 the cell phone was?

21 A. I did. We actually tracked to that area
22 there. There were a couple of hotels, so we
23 actually went in and talked to the clerk to
24 establish if anybody was checked in.

25 Q. Did you go to the room where Mr. Williams

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 was?

2 A. I did.

3 Q. Did you talk with Mr. Williams?

4 A. I did.

5 Q. What did he tell you?

6 A. He told me about -- that he'd dropped

7 **Minor** off earlier that night, that about

8 7:00 o'clock that he dropped him off with

9 Grace, his -- Roger's girlfriend. That they

10 met at Northwoods Mall in North Charleston,

11 they said near the Hooter's restaurant. He had

12 borrowed a white Caprice from his homeboy to

13 get there. He gave **Minor** and all of his

14 belongings, clothes in a plastic bag and stuff,

15 though he didn't indicate a car safety seat or

16 anything like that. He gave all of that to

17 Grace to be driven downtown and returned to

18 **Minor** mother. Said that Grace arrived in a

19 smaller car, possibly a Focus and had two other

20 children in the vehicle.

21 Q. Where did you go when you left the hotel?

22 A. I left the hotel, I went to the address

23 that Roger had provided us, **Way** Way.

24 Q. Did you provide surveillance there?

25 A. Initially I made contact with a Berkeley

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

173

1 County deputy in reference to making contact at
2 the residence.

3 Q. While you were at the hotel room, did you
4 take or get the phone from Roger?

5 A. I didn't take his phone but the phone
6 number -- the cell phone that he had had the
7 number of 843-539-6213.

8 Q. So that was the cell phone that he had on
9 him that night?

10 A. Correct.

11 SOLICITOR HERRING-LASH: Those are
12 all the questions that I have.

13 THE COURT: Cross examine?

14 CROSS EXAMINATION

15 BY MR. FALK:

16 Q. Was it your testimony that SLED was able
17 to tell you that he was at the Economy Inn,
18 from the tower or -- I am not sure that I
19 understood your testimony.

20 A. Their tracking equipment provided him in
21 the area of the Economy Inn. I went to a
22 couple of different hotels in the area asking
23 if they had anybody checked in.

24 Q. So it's your understanding that they gave
25 you, like, a tower location and that told you

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

174

1 that he was in that area?

2 A. They just told me the general area there.

3 MR. FALK: Thank you. No
4 questions.

5 THE COURT: Redirect?

6 SOLICITOR HERRING-LASH: No, Your
7 Honor. May this witness be excused?

8 THE COURT: Any objection, Mr. Falk?

9 MR. FALK: No, Your Honor.

10 THE COURT: You're also free to
11 leave, sir.

12 (WITNESS STEPS DOWN)

13 THE COURT: Call your next witness.

14 SOLICITOR WILLIAMS: The State calls
15 Detective Jason Potteiger.

16 (WITNESS TAKES STAND)

17 JASON POTTEIGER, being duly sworn to
18 tell the truth, the whole truth and nothing but
19 the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR WILLIAMS:

22 Q. Good morning.

23 A. Good morning.

24 Q. Where do you work, Detective Potteiger?

25 A. The Berkeley County Sheriff's Office.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

175

1 Q. How long have you worked there?

2 A. A little over four years.

3 Q. Where did you work before that?

4 A. I originally became a law enforcement
5 officer with the City of Sumter Police
6 Department. I started there the beginning of
7 2001.

8 Q. So you basically have been in law
9 enforcement eleven years?

10 A. Yes, ma'am, soon to be twelve.

11 Q. And what are your present duties?

12 A. I am assigned to the criminal investiga-
13 tions division.

14 Q. Were you working in that capacity in July
15 of 2010?

16 A. Yes, ma'am, I was.

17 Q. Were you involved in a homicide investiga-
18 tion around that date?

19 A. Yes, I was.

20 Q. Was that involving Mr. Roger Williams?

21 A. Yes, ma'am. Minor [REDACTED] was the victim.

22 Q. Well, at the time that the investigation
23 started, what kind of investigation was it?

24 A. I received a call that morning before I
25 left my house to go to work to respond to the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Charleston Police Department and meet with
2 other investigators, with their division and
3 ours, with reference to what was reported as a
4 missing child that'd took a turn over the night
5 to be more than that. That's all that I got
6 before I went and responded, actually arrived
7 at the Charleston Police Department.

8 Q. Okay. At some point during the
9 investigation, were you dispatched to go do
10 other tasks?

11 A. Yes, ma'am. Upon arrival, our division
12 met with the City of Charleston Police
13 Department and we got briefed about what went
14 on overnight, what occurred, what was reported
15 and what they learned. Our division with
16 Berkeley County, we were each assigned a
17 different task to do. Mine was to respond to
18 the Dorchester County Sheriff's Office with
19 Sergeant Schuler, my immediate supervisor.

20 Q. Did you interview any witnesses at the
21 Dorchester County Sheriff's Office?

22 A. Yes, ma'am. Our task was to interview and
23 meet with Roger Williams, the father of the
24 missing child, Minor [REDACTED]

25 Q. Did you do that?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

177

1 A. Yes, ma'am.

2 Q. When you met with Mr. Williams, did he
3 appear to be under the influence of any drugs
4 or alcohol?

5 A. No, ma'am.

6 Q. And did he appear to understand what you
7 were telling him?

8 A. Yes, ma'am.

9 Q. Did you provide him his Miranda rights?

10 A. Yes, ma'am.

11 Q. How did you do that?

12 A. Typically if we are in our office, we have
13 it in writing. If we are out in the field, I
14 have a card in my wallet that I carry with me.
15 I will pull that out and advise them orally,
16 which I did in this instance because we were
17 out of our office.

18 Q. Did he understand what he was being
19 questioned about?

20 A. Yes, ma'am.

21 Q. Did he ask you for clarification about
22 that issue at any time?

23 A. No, ma'am.

24 Q. And do they have any kind of recording
25 equipment or videotaping equipment at the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

178

1 Dorchester County Sheriff's Office?

2 A. Yes, ma'am. We were made aware of that
3 that day, and there was a camera clearly in the
4 corner of the interview room.

5 Q. Was that equipment working that day?

6 A. I was under the impression that it was.
7 Later we found out that it did not work
8 correctly.

9 Q. Did you have some kind of backup plan?

10 A. Yes, ma'am, I had the same type incident
11 happen in a different interview, so I carry a
12 pocket audio recorder. When I'm not in my
13 office we utilize that, as well, as a backup.

14 Q. How many statements on that occasion did
15 Mr. Williams give you?

16 A. We took two different statements that were
17 separated by a little bit of time inbetween.

18 Q. How much time inbetween?

19 A. Right around five minutes.

20 Q. Were they consistent with each other?

21 A. No, they were almost opposite.

22 Q. So during the first statement, in general
23 what did Mr. Williams says about the where-
24 abouts of Minor

25 A. In the first statement he -- it's hard to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

179

1 put in words, but it was like we weren't even
2 talking about his child and he was putting all
3 the responsibility on a Grace Trotman, Ms.
4 Trotman. But in the same sentence he would
5 say; 'But I can't believe Grace would do
6 anything to him. She's such a good person.'

7 Q. Well, in the first statement, was he
8 relating to you that the child was still alive?

9 A. Yes, and he indicated that he saw the
10 child as recent as the day prior.

11 Q. Detective Pottieger, I am going to show
12 you what has been previously marked as State's
13 Exhibit 4.

14 SOLICITOR WILLIAMS: May I approach,
15 Your Honor?

16 THE COURT: You may.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR WILLIAMS:

19 Q. What is that?

20 A. That is a CD containing one of the digital
21 files, that is the audio interview.

22 Q. Is that the first interview?

23 A. Yes.

24 Q. Have you listened to this tape from
25 beginning to end?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

180

1 A. Yes, ma'am. I have.

2 Q. Does it accurately portray the interview,
3 the first part of the interview that he gave?

4 A. Yes, ma'am.

5 SOLICITOR WILLIAMS: At this time,
6 Your Honor, the State would move Exhibit 4 into
7 evidence.

8 THE COURT: Any objection?

9 MR. FALK: No, Your Honor.

10 THE COURT: Without objection, it is
11 admitted.

12 (SO ENTERED AS STATE'S EXHIBIT 4)

13 SOLICITOR WILLIAMS: Permission to
14 publish?

15 THE COURT: You may do so.

16 (WHEREUPON STATE'S EXHIBIT 4, AUDIO TAPE
17 WAS PLAYED FOR THE JURY)

18 THE COURT: Hold one just a second.

19 Ladies and Gentlemen, at this point we will
20 pause it -- and we'll back it up a little bit
21 when we return. I'll let you go to your jury
22 room and take a break. Don't begin your
23 deliberations, don't discuss the case. We will
24 be with you in about ten minutes.

25 (JURY OUT @ 10:38)

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

181

1 THE COURT: Anything from the State?

2 SOLICITOR WILLIAMS: No, Your Honor.

3 THE COURT: Anything from the
4 Defendant?

5 MR. FALK: No, sir.

6 THE COURT: Mr. Pottieger, at this
7 point I'd ask -- you may step down but do not
8 have any conversations with any of the
9 attorneys, please.

10 THE WITNESS: Yes, sir.

11 THE COURT: Thank you, sir. I
12 assume that you are going to play the second
13 disk, too?

14 SOLICITOR WILLIAMS: We are going to
15 play the second disk through another witness
16 who was there, at a different time.

17 THE COURT: All right. How long do
18 you ---

19 SOLICITOR WILLIAMS: I think that it
20 is about four more minutes.

21 MASON WEST: Maybe a little longer
22 than that.

23 THE COURT: That's all right. For
24 my planning, just let me know how long that
25 next disk is and we'll try to fit it in so that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

182

1 we don't interrupt it.

2 SOLICITOR WILLIAMS: The next disk
3 will probably be on a different day.

4 THE COURT: That's all right. No
5 problem. I just need to know how long it is.

6 SOLICITOR WILLIAMS: All right.

7 THE COURT: We will be at-ease.

8 (BRIEF RECESS)

9 (DEFENDANT PRESENT)

10 THE COURT: Let the record reflect
11 that the Defendant is present. Bring in our
12 jury. Mason, can you back it up just a little
13 bit?

14 MASON WEST: Yes, sir.

15 (JURY IN @ 10:51 A.M.)

16 THE COURT: Thank you, Ladies and
17 Gentlemen, we're ready to continue. I've asked
18 the solicitor to back up the disk a little bit,
19 so that you can pick it up with continuity.
20 Thank you, you may continue to play Exhibit 4.

21 (PUBLICATION OF EXHIBIT 4 CONTINUED)

22 DIRECT EXAMINATION RESUMED

23 BY SOLICITOR WILLIAMS:

24 Q. So the interview started at 12:40 and
25 ended at 1:45?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

183

1 A. Yes, ma'am.

2 Q. This was the first interview?

3 A. The first interview between Sergeant
4 Schuler, myself and Roger Williams; yes, ma'am.

5 Q. What was that date?

6 A. It was July 7th, 2010.

7 Q. The next interview starts how long after?

8 A. I believe that we took about a five-minute
9 break in between. We made some phone calls,
10 were getting some drinks and whatnot.

11 Q. What prompts the second interview?

12 A. Throughout the recording you can hear
13 phones vibrating, whatnot. We were getting
14 information from other detectives and outside
15 sources who were relaying information to us
16 that they were learning things that might be
17 pertinent to our interview. That's another
18 reason that we took a break, that and the
19 drinks.

20 Q. And was there a piece of information that
21 prompted you to ask him some additional
22 questions after this interview ended?

23 A. Yes, ma'am. We learned that detectives
24 were in Orangeburg County and found what they
25 believed to be Minor body.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. Without going into what he says in the
2 second statement, is there any difference in
3 his demeanor when he begins a new story?

4 A. Yes, ma'am. When we go back in, we
5 basically confronted him with the information
6 we'd gathered and he came up with a new story
7 -- without going into that interview further.

8 Q. Obviously we can't see Mr. Williams on the
9 tape. We just hear his voice. You asked him a
10 lot of questions about his two-year-old son.

11 Did you ever -- what was his demeanor like when
12 he discussed his child?

13 A. Well, as you heard in the tape, we
14 continued to advise him, you know, that 'this
15 is your child.' Basically his demeanor was the
16 same way. I mean, we had to advise him "this
17 is your child." He was basically showing us no
18 emotion and it was hard to believe that he was
19 talking about his child in that manner.

20 Q. And after this interview was concluded --
21 you were the case agent, is that correct?

22 A. Yes, ma'am.

23 Q. What other things did you do with regard
24 to this case?

25 A. In this case, basically because it was so

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

185

1 spread out, I just compiled all the other
2 information and documents that other detectives
3 were doing on their specific assignments,
4 compiled them for prosecution.

5 SOLICITOR WILLIAMS: Court's
6 indulgence for just a moment?

7 THE COURT: Yes.

8 SOLICITOR WILLIAMS: Thank you,
9 Detective Pottieger. Please answer any
10 questions from the defense.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: You may cross examine,
13 Mr. Falk.

14 MR. FALK: We have no questions.

15 THE COURT: You may come down, sir.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness,
18 please.

19 SOLICITOR HERRING-LASH: The State
20 would call Grace Trotman.

21 (WITNESS TAKES STAND)

22 GRACE TROTMAN, being duly sworn to
23 tell the truth, the whole truth and nothing but
24 the truth, testified as follows:

25 DIRECT EXAMINATION

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 BY SOLICITOR HERRING-LASH:

2 Q. Ms. Trotman, you may want to move that
3 microphone down so that you can talk into it.

4 A. (Complies).

5 Q. Ms. Trotman, where are you housed now?

6 A. Charleston County Detention Center.

7 Q. How long have you been there?

8 A. Two years and three months.

9 Q. Are you now on some medication?

10 A. Yes, ma'am.

11 Q. When was that medication prescribed?

12 A. I think November 2010.

13 Q. Was it after you were incarcerated?

14 A. Yes, ma'am.

15 Q. Who did you see?

16 A. The psychiatrist of the jail.

17 Q. What is the medication that you have been
18 prescribed?

19 A. Selecta, forty milligrams.

20 Q. And why did you go and see the
21 psychiatrist?

22 A. Going through a lot, having flashbacks,
23 hot sweats, (pause) -- that's about it.

24 Q. Let's start with some history, Ms.
25 Trotman. What is your date of birth?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

187

1 A. (Inaudible).

2 COURT REPORTER: Tell me again.

3 SOLICITOR HERRING-LASH: Tell me a
4 little louder.

5 THE COURT: Pull that microphone
6 closer so that you can speak into it, please.

7 THE WITNESS: (Trying to shift
8 chair closer to microphone).

9 CLERK: That chair won't move.

10 THE COURT: The chair won't move.
11 You'll have to pull it to you.

12 THE WITNESS: Okay.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HERRING-LASH:

15 Q. Where did you grow up?

16 COURT REPORTER: Your date of birth
17 again?

18 THE WITNESS: 10-25-85.

19 COURT REPORTER: Thank you.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR HERRING-LASH:

22 Q. Where did you grow up?

23 A. Summerville, South Carolina.

24 Q. Where did you go to school?

25 A. Summerville High School.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 Q. And did you graduate?
- 2 A. Yes, but with a certificate.
- 3 Q. A special education certificate?
- 4 A. No, just a regular certificate.
- 5 Q. Did you live with your mom and dad?
- 6 A. No.
- 7 Q. When was the last time that you lived with
- 8 them? What age?
- 9 A. This is like my real parents?
- 10 Q. Uh-uh.
- 11 A. I'd say like three years old.
- 12 Q. Why did you leave their home?
- 13 A. My mom was incapable of taking care of us.
- 14 Q. Where did you go?
- 15 A. Foster care.
- 16 Q. Were you in several foster homes?
- 17 A. A couple, yes, ma'am.
- 18 Q. And did you end up with a family member?
- 19 A. Yes, ma'am.
- 20 Q. Who was that?
- 21 A. My uncle.
- 22 Q. How long did you stay with your uncle?
- 23 A. I am not sure.
- 24 Q. Did you live with your grandmother also?
- 25 A. Yes, ma'am.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

189

1 Q. When did you leave your grandmother?

2 A. When she passed away.

3 Q. Did you have an accident when you were
4 there?

5 A. Yes, ma'am.

6 Q. What happened to you?

7 A. I got burned.

8 Q. When you left her, did you end up with an
9 aunt and uncle eventually?

10 A. Yes, ma'am.

11 Q. What are their names?

12 A. Derrick and Katrina Deas.

13 Q. Where did they live?

14 A. In Summerville, South Carolina.

15 Q. What do you call them?

16 A. My mother and my father.

17 Q. Do they have custody of your two children,
18 Yaya and Ya'king?

19 A. Yes, ma'am.

20 Q. At some point did you meet Roger Williams?

21 A. Yes, ma'am.

22 Q. What do you call him?

23 A. Box.

24 Q. Is that what he is known by?

25 A. Yes, ma'am.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. Where did you meet him?

2 A. Through friends.

3 Q. About when was that?

4 A. 2006.

5 Q. And how did you meet?

6 A. Him and a homeboy were staying together
7 and I used to go over there and twist their
8 hair.

9 Q. Did you begin to have a relationship with
10 Roger?

11 A. Yes, ma'am.

12 Q. When you met Roger, were you working?

13 A. Yes, ma'am.

14 Q. Where were you working?

15 A. Hill-Rom.

16 Q. What?

17 A. Hill-Rom.

18 Q. How long had you worked there?

19 A. Three years.

20 Q. And did you have an apartment?

21 A. Yes, ma'am.

22 Q. How long had you had your apartment?

23 A. Over a year.

24 Q. If you don't know exactly, just let us
25 know that you don't know exactly. Did you lose

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

191

1 your job?

2 A. Yes, ma'am.

3 Q. Why did you lose your job?

4 A. Because of tardiness, being late to work.

5 Q. Why were you late for work?

6 A. Because Box had other things to do, he
7 wouldn't come home with the car.

8 Q. With the car?

9 A. Yes.

10 Q. Did you have to share the same car?

11 A. Yes.

12 Q. What time were you supposed to be at work?

13 A. 4:30.

14 Q. What time would he bring the car to you?

15 A. Probably 5:00 o'clock.

16 Q. Why didn't you just say, 'Box, I need the
17 car.'

18 A. He knew what time I had to be to work. I
19 would tell him but it was whatever time he got
20 to work -- that he got home.

21 Q. Why didn't you just tell him that he had
22 to be earlier?

23 A. It wouldn't have mattered.

24 Q. What do you mean?

25 A. He still would do what he wanted to do.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

192

1 Q. Where did you live when you first moved in
2 with Roger Williams?

3 A. Homeboy's, Ladson Mobile Home Park.

4 Q. What do you mean when you say "homeboy"?

5 A. One of his friends.

6 Q. And why did you move from there?

7 A. We wanted -- we needed a bigger place.
8 We needed to have our own place because we was
9 about to have a child.

10 Q. When did you have that child?

11 A. September 2007.

12 Q. So it was sometime around when you were
13 pregnant that you moved?

14 A. February 2007.

15 Q. Where did you move to then?

16 A. Dorchester Village.

17 Q. And did you move from there?

18 A. Yes, ma'am.

19 Q. Why did you move from there?

20 A. Not being able to pay rent.

21 Q. Where did you move after that?

22 A. I am not really sure.

23 Q. Where is the next place you remember
24 moving?

25 A. Summerville Mobile Park.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

193

1 Q. By that time did you have your daughter?

2 A. Yes, ma'am.

3 Q. What was her birth date? I am not sure
4 that I asked you that.

5 A. 9-19-2007.

6 Q. And did you move from Summerville Mobile
7 Park?

8 A. Yes, ma'am.

9 Q. And why did you move from there?

10 A. Altercations.

11 Q. What do you mean?

12 A. Certain things happened and we had to
13 move.

14 Q. What happened?

15 A. We got robbed.

16 Q. When you were robbed, who was home?

17 A. Me and Yaya.

18 Q. Did you call the police?

19 A. No, ma'am.

20 Q. Why not?

21 A. Because Box told me not to.

22 Q. Why did you ask him?

23 A. Because I was always accustomed to calling
24 him and telling him everything.

25 Q. What?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. I was always accustomed to calling him and
2 telling him everything.

3 Q. And do -- during the robbery, were there
4 guns involved?

5 A. Yes, ma'am.

6 Q. And your daughter was there?

7 A. Yes, ma'am.

8 Q. After you moved from Summerville Park,
9 where did you move?

10 A. One of his friends let us move in.

11 Q. Why did you end up moving from there?

12 A. We had to move out of the trailer.

13 Q. Why?

14 A. Because we got robbed again, a second
15 time.

16 Q. And did you call the police?

17 A. No, ma'am.

18 Q. Why not?

19 A. Because there was stuff in the house.

20 Q. Where did you move next?

21 A. Clemson Terrace.

22 Q. And where is Clemson Terrace?

23 A. Off of Highway 78.

24 Q. What timeframe are we talking about that
25 you moved to Clemson Terrace?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

195

1 A. 2008, 2009.

2 Q. And you already had -- do you call Ya'sura
3 Yaya?

4 A. Yaya, yes ma'am.

5 Q. Did [Minor] come there and live with
6 y'all some?

7 A. No.

8 Q. So he didn't come yet?

9 A. No.

10 Q. Where did you go after you left Clemson
11 Terrace?

12 A. I went to go stay with my mom.

13 Q. How long did you stay with your mom?

14 A. Until it was time for my son to be born.

15 Q. So you were pregnant?

16 A. Yes, ma'am.

17 Q. What was that child's name?

18 A. Ya'King W.

19 Q. When was he born?

20 A. [REDACTED].

21 Q. Why were you staying with your mom?

22 A. Because something happened between me and
23 Box.

24 Q. What happened?

25 A. He abused me.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. How?

2 A. Ripping my hair out, throwing me around
3 the house, hitting and boxing me.

4 Q. Were you pregnant then?

5 A. Yes, ma'am.

6 Q. How long did you stay with your mom?

7 A. I am not sure but I do remember that I
8 stayed with her until my son was born.

9 Q. Did you go back to Box?

10 A. Yes, ma'am.

11 Q. Where did y'all live when you went back?

12 A. Churchill Commons.

13 Q. Was Minor around then?

14 A. Yes.

15 Q. Now, before meeting Roger, -- let's go
16 back -- did you go out with your friends?

17 A. Yes.

18 Q. Did you visit with your friends?

19 A. Yes.

20 Q. What about after living with Roger?

21 A. At first a little while but then as time
22 went on I wasn't around them that much.

23 Q. Why not?

24 A. Because he is controlling.

25 Q. What about Roger's friends, did y'all go

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

197

1 out with them?

2 A. Yes.

3 Q. Where would you go?

4 A. To the club.

5 Q. What club?

6 A. Envy, Echelon, strip clubs.

7 Q. Did you go all the time?

8 A. No.

9 Q. Did Box work at those?

10 A. Some of them.

11 Q. Now, did Roger meet your family?

12 A. No, ma'am.

13 Q. Did he meet your aunt and uncle?

14 A. Just my aunt.

15 Q. Did he visit with them in their home?

16 A. No. Only one time when he came to pick up
17 furniture.

18 Q. Did they give you some furniture?

19 A. Yes.

20 Q. Now, did Roger work?

21 A. Yes.

22 Q. Where did he work?

23 A. New Orleans Cultural.

24 Q. New Orleans Cultural?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

198

1 Q. And did he have that job for a right long
2 time?

3 A. Yes.

4 Q. Did he have a second job?

5 A. Club promoter.

6 Q. What is a club promoter?

7 A. Getting people to come to the club, where
8 it be an area that everybody would go to.

9 Q. What?

10 A. For it to be an area where everybody would
11 go to.

12 Q. What would they do in that area?

13 A. Party.

14 Q. Did you move from Churchill Downs at some
15 point?

16 A. Yes.

17 Q. Where did you move then?

18 A. Longbourne Way.

19 Q. I am going to show you what has been
20 marked as State's Exhibit 5. Ms. Trotman, do
21 you recognize that?

22 A. Yes, ma'am.

23 Q. What is that?

24 A. Our house.

25 Q. At Longbourne Road?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

199

1 A. Yes.

2 SOLICITOR HERRING-LASH: Your
3 Honor, at this time we would offer State's
4 Exhibit 5 into evidence.

5 THE COURT: Any objection?

6 MR. FALK: No objection.

7 THE COURT: Without objection,
8 State's Exhibit 5, a photo, is admitted.

9 (SO ENTERED STATE'S EXHIBIT 5)

10 SOLICITOR HERRING-LASH: May I
11 publish?

12 THE COURT: You may.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HERRING-LASH:

15 Q. When y'all were living here, did Minor
16 come to visit more?

17 A. Yes.

18 Q. When did you first find out about
19 Minor

20 A. Between September and October of 2009.

21 Q. How did you find out about him?

22 A. Through Roger.

23 Q. And what was Roger's attitude about
24 Minor in the beginning?

25 A. He didn't want him to be his son.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

200

1 Q. Why not?

2 A. He always looked at how his parents had
3 all his kids from one person and he wanted to
4 do the same thing.

5 Q. What do you mean from one person?

6 A. From one wife, one woman.

7 Q. And that was you?

8 A. Yes.

9 Q. Did he eventually find out that Minor
10 was actually his?

11 A. Yes.

12 Q. How did you feel about Minor coming to
13 visit?

14 A. I was fine and then I was still frustrated
15 a little.

16 Q. In the beginning, you were fine?

17 A. Yes.

18 Q. Did you know Nikki Washington?

19 A. No.

20 Q. Did you meet her, ever?

21 A. I've seen her a couple of times but we
22 never talk.

23 Q. The first time that you met Minor
24 where was it?

25 A. At Churchill Commons apartment.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

201

1 Q. And how did that visit go?

2 A. Well.

3 Q. How did you set up visits, or who set them
4 up?

5 A. Box would set it up with Nikki over the
6 phone and then I would go get him.

7 Q. Where would you pick him up at?

8 A. At the Northwoods Mall.

9 Q. When he got dropped off, who would drop
10 him off?

11 A. Me.

12 Q. Was that always?

13 A. Yes.

14 Q. Did you have a car at the time?

15 A. Yes.

16 Q. What kind of child was Minor

17 A. Very happy. He liked to sing, he always

18 ---

19 Q. What would he sing?

20 A. Church songs he learned in school.

21 Q. Do you know if Roger had an opinion that
22 he expressed to you about those songs?

23 A. Yes, he didn't let him sing the songs.

24 Q. Why not?

25 A. Because he was like -- he wanted to -- he

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 didn't believe in God. I mean, he didn't
2 believe in Jesus and so he didn't want his son
3 singing songs like that.

4 Q. How did he get Minor to stop singing
5 the songs?

6 A. Eventually he stopped on his own.

7 Q. And what about his school, did Minor go
8 to school?

9 A. Yes.

10 Q. Did he go to school when he lived with
11 y'all?

12 A. No, ma'am.

13 Q. Did Roger tell you what he thought about
14 the school?

15 A. He didn't want him to go to school. He
16 felt like he was going to teach him what he
17 needed to know. He didn't want white people
18 to teach his kids.

19 Q. He didn't want white people to teach his
20 kids?

21 A. Yes.

22 Q. Was he planning on home schooling?

23 A. No.

24 Q. What was he going to do?

25 A. I have no clue.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

203

1 Q. Now, did [Minor] behavior change as the
2 visits went on?

3 A. Yes.

4 Q. How so?

5 A. He always wanted to stay to himself,
6 always wanted to be in a room by himself.
7 He wasn't singing anymore. He was mostly
8 crying a lot.

9 Q. Do you know why?

10 A. At the time, no, ma'am.

11 Q. Did the visits happen at a scheduled time
12 or did they just -- I mean, was it every
13 weekend, or how did that work?

14 A. I am not sure how that worked.

15 Q. You weren't part of setting that up?

16 A. No, ma'am.

17 Q. Was there going to be an extended visit
18 over the summer?

19 A. Yes.

20 Q. Now, as far as when [Minor] would visit,
21 would you be taking care of him?

22 A. Yes.

23 Q. Where was Roger -- Roger was working?

24 A. Yes.

25 Q. Did you take care of him a lot?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Yes.

2 Q. Did you ever have a discussion with Roger
3 about discipline?

4 A. Yes.

5 Q. What was that and why?

6 A. I told him that I wanted to ask one of the
7 parents, you know, if he was being bad or
8 anything, what to do. He told me not to beat
9 him but just, like, pop him.

10 Q. Did he tell you how to pop him?

11 A. No.

12 Q. Did you eventually have Ya'King W.

13 A. Yes.

14 Q. When was that?

15 A. The same month that we found out that
16 Minor was his.

17 Q. The same month?

18 A. Yes.

19 Q. What month was that?

20 A. September.

21 Q. Did Nikki Washington ever bring Minor
22 to your home?

23 A. At Longbourne Way, (affirmative nod).

24 Q. How many times?

25 A. I am not sure.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

205

1 Q. Was that summer visit to be all summer?

2 A. As far as I was concerned, yes.

3 Q. And did Minor have his own room?

4 A. Yes.

5 SOLICITOR HERRING-LASH: Showing
6 the witness what has been marked as State's
7 Exhibit 65, Your Honor. May I approach?

8 THE COURT: You may.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR HERRING-LASH:

11 Q. Do you recognize that?

12 A. Yes.

13 Q. What is that?

14 A. The house floor plan.

15 SOLICITOR HERRING-LASH: May I
16 publish that, Your Honor?

17 THE COURT: Do you wish to have it
18 admitted?

19 SOLICITOR HERRING-LASH: Yes, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. FALK: Is it admitted as the
23 floor plan of the house or an example of it?

24 SOLICITOR HERRING-LASH: It is the
25 floor plan of the house that can be used mostly

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 as a demonstrative aid.

2 MR. FALK: No objection.

3 THE COURT: Very well, 65 is
4 admitted. You may publish.

5 (SO ENTERED AS STATE'S EXHIBIT 65)

6 SOLICITOR HERRING-LASH: Your
7 Honor, may I approach the witness?

8 THE COURT: Yes.

9 SOLICITOR HERRING-LASH: (Tendering
10 laser pointer to witness), push this red button
11 and that can be a pointer.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR HERRING-LASH:

14 Q. Can you point out to the jury where
15 Minor [REDACTED] room was?

16 A. Bedroom #2.

17 Q. And what about Bedroom #1, whose bedroom
18 was that?

19 A. Me and Roger's.

20 Q. What about the other bedrooms?

21 A. Room #3 was Yaya and Room #4 was King's.

22 Q. Did y'all have furniture?

23 A. A little bit.

24 Q. What furniture did you have?

25 A. Just the living room set and the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

207

1 kitchen/dining set.

2 Q. And so where would the kids sleep?

3 A. In the living room or on the floor.

4 Q. And if they slept in their rooms, where
5 would they sleep?

6 A. On a blanket and a pillow and have another
7 blanket.

8 Q. How often would Minor sleep in his room
9 as opposed to, like, out on the floor -- I mean
10 on the couch?

11 A. Not very much. Sometimes he'd come sleep
12 with us and sometimes he'd sleep in his room.

13 Q. Did you keep the house clean?

14 A. Yes.

15 Q. So did you keep the mattress in the living
16 room or where would you keep it?

17 A. After he woke up, I would put the mattress
18 back in the room.

19 Q. Was it important that the house be clean?

20 A. Yes.

21 Q. Why?

22 A. Because Box would have thought that I be
23 doing something I ain't had no business doing.

24 Q. What do you mean?

25 A. Like he would think that I was cheating or

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 had somebody in the house.

2 Q. If the house wasn't clean?

3 A. Right.

4 Q. Did y'all always have food?

5 A. Sometimes.

6 Q. Did you sometimes not have food?

7 A. Yes.

8 Q. As far as toys, did Minor bring his
9 toys with him?

10 A. At first, I am not sure. But after a
11 while, no.

12 Q. Whose toys would he play with?

13 A. Yaya's.

14 Q. How did Minor and Yaya interact?

15 A. Always played together, always been there
16 for each other. Sometimes they would fight.

17 Q. Were they different?

18 A. Very.

19 Q. How was Yaya?

20 A. Very outgoing. She was like the woman of
21 the house.

22 Q. In the beginning, how did Roger interact
23 with Minor

24 A. He was happy. He was very happy. He
25 could talk clear and he would tell him to say

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

209

1 certain things. He would say -- it was really
2 good in the beginning.

3 Q. What about Yaya, how did Roger interact
4 with Yaya?

5 A. The same way. Yaya was the type to do
6 what she wanted to do. She had her own mind.

7 Q. What?

8 A. She had her own mind.

9 Q. And could Yaya speak well?

10 A. No.

11 Q. Was there ever a time when Yaya and
12 Minor would fight?

13 A. Yes.

14 Q. How did that come about?

15 A. Roger would Yaya to slap him scratch him
16 and drag him to get him to toughen up.

17 Q. What would Minor do?

18 A. Cry.

19 Q. What would Yaya do?

20 A. Laugh.

21 Q. What would Roger do?

22 A. Laugh.

23 Q. Was there ever a time that that was
24 videoed?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. How did that come about?

2 A. On his phone.

3 Q. Where were they, like in what room?

4 A. In the living room -- right here
5 (indicating with pointer) is the living room.

6 Q. Kind of explain exactly how that came
7 about.

8 A. Roger felt that he couldn't defend
9 himself, he felt that he was a faggot, and he
10 would get YaYa to hit him. He'd tell him to
11 hit her back, but he wouldn't do it. He'd just
12 cry. And also just the way that Box would talk
13 to him he would automatically always cry.

14 Q. And how did it come about that it was
15 videotaped? Did you see it?

16 A. Yes.

17 Q. What happened? What did he videotape?

18 A. Yaya dragging him around the house by his
19 shirt.

20 Q. And what was Minor doing?

21 A. Crying.

22 Q. Did you do anything about that?

23 A. No.

24 Q. Why not?

25 A. I was told to stay out of it.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

211

1 Q. Did Roger's actions toward Minor
2 change? You said in the beginning that things
3 were good.

4 A. Right.

5 Q. How did they change?

6 A. He started seeing him act more feminine.
7 He couldn't comprehend certain things that
8 you'd tell him or certain things that you felt
9 that he could do on his own he wouldn't do.

10 Q. Like what?

11 A. You'd have to tell him ---

12 Q. Can you give us an example?

13 A. Like if he was thirsty or something, Yaya
14 would come to me and tell me that she wanted
15 something to drink. But he would sit there.
16 He'd look at me but he would never tell me that
17 he wanted something to drink until I asked him.

18 Q. And what did Roger say about that?

19 A. He was slow.

20 Q. That Minor was slow?

21 A. Yes.

22 Q. What did he call Minor

23 A. Minor

24 Q. Did he call him any names?

25 A. A faggot or a girl.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. Why did he do that?

2 A. Because he would stand like a girl.

3 Q. What do you mean stand like a girl?

4 A. With his hip out to the side.

5 Q. And did you ever hear Roger discussing
6 these actions with Nikki, [Minor] mom?

7 A. I remember him telling her on the phone
8 that he was slow. But the other, like hitting
9 him and stuff, no.

10 Q. Did you hear Roger complaining to others
11 about how [Minor] would act?

12 A. Yes.

13 Q. What would you hear Roger say?

14 A. Like, 'That's the faggot in the family.'
15 'I be beating his ass every chance that I get,
16 trying to toughen him up.'

17 Q. And was he doing that?

18 A. Yes.

19 Q. How did you feel about this?

20 A. At first I didn't really say anything
21 about it. I didn't see that he was hurting him
22 that bad or anything like that to hurt him.

23 Q. Did that change?

24 A. Yes.

25 Q. How did it change?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

213

1 A. Started hitting him harder, started
2 leaving bruises.

3 Q. Did you talk to Roger about that?

4 A. Yes, I told him that he was hitting him
5 too hard. But he told me that wasn't my child
6 and that I needed to mind my own business.

7 Q. Why didn't you just try to help Minor

8 A. Because I was scared myself.

9 Q. Did you express those concerns to anyone
10 else?

11 A. I am not sure.

12 Q. Did you ever call Nikki and tell her, 'you
13 need to come get this child'?

14 A. No, ma'am.

15 Q. Why not, Grace?

16 A. We was never able to really talk to each
17 other on the phone.

18 Q. Why not?

19 A. Because, like, Box didn't want us to talk.

20 Q. Did there come a time that Minor had
21 what I guess you have called a seizure?

22 A. Yes.

23 Q. Explain what all happened that time.

24 A. He would have Minor -- Box would have
25 Minor standing in front of him and every

1 chance that he would stand like a girl, he
2 would box him in his back or slap his face down
3 to the floor or kick him in his leg. It was
4 like an ongoing thing.

5 Q. Explain the exact time that you saw the
6 first seizure?

7 A. He boxed him in his back, he fell to the
8 floor.

9 Q. Where were y'all?

10 A. In the living room.

11 Q. And where in the living room were you?

12 A. Right here.

13 Q. What was there?

14 A. The couch was towards the wall and the
15 other couch was right here.

16 Q. Which couch were y'all sitting on?

17 A. The one closest to the wall.

18 Q. Where was Minor

19 A. Right in front of Box.

20 Q. And what happened?

21 A. He boxed him in his back.

22 Q. What happened to Minor

23 A. He started grunting and something was
24 going on with his eyes. I am not really sure,
25 but it was weird.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

215

1 Q. Then what happened?

2 A. He went unconscious.

3 Q. Did ---

4 A. And Box picked him up by his arms and he
5 was like dangling.

6 Q. What do you mean dangling?

7 A. Like he was just holding his arm up --
8 just holding him by his arm and the rest of his
9 body was just down.

10 Q. What happened after that?

11 A. We gave him some water and he kinda
12 snapped out of it.

13 Q. Did you give him water to drink or did you
14 pour it on him?

15 A. Gave him water to drink.

16 Q. And where was he when you gave him the
17 water to drink?

18 A. In Box's hands.

19 Q. And when you say "snapped out of it", what
20 do you mean?

21 A. He was okay. I asked him if he was all
22 right and he said 'yeah.' I was, like, 'Are
23 you okay?' 'Yeah.' He seemed fine.

24 Q. Was this day or night, or do you remember?

25 A. I don't remember.

1 Q. Was there another episode?

2 A. Yes, the very next day.

3 Q. Tell us about that.

4 A. I went to go try to wake him up and it was
5 hard to wake him up. Usually I'd just call his
6 name and he'd wake up. But that day I had to
7 go to him and kinda shake him a little to kind
8 of wake him up. It was kinda hard for him to
9 wake up.

10 Q. Where was he?

11 A. In his room, sleeping.

12 Q. In the bedroom?

13 A. Yes.

14 Q. Did he have any actions like you described
15 before?

16 A. The unconscious part.

17 Q. And you shook him?

18 A. Yes.

19 Q. What happened after you shook him?

20 A. He woke up.

21 Q. What happened after he woke up?

22 A. He was okay. He came out to watch TV with
23 Yaya.

24 Q. Now, he was sleeping when you went in and
25 he just didn't wake up?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

217

- 1 A. Right.
- 2 Q. Why was -- was that unusual?
- 3 A. No.
- 4 Q. So was that -- did he usually not wake up?
- 5 A. No, he would wake up. I had no trouble
- 6 waking him up. It was just that one time he
- 7 had a hard time waking up.
- 8 Q. After he woke up, what happened?
- 9 A. He went to the couch, sit down and watched
- 10 cartoons with Yaya.
- 11 Q. Did -- where was Roger Williams when that
- 12 happened?
- 13 A. At work.
- 14 Q. Did you tell him about it?
- 15 A. Yes.
- 16 Q. When did you tell him about it?
- 17 A. As soon as he came through the door.
- 18 Q. You mean when he got home?
- 19 A. Yes.
- 20 Q. And what did he do about that?
- 21 A. Nothing. He thought that he was playing.
- 22 Q. Now, was there a day that week that you
- 23 left the home?
- 24 A. Yes, but I am not sure what day.
- 25 Q. Where did you go?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. To get my hair done.

2 Q. Where were the kids?

3 A. With Box.

4 Q. When you got home, did Roger say anything
5 to you about the kids?

6 A. Yes, that they were running after me when
7 I left.

8 Q. Did he tell you what he did to them?

9 A. No.

10 Q. Now, let's go back to Sunday, the 6th of
11 June. Do you remember that day?

12 A. Yes.

13 Q. What happened that day?

14 A. Minor was in his room. Box called him
15 out and he had poop on the back of his pants.

16 Q. Then what happened?

17 A. I went to go see in the room if he like
18 pooped on the floor, and he did. I came back
19 out and I cleaned him up.

20 SOLICITOR HERRING-LASH: May I
21 approach the witness?

22 THE COURT: You may.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR HERRING-LASH:

25 Q. Ms. Trotman, I am going to show you what

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

219

1 has been previously marked as State's Exhibits
2 63, 64, and 69. I'll first show you what has
3 been marked as State's Exhibit 63. Just tell
4 me if you recognize what that is.

5 A. Yes, ma'am.

6 Q. What is that?

7 A. Poop on the floor with bleach over it.

8 Q. Where is that on the floor, if you can
9 show us on the diagram?

10 A. Right (indicating) here.

11 SOLICITOR HERRING-LASH: Your
12 Honor, at this time the State would offer
13 State's Exhibit 63 into evidence.

14 THE COURT: Any objection?

15 MR. FALK: No objection.

16 THE COURT: Without objection,
17 State's Exhibit 63, a photograph, is admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 63)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR HERRING-LASH:

21 Q. And would you look at State's Exhibit 64.
22 What is that?

23 A. Poop on the floor with bleach over it.

24 Q. With what?

25 A. Bleach.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 SOLICITOR HERRING-LASH: Your
2 Honor, at this time the State would offer in
3 State's Exhibit 64.

4 THE COURT: Any objection?

5 MR. FALK: No objection.

6 THE COURT: Without objection,
7 State's Exhibit 64, a photograph, is admitted.

8 (SO ENTERED AS STATE'S EXHIBIT 64)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR HERRING-LASH:

11 Q. Would you now look at State's Exhibit 69.

12 What is that?

13 A. The living room.

14 SOLICITOR HERRING-LASH: Your
15 Honor, at this time the State would offer
16 State's Exhibit 69.

17 THE COURT: Any objection?

18 MR. FALK: Your Honor, I would
19 object. I believe that photograph was taken,
20 showing the condition of the room, I don't know
21 when they are trying to say this ---

22 THE COURT: I will allow it in. You
23 can cross examine concerning that.

24 MR. FALK: Thank you.

25 THE COURT: It is admitted subject

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

221

1 to objection of counsel.

2 (SO ENTERED AS STATE'S EXHIBIT 69)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR HERRING-LASH:

5 Q. Showing you State's Exhibit 63, it's a
6 little hard to see, Ms. Trotman, but can you
7 point out where you see the poop on the floor?

8 A. Right here, (indicating).

9 Q. You can see that a little better. What is
10 the white around it?

11 A. Bleach.

12 Q. And how did that bleach get there?

13 A. Box put it on the floor.

14 Q. And why did he do that?

15 A. Because it really stink.

16 Q. And State's Exhibit 69. Now, Grace, is
17 that the living room of your house?

18 A. Yes.

19 Q. Is that how it looked when you lived
20 there?

21 A. No.

22 Q. Was this -- what happened that all of your
23 furniture was piled up like that?

24 A. We was getting evicted.

25 Q. You were what?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Getting evicted.

2 Q. So when you lived there the furniture
3 wasn't piled up?

4 A. Right.

5 Q. And can you see in that picture the
6 mattress that you were talking about that
7 y'all slept on?

8 A. Yes, ma'am.

9 Q. And can you see the couch also?

10 A. Yes, ma'am.

11 Q. Now, can you also see a bottle of bleach
12 in that picture?

13 A. Yes, ma'am.

14 Q. Is that the bleach that Roger used?

15 A. Yes, ma'am.

16 Q. And you said because it smelled bad?

17 A. Right.

18 Q. And you cleaned him up?

19 A. (Affirmative nod).

20 Q. What happened after that?

21 A. Box took him in the room where the poop
22 was and I just heard him kind of bumping and
23 hitting him against the wall.

24 Q. What did you do?

25 A. Stayed on the couch.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

223

1 Q. Did you try to go in there?

2 A. No, ma'am.

3 Q. Why not?

4 A. Scared.

5 Q. At some point did you go in there?

6 A. Yes.

7 Q. And what happened when you went in there?

8 What did you see?

9 A. [Minor] was sitting on the wall like he
10 was in a daze. When I asked if he was all
11 right, he was like 'he fine, just leave him
12 alone.'

13 Q. Who was like 'he fine'?

14 A. Roger.

15 Q. And did Roger leave?

16 A. Yes.

17 Q. Did [Minor] stay in the room?

18 A. Yes.

19 Q. Did you go in there to check on him?

20 A. No.

21 Q. When did you next see [Minor]

22 A. That morning.

23 Q. Had Roger been home that night?

24 A. Yes.

25 Q. When did he come home?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Sunday he was home. Monday he went to
2 work.

3 Q. Did he leave for work from home?

4 A. I am not sure.

5 Q. What time did Roger leave to go to work
6 every day?

7 A. I would say 7:00.

8 Q. And did he leave to go to work that
9 morning?

10 A. Yes.

11 Q. You don't remember if he was home all
12 night or if he was out all night?

13 A. He was home some days and sometimes he
14 left.

15 Q. Now, what happened that morning when you
16 got up?

17 A. I am not sure if the kids was up before me
18 or if I was up before them, but we were all up.

19 Yaya and Minor [REDACTED] were playing, I was breast-
20 feeding and Minor [REDACTED] and Yaya started fighting.

21 So I told them to stop. They didn't listen.

22 So once I got finished breastfeeding my son, I
23 got up and I popped Yaya on her arm and then I

24 popped Minor [REDACTED] on his arm and told them to
25 stop.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

225

1 Q. What happened when you popped Minor

2 A. He fell to his bottom, lost balance and
3 hit his head on the wall.

4 SOLICITOR HERRING-LASH: Your
5 Honor, may I approach the witness?

6 THE COURT: Yes.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR HERRING-LASH:

9 Q. I am going to show you what has been
10 marked as State's Exhibit 7. Do you recognize
11 that?

12 A. Yes.

13 Q. What is that?

14 A. The living room.

15 SOLICITOR HERRING-LASH: Your
16 Honor, the State would offer State's Exhibit 7
17 into evidence.

18 THE COURT: Any objection?

19 MR. FALK: No objection.

20 THE COURT: Without objection,
21 State's Exhibit 7 is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 7)

23 THE COURT: Let me -- Ladies and
24 Gentlemen, at this point -- tell you that when
25 it is shown on the screen that I can't -- it is

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

226

1 definitely dark from where I am standing. But
2 the photographs that you are looking at, you'll
3 have them. When they are admitted, they will
4 accompany you to your jury room so you'll have
5 an opportunity to study them, and they are
6 clearer than what you're seeing on the screen.
7 Just to make you aware of that. Thank you.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR HERRING-LASH:

10 Q. Can you turn around and look at the
11 picture back there?

12 A. (Complies).

13 Q. Where -- can you see the wall that
14 Minor [REDACTED] was knocked into?

15 A. Yes.

16 Q. What wall was that?

17 A. (Indicating).

18 Q. And where were you sitting?

19 A. On the couch.

20 Q. The couch was over there at this time?

21 A. The long couch, yes.

22 Q. Once again, Ms. Trotman, is this how the
23 house looked when you lived there?

24 A. No, ma'am.

25 Q. Is it the same furniture?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

227

1 A. Yes.

2 Q. And the same articles?

3 A. Yes.

4 Q. But where were they when you lived there?

5 A. In its place. Against the wall and the
6 other couch was on the side of it and this was
7 in the middle with a rug on the floor.

8 Q. Now, when he knocked his head on the wall,
9 what happened?

10 A. He started acting different, like the
11 other days where he was having trouble
12 breathing, like gasping for air.

13 Q. What did you do?

14 A. I laid him down and did CPR on him.

15 Q. How did you do CPR?

16 A. I put my hands on his chest and breathed
17 four times, then I'd hold his nose and breathe
18 into his mouth.

19 Q. How did you learn to do that?

20 A. Off the Baby Channel.

21 Q. Now, you said it was kinda like the other
22 times but I am not sure that you have explained
23 exactly what the -- what did the first seizure
24 look like?

25 A. Like he was in a lot of pain, grunting and

1 crying.

2 Q. Was he running around? Oh, did you say
3 "grunting"?

4 A. Yes.

5 Q. I'm sorry. And that was earlier that
6 week?

7 A. That was that Monday he died.

8 Q. Was that the first time that you had seen
9 this seizure?

10 A. No.

11 Q. I'm talking about the first seizure, when
12 was it?

13 A. I am not sure but it all led up to the
14 day, within one week.

15 Q. Was it within a week?

16 A. Yes.

17 Q. When you saw that first seizure, was that
18 the first time you'd ever seen Minor beaten?

19 A. No.

20 Q. Do you know how many times you'd seen him
21 beaten before that?

22 A. No.

23 Q. Was it more than ten, less than ten?

24 A. Less than ten.

25 Q. And were they mostly the same or can you

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

229

1 describe some differences?

2 A. In the beginning he would just kinda
3 paddle and like pop him on his arm.

4 Q. Paddle?

5 A. Yes. Then it go from there to a closed
6 fist.

7 Q. Where would the closed fist be?

8 A. In his back, on his chest, sometimes he'd
9 slap his head to the floor.

10 Q. And those were precipitated by Minor
11 standing like a girl?

12 A. Yes.

13 Q. Now, what did you do after the CPR?

14 A. I laid him on the couch and ran outside to
15 find a phone.

16 Q. When you were doing CPR, did he respond at
17 all?

18 A. No, but I did hear him breathing.

19 Q. You heard him breathing?

20 A. Yes.

21 Q. Did you check his pulse?

22 A. Yes, his heart was still beating.

23 Q. And why did you run outside?

24 A. Because I didn't have a phone or a car or
25 anything.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. Where did you first go?

2 A. To my next-door neighbors.

3 Q. Did you get their phone?

4 A. Yes, the grandmother was outside and she
5 let me use her phone.

6 Q. Was it their cell phone or their house
7 phone?

8 A. Their house phone.

9 Q. Who did you call?

10 A. I called his cell phone first, Box. There
11 was no answer, so then I called his job.

12 Q. Who did you talk to when you called his
13 job?

14 A. His boss.

15 Q. Do you remember what you said?

16 A. "I really need to talk to Roger", that
17 there was a family emergency and that he wasn't
18 breathing.

19 Q. Was he breathing?

20 A. No.

21 Q. And did they bring Roger to the phone?

22 A. Yes.

23 Q. Did you talk to Roger about calling 911?

24 A. Yes.

25 Q. Did you call 911?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

231

- 1 A. No.
- 2 Q. Why not?
- 3 A. He forbid me not to.
- 4 Q. But -- was that grandmother standing right
- 5 there?
- 6 A. While I was on the phone?
- 7 Q. Uh-uh, (affirmative nod).
- 8 A. Yes.
- 9 Q. Did you tell her?
- 10 A. No.
- 11 Q. Why not?
- 12 A. He told me not to say anything, wait until
- 13 he got home.
- 14 Q. So what did you do after you hung up that
- 15 phone?
- 16 A. I gave her back her phone and I went to
- 17 look for another phone.
- 18 Q. Why did you give her her phone back?
- 19 A. She asked for it.
- 20 Q. Did you find another phone?
- 21 A. Yes.
- 22 Q. Where did you find that?
- 23 A. Two houses down, the man let me use his
- 24 cell phone.
- 25 Q. What did you do then?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Tried to call Box on his cell phone.

2 But I didn't get no answer.

3 Q. What did you do then?

4 A. I just kept calling, trying to get in
5 touch with him.

6 Q. Did you ever call his work number back?

7 A. I remember calling twice, but I am not
8 sure if it was on the house phone or the cell
9 phone.

10 Q. What happened during the second phone
11 call?

12 A. I called back and told him, you know, that
13 there was nothing that I could do, that I
14 needed to call an ambulance. He told me not
15 to, wait 'til he got home.

16 Q. Was he coming home?

17 A. Yes, that's what he told me.

18 Q. And how did he get back and forth?

19 A. Through his friends.

20 Q. So he had to wait on somebody to come get
21 him?

22 A. Yes.

23 Q. Where did you stay?

24 A. I was outside with the cell phone.

25 Q. Why didn't you go back in the house?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

233

1 A. Just being hysterical, not thinking,
2 shock, not knowing what to do.

3 Q. So Roger eventually gets home?

4 A. Yeah.

5 Q. Do you have any idea how long that was?

6 A. No, ma'am.

7 Q. What did y'all do when he got home?

8 A. We both went back in the house and Box
9 touched Minor chest and he was, like, "That
10 boy dead."

11 Q. Then what happened?

12 A. He was saying he didn't know how to feel
13 because he didn't have any feelings for him.
14 And he said that he knew something was wrong
15 when I called him at work. He said the first
16 thing that came to his mind was cement.

17 Q. Did he call anybody?

18 A. At that time, no.

19 Q. Did y'all have a discussion about what to
20 do if the body was found?

21 A. Yes.

22 Q. What was that?

23 A. He told me to tell them that he fell down
24 the stairs and hit his head, just in case the
25 autopsy came back with blunt force trauma.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

234

- 1 Q. Did Roger leave that day, at some point?
- 2 A. Yes.
- 3 Q. When he came home, what did he have?
- 4 A. A trash can and cement.
- 5 Q. And what did he do?
- 6 A. Put it in the garage.
- 7 Q. Then what?
- 8 A. He went to go get [Minor] out of room.
- 9 Q. Where was [Minor]
- 10 A. In the room.
- 11 Q. What room?
- 12 A. His room.
- 13 Q. And how did he get in his room?
- 14 A. He told me to take him there.
- 15 Q. And when you took him there, what did you
- 16 do with him?
- 17 A. Laid him on the floor.
- 18 Q. Then -- go ahead. You got [Minor] out of
- 19 his room, then what?
- 20 A. He took off his clothing and wiped him
- 21 down with Peroxide.
- 22 Q. Why did he wipe him with Peroxide, if you
- 23 know?
- 24 A. So he wouldn't have any of his finger-
- 25 prints on him.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

235

- 1 Q. Did Box -- Roger tell you that?
- 2 A. Yes.
- 3 Q. What did he do after wiping him down?
- 4 A. Took him out to the garage and wrapped his
- 5 body up.
- 6 Q. How did he do that?
- 7 A. With trash bags and tape.
- 8 Q. And then what did he do?
- 9 A. He pulled the trash can -- put cement in
- 10 the bottom of the trash can, then put water in
- 11 it, then put Minor in head first.
- 12 Q. How?
- 13 A. With his head first.
- 14 Q. And what happened after that?
- 15 A. He realized that he didn't have enough
- 16 cement so he called one of his homeboys to go
- 17 get some more cement from Lowe's.
- 18 Q. Did that person do that?
- 19 A. Yes.
- 20 Q. Did that person come in and see anything?
- 21 A. No.
- 22 Q. And what did he do with that extra cement?
- 23 A. Filled up the rest of the trash can.
- 24 Q. Now, at some point did you go to Home
- 25 Depot?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 A. Yes.
- 2 Q. Was that that day or another day?
- 3 A. Another day.
- 4 Q. And why did you go to Home Depot?
- 5 A. Because we didn't have a car and we had to
- 6 find a way to get his body out of the house.
- 7 Q. So why did you go?
- 8 A. Because I was the only one that had a
- 9 license.
- 10 Q. How did you get there?
- 11 A. My neighbor across the street, Miss
- 12 Marilyn, took me.
- 13 Q. Were you pretty close to Miss Marilyn?
- 14 A. Yes.
- 15 Q. Did you tell her about what was in your
- 16 house?
- 17 A. No.
- 18 Q. Why not?
- 19 A. I afraid.
- 20 Q. What were you afraid of?
- 21 A. Getting in trouble for telling.
- 22 Q. Afraid like you would be arrested?
- 23 A. No, afraid of Box.
- 24 Q. Well, what did you do at Home Depot?
- 25 A. Rented a truck and brought it back home.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

237

1 Q. What did you do then?

2 A. Me and him and my kids got in the car and
3 then we went to -- towards Orangeburg,
4 Ridgeville, Orangeburg.

5 Q. And did y'all find anything, look for
6 anything, what were you doing?

7 A. He was trying to find an area where he'd
8 go to get stuff from his homeboy out there, but
9 he couldn't find it.

10 Q. Did y'all have to have the truck back at a
11 certain time?

12 A. Yes.

13 Q. So did you take the truck back?

14 A. Yes.

15 Q. Did you have to get a truck again?

16 A. The very next day.

17 Q. How -- did you do it again?

18 A. Yes.

19 Q. And how did that work?

20 A. When Kelly dropped him off from work, she
21 took me.

22 Q. So he went to work the next morning?

23 A. Yes.

24 Q. When he went to work, where was Minor

25 A. In the garage.

1 Q. And what did you do that day while he was
2 at work?

3 A. Barricaded myself in the room.

4 Q. What room?

5 A. Our room.

6 Q. Your bedroom?

7 A. Yes.

8 Q. When you say barricaded yourself, what do
9 you mean?

10 A. I put everything in the room and just
11 stayed in the room the whole time. I never
12 came out.

13 Q. With who?

14 A. With nobody.

15 Q. What about your children?

16 A. I would just probably go out there and
17 make them something to eat, make sure they ate,
18 then I went back in the room.

19 Q. Why did you do that?

20 A. I don't do too well with death.

21 Q. Well, you could have called somebody;
22 right?

23 A. Yeah.

24 Q. But you didn't.

25 A. No.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

239

1 Q. Now, what happened when Roger Williams got
2 home?

3 A. We -- I got in the car with Kelly and
4 Kelly took me to Home Depot.

5 Q. Who is Kelly?

6 A. His friend. She dropped me off at Home
7 Depot, and I got the truck again and came home.

8 Q. What did y'all do then?

9 A. Tried to put the trash can on the back of
10 the truck.

11 Q. Was that hard?

12 A. Yes.

13 Q. Were you able to do it?

14 A. It took a long time but we did do it.

15 Q. What -- did the truck have something that
16 would help you?

17 A. Yes, it had rails on the back and you
18 could move the rails down to push it up in the
19 truck.

20 Q. After you got it up on the truck, what did
21 y'all do?

22 A. Got in the car with the kids and rode back
23 out there to Orangeburg.

24 Q. What did you do then?

25 A. Ride around for a while, he was trying to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 find the right spot. But then it started
2 getting late and we had to bring the truck
3 back. So on our way coming back towards
4 Summerville, he told me to turn on this exit,
5 and I wasn't really sure where it was but I
6 turned on the exit.

7 Q. Then what did you do?

8 A. Once we got to the stop sign, to the right
9 of me I saw a Shell gas station, and he told me
10 to make that turn. Then when we got to the
11 very first street, which was on my left, he
12 told me to turn down there.

13 Q. Did you?

14 A. Yes.

15 Q. Then what did y'all do?

16 A. As we were driving on that road, he saw an
17 abandoned trailer and told me to pull behind
18 it.

19 Q. Then what did you do?

20 A. He told me to stay in the car and he
21 rolled the trash can off the truck.

22 Q. Did you get out of the truck?

23 A. No.

24 Q. Did he go back in the woods?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

241

1 Q. What happened when he got back in the
2 truck?

3 A. We left.

4 Q. Did y'all have any kind of discussion
5 about anything?

6 A. Not during that time, no.

7 Q. What about when you got home?

8 A. I'm not sure.

9 Q. Did y'all stay home that night?

10 A. No.

11 Q. Where did you stay?

12 A. In a hotel.

13 Q. Why did you stay in a hotel?

14 A. Our lights was off and it was hot.

15 Q. Had you had air-conditioning?

16 A. No.

17 Q. Had you had one that entire summer?

18 A. No.

19 Q. But now the lights were off also?

20 A. Yes.

21 Q. How did you get to the hotel?

22 A. Through his friend, Russ.

23 Q. Who stayed at the hotel that night?

24 A. Me and Yaya and King.

25 Q. Did Roger stay there?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. For a little while, then he left and went
2 to the club.

3 Q. What about the next morning, how did you
4 get home?

5 A. I had to call Miss Marilyn to come get us.

6 Q. Do you remember about what time it was
7 that you had to call her to come get y'all?

8 A. Before checkout, about 11:00 o'clock.

9 Q. Had you talked to Roger?

10 A. Yes.

11 Q. How did you talk to him?

12 A. He called the room phone.

13 Q. Was he going to come and get you?

14 A. No.

15 Q. At that point, you still didn't have a
16 phone?

17 A. Right.

18 Q. When you went back home, the lights were
19 still off?

20 A. Yes.

21 Q. How did they get back on?

22 A. He called his mother to cut the lights
23 back on, through her credit card.

24 Q. Now, we are talking about the first week
25 in June; is that correct?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

243

1 A. Yes.

2 Q. What did you do the next couple of weeks?

3 A. I didn't sleep or eat.

4 Q. What did you do?

5 A. I stayed in the room. I tried to get out
6 of the house, go to my sister's house and
7 stuff. Uh, -- just scared.

8 Q. Did you go to your sister's house?

9 A. Yes.

10 Q. And did your sister visit you some?

11 A. Yes.

12 Q. Had she visited there before?

13 A. Yes.

14 Q. Did there come a time when you decided to
15 get a job?

16 A. Yes.

17 Q. When was that?

18 A. The first week of July.

19 Q. Why was that?

20 A. Because I knew that I needed to get away
21 from him.

22 Q. How did he feel about you getting a job?

23 A. He was mad, angry, didn't want me to get a
24 job. He thought I wouldn't have anybody to
25 watch the kids and stuff. Then my sister had

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 to talk him into letting me keep the job.

2 Q. What were your hours at the job?

3 A. I was working twelve-hour shifts.

4 Q. What about your children?

5 A. They stayed with my mom and dad.

6 Q. Those people they are with now?

7 A. Yes.

8 Q. Do you remember how many days you worked?

9 A. Two.

10 Q. Was this the weekend of the 4th of July?

11 A. Yes, ma'am.

12 Q. Were you continually talking to Roger that
13 weekend?

14 A. Yes, ma'am.

15 Q. You had mentioned earlier that y'all were
16 being evicted.

17 A. Right.

18 Q. Do you know where Roger was?

19 A. No.

20 Q. Did you visit him at all?

21 A. No.

22 Q. Did there come a time when he spoke to you
23 about Nikki?

24 A. Yes.

25 Q. What was that about?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

245

1 A. He was saying that they were trying --
2 that they were coming to the house about Family
3 Court, to get custody rights, because he was
4 trying to tell her that it wasn't his time to
5 go back home yet, he still was supposed to
6 stay. He was coming up with all different
7 excuses why he shouldn't have gone.

8 Q. What were the excuses?

9 A. That he was fishing, that him and Minor
10 went out fishing or that -- he even said
11 something about me going to North Carolina.
12 And all of that was a lie.

13 Q. Because Minor was dead?

14 A. Right.

15 Q. Did you talk with Nikki at all?

16 A. Yes.

17 Q. What was that -- did you give her
18 directions to your house?

19 A. Yes.

20 Q. Did you go and meet with Roger?

21 A. No, not yet.

22 Q. What did you do next?

23 A. I think that Tuesday he called me at 8:00
24 o'clock in the morning and it was like there
25 was nothing else that he could do, they wanted

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 to see [Minor] and he was, like, 'We got to
2 come up with some type of way to make a missing
3 child report.'

4 Q. Then what happened?

5 A. He told me that he was going to get a
6 rental car through a friend, which happened to
7 be my cousin. And he told me that a 224 number
8 was going to call my phone and to tell them
9 directions to my parents' house.

10 Q. Let's go back. At this point you have a
11 phone?

12 A. Yes.

13 Q. When did you get that phone?

14 A. A week before everything happened.

15 Q. Why did you get that -- when you say
16 "everything", you mean the 4th of July?

17 A. Yes.

18 Q. Why did you get that phone?

19 A. Because he needed another phone to call
20 Nikki off of so that she could hear [Minor]
21 crying in the background, the video record that
22 he had on his phone.

23 Q. Can you explain how that would work?

24 A. He would call Nikki and play -- and she
25 would hear him crying in the background, but

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

247

1 she never talked to him.

2 Q. Well, she couldn't talk to him.

3 A. Right.

4 Q. And, so, you got the phone so that -- you
5 had to have two phones?

6 A. Right.

7 Q. But when you left, you took that phone
8 with you?

9 A. Yes.

10 Q. So it was set up for you to go and see
11 Roger? I guess you got the car, let's start
12 there.

13 A. Yes.

14 Q. Who gave you the car?

15 A. Sabrina Smith.

16 Q. How did she get the car?

17 A. Through Enterprise.

18 Q. Did Roger pay for it or do you know?

19 A. Yes.

20 Q. Where did you go once you got the car?

21 A. We went -- she picked us up, we went to
22 Enterprise, then we dropped her off to her car
23 and then we went to the Economy Inn.

24 Q. The Economy Inn?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. And what did you do at the Economy Inn?

2 A. He gave me money to give to Nikki and he
3 -- I am not sure if he called or Nikki called
4 but he was on the phone with Nikki and he had
5 the music turned up with the video recording
6 again.

7 Q. The recording of Minor

8 A. Yes.

9 Q. Was that played again for her?

10 A. Yes.

11 Q. What did you do then?

12 A. He told me to get on the I, and he told me
13 to goes to The Battery.

14 Q. So is that what you did?

15 A. Yes.

16 Q. And once you got to The Battery, what
17 happened?

18 A. He told me to get out of the car and get
19 the kids out of the car and start walking, to
20 look for somebody who I felt that I just tell
21 that I was -- that somebody was missing, a
22 little boy was missing.

23 Q. Now, were you supposed to take another
24 child with you?

25 A. Yes, my sister's.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

249

1 Q. Did you do that?

2 A. No.

3 Q. Why not?

4 A. My sister said he couldn't go.

5 Q. So she wouldn't let him go?

6 A. Yes.

7 Q. Ms. Trotman, I am going to show you what
8 has been marked as State's Exhibit 70.

9 SOLICITOR HERRING-LASH: May I
10 approach, Your Honor?

11 THE COURT: Yes, you may.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR HERRING-LASH:

14 Q. Can you recognize what that is?

15 A. Yes.

16 Q. What is that?

17 A. Phone records.

18 Q. And can you see any records on there that
19 you recognize?

20 A. Yes.

21 Q. What numbers do you recognize?

22 A. Nikki's, mine and Latrina's.

23 SOLICITOR HERRING-LASH: Your
24 Honor, at this time we would offer State's
25 Exhibit 5 into evidence.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 THE COURT: Any objection?

2 MR. FALK: Your Honor, I would
3 object at this time without further
4 authentication that that is a phone record.

5 SOLICITOR HERRING-LASH: May we
6 approach, Your Honor?

7 THE COURT: Yes.

8 (OFF RECORD BENCH CONFERENCE)

9 THE COURT: In addition to the same
10 sidebar, the objection is based on some
11 additional testimony that will come later but
12 it is admitted as State's Exhibit 70. Thank
13 you.

14 (SO ENTERED AS STATE'S EXHIBIT 70)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR HERRING-LASH:

17 Q. You can look at this. (Exhibit 70) or turn
18 around, whichever is more convenient. Which
19 numbers do you recognize, again?

20 A. My number, Latrina Harrison's and Nikki's.

21 Q. What is your number?

22 A. 297-3329.

23 Q. What is Nikki's number?

24 A. 735-2943.

25 Q. And what is Latrina's number?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

251

1 A. 202-9069.

2 Q. I am going to show you what has been
3 marked as State's Exhibit 2. Do you recognize
4 what this is?

5 A. Phone records.

6 SOLICITOR HERRING-LASH: Your
7 Honor, subject to a witness verifying this,
8 we would offer this into evidence.

9 THE COURT: The same sidebar, it's
10 admitted to further verification of authenti-
11 cation.

12 (SO ENTERED AS STATE'S EXHIBIT 2)

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HERRING-LASH:

15 Q. Looking at this, Ms. Trotman, there is a
16 number on here that is the owner of the phone,
17 that the itemized detail is for. What is that
18 number?

19 A. 539-6213.

20 Q. Who number is that?

21 A. Roger's.

22 Q. Now going back to the one day for those
23 phone records that you have, what you're
24 looking at is Roger's phone records.

25 A. (Affirmative nod).

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. And you said your number is the 297?

2 A. Yes, ma'am.

3 Q. What is this date of these phone calls?

4 A. The 6th of July.

5 Q. Whose number is 735?

6 A. Nikki's.

7 Q. How many times that day does Mr. Williams
8 call you?

9 A. (Upon review), where it has "Charleston,
10 SC", is that me calling or ---

11 Q. It says "Incoming", that is you calling
12 him. Well, let's go -- what time did you leave
13 to go to The Battery? Let's do it that way,
14 because there are so many.

15 A. I am not really sure.

16 Q. Was it early morning, midmorning or
17 afternoon.

18 A. Afternoon.

19 Q. Okay, starting around 5:30, are there
20 phone calls back and forth between you and
21 Mr. Williams and Nikki?

22 A. Yes.

23 Q. And from looking at it, how long do those
24 go on?

25 A. The whole time.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

253

1 Q. Do you know what time you finally leave to
2 go to the police station?

3 A. I'm not sure.

4 Q. Was it -- when did the phone calls end?

5 A. At 8:20.

6 Q. Does that sound like about when you went?

7 A. Yes, 8:20.

8 Q. And what were those conversations about?

9 A. What to do when I got on The Battery, what
10 to say, who to call, and when to call.

11 Q. And what?

12 A. And when to call.

13 Q. And when you got on The Battery, what
14 happened?

15 A. I did what he told me. I found somebody
16 and I asked them if they saw a little boy
17 running around? Then she helped me try to look
18 for him and stuff -- and she -- my phone was
19 going dead, so I used her phone to call 911.

20 Q. Was the plan for you to call 911?

21 A. Yes.

22 Q. So when you called 911, what happened?

23 A. I told her that a child was missing, and I
24 told her where I was, and they came to me.

25 Q. Did the police come and talk to you?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Yes.

2 Q. While you were at The Battery talking to
3 the police, did you talk to Roger on the
4 officer's phone?

5 A. Yes.

6 Q. What did Roger say to you during that
7 conversation?

8 A. "You better help find my son."

9 Q. What did you think about that?

10 A. Confused.

11 Q. Why?

12 A. Because we already knew what happened and
13 I didn't know how he -- it was like he flipped
14 the whole thing around.

15 Q. What do you mean, flipped the whole thing
16 around?

17 A. Like trying to blame everything on me.

18 Q. And do you know if he knew that you were
19 on the officer's phone?

20 A. Yes.

21 Q. How do you know that?

22 A. Because I asked him why he was talking to
23 me and he said 'whose phone are you on?' And
24 I said the detective's phone. And he said,
25 "Exactly." He told me that his sister was

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

255

1 coming down there, that he'd already called
2 her.

3 Q. And did -- was there a plan for him to
4 come?

5 A. No.

6 Q. From The Battery, what happened to you?

7 A. Went to the police station.

8 Q. When you got there, were you interviewed?

9 A. Yes.

10 Q. About how long did the first interview
11 take; do you know?

12 A. A very long time.

13 Q. And did you lie?

14 A. Yes.

15 Q. What lie did you tell?

16 A. I went along with the story that Roger
17 told me to tell them, that he was missing on
18 The Battery. Then when they -- he told me that
19 they felt like I was lying to tell them that I
20 wanted a lawyer.

21 Q. Did you do that?

22 A. Yes.

23 Q. What happened after that?

24 A. They did not -- they still kept talking to
25 me. They were just telling me how they didn't

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 believe what I was saying and everything.

2 Somehow I started telling them what happened.

3 Q. Did they make -- who did you tell, do you
4 know who that person was?

5 A. An FBI agent and another man was in there.

6 Q. Who did you talk to for the longest amount
7 of time?

8 A. The FBI agent.

9 Q. And at the time that you told the first
10 lie about The Battery, ---

11 A. Right.

12 Q. --- do you have any idea about when you
13 started telling the lie about the steps?

14 A. When they didn't believe me.

15 Q. Did you know where Roger was at that time?

16 A. No.

17 Q. Did anybody ever tell you?

18 A. No.

19 Q. Did they tell you that he had been
20 arrested?

21 A. Yes.

22 Q. When was that?

23 A. I don't remember. It was late.

24 Q. What did you tell them after the steps?

25 A. That I went with my sister and when I came

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

257

1 back home, he was gone; that Roger said he was
2 with his mother.

3 Q. That Roger said he was with his mother?

4 A. Yes.

5 Q. What did you tell them about that?

6 A. A lie.

7 Q. What did you tell them after that lie?

8 A. I told them something -- I can't remember
9 how I got on this specifically but I told them
10 where the body was.

11 Q. Where the body was?

12 A. Yes.

13 Q. Did you tell them where the body was
14 before you told them the truth about you
15 hitting him?

16 A. Yes.

17 Q. And did you actually take them to the
18 body?

19 A. Yes.

20 Q. How were you able to find it?

21 A. They gave me maps at first to see if I
22 could try to figure out where it was. I
23 couldn't because the both sites that they gave
24 me looked the same. So they asked me if I --
25 if they could take me out there, would I

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 remember. I told them yes.

2 Q. Do you remember how you were able to tell
3 them about the body?

4 A. (No response).

5 Q. I mean, did you tell them about the death
6 or just the body?

7 A. I am not sure. I know that I told them
8 about the body.

9 Q. Did you go with them?

10 A. Yes.

11 Q. And where did they take you after they
12 found the body?

13 A. Berkeley County.

14 Q. Were you interviewed again in Berkeley
15 County?

16 A. Yes.

17 Q. Did you continue to lie?

18 A. At first, then I told the truth.

19 Q. What lie did you tell them at Berkeley
20 County?

21 A. About him falling down the stairs, that
22 Yaya pushed him.

23 Q. So you told them that Yaya pushed him?

24 A. Yeah.

25 Q. And did they continue to talk to you?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

259

1 A. Yes.

2 Q. Do you have any idea when it was that you
3 finally told them what had happened?

4 A. In that same interview. I am not sure of
5 the time or anything but I know that I told him
6 the truth at the end.

7 Q. When you were having that interview, did
8 you tell them about Roger hitting him also?

9 A. Yes.

10 Q. Do you know -- did you tell them about the
11 seizures?

12 A. Yes.

13 Q. Do you remember how you described the
14 seizures?

15 A. No.

16 SOLICITOR HERRING-LASH: Your
17 Honor, may I approach the witness?

18 THE COURT: You may.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR HERRING-LASH:

21 Q. Ms. Trotman, I am going to show you
22 something -- I don't want you to read it aloud,
23 but if you saw a transcript of your interview,
24 would that refresh your recollection of what
25 you told the officers.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 THE COURT: Hold on just a second.

2 Mr. Falk, do you want this marked for
3 identification? Do you have a copy of this
4 transcript, as well?

5 MR. FALK: No, Your Honor, I don't
6 have a copy of the transcript.

7 THE COURT: All right. You need to
8 probably mark it for identification, ID Only,
9 so that the record will be reflective of what
10 you're showing here.

11 SOLICITOR HERRING-LASH: What is
12 the next number?

13 COURT REPORTER: Exhibit 71.

14 THE COURT: All right. State's
15 Exhibit 71 for ID Only.

16 (SO ENTERED AS STATE'S EXHIBIT 71 - ID ONLY)

17 SOLICITOR HERRING-LASH: May I
18 approach her?

19 THE COURT: You may.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR HERRING-LASH:

22 Q. Just read this page.

23 THE COURT: Read it to yourself,
24 ma'am.

25 DIRECT EXAMINATION CONTINUED

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

261

1 BY SOLICITOR HERRING-LASH:

2 Q. Yeah, read it to yourself.

3 A. (Reviewing).

4 Q. Does that refresh your recollection of
5 what you said to the officers?

6 A. Yes.

7 Q. How did you describe these seizures to the
8 officers?

9 A. That he was straining, grunting and
10 shaking his legs.

11 Q. Shaking his legs?

12 A. Yes.

13 Q. And you gave several descriptions of the
14 seizures, did you not?

15 A. Yes, sir.

16 Q. By the end of that interview, you had told
17 them about you hitting him?

18 A. Yes.

19 Q. Grace, you have talked about several
20 conversations that you had with Mr. Williams
21 when he came home ---

22 A. Yes.

23 Q. --- the day of the death. Let's go back.

24 A. Yes.

25 Q. Did you ever ask him why he did not want

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 you to call 911?

2 A. Actually he told me why he didn't want me
3 to call, because he had bruises on his body.

4 Q. Who had bruises?

5 A. Minor

6 Q. How did that conversation come about?

7 A. He asked me what would I have done if they
8 was to go to the hospital and he was to die.

9 Q. And what?

10 A. And he was to die there with bruises on
11 his body, what would I have done. And I told
12 him that I wouldn't know what to do.

13 Q. Then what did he say?

14 A. He told me about the story of the
15 constable and he told me that if the girl had
16 never said anything that they would have got
17 away with it.

18 Q. What story about the constable?

19 A. That he got killed and his body was
20 dropped out there in the country. He told me
21 that if the girl never said anything that they
22 would have got away with it. So he told me,
23 like, 'maybe I should take you out too, so I
24 don't have to worry about you saying anything.'

25 Q. How did you feel about that?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

263

1 A. Terrified.

2 Q. So when you were at this police station
3 talking to this officer, what were you feeling
4 then?

5 A. Still scared.

6 Q. Why did you end up telling him what you
7 did?

8 A. I owed that to Minor and I needed to
9 get it off my chest.

10 Q. After finally -- and that conversation
11 ended, and they left you in the room, what did
12 you do?

13 A. Prayed.

14 Q. Why did you pray?

15 A. Because I was changing my life over to God
16 when he died and I knew that God could get me
17 through anything.

18 Q. Has that helped?

19 A. Yes.

20 Q. And you said like you felt that you owed
21 this to Minor

22 A. Yes.

23 Q. What do you mean by that?

24 A. Because I didn't do the things I should
25 have done, like called the ambulance. I didn't

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 do that, so I could at least tell the truth
2 about what was happening.

3 Q. Now, that evening, were you arrested?

4 A. Yes.

5 Q. Ms. Trotman, I am going to show you what
6 has been marked as State's Exhibit 55.

7 SOLICITOR HERRING-LASH: May I
8 approach the witness, Your Honor?

9 THE COURT: Yes.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR HERRING-LASH:

12 Q. Do you recognize this?

13 A. Yes.

14 Q. What is that?

15 A. My inmate picture.

16 Q. Your what picture?

17 A. Inmate picture.

18 Q. Okay. When was that taken?

19 A. When I got arrested in Charleston County.

20 SOLICITOR HERRING-LASH: Your
21 Honor, I would offer into evidence at this
22 time, State's Exhibit 55.

23 THE COURT: Any objection?

24 MR. FALK: No objection.

25 THE COURT: Without objection, it is

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

265

1 admitted as State's Exhibit 55.

2 (SO ENTERED AS STATE'S EXHIBIT 55)

3 SOLICITOR HERRING-LASH: May I

4 publish it, Your Honor?

5 THE COURT: You may.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR HERRING-LASH:

8 Q. Ms. Trotman, is that the picture of you
9 that night?

10 A. Yes.

11 Q. And did another officer come to -- well,
12 where did you go after Berkeley County?

13 A. Charleston County.

14 Q. Charleston County jail?

15 A. Yes.

16 Q. Did another officer come to the Charleston
17 County jail that night to talk to you?

18 A. Yes.

19 Q. What was that about?

20 A. Lowe's. Where he had gone to buy the
21 cement and trash can, who took him, uh, and I
22 think that's all -- and did he ever tell them
23 what was going on.

24 Q. And did you give a statement to that
25 officer?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Yes.

2 Q. And, Ms. Trotman, have you pled guilty in
3 this case?

4 A. Yes.

5 Q. What did you plead guilty to?

6 A. Because I knew what was going on, I saw
7 everything and I didn't do anything about it.
8 I didn't call the ambulance neither of the
9 times that he had the seizures.

10 Q. And you also hit him?

11 A. Yes.

12 Q. And that's why you pled guilty?

13 A. Yes.

14 Q. And you have an agreement with this
15 office?

16 A. Yes.

17 Q. And what is that?

18 A. To tell the truth.

19 Q. Why are you testifying?

20 A. Because he don't need to get away with it.

21 SOLICITOR HERRING-LASH: Court's
22 indulgence one moment?

23 THE COURT: Certainly.

24 SOLICITOR HERRING-LASH: Ms.

25 Trotman, those are all the questions that I

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

278

1 THE COURT: I would remind you that
2 you are still under oath.

3 THE WITNESS: Yes, sir.

4 THE COURT: You may cross examine,
5 Mr. Falk.

6 GRACE TROTMAN, having been previously
7 sworn, testified as follows:

8 CROSS EXAMINATION

9 BY MR. FALK:

10 Q. Just a couple of points from your earlier
11 testimony. You had said that Minor was in
12 school prior to coming to live with you?

13 A. Yes.

14 Q. But he was two years old; is that correct?

15 A. Yes.

16 Q. So that was a preschool that he was at?

17 A. (Affirmative nod), I believe so.

18 Q. Is there a free preschool near where you
19 lived?

20 A. No.

21 Q. So if he was going to go to school, it was
22 going to be something that was going to cost?
23 Somebody was going to have to pay for that. Is
24 that correct?

25 A. I am not sure.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

279

1 Q. You also testified that Roger Williams is
2 the reason by you got fired from your job at
3 Hill-Rom; is that correct?

4 A. Yes.

5 Q. But -- were you drawing unemployment after
6 being terminated from Hill-Rom?

7 A. Yes.

8 Q. So were you terminated for cause or were
9 you terminated because they were reducing
10 employment?

11 A. No, they tried to keep me but they told me
12 that they couldn't, that they had to go -- they
13 had to go against policy to terminate me.

14 Q. So they were still going to pay you
15 unemployment?

16 A. No. At the time, I wasn't receiving
17 unemployment as soon as I got fired. It took
18 time.

19 Q. When did you -- okay. So you started
20 receiving unemployment benefits after being
21 fired from Hill-Rom?

22 A. Yes.

23 Q. Do you recall how long you received those?

24 A. I believe for like two years.

25 Q. Earlier in your testimony you had said

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

280

1 something about the week before [Minor] died
2 that you had went to get your hair done.

3 A. Um-humm.

4 Q. Do you remember what day that was of that
5 week?

6 A. No.

7 Q. Do you recall your car being repossessed
8 during that week?

9 A. I am not sure.

10 Q. Do you know if you went to get your hair
11 done who would have driven you?

12 A. Yeah, I had my car.

13 Q. Now, prior to meeting Roger Williams or
14 getting to know Roger Williams, you were
15 friends with Joseph Robinson; is that correct?

16 A. Yes.

17 Q. You refer to him as one of Roger's home-
18 boys; is that correct?

19 A. Yes.

20 Q. Okay. So y'all worked together; is that
21 correct?

22 A. Yes.

23 Q. Intimate together?

24 A. Yes.

25 Q. Okay. And you were living with Mr.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Robinson, is that correct?

2 A. No.

3 Q. Where were y'all living?

4 A. I was living in my apartment on Summer-
5 field Apartments. Me and his sister were
6 living together.

7 Q. You and his sister were living together?

8 A. Joe's sister, yes.

9 Q. So then you quit seeing Mr. Robinson and
10 you started going out with his friend; is that
11 correct?

12 A. Yes.

13 Q. So sometime you started seeing Mr.
14 Williams, so I guess the beginning of 2007 is
15 when you started seeing him seriously; is that
16 correct?

17 A. I started seeing him seriously in November
18 of 2006 and I found out that I was pregnant in
19 January ---

20 Q. Okay.

21 A. --- of 2007.

22 Q. Now, sometime in 2007 -- sometime after
23 Yaya was born, y'all separated; is that right?
24 Or you moved someplace else, is that correct?

25 A. I moved across the street to a friend's

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

282

1 house.

2 Q. Who was that?

3 A. Keisha -- (pause) -- Ladson.

4 Q. Okay. Where were you living at that time?

5 A. That was Dorchester Village, right across
6 the street from my apartment.

7 Q. So you and Yaya moved?

8 A. Before I had her, I moved here.

9 Q. Okay. Now, when you moved out, Roger
10 Williams was in -- was he still seeing Ms.
11 Washington?

12 A. At the time -- I'm not sure.

13 Q. Because he was seeing Ms. Washington in
14 January 2007, is that correct?

15 A. Yes.

16 Q. So when did you find out that he had a
17 child that was three months difference in age
18 from Yaya?

19 A. I moved in with him in February of 2007
20 and, I think, a month later I was told by him
21 that she called and said that she was a month
22 pregnant.

23 Q. Now, you've given -- since you were --
24 since the July 4th weekend of 2010, you've given
25 several statement; is that not correct?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. Yes.

2 Q. For example, on July 7th you gave a
3 statement to an FBI agent ---

4 A. Yes.

5 Q. --- named Cynthia McCants; is that
6 correct?

7 A. Yes.

8 Q. Then you gave another statement to an
9 Officer Baggett later that afternoon; is that
10 correct?

11 A. Yes.

12 Q. Then on August 31st, 2010, about two months
13 later, did somebody from DSS come in and speak
14 with you?

15 A. Yes.

16 Q. Did you speak with her?

17 A. Yes.

18 Q. Did you give a statement to her?

19 A. Yes.

20 Q. Then later, prior to entering a plea in
21 this case, you gave a statement to the
22 prosecution; is that correct?

23 A. Yes.

24 Q. Now, are you aware that many of those
25 statements have been video recorded?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

284

1 A. Yes.

2 Q. So we would be able to see anything that
3 you said?

4 A. Yes.

5 Q. So then you've made, up to this point,
6 probably four different statements; is that
7 correct?

8 A. Yes.

9 Q. And then you just testified that this
10 would be the fifth statement?

11 A. (Affirmative nod).

12 Q. Do you have an explanation for why --
13 let's go back to some of the specifics in some
14 of the statements. You'd testified earlier
15 about a seizure.

16 A. Yes.

17 Q. You were calling it the first seizure; is
18 that correct?

19 A. Yes.

20 Q. Your testimony here today was that you
21 didn't quite remember when that occurred; is
22 that correct?

23 A. (No verbal response).

24 Q. Of if it's not, do you remember when that
25 first seizure supposedly occurred?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. No, I don't remember when it occurred.

2 Q. Do you know if it was within the week
3 prior to Minor death?

4 A. Yes.

5 Q. So it was sometime in that week?

6 A. Yes.

7 Q. But you can't recall when?

8 A. No.

9 Q. Now, when you spoke with -- you spoke to
10 the DSS officer on August 31st, you had told
11 that person that that seizure happened on
12 Friday, June 4th. Do you recall saying that?

13 A. Yes.

14 Q. So you told her that the first seizure
15 happened on Friday; is that correct?

16 A. (No verbal response).

17 Q. I think that's what you just said.

18 A. Yes.

19 Q. Okay. And do you recall telling the DSS
20 officer that the second event happened on that
21 Saturday?

22 A. I don't recall that.

23 Q. Do you know when the second event
24 happened?

25 A. I know it was the next day after the first

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

286

1 seizure.

2 Q. So if the first seizure was on Friday the
3 second one was on Saturday?

4 A. I am not sure.

5 Q. You remember later that day -- you said
6 that you recall talking to Officer Baggett
7 later that day; is that ---

8 A. Berkeley County, yes.

9 Q. Now, you told him -- let me back up, I've
10 gotten it confused. The day that you were
11 arrested, on July 7th, you made a statement to
12 Officer Baggett. That was after you talked to
13 Officer McCants.

14 A. Yes.

15 Q. And at that time you told Officer Baggett
16 that he had that first seizure on Monday of
17 that week.

18 A. I am not really sure what day it was. I
19 know it happened within a week's time.

20 Q. Beg your pardon?

21 A. I am not sure when it happened. I know
22 that it happened in the week between his death,
23 like right after (sic) his death. It was the
24 week before.

25 Q. So are you saying that you don't recall

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 now when it happened?

2 A. I know it was the week up to his death.

3 Q. Do you have any explanation as to why on
4 July 7th you said it was on Monday and then two
5 months later you said it was on Friday?

6 A. No, I don't.

7 Q. Do you recall talking to the prosecutors
8 in this case on November 11th? Or do you recall
9 talking to the prosecutors when you were made a
10 proffer?

11 A. Yes.

12 Q. Do you recall when the seizure occurred at
13 that time, do you recall what you told them?

14 A. I am not sure.

15 Q. So what -- what I am trying to understand
16 now is, do you not know when the seizure
17 occurred or -- do you think that you knew at
18 the time and have since forgotten? Is that
19 what your testimony is?

20 A. All I can remember is that it was in the
21 week to his death. I don't know what day that
22 it happened, but I know that it was within the
23 week of his death.

24 Q. And what you're calling the second
25 seizure, that then happened within that same

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

288

1 week; is that correct?

2 A. Yes.

3 Q. Now, when you're calling the second
4 seizure -- what you're calling the second
5 seizure, it sounds to me as though he just
6 didn't want to wake up; is that correct?

7 A. Yes.

8 Q. So you tried to rouse him and he just
9 didn't want to get up?

10 A. He never did that before. It was always
11 easy to wake him up.

12 Q. Okay. Now, we have already spoken that
13 you talked to Officer McCants on July 7th?

14 A. Yes.

15 Q. That was the FBI agent?

16 A. Yes.

17 Q. Now, you told Officer McCants that
18 Minor fell down the stairs?

19 A. Yes.

20 Q. So that was a lie?

21 A. Yes.

22 Q. Okay. So was most of what you told
23 Officer McCants a lie?

24 A. Yes.

25 Q. Did you ask Officer McCants what the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 penalty was for lying to a federal officer?

2 A. I don't remember.

3 Q. Were you concerned about misleading a
4 federal officer?

5 A. (No verbal response).

6 Q. Did you care that you were lying to a
7 federal officer?

8 A. Yes.

9 Q. But you went ahead?

10 A. Yes.

11 Q. Then when you said that you talked to
12 Officer Baggett after talking to Officer
13 McCants ---

14 A. Yes.

15 Q. And, again, you told Officer Baggett that
16 Minor fell down the stairs?

17 A. I was going along with the story. I was
18 too scared ---

19 Q. Pardon?

20 A. I said I was going along with the story,
21 and I was still scared.

22 Q. This is the story that you and Roger came
23 up with?

24 A. Yes.

25 Q. Now, then you also told us earlier about

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

290

1 something that happened on that Sunday night;
2 is that correct?

3 A. Yes.

4 Q. You said that Minor had his third
5 seizure on that Sunday night.

6 A. I am not sure.

7 Q. Do you saying that you don't recall saying
8 that earlier this afternoon?

9 A. I remember saying that he went in the room
10 with him after he pooped on the floor and there
11 like a lot of beating and stuff in the room,
12 against the wall. I never said that I saw a
13 seizure.

14 Q. So your testimony is that there was not a
15 seizure on Sunday?

16 A. I don't know if it was.

17 Q. Is your testimony that he showed any signs
18 that he had a seizure?

19 A. Not that I know of. When I went in the
20 room, he was just sitting there and it was like
21 he was in a daze.

22 Q. Now, Roger wasn't at home on Sunday night;
23 is that correct?

24 A. Yes, he was.

25 Q. He didn't sleep there on Sunday night, did

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 he?

2 A. No.

3 Q. So you were watching [Minor] while he was
4 out?

5 A. Yes.

6 Q. So you were watching [Minor] most of the
7 time; is that not correct?

8 A. Yes.

9 Q. You were really the main caregiver, is
10 that correct?

11 A. Yes.

12 Q. Would you say that he was there a couple
13 of hours a week?

14 A. On Sunday, Monday and Tuesday, those are
15 the days that he usually stays home. The rest
16 of the week he always be gone.

17 Q. But he was not there Sunday night?

18 A. He was there Sunday.

19 Q. But you don't, or he wasn't there on
20 Sunday night?

21 A. He was there Sunday.

22 Q. Okay. Did he sleep in the house on Sunday
23 night?

24 A. No.

25 Q. Now, your testimony today is, as you just

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

292

1 said, that you heard a lot of commotion in the
2 other room.

3 A. Yes.

4 Q. But that has not always been your
5 testimony; is that correct? You've said --
6 you've made other statements about what
7 happened on Sunday night; is that not correct?

8 A. I am not sure.

9 Q. If I told you that you told Officer
10 McCants and that you told Officer Baggett that
11 Roger Williams hit him in the head on Sunday
12 night, would that refresh your memory?

13 A. Not really.

14 Q. So you're saying now that you don't --
15 that you never witnessed Mr. Williams striking
16 Minor on Sunday; is that correct?

17 A. No. I just heard it.

18 Q. Do you have an explanation for why you
19 told them that he'd hit him in the head?

20 A. No, sir. I don't know why.

21 MR. FALK: One moment, please.

22 THE COURT: Okay.

23 MR. FALK: May I approach the
24 witness?

25 THE COURT: Yes, you may.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 CROSS EXAMINATION CONTINUED

2 BY MR. FALK:

3 Q. (Tenders document to witness).

4 THE COURT: For the record, Mr.

5 Falk, you are showing her an exhibit that has

6 been marked -- previously marked?

7 MR. FALK: Yes, this is the exhibit

8 that was previously marked ---

9 THE COURT: Exhibit 71, for ID Only.

10 MR. FALK: Yes, sir.

11 THE COURT: ID Only.

12 MR. FALK: May I approach the

13 witness?

14 THE COURT: You may, sir.

15 CROSS EXAMINATION CONTINUED

16 BY MR. FALK:

17 Q. I don't want you to read this for the

18 jury, but read from there down to there.

19 A. (Review).

20 Q. So having had an opportunity to review,

21 that part of the interrogation, do you now

22 recall telling Officer Baggett that Roger hit

23 him in the head?

24 A. Yes.

25 Q. Do you have a explanation -- was that then

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

294

1 a lie that you told Officer Baggett?

2 A. No, it wasn't a lie. It's just that I got
3 the two seizures that happened before mixed up
4 with that one.

5 Q. That was the third seizure that you had
6 talked to Mr. Baggett about?

7 A. Yes.

8 Q. You had already told him about the one
9 that happened on Monday.

10 A. Well, I am not sure what day that it
11 happened on.

12 MR. FALK: One moment, please.

13 THE COURT: Certainly.

14 MR. FALK: I think that it might
15 be easiest just to find it on the tape. Shall
16 I play the tape for her?

17 THE COURT: Approach, please.

18 (OFF RECORD BENCH CONFERENCE)

19 CROSS EXAMINATION CONTINUED

20 BY MR. FALK:

21 Q. You testified earlier that Yaya and
22 Minor are three months apart; is that
23 correct?

24 A. Like a month and a half.

25 Q. They are close in age?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. A month and a half.

2 Q. They are a month and a half apart?

3 A. (Affirmative nod).

4 Q. Now, that must have made you somewhat
5 jealous of Miss Washington; didn't it?

6 A. No.

7 Q. You were raising her child while she was
8 off doing something else? Isn't that correct?

9 A. While she was doing what?

10 Q. She was not taking care of the child at
11 this time; is that correct?

12 A. (No verbal response).

13 Q. Because **Minor** was at your house?

14 A. Right.

15 Q. So she was off doing something else?

16 A. Offering to do something else?

17 Q. Excuse me. That she was just off doing
18 something else. She wasn't taking care of the
19 child at that time, is that correct?

20 A. Right, because I had him.

21 Q. So every time that you see **Minor**
22 that's going to remind you that Roger Williams
23 and Miss Washington were together; is that
24 correct?

25 A. In a way, yeah.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

296

1 Q. And that didn't upset you?

2 A. No.

3 Q. And you knew that Mr. Williams and Ms.
4 Washington, that wasn't just a one-time thing.
5 They had a continuing relationship; is that
6 correct?

7 A. When me and Box stopped talking for about
8 three weeks, that's when he and Nikki were
9 together. That's all I know of.

10 Q. That was after ---

11 A. --- I found out that I was pregnant.

12 Q. Right. So he was with her before and then
13 he was with her after; is that correct?

14 A. No. I don't know about all that.

15 Q. You said that you found that they -- that
16 when y'all were not together, when you and
17 Roger were not together, that's when ---

18 A. --- he met Nikki.

19 Q. Yes. So did you have anyone there to help
20 you babysit Minor during the day?

21 A. No.

22 Q. So you were watching him all day?

23 A. Yes.

24 Q. And most nights. Is that correct?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. At times Roger was off with somebody else;
2 is that correct?

3 A. I am not sure.

4 Q. Again, I want to take you back to when you
5 gave a statement to Mr. Baggett. You had
6 suggested that -- well, he had suggested to you
7 that you kinda snapped. Is that correct?

8 A. He convinced me that I snapped. I never
9 came out and said that I snapped.

10 MR. FALK: May I approach?

11 THE COURT: Yes.

12 CROSS EXAMINATION CONTINUED

13 BY MR. FALK:

14 Q. Can you read from (Line) 21 here on Page
15 100, on Exhibit 71, down to the bottom of this
16 page.

17 A. (Reviewing).

18 MR. FALK: Your Honor, for the
19 record, she is reading Line 21 on Page 100 of
20 Exhibit 71 down through the end of Page 103.

21 THE COURT: Thank you.

22 THE WITNESS: (Reviewing).

23 CROSS EXAMINATION CONTINUED

24 BY MR. FALK:

25 Q. Having had a chance to recall your earlier

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

298

1 statement, do you remember saying that you had
2 snapped?

3 A. I only said I snapped because he brought
4 it to my attention. I never just came out and
5 said that I snapped.

6 Q. But did you -- you said that you snapped.
7 You said that you hit Minor hard and you
8 said that his head hit the wall. Is that not
9 correct?

10 A. I told him that and then I told him that
11 I don't think that I hit him too hard, that I
12 just popped him on his arm.

13 Q. But during that time, didn't you say
14 that you wound up pretty hard, like this
15 (demonstrating), and came and ---

16 A. No.

17 Q. I will find that. One moment please.

18 MR. FALK: May I approach again?

19 THE COURT: Yes.

20 CROSS EXAMINATION CONTINUED

21 BY MR. FALK:

22 Q. Line 18 down to 25.

23 A. (Review).

24 THE COURT: You can go ahead and ask
25 the questions.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 CROSS EXAMINATION CONTINUED

2 BY MR. FALK:

3 Q. Do you recall now that you said that you
4 hit him kinda hard into the wall?

5 A. I did say that in the ---

6 THE COURT: You need to speak up,
7 ma'am.

8 THE WITNESS: I did say that in the
9 interview.

10 CROSS EXAMINATION CONTINUED

11 BY MR. FALK:

12 Q. Did you see in that interview where it
13 says "(indicating)", in parenthesis.

14 A. Yes.

15 Q. Now, do you recall how you hit him and how
16 he hit the -- how his head hit the wall?

17 A. Yes, I remember that but I didn't wind
18 back and do all that. I just popped him on his
19 arm.

20 Q. You're saying that you did not lean back
21 like this?

22 A. No.

23 Q. You didn't show his head spinning, hitting
24 the wall?

25 A. No.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

300

1 MR. FALK: Your Honor, I think
2 it's my opportunity now to show her the
3 demonstration on the tape.

4 THE COURT: Approach, please.

5 (OFF RECORD BENCH CONFERENCE)

6 CROSS EXAMINATION CONTINUED

7 BY MR. FALK:

8 Q. Please, could you demonstrate how you hit

9 Minor

10 A. I held his hand and I popped him on this
11 arm.

12 Q. So your testimony is not that you raised
13 your arm back to hit him?

14 A. No.

15 Q. And your testimony is that you didn't show
16 his head hitting the wall; is that correct?

17 A. I showed how he fell to the floor and fell
18 back and hit his head on the wall.

19 Q. You testified earlier, you said that you
20 were glad -- excuse me. When you testified
21 earlier this afternoon, you said that you had
22 said a prayer after talking with them?

23 A. Yes.

24 Q. Did you pray for strength to finally tell
25 the truth, is that part of what your prayer

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

301

1 was?

2 A. No. I felt relieved. I knew that God
3 could help me get through anything, so I prayed
4 to him about everything and I left it in his
5 hands.

6 Q. Were you praying that God give you the
7 strength to tell the truth just then?

8 A. I don't remember what my prayer was about.

9 Q. Were you telling the truth when you told
10 Officer Baggett that he hit the wall?

11 A. Yes.

12 Q. Were you telling the truth that you
13 snapped?

14 A. No.

15 Q. So that was a lie?

16 A. I never snapped. He brought up the word
17 "snapped". It never came out of my mouth that
18 I snapped. I never said that. I never just
19 came out and said that. He brought it to my
20 attention.

21 Q. Now, you finally admitted taking some
22 responsibility in the death of Minor

23 A. Right.

24 Q. Said that he had -- that you had snapped.

25 A. No. I never just came out and said that I

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

302

1 snapped.

2 Q. After he told you, after he reminded you
3 of all the stress that you were under, after he
4 reminded you that you were watching somebody
5 else's child, and that you -- that Roger was
6 never home and there was all that stress going
7 on, he reminded you, said 'Wouldn't that make
8 you snap?' And you admitted to that. Is that
9 correct?

10 A. Would that make me snap? That would make
11 anybody snap, but I didn't snap.

12 Q. Okay. During the course of all the
13 statements that you have given, several times
14 you said that Yaya pushed Minor [REDACTED] into the
15 wall; is that not correct?

16 A. Yes.

17 Q. Did Yaya push him into the wall?

18 A. She has before; but that day, no.

19 Q. So when you said that, was that then a
20 lie?

21 A. Yes.

22 Q. Because you did not want to take any
23 responsibility for the death; is that correct?

24 A. I was still scared. Not saying that I
25 didn't want to take responsibility for what

1 happened, for what I did. But I still just
2 wanted -- I was still just scared and was
3 trying to, like, come out and tell the truth at
4 the same time.

5 Q. I'm sorry. You were scared of telling the
6 truth?

7 A. No. I said that I was trying to get it
8 out, but sometimes it takes time for stuff like
9 that to come out.

10 Q. Well, six times during your interview with
11 Officer Baggett you said that Yaya pushed him
12 into the wall. Does that sound correct?

13 A. Yes, I know.

14 Q. So in your ability to tell the truth, you
15 were going to try and blame your two year old
16 child for the death of Minor [REDACTED] Is that
17 correct?

18 A. No.

19 Q. Did you not say that Minor [REDACTED] was pushed
20 into the wall by Yaya?

21 A. Yes.

22 Q. Didn't Officer Baggett suggest to you that
23 that statement was going to be around for
24 twenty years and Yaya could eventually read
25 that; isn't that correct?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

304

1 A. I am not sure.

2 Q. So Yaya would eventually know that her
3 mother tried to blame her for the death of
4 Minor is that not correct?

5 A. I'm not understanding what you're saying.

6 Q. Because you snapped and hit -- you pushed
7 Minor into the wall, is that not correct?

8 A. I didn't push him.

9 Q. So you are saying that you struck him and
10 he hit the wall?

11 A. I popped him on his arm. He fell to the
12 floor and he lost his balance and he hit his
13 head on the wall.

14 Q. So he lost his -- did his bottom hit the
15 floor?

16 A. Yes.

17 Q. And so then his -- the front of his head
18 hit the wall, the floor or the -- I mean the
19 front of his head, the side, what?

20 A. The back.

21 Q. So he fell to his bottom and you're saying
22 that his head went ---

23 A. Back.

24 Q. How far away from the wall was he?

25 THE COURT: When?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 MR. FALK: When he fell.

2 CROSS EXAMINATION CONTINUED

3 BY MR. FALK:

4 Q. Approximately -- when he fell on Monday
5 after you popped him on the arm and his bottom
6 hit the wall -- his bottom hit the floor, how
7 far away from the wall was his head?

8 A. I am not sure.

9 Q. Would it be the distance of your foot?

10 A. I am not sure.

11 Q. Did you see him hit the wall?

12 A. Yes.

13 Q. How far back did he fall?

14 A. I don't know.

15 Q. Now, -- all right, after he fell, did you
16 say that he had a seizure again?

17 A. Yes.

18 Q. Then you started to do CPR? You put him
19 on the sofa first, is that correct?

20 A. No. I laid him right where he was. I
21 laid him on the floor and I did CPR.

22 Q. And he caught a breath, is that correct?

23 A. I heard him breathing, yes.

24 Q. And then you left, is that not correct?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

306

1 Q. Went over to Marilyn Cox; is that not
2 correct?

3 A. No.

4 Q. You went outside ---

5 A. I went to the next-door neighbor's to get
6 a phone.

7 Q. Who was the next-door neighbor?

8 A. The O'Neills. I don't know them like
9 that, I just use their phone.

10 Q. Did you ever speak with Ms. Cox?

11 A. Not that day, no.

12 Q. So whose telephone did you call Roger at
13 work from?

14 A. The next-door neighbor.

15 Q. And that's the O'Neills?

16 A. Yeah.

17 Q. Why didn't you take Minor with you?

18 A. I don't know.

19 Q. You heard one breath sound and then you
20 left him on the sofa, is that what your
21 testimony is?

22 A. When I saw that he was breathing, his
23 heart was still beating, I laid him on the
24 couch and I ran outside to go find a phone.

25 Q. And you said that you never came back

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 inside the house until Roger got back; is that
2 correct?

3 A. Yes.

4 Q. So that was how long? Fifty minutes?
5 Forty minutes?

6 A. I don't recall.

7 Q. Were you not concerned about this child?

8 A. Yes, because I went to go find another
9 phone to try to still call Box on his cell
10 phone. He wasn't answering.

11 Q. Why didn't you call the ambulance?

12 A. Because he told me not to.

13 Q. But you'd caused the death -- you'd just
14 caused his child to hit the wall, you'd just
15 caused his child to then, as you said, have a
16 seizure, but then you didn't think it was
17 important to call an ambulance?

18 A. I told him that I wanted to call the
19 ambulance and he told me not to.

20 Q. Why wasn't that your first call?

21 A. Because I was always accustomed to calling
22 Box every time something happened.

23 Q. Then you made another telephone call when
24 you got to another phone?

25 A. Yes. When I gave her back her phone, I

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

308

1 went down to two houses to a man's house. I
2 rang his doorbell and I asked if I could use
3 his cell phone.

4 Q. But you still didn't call 911?

5 A. No. I called Box.

6 Q. In the meantime, you hadn't checked on how
7 the child was doing?

8 A. No.

9 Q. You've told us earlier about disciplining
10 Minor [REDACTED] and that you never hit him; is that
11 not correct? Until you asked for permission.

12 A. Yeah, when he first started coming to see
13 us, I had not hit him.

14 Q. And you testified earlier that you'd never
15 hit him with anything; is that correct?

16 A. No.

17 Q. Then you told Officer Baggett that you hit
18 him with a KoolAid spoon; is that not correct?

19 A. I don't remember telling him that I hit
20 him with a KoolAid spoon.

21 Q. One moment.

22 MR. FALK: Your Honor, could we
23 have five minutes?

24 THE COURT: Ladies and Gentlemen, I
25 am going to let you go to your jury room. Do

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

309

1 not begin your deliberations, don't discuss the
2 case. We will be with you in just a moment.

3 (JURY OUT @ 2:53 P.M.)

4 THE COURT: I am going to allow you
5 some leeway, Mr. Falk. But under 611(a), you
6 really and truly -- this person has already
7 admitted pleading guilty to the crime that your
8 questions are about. So all of this, really
9 and truly, is not really germane. And it's not
10 contradictory, because her ultimate pleading
11 guilty is pleading guilty to what happened on
12 that day. She is guilty of everything that
13 you've just said. She has admitted that. So
14 she is not contradicting it.

15 I don't understand what we are doing
16 here. It really doesn't make any difference if
17 she did or didn't. She can't recall it. It's
18 there, she's going to read it and -- why don't
19 you just read it to her, 'Did you say such and
20 such?' If she denies saying that, fine. I am
21 not going to say that opens the door to the
22 introduction of the transcript. So -- but we
23 really are just getting -- under 611(a) this is
24 going a little bit too far now, I believe. I
25 will give you five minutes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

310

1 (BRIEF RECESS)

2 (DEFENDANT PRESENT)

3 THE COURT: Ready to continue, Mr.
4 Falk?

5 MR. FALK: Yes, Your Honor.

6 THE COURT: Let's bring in our jury.

7 (JURY IN @ 3:04 P.M.)

8 THE COURT: Thank you very much,
9 Ladies and Gentlemen. Mr. Bradshaw, I notice
10 that you have occupied that seat. Have they
11 selected you as the presiding juror, sir?

12 JUROR NUMBER 13: I just ran out of
13 chairs to sit in. But I'll do it.

14 THE COURT: I think that they have
15 done it sort of vicariously. That will be your
16 seat for the balance of the trial. Thank you,
17 Ladies and Gentlemen. I appreciate that.

18 Mr. Falk, thank you, sir. You may
19 resume your examination, sir.

20 CROSS EXAMINATION RESUMED

21 BY MR. FALK:

22 Q. Before the break we were talking about the
23 discussion that I believe that you had with
24 Officer Baggett about the spoon.

25 A. Um-humm.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

311

1 Q. Do you recall saying whether or not you
2 ever used a spoon to discipline the children?

3 A. I don't recall.

4 Q. So when you told him, (reading):

5 "I'll have the spoon. Not hitting them, just
6 me having the spoon they'll straighten up. I
7 didn't really have to do anything with the
8 spoon because this is me. I'll say that 'I'm
9 about to go get the spoon', and I will get it,
10 'you better straighten up.' They would stop
11 because they knew the spoon."

12 A. All right.

13 Q. You remember saying that now?

14 A. Yes.

15 Q. Do you remember further telling Officer
16 Baggett that you hit the children twice with
17 the spoon?

18 A. No, I don't remember that.

19 Q. So when Officer Baggett asked you, "So did
20 you hit him with the spoon?" and you answered,
21 "Yes." When he asked you how many times "did
22 you hit him with the spoon", your answer was
23 "twice on the legs, him and Yaya, my daughter."
24 Is that -- does that refresh your memory?

25 A. No.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

312

1 Q. So are you saying that you didn't say it?

2 A. I don't remember.

3 Q. Thank you. Now, you were saying that -- I
4 am not sure that I remember your explanation.

5 Why didn't you just move out if you didn't
6 enjoy living with Roger?

7 A. There were several times that I moved out.

8 Q. Okay, so why didn't you -- did you move
9 out in June?

10 A. What year?

11 Q. 2010?

12 A. I did in July, but we were still together
13 then.

14 Q. But you always had a place to go, is that
15 not correct?

16 A. In my mind I didn't.

17 Q. One time you went to your friend's house
18 across the street; is that correct?

19 A. That's when -- that was like in 2007.

20 Q. And you went to the Deas house, is that
21 correct?

22 A. Yes.

23 Q. Did you ever tell any of your neighbors
24 that you were worried about Roger?

25 A. I kept all that to myself.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

313

1 Q. You have said that Roger was at work on
2 that Monday morning; is that correct?

3 A. Yes.

4 Q. And you don't recall if he left from your
5 house that morning. I believe that was your
6 testimony.

7 A. Yes.

8 Q. Okay. And when this incident happened
9 with Yaya and Minor he wasn't in the house?

10 A. No.

11 Q. So the only one that witnessed it was you?

12 A. Right.

13 Q. If both children were fighting, did you
14 pop Yaya?

15 A. Yes.

16 Q. Did she fall?

17 A. No.

18 Q. On July 4th you had already moved out of
19 the house, right?

20 A. Yes.

21 Q. You weren't staying with Roger; is that
22 correct?

23 A. No.

24 Q. So why did you get involved in that whole
25 story about Minor and The Battery?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

314

1 A. Because Box told me that we had to come up
2 with a way to file a missing child report,
3 because Nikki and her family wanted Minor

4 Q. But you weren't with Box at the time; is
5 that correct?

6 A. No, he was calling me on the phone.

7 Q. You were at the Deas?

8 A. Yes.

9 Q. And they could have taken care of you, is
10 that correct?

11 A. Yes.

12 Q. So the real reason that you were getting
13 involved in the story was because you wanted to
14 cover up your role in the death; is that not
15 correct?

16 A. No.

17 Q. Because when you called Box that Monday,
18 you really told him that he wasn't breathing;
19 is that correct?

20 A. Yes.

21 MR. FALK: One moment.

22 THE COURT: Certainly.

23 MR. FALK: I just have a few more
24 questions.

25 CROSS EXAMINATION CONTINUED

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

315

1 BY MR. FALK:

2 Q. Do you recall calling Roger on the tele-
3 phone on the day that you went down to The
4 Battery?

5 A. Yes.

6 Q. After 6:00 p.m., you called him thirty
7 times or more?

8 A. I don't know how many times that I called
9 him.

10 Q. Would it surprise you that you called him
11 thirty times?

12 A. No.

13 Q. What would you have been talking about?

14 A. What to do.

15 Q. And any of the police officers that you
16 saw down on The Battery, did you tell them that
17 you were scared or that you were worried?

18 A. No, I didn't tell them any of that.

19 MR. FALK: No more questions.

20 THE COURT: Redirect?

21 REDIRECT EXAMINATION

22 BY SOLICITOR HERRING-LASH:

23 Q. Ms. Trotman, I just have a few questions.
24 You said that you always called Box first.

25 A. Yes. I was always accustomed to calling

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

316

1 him first, wherever I went. If I was leaving
2 the house to go to the store, I always had to
3 call him.

4 Q. Why?

5 A. Because he always wanted me to. He always
6 -- it seemed like he had to always know where I
7 was at.

8 Q. What happened if he didn't?

9 A. Get in trouble.

10 Q. What do you mean "get in trouble"?

11 A. Like either he be cursing me out, bringing
12 me down, or he be hitting me.

13 Q. Now, was Nikki the only other woman that
14 Box had a relationship with during the time
15 that you were with him?

16 A. No.

17 Q. Do you know how many there were?

18 A. No.

19 Q. Do you remember what time you got the
20 Charleston City Police Department the night
21 of the 6th, and they started interviewing you?

22 A. No.

23 SOLICITOR HERRING-LASH: Your
24 Honor, I am going to use this to refresh her
25 memory. If we could mark it for ID.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 THE COURT: Exhibit 71?

2 COURT REPORTER: Exhibit 72.

3 SOLICITOR HERRING-LASH: For ID
4 purposes only.

5 THE COURT: Very well.

6 (SO ENTERED AS STATE'S EXHIBIT 72 - ID ONLY)

7 REDIRECT EXAMINATION CONTINUED

8 BY SOLICITOR HERRING-LASH:

9 Q. Ms. Trotman, I am going to show you the
10 beginning of the transcript. There is a time,
11 beginning and ending of this first interview.
12 Read that to yourself and see if that refreshes
13 your memory about what time your first
14 interview started and began -- I mean started
15 and ended. Sorry.

16 A. (Review).

17 Q. Do you see the time?

18 A. (Affirmative nod).

19 Q. Does that refresh your memory?

20 A. All I know is that it was late.

21 Q. Well, did you read the time on here?

22 A. Yes.

23 Q. What time was it?

24 A. 10:28.

25 Q. And what time did it end?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

318

1 A. 11:35.

2 Q. Did you have a second interview at the
3 Charleston Police Department that evening?

4 A. (No verbal response).

5 Q. Do you remember that?

6 A. Yes.

7 Q. Do you remember what time that began and
8 ended?

9 A. No.

10 SOLICITOR HERRING-LASH: Your
11 Honor, just to refresh her memory, for ID
12 purposes only, State's Exhibit 73.

13 THE COURT: Okay.

14 (SO ENTERED AS STATE'S EXHIBIT 73 - ID ONLY)

15 REDIRECT EXAMINATION

16 BY SOLICITOR HERRING-LASH:

17 Q. Ms. Trotman, I am going to show you this.
18 If you will, just read the time that this
19 interview began.

20 A. At 12:51 A.M.

21 Q. Was this interview with Agent McCants,
22 mainly?

23 A. Yes.

24 Q. And did this interview end after you took
25 them to the body?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

319

1 A. I'm not sure.

2 Q. Were you talking to them up to the time
3 that you took them to the body?

4 A. Yes.

5 Q. So you didn't go to sleep from the time
6 that your interview began at 10:28 until they
7 found -- until you went with the officers to
8 the body the next afternoon?

9 A. Yes.

10 Q. After that, is that when -- after that
11 interview -- or after that, did you have your
12 interview with Baggett?

13 A. Yes.

14 Q. Did you get to sleep any during that time?

15 A. A little bit, yeah.

16 Q. Where?

17 A. In the office.

18 SOLICITOR HERRING-LASH: Those are
19 all the questions that I have, Your Honor.

20 THE COURT: Recross, Mr. Falk?

21 MR. FALK: Yes, sir.

22 RECROSS EXAMINATION

23 BY MR. FALK:

24 Q. So your interview with Officer Baggett was
25 after you'd showed them where the body was; is

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

320

1 that correct?

2 A. Yes.

3 Q. Thank you.

4 THE COURT: You may come down.

5 (WITNESS STEPS DOWN)

6 THE COURT: Call your next witness,
7 please.

8 SOLICITOR WILLIAMS: Shaneeeka
9 Washington.

10 (WITNESS TAKES STAND)

11 SHANEEKA WASHINGTON, being duly sworn
12 to tell the truth, the whole truth and nothing
13 but the truth, testified as follows:

14 DIRECT EXAMINATION

15 BY SOLICITOR WILLIAMS:

16 Q. Shaneeeka, where do you work?

17 A. The College of Charleston.

18 Q. How long have you worked there?

19 A. Going on six years.

20 Q. Where do you live?

21 A. Charleston, South Carolina.

22 Q. How far did you get in school?

23 A. Tenth.

24 Q. How do you know Minor

25 A. My son.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. And who is the father of Minor

2 A. Box.

3 Q. When you say "Box", is that Roger
4 Williams?

5 A. Yes.

6 Q. How did you meet Box?

7 A. At the mall.

8 Q. And do remember about when that was?

9 A. 2006.

10 Q. Was he living with Grace Trotman at that
11 time?

12 A. Not that I know of.

13 Q. At some time, did you realize that he was
14 living with her?

15 A. Yes.

16 Q. How often did you see Box before -- in the
17 beginning?

18 A. A lot. I can't recall.

19 Q. Where would y'all go?

20 A. At his trailer in Summerville or sometimes
21 he'd come to my house.

22 Q. Did you go out?

23 A. Yes.

24 Q. Where would you go?

25 A. California Dreaming.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

322

1 Q. Was he working at the clubs yet?

2 A. No.

3 Q. And were you still together when Minor
4 was born?

5 A. We were communicating.

6 Q. Were you still a couple?

7 A. Huh?

8 Q. Were you still a couple, like boyfriend/
9 girlfriend?

10 A. No.

11 Q. Why did you break up?

12 A. Well, we started talking because I wasn't
13 -- well, my birthday was coming and I didn't
14 want to go out there to the trailer. I wanted
15 to go to the club and stay with my friends. He
16 called me out a name, and I didn't want to talk
17 to him no more.

18 Q. So he was upset that you were going out
19 with friends?

20 A. Yeah.

21 Q. Did you let him know when Minor -- when
22 you found out that you were pregnant?

23 A. Yeah.

24 Q. And what was his response?

25 A. That he hadn't spoken to me in a couple of

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 days and that that could be anybody's baby.

2 Q. Did you continue to try to tell him that
3 it was his child?

4 A. Yes.

5 Q. Did you get any better response during
6 your pregnancy?

7 A. No. Not in -- so one day when I was in
8 CVS and I saw that a test came out, that was
9 called Identical DNA, I called him and asked
10 him about it, if he wanted to do it.

11 Q. How old was Minor at that time?

12 A. He was still one.

13 Q. One?

14 A. Um-humm.

15 Q. Before that time, had you tried to prove
16 that he was the father any other way?

17 A. Yes, through DSS.

18 Q. Tell me the steps that you took trying to
19 prove that he was the father, through DSS.

20 A. Every time we had a meeting to where we
21 would do the test, he would never show up.

22 So, like, they had to keep rescheduling.

23 Q. What was the purpose of the DSS
24 proceedings? What were you trying to do?

25 A. To determine that he was the father.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

324

1 Q. Were you trying to get child support?

2 A. Yes.

3 Q. Were you ever able to get child support?

4 A. No.

5 Q. So at some point when [Minor] is one, you
6 find out about this test at the drugstore?

7 A. Yes.

8 Q. Tell me how that happens, how do you and
9 Box figure out that [Minor] is his child?

10 A. When I told him about it, he said that he
11 was willing to do it. So I bought the test.

12 One day he just decided to rent a hotel room
13 and me, him and [Minor] met up.

14 Q. How does the test work?

15 A. It had Q-tips -- it had three sets of
16 everything: one for the child, one for a mother
17 and one for a father. You have to swab the
18 mouth and drop it in an envelope with the
19 person's name and mail it off; set up a
20 password.

21 Q. Did you determine, based on that test,
22 that he was the father?

23 A. Yes.

24 Q. Before that time, during [Minor] first
25 year, did anyone else care for him besides you

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 and your family?
- 2 A. Yes.
- 3 Q. Who was that?
- 4 A. Miss Connie and her family.
- 5 Q. What is Miss Connie's last name?
- 6 A. Huger.
- 7 Q. How old was Minor when he started going
- 8 over there?
- 9 A. I can't remember. He was a little baby.
- 10 Q. How did they feel about him?
- 11 A. They love him.
- 12 Q. Did they help you as well?
- 13 A. Yes.
- 14 Q. What kinds of things would they do to help
- 15 you and Minor
- 16 A. (Emotional) -- like buying Pampers, or
- 17 with a ride, or babysit.
- 18 Q. Did she got to the doctor's office with
- 19 you?
- 20 A. Yes.
- 21 Q. Did she help take him to school?
- 22 A. Yes.
- 23 Q. How often would Minor go to the doctor?
- 24 A. Only when he had a doctor's appointment.
- 25 Q. For his well visits?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

326

- 1 A. Yes, ma'am.
- 2 Q. Did he have any serious medical issues?
- 3 A. No.
- 4 Q. Did you ever see him fall on the floor,
5 shake, and have a seizure?
- 6 A. No.
- 7 Q. Did he have any health issues at all.
- 8 A. Just eczema. That's it, nothing.
- 9 Q. Eczema, like dry skin?
- 10 A. Yes.
- 11 Q. Now, was there a time when Minor
12 started spending time with Box?
- 13 A. Yeah.
- 14 Q. Do you remember about when that was?
- 15 A. That was when -- was 2007.
- 16 Q. When was Minor born, again?
- 17 A. May 8th -- I mean November 8th, 2007.
- 18 Q. 2007?
- 19 A. Yeah.
- 20 Q. So he found out that he was his a year
21 later?
- 22 A. Yes, ma'am.
- 23 Q. So when did he start going over there?
- 24 A. Right after he found out -- when Box found
25 out that he was his.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

327

- 1 Q. So what year would that be? 2008?
- 2 A. Yeah. Sorry.
- 3 Q. How often would he see him?
- 4 A. He -- it started off on weekends.
- 5 Q. How would the child be exchanged? How
- 6 would he get to Roger Williams' house?
- 7 A. Me and Grace would meet at Northwoods
- 8 Mall.
- 9 Q. And what was your relationship like with
- 10 her?
- 11 A. She was okay.
- 12 Q. And in the beginning, how long -- you said
- 13 that he would spend weekends?
- 14 A. Yes.
- 15 Q. Did he ever spend any longer?
- 16 A. Yes.
- 17 Q. When did he start going over there for
- 18 longer?
- 19 A. If he was up there and Box didn't wanted
- 20 to bring him back, that's the only reason.
- 21 Q. Why would Box not bring him back?
- 22 A. He was telling me that they were bonding
- 23 and, you know, he was just getting to know him,
- 24 that he wanted to spend more time.
- 25 Q. Did Minor ever miss school because of

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

328

1 this?

2 A. Yes.

3 Q. What did Box think about Minor going to
4 school?

5 A. He didn't want him to go.

6 Q. Why?

7 A. He say that he can teach him at home.

8 Q. What was Minor like at that point, in
9 terms of his development?

10 A. Smart.

11 Q. Could he speak really well?

12 A. He could speak as clear as I am speaking
13 now.

14 Q. Did he know any songs?

15 A. He knew a lot of church songs and -- like,
16 one R&B song.

17 Q. What was the song that he sang the most,
18 what was his favorite song?

19 A. Yes, *Jesus Loves Me*.

20 Q. Did he sing that song a lot?

21 A. Yes.

22 Q. When he first started going over to --
23 well, let me backtrack a little. You said that
24 he didn't want him to go to school. How many
25 times did he make him miss school?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 A. I can't remember.
- 2 Q. More than three times?
- 3 A. About five.
- 4 Q. How did that make you feel?
- 5 A. Upset.
- 6 Q. And when he first started going over to
- 7 Box's house, did he give you information about
- 8 how he felt about Minor
- 9 A. He started asking me like why does he
- 10 stand the way he does.
- 11 Q. What did he mean? How was he standing?
- 12 Was he saying that he 'stands like a girl'
- 13 or ---
- 14 A. That's what he said.
- 15 Q. What did he say that he was going to do to
- 16 resolve that?
- 17 A. Teach him how to be a man.
- 18 Q. Did he ever say that he was going to "man
- 19 him up"?
- 20 A. Yeah.
- 21 Q. Did Minor develop a little dance?
- 22 A. Yeah.
- 23 Q. What was that called?
- 24 A. He called it the "man dance."
- 25 Q. What did it look like?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

330

1 A. (Illustrating).

2 Q. And that was after you started hearing
3 from Mr. Williams that the boy was acting like
4 a little girl?

5 A. Yes.

6 Q. How many times did he tell you that he was
7 upset about Minor acting like a girl?

8 A. It seemed like every time he went over
9 there.

10 Q. Now, after he started going over there,
11 did you ever notice any marks on him?

12 A. Yes.

13 Q. What kind of marks?

14 A. One time he had a pink mark on his bottom,
15 looked like a slash mark. Another time he had
16 scratches. Another time he had like a small
17 burn on his arm. One time he had a knot.
18 Another -- the last time he had a black eye,
19 here and here.

20 Q. And what did Roger tell you about those
21 marks?

22 A. Yaya.

23 SOLICITOR WILLIAMS: Your Honor, I
24 am going to show defense counsel what has been
25 marked as State's Exhibit 3, (displaying to Mr.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Falk). May I approach?

2 THE COURT: You may.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILLIAMS:

5 Q. What is this a picture of?

6 A. (Emotional) -- Minor

7 Q. Can you see any of the marks on the child
8 in that picture?

9 A. Yes.

10 Q. What can you see?

11 A. (Emotional) --

12 THE COURT: Ms. Washington, do we
13 need to take a break?

14 THE WITNESS: A black eye.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILLIAMS:

17 Q. What else?

18 A. A knot on his head.

19 Q. Did you do anything to try to cover up the
20 black eye for the picture?

21 A. No. I only put cocoa butter on it.

22 SOLICITOR WILLIAMS: Your Honor, at
23 this time we would offer State's Exhibit 3 into
24 evidence.

25 THE COURT: Any objection?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

332

1 MR. FALK: No, Your Honor.

2 THE COURT: Without objection,
3 State's Exhibit 3, a photo, is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 3)

5 SOLICITOR WILLIAMS: Permission to
6 publish?

7 THE COURT: You may.

8 SOLICITOR WILLIAMS: This does not
9 show up on the overhead, so I am going to ask
10 if we could just pass it around.

11 THE COURT: Ladies and Gentlemen,
12 again, any item that is introduced into
13 evidence will accompany you to your jury room.
14 It is not uncommon for them to pass it. You
15 can glance at it but you'll have more
16 opportunity to study it in detail when you
17 begin your deliberations, if need be. You may
18 continue your examination.

19 SOLICITOR WILLIAMS: Thank you, Your
20 Honor.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILLIAMS:

23 Q. Now, at some point did you -- did Minor
24 go over there for a longer visit?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

333

1 Q. What was going on then? Why was he
2 supposed to go over there for a longer visit?

3 A. Because I was trying to get an apartment
4 in Columbia and to find a job.

5 Q. So what was the arrangement?

6 A. That both of my kids go stay with their
7 fathers for the summer.

8 Q. So you have another child?

9 A. Yes.

10 Q. Who is that?

11 A. Leah.

12 Q. So she was going to go stay with her
13 father?

14 A. Yes.

15 Q. So what month do you remember, if you
16 remember, was he supposed to go to Box's house?

17 A. In May.

18 Q. And did he?

19 A. Yes.

20 Q. Now, in the past when [Minor] had to go
21 to Box's house, did he want to go?

22 A. No.

23 Q. What did he do when it was time to go to
24 Roger's house?

25 A. Cry.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

334

1 Q. And you dropped him off in May. Did you
2 have any contact with him during that month?

3 A. Yes.

4 Q. What kind of contact?

5 A. Talking to him over the phone.

6 Q. And at some point -- well, when was he
7 supposed to stay until?

8 A. Huh?

9 Q. When was he supposed to stay -- when were
10 you supposed to get him back?

11 A. Before school started.

12 Q. Which would have been what month?

13 A. August.

14 Q. And did that change for you at some point?

15 A. Yes.

16 Q. Why?

17 A. Because he is not here.

18 Q. Did you want to get him earlier than
19 August at some point?

20 A. Yes.

21 Q. Why was that?

22 A. Because, uh, I told him that if I was
23 going to let them have him for the summer, they
24 -- we would have to be able to talk to him
25 every day. And after a while he wasn't letting

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 me talk to him.

2 Q. What would happen when you would call?

3 A. He always had a story.

4 Q. Did you ever hear Minor

5 A. Yes.

6 Q. Where would you hear him?

7 A. In the background.

8 Q. What was he doing?

9 A. Either playing or crying.

10 Q. So what did you do in July to try to get

11 Minor

12 A. When I finally was able to get some time
13 off from the new job, I came down to

14 Charleston.

15 Q. What did you do next?

16 A. I called him because I wanted him for the
17 4th of July. He wouldn't let me get him.

18 Q. So what was his response?

19 A. They're bonding and that's their first 4th
20 of July and he had fireworks, and stuff like
21 that.

22 Q. So where did you go to try to get

23 Minor What did you do?

24 A. Miss Connie gave me a ride to Summerville,
25 to the house that they last drop him off to.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

336

1 Q. Is that the house where they lived?

2 A. Yes.

3 Q. And Minor [REDACTED] was living there?

4 A. No. Only visiting.

5 Q. Visiting?

6 A. Yes.

7 Q. Did you know exactly where the house was?

8 A. No, because I only went there once.

9 Q. And what happened when you got to the
10 house.

11 A. It looked like no one was staying there.

12 Q. And when you would talk about these
13 arrangements, trying to talk to Minor [REDACTED] and
14 trying to get to the house, who was it that you
15 were talking to mostly?

16 A. Box.

17 Q. What happened after you got to the house
18 and it looked empty?

19 A. We called the police.

20 Q. What happened with that?

21 A. I told them that Minor [REDACTED] had been
22 kidnaped and they say that 'if he is with his
23 father, it is not a kidnaping' and that I would
24 have to go to the court, to the courthouse and
25 get something in writing stating that he

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

337

- 1 couldn't have him on a certain day.
- 2 Q. What did you do next?
- 3 A. So we went home. And the next day, uh, we
- 4 called -- well, I called Box and made up this
- 5 story and told him that if he didn't return
- 6 Minor [REDACTED] on the third day that they would issue
- 7 a warrant for his apartment.
- 8 Q. Was that true?
- 9 A. No.
- 10 Q. And did you see Box anywhere else around
- 11 that period of time?
- 12 A. Yes.
- 13 Q. Where was that?
- 14 A. I don't remember what day, but since then
- 15 -- like when I spoke to him, he was telling me
- 16 that if I wanted Minor [REDACTED] to come like a party
- 17 and that after the party was over that he would
- 18 give me a ride to go and get Minor [REDACTED] and take
- 19 us home.
- 20 Q. So did you go to this party?
- 21 A. Yeah, my friend -- her and her friend took
- 22 me over there.
- 23 Q. Where was it?
- 24 A. Sky Lounge.
- 25 Q. So it was a club?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

338

1 A. Yes.

2 Q. So what happened with that?

3 A. When we got there he was just "too busy".

4 He looked different. And he told me that he
5 needed to tell me something and not to leave.

6 Q. He looked different?

7 A. (Affirmative nod).

8 Q. Like how?

9 A. Like tired or like something was wrong.

10 Q. So did he ever talk to you that night?

11 A. No.

12 Q. So what happened the next day?

13 A. That's the day that we told him about the
14 warrant.

15 Q. So what do you do next to try to get

16 Minor

17 A. At first he was just telling me different
18 stories. He was saying, like, Minor was at
19 Carowinds with Grace. We kept calling each
20 other back and forth, so she can at least bring
21 him. That's basically what took place almost
22 the whole day. It got to the point to where I
23 just kept making him -- that we were still
24 talking to the people and that's when he was,
25 like, 'Where do y'all want to meet her at?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

339

1 She's finally here.' We told him Burger King
2 on Rivers Avenue, since she didn't know
3 anything about downtown.

4 Q. And did she meet you at Burger King?

5 A. No.

6 Q. Why couldn't he meet you?

7 A. I don't know.

8 Q. But he was the one that you were talking
9 to?

10 A. Yes.

11 Q. So then where did you go, after Burger
12 King?

13 A. Grace somehow ended up on The Battery,
14 saying that she didn't really know where she
15 was at. That's when we got in the car and
16 hurried up downtown.

17 Q. Who were you with at this point?

18 A. My mama and my sisters.

19 Q. How many days had it been since you'd
20 first went to the house looking for Minor
21 and when you wound up at The Battery.

22 A. It may have been two days.

23 Q. So what happens at The Battery?

24 A. When I found -- we were talking back and
25 forth, me and Grace, and I even heard Minor

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

340

1 in the background and asked her to talk to him.
2 She said she would put him on the phone but she
3 can't -- that she is driving and her phone is
4 going dead. So, like, we had to really hang
5 up. When we got on The Battery, I called her
6 to let her know that we were there, to try to
7 find out where she was. She hung up the phone,
8 then called right back crying and saying that
9 Minor is missing and she don't know where he
10 is at.

11 Q. Did you finally get to see Grace Trotman?

12 A. Yes.

13 Q. How did that go?

14 A. I just looked her in her face and asked
15 her -- (emotional) -- where he at. When she
16 said -- (emotional).

17 Q. Why was Roger not at The Battery? Did he
18 ever tell you why he couldn't come down there?

19 A. He said that he had warrants.

20 Q. And was there any conflict or any physical
21 contact between your family and Grace Trotman?

22 A. I don't remember.

23 Q. And at some point do you talk to law
24 enforcement?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. What happened with that?

2 A. Basically they couldn't find him anywhere
3 out there.

4 Q. How long did you stay down there?

5 A. Until dark.

6 Q. Then where did you go after that?

7 A. To the police station.

8 Q. How long did you stay down there?

9 A. I can't remember.

10 Q. At some point do you leave and go -- were
11 you living in Columbia at this point?

12 A. Yes.

13 Q. Did you leave to go back to Columbia or
14 did you go somewhere else?

15 A. My mom's house.

16 Q. Where does she live?

17 A. East Bay Street.

18 Q. Did you see where Grace Trotman went?

19 A. No.

20 Q. Did you see if anybody from Roger
21 Williams' family was down there?

22 A. Yes.

23 Q. Who was that?

24 A. A girl who said that she was his sister.

25 Q. What was she doing?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

342

- 1 A. Talking to someone on the phone, telling
2 them everything that was going on.
3 Q. Was she talking to Box?
4 A. Could have been him.
5 Q. Now, at some point after you go home did
6 you find out what happened to Minor
7 A. I don't think that it was that same day.
8 Q. When was it?
9 A. Maybe the day after.
10 Q. How did you find out?
11 A. Because people were calling me.
12 Q. What people?
13 A. Looking at the news.
14 Q. They had seen the story on the news?
15 A. Yes.
16 Q. Is that how you found out that your son
17 was dead?
18 A. Yes.
19 Q. After Mr. Williams was arrested, did you
20 hear from him again?
21 A. Yes.
22 Q. How many times?
23 A. A lot.
24 Q. How was he calling you?
25 A. From jail.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 Q. Did you -- was it him calling you?
- 2 A. No.
- 3 Q. How did that work?
- 4 A. Someone must have been calling for him and
- 5 he would be on the phone.
- 6 Q. Did you eventually get that to stop?
- 7 A. Yeah, I changed my number.
- 8 Q. Did he tell you why he put your son in a
- 9 trash can with concrete?
- 10 A. Yes.
- 11 Q. What was his explanation?
- 12 A. Because it would keep him from keep going
- 13 and picking him up and trying to hug him.
- 14 Q. He had to put him in concrete so that he
- 15 wouldn't pick him up and hug him?
- 16 A. He wouldn't be able to grab him like --
- 17 pick him up.
- 18 Q. And did he say what happened to Minor
- 19 A. Not exactly.
- 20 Q. Did he say that he fell down the stairs?
- 21 A. No.
- 22 Q. Do you remember saying that you thought
- 23 that he told you that he fell down the stairs?
- 24 A. No.
- 25 SOLICITOR WILLIAMS: Court's

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

344

1 indulgence for just a second.

2 THE COURT: Certainly.

3 SOLICITOR WILLIAMS: Please answer
4 any questions that ---

5 THE COURT: Cross examine?

6 CROSS EXAMINATION

7 BY MR. FALK:

8 Q. Ms. Washington, I am sorry to have to ask
9 you these questions. I know that you have been
10 through a lot. I will try to make this as
11 brief as possible.

12 Once it was clear -- after the paternity
13 test that y'all did in the hotel, that's when
14 Roger knew for sure that Minor was his son;
15 is that correct?

16 A. (Affirmative nod).

17 Q. Was there any other kind of testing done
18 before that?

19 A. I don't know.

20 Q. Did you take part in any kind of testing?

21 A. No.

22 Q. Thank you. Once he acknowledged that he
23 was his son, was he always willing to have
24 Minor come and spend time with him?

25 A. Oh, you talking about that. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

345

1 Q. Now, you had talked earlier about this
2 conversation about "manning up." Was -- did
3 Mr. Williams have sort of joking attitude when
4 he was having that conversation?

5 A. (No verbal response).

6 Q. You say that he was trying to "man up"
7 Minor is that correct?

8 A. He was just talking regular.

9 Q. I mean, you didn't take it too seriously,
10 did you?

11 A. No.

12 Q. Because you also thought it was okay for
13 him to spend time with Roger, didn't you?

14 A. Yes.

15 Q. The photograph that you've seen, and you
16 don't need to look at it again, but about when
17 was that taken?

18 A. (No verbal response).

19 Q. How about this, you said some time in
20 maybe the Spring of 2010?

21 A. (No verbal response).

22 Q. Was it before you moved to Columbia?

23 A. Yes.

24 Q. So you said that you thought that there
25 was some bruising on him and they'd said that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

346

1 Yaya had done it; is that not correct?

2 A. Yes.

3 Q. That seemed believable to you, didn't it?

4 A. Yes.

5 Q. Because certainly if you'd had any kind of
6 concerns, you wouldn't have sent Minor back
7 there; is that correct?

8 A. We argued about it.

9 Q. Did you realize how much time that Grace
10 Trotman was spending with Minor when he was
11 at their house?

12 A. Yes.

13 Q. So you knew that Mr. Williams was going to
14 be gone most of the time?

15 A. Yes.

16 Q. You had said that she would telephone him
17 while he was -- you said that you had telephon-
18 ed Mr. Williams while Minor was staying
19 there; is that correct?

20 A. Yes.

21 Q. Now, what telephone number would you have
22 been calling from? Let me narrow it down.
23 Let's say in June when he was there for that
24 extended period of time. What number would you
25 have been calling from?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 A. The last four digits were 2943.
- 2 Q. And what number would you have been
3 calling to?
- 4 A. I don't remember.
- 5 Q. Was it maybe the one that you had your
6 speed dial for Roger, or something?
- 7 A. Yes. His number.
- 8 Q. Okay. Did you ever try to reach him at
9 any other numbers?
- 10 A. I called Grace's phone before, a couple of
11 times.
- 12 Q. Just a couple of times?
- 13 A. Yes.
- 14 Q. On July 5th, you said that y'all were
15 together at a party or something?
- 16 A. Yes.
- 17 Q. And at that time he said that he wanted to
18 -- Roger Williams said that he wanted to talk
19 to you; is that correct?
- 20 A. Yes.
- 21 Q. Did he say that he had something important
22 that he needed to talk to you about?
- 23 A. Yes.
- 24 Q. Did he then try to call you a couple of
25 times after that, like the next day?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

348

1 A. I believe that when I got in the car, he
2 asked me why did I leave.

3 Q. That was on the 5th?

4 A. Yeah, the same night.

5 Q. Then on the 6th, did he try calling you?

6 A. I think -- I believe that I called him
7 first.

8 Q. Did he tell you that he wanted to get
9 together with him because he had something
10 important to tell you?

11 A. No, by then I told him -- I was telling
12 him about a warrant.

13 MR. FALK: One moment, please.

14 THE COURT: Sure.

15 CROSS EXAMINATION CONTINUED

16 BY MR. FALK:

17 Q. In March of 2010, that's when you were
18 moving to Columbia; is that right?

19 A. Yes.

20 Q. You were trying to get a job and get
21 reorganized up there?

22 A. Yes.

23 Q. Did he ever offer for you to come and stay
24 with him?

25 A. Not that I remember.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

349

1 Q. Okay. But he offered for Minor to come
2 at that time?

3 A. Maybe Minor but not me.

4 MR. FALK: No further questions.

5 THE COURT: Redirect?

6 SOLICITOR WILLIAMS: Nothing
7 further, Your Honor.

8 THE COURT: You may come down.
9 Thank you, ma'am.

10 (WITNESS TAKES STAND)

11 SOLICITOR HERRING-LASH: Your
12 Honor, I forgot to ask if Ms. Trotman can be
13 released so that they can take her back to
14 Charleston, from Berkeley.

15 THE COURT: Any objection?

16 MR. FALK: We may call her again.

17 THE COURT: If you do, just give us
18 notice to have her transported.

19 MR. FALK: Is she not in ---

20 THE COURT: She is being detained in
21 Charleston and they're waiting to take her
22 back. You're not going to call her today?

23 MR. FALK: Not today.

24 THE COURT: That's fine. We can
25 have her returned if you need to. Call your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

360

1 (DEFENDANT PRESENT)

2 THE COURT: Ready, Solicitor?

3 SOLICITOR WILLIAMS: Yes, sir.

4 MR. FALK: Defense ready, Mr. Falk.

5 MR. FALK: Yes, Your Honor.

6 THE COURT: Invite the jury to
7 return.

8 (JURY IN @ 4:16 P.M.)

9 THE COURT: Thank you, Ladies and
10 Gentlemen. We are ready to continue.
11 Solicitor, you may call your next witness.

12 SOLICITOR WILLIAMS: Thank you, Your
13 Honor. The State calls Dean Kokinda.

14 (WITNESS TAKES STAND)

15 DEAN KOKINDA, being duly sworn to tell
16 the truth, the whole truth and nothing but the
17 truth, testified as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. Is it Lieutenant Kokinda?

21 A. Yes, ma'am.

22 Q. Where do you work?

23 A. With the Berkeley County Sheriff's Office.

24 Q. How long have you worked there?

25 A. Twenty-three years.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

- 1 Q. What do you do there?
- 2 A. I am the lieutenant over the forensic
3 services division.
- 4 Q. And do you have any -- what does that
5 mean, what do you actually do?
- 6 A. We store the evidence and we process crime
7 scenes. We do some analyses.
- 8 Q. Do you have any special agent training or
9 schooling in that area?
- 10 A. I've had training in crime scene, finger-
11 prints analysis, shooting reconstruction, death
12 investigations, ---
- 13 Q. How many crime scenes would you say that
14 you have processed in your career?
- 15 A. Probably would be in the thousands.
- 16 Q. And were you working in this capacity on
17 July 7th, 2010?
- 18 A. Yes, I was.
- 19 Q. And did you respond to a call involving
20 this case?
- 21 A. Yes, I did.
- 22 Q. Where did you respond, specifically?
- 23 A. I responded to Orangeburg County,
24 Lansdowne Road located in Bowman.
- 25 Q. Can you describe that area for us?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

362

1 A. Lansdowne Road, I believe that it is Exit
2 165 on I-26, heading towards Columbia. It's
3 approximately two-tenths of a mile from the off
4 ramp. It is a very rural area

5 Q. What type of call was this?

6 A. It was to recover an object that had been
7 in the woods, a trash can that was filled with
8 cement.

9 Q. And when you first found out about the
10 case, what kind of case was it?

11 A. Initially it was a missing persons case.

12 Q. Do you remember about what time it was on
13 July 7th that you finally get to this particular
14 crime scene?

15 A. It was approximately 1:00 p.m.

16 Q. And when you got to the location, what did
17 you see? Could you describe the scene?

18 A. There was an abandoned single-wide
19 trailer. Behind the trailer there was a wooded
20 area and approximately twenty-five feet into
21 that wooded area was a blue plastic 35-gallon
22 trash can that was full of cement. Around that
23 area was just a bunch of trash, household items
24 that it looks like the people that lived in
25 that trash might have threw into the woods.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. It was a dump site?

2 A. Yes.

3 Q. How far from the interstate was this
4 particular dump site?

5 A. If you get off I-26, you go approximately
6 two-tenths of a mile to where Lansdowne Road,
7 then you go approximately seven-tenths of a
8 mile down Lansdowne Road.

9 Q. And did you know that location was found,
10 how the item was found at that location?

11 A. Yes, a Grace Trotman took the
12 investigators there.

13 Q. And when you arrived, who was there?

14 A. There were several people from Orangeburg
15 County and Berkeley County.

16 Q. Could you describe how many law
17 enforcement people were there?

18 A. Hummm, probably eight to ten.

19 Q. And did you eventually get a good look at
20 the trash can?

21 A. Yes, when I got there, they advised me
22 what they had. I went back and inspected the
23 area. As we walked back there, the blue trash
24 can was located approximately twenty-five feet
25 in the woods. It was covered with an old

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

364

1 recliner that had moss on it. When I looked
2 down at the trash can, there was a small slit
3 on the side, like the trash can had split on
4 the side. The cement was protruding about an
5 inch, two inches from the top of there. In
6 that slit, I could see what looked like to be
7 decomposing flesh.

8 Q. And what else?

9 A. There was some insect activity, some
10 maggots.

11 SOLICITOR WILLIAMS: Your Honor, I
12 am going to show Defense Counsel what has been
13 marked as State's Exhibits 24, 25, 26, 27, 28
14 and 29.

15 THE COURT: Okay.

16 MR. FALK: (Review)

17 SOLICITOR WILLIAMS: May I approach?

18 THE COURT: You May.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILLIAMS:

21 Q. Lieutenant Kokinda, I want to show you
22 what has been marked as State's Exhibits 24
23 through 29. Could you please look at those?

24 A. (Upon review), these are photographs that
25 I took at that scene.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

365

1 Q. And do those photographs accurately depict
2 the scene as you remember it that day?

3 A. Yes, they do.

4 SOLICITOR WILLIAMS: Your Honor, at
5 this time we would move State's Exhibit 24,
6 South Carolina 25, 26, 27, 28 and 29 into
7 evidence.

8 THE COURT: Any objection?

9 MR. FALK: Your Honor, we would
10 object to Exhibit 28 and Exhibit 29.

11 THE COURT: Let me see it. What is
12 the basis of your objection?

13 MR. FALK: Your Honor, we believe
14 that it is relevant -- more prejudicial than.

15 THE COURT: I sustain the objection
16 as to 29. Subject to objection, 28 is
17 admissible)

18 SOLICITOR WILLIAMS: Thank you.

19 (SO ENTERED AS STATE'S EXHIBIT 24)

20 (SO ENTERED AS STATE'S EXHIBIT 25)

21 (SO ENTERED AS STATE'S EXHIBIT 26)

22 (SO ENTERED AS STATE'S EXHIBIT 27)

23 (SO ENTERED AS STATE'S EXHIBIT 28)

24 (SO ENTERED AS STATE'S EXHIBIT 29 - ID ONLY)

25 THE COURT: State's Exhibit 29 is

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

366

1 for ID Only. Just leave it with Ms. Garrison
2 (court reporter).

3 SOLICITOR WILLIAMS: Permission to
4 publish?

5 THE COURT: You may.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILLIAMS:

8 Q. Please publish 24. I believe that you
9 have a laser pointer in front of you there,
10 Lieutenant Kokinda. Can you just kind of show
11 us where the road is, where the interstate was
12 and about where the body was found in relation
13 to that picture?

14 A. This photograph was taken from next to the
15 road back towards the wooded area.

16 This area of the photograph would be the
17 front of the trailer.

18 The opening that goes back to the wooded
19 area, where the trash can was found, would be
20 right here.

21 Q. Okay. Was there any kind of road or dirt
22 or pathway to access the back?

23 A. Into the wooded area?

24 Q. From the road to there, how did you get
25 there? Was it just through the field or ---

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

367

1 A. Just through the yard, it was just
2 overgrown grass in the yard.

3 Q. It was pretty well hidden?

4 A. You couldn't see it from -- until you
5 walked back into the woods.

6 Q. Just tell us a little bit about this
7 picture, if you would?

8 A. Basically this is a picture taken slightly
9 more to the left, looking in this area that is
10 the entrance into the woods.

11 Q. Show us where on that picture about where
12 the trash can was found?

13 A. The approximate center is the entrance in,
14 so it was about twenty-five feet, slightly to
15 the right.

16 Q. State's Exhibit 27. This is kinda hard to
17 see. Can you just show the jury what we are
18 looking at here?

19 A. What you are looking at is the area where
20 the trash can was located. You've got this old
21 recliner, it's got moss growing on it, so it's
22 obviously been there for a while. Right
23 underneath, you'll see the very top of the
24 trash can.

25 Q. On the top there, what is that white

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

368

1 stuff?

2 A. In the top of the trash can?

3 Q. Um-humm.

4 A. That is cement.

5 Q. And, lastly, off to the left there, what
6 is that?

7 A. This is a photograph with the recliner
8 removed. The recliner is now located to the
9 left of the trash can.

10 Q. Who moved that?

11 A. I did.

12 Q. Can you show us -- is that the trash can?

13 A. Yes, and you've got cement protruding from
14 the top. Towards the bottom and on the side
15 you can see the split.

16 Q. Is that were you saw the insect activity?

17 A. Yes.

18 Q. What was the odor like?

19 A. There was an obvious odor of decomposition
20 about when you got five feet from the trash
21 can.

22 Q. At some point was this body removed from
23 this crime scene?

24 A. Yes. What we decided to do at that time,
25 because we realized that we had a body inside

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

369

1 this trash can, in case the cement -- we did
2 want to try to crack the cement open there at
3 the scene, so we transported the trash can,
4 body and cement, as one whole unit, to MUSC so
5 that they could open it up and do an autopsy.

6 Q. How heavy, can you give us some idea of
7 how heavy it was?

8 A. Approximately 400 pounds. We ended up
9 having to use a front end loader to load it
10 from the ground up onto the back of a truck.

11 Q. If you know, where was that truck then
12 taken?

13 A. It as taken down to MUSC.

14 Q. Was there somebody from your department
15 following it?

16 A. Sergeant Alteri from our office followed
17 it down.

18 SOLICITOR WILLIAMS: Beg the court's
19 indulgence. .

20 THE COURT: Certainly.

21 SOLICITOR WILLIAMS: Thank you,
22 Lieutenant Kokinda. Please answer any
23 questions that the defense may have.

24 THE COURT: Cross examine?

25 MR. FALK: No questions.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

373

1 Honor.

2 THE COURT: Do you wish him to be
3 excused?

4 SOLICITOR WILLIAMS: Please. \

5 THE COURT: You are free to leave.
6 Thank you, sir.

7 (WITNESS STEPS DOWN)

8 THE COURT: Call your next witness,
9 please.

10 SOLICITOR WILLIAMS: We call
11 Detective Murphy, Kevin Murphy.

12 (WITNESS TAKES STAND)

13 KEVIN MURPHY, being duly sworn to tell
14 the truth, the whole truth and nothing but the
15 truth, testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR WILLIAMS:

18 Q. Detective Murphy, what is your rank with
19 the Berkeley County Sheriff's Office?

20 A. I am a detective corporal, ma'am.

21 Q. How long have you worked there?

22 A. About ten years.

23 Q. What do you do there?

24 A. Right now I am assigned to internet crimes
25 against children, and white collar crime.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. Okay. Were you working as an investigator
2 for the Berkeley County Sheriff's Office on
3 July 7th, 2010?

4 A. I was.

5 Q. Did you respond to MUSC regarding the case
6 at hand?

7 A. I did

8 Q. And when you got there, what were you --
9 what was your purpose in being there?

10 A. We were called to be there when the
11 autopsy was performed.

12 Q. Was there some -- were you trying to
13 determine if you could get an identification,
14 an initial identification?

15 A. Yes, ma'am.

16 Q. So you were aware of what had happened up
17 to this point?

18 A. Yes, ma'am.

19 Q. And that body had been found?

20 A. Yes, ma'am.

21 Q. So you were waiting to see if it was the
22 body of the child?

23 A. Yes, ma'am.

24 Q. Did you in fact observe the autopsy?

25 A. I did.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

375

1 Q. Where was this being conducted?

2 A. It was in the morgue at the Medical
3 University of South Carolina, in Charleston.

4 Q. Did you have any idea if that was typical,
5 if that is where they always did it?

6 A. This specific location was not, because
7 they ran into difficulty in transporting the
8 heavy load up to the floor where they normally
9 do it.

10 Q. And did you watch them try to extract the
11 remains from the trash can?

12 A. Yes, ma'am.

13 Q. How was that accomplished?

14 A. The concrete had separated itself circular
15 -- if you would stand the trash can up, there
16 was a top and a bottom and somewhere in the
17 middle it had separated itself.

18 The doctor -- I believe that he said
19 that he had to call around and ask some of his
20 colleagues what their recommendations were for
21 some of the procedures.

22 They removed, cut away the plastic
23 trash can. And like I said, the block of
24 concrete had separated in the middle. He used
25 a hammer and some sort of chisel, for lack of a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

376

1 better description, to chip away at the parts
2 of the concrete that hadn't separated.

3 He was able to separate the bottom.

4 At that time we could see that there were trash
5 bags, plastic trash bags which the body had
6 been wrapped in, and it kept the body from
7 being directly involved in the concrete. So
8 once he separated the bottom part, it was a lot
9 easier for him to reach up and separate the
10 rest of the bag from the concrete.

11 Q. What was your responsibility to be in
12 terms of the search, whether the search was
13 going to go on or, you know, the rest of the
14 investigation?

15 A. I am not sure that I understand the
16 question.

17 Q. Were you supposed to do anything after you
18 found out if they could identify that there was
19 something in this trash can?

20 A. We were in communication by cell phone
21 with the other detectives that were working the
22 case and we were able to confirm to them that
23 the doctor did -- that it did appear that it
24 was a male child. And from other parts of the
25 remains, he was able to match up to the general

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

377

1 description of the little boy.

2 Q. So what about the remains was he able to
3 identify?

4 A. I believe the way that -- the particulars
5 of the hair, the way that the hair was done. I
6 believe that there was something unusual about
7 the teeth that was prominent, that he was able
8 to identify. Then, of course, that it was a
9 male child generally fitting the age
10 description.

11 Q. At this point did the search continue?
12 Did you communicate to someone in Berkeley
13 County that you ---

14 A. We called back to the -- I don't remember
15 exactly who I spoke with but I was in contact
16 with the people working the case and told them
17 that the preliminary information received from
18 the medical examiner was that he felt that that
19 was the body of the little boy that they were
20 looking for.

21 Q. Then did you watch that?

22 A. (Affirmative nod), I was there for the
23 whole procedure.

24 Q. Had you ever seen anything like this?

25 A. No, ma'am.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

387

1 THE COURT: Let the record reflect
2 that Mr. Williams is present. Is the State
3 ready to continue?

4 SOLICITOR WILLIAMS: Yes, sir.

5 THE COURT: Mr. Falk?

6 MR. FALK: Yes, Your Honor.

7 THE COURT: All right, let's bring
8 in our jury, please.

9 (JURY IN @ 4:59 P.M.)

10 THE COURT: Thank you very much,
11 Ladies and Gentlemen. We are ready to
12 continue. Solicitor, you may call your next
13 witness.

14 SOLICITOR WILLIAMS: Thank you, Your
15 Honor. The State calls Morris Clark.

16 (WITNESS TAKES STAND)

17 MORRIS CLARK, being duly sworn to tell
18 the truth, the whole truth and nothing but the
19 truth, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR WILLIAMS:

22 Q. Mr. Clark, where do you work?

23 A. MOCS South Atlanta, for New Orleans Cold
24 Storage.

25 Q. Were you working there in June of 2010?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

388

1 A. Yes, I was.

2 Q. Did you supervise a man named Roger
3 Williams?

4 A. Yes, I did.

5 Q. What did he do there?

6 A. He was a hustler, they get paid by
7 contract labor.

8 Q. What exactly did he do?

9 A. Basically what it is, they load containers
10 for export to different countries.

11 Q. Do you remember the day of June 7th, 2010?

12 A. Within reason after looking at all the
13 paperwork and everything.

14 Q. What time, if you remember, did Mr.
15 Williams arrive at work?

16 A. He was there at his regular time, which is
17 8:00 o'clock. They start work at 8:00.

18 Q. When do they work until?

19 A. Until we are finished. Sometimes we start
20 earlier, depending on customer demand. What it
21 basically is is we're a service-oriented
22 industry. We are -- we work on production.

23 Q. Did anything unusual happen that day?

24 A. Yes, it did. I got a phone call from a
25 young lady and she asked for Roger Williams.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

389

1 I said, 'Is this an emergency?'

2 She said, 'Yes, it is.'

3 I said, 'What is the nature of the
4 emergency?'

5 She said, 'His son is not breathing.'

6 I paged him to the shipping office. He
7 came in, used the phone.

8 Probably about ten minutes later the same
9 lady called back, sobbing, saying that 'His
10 son still ain't breathing. I need to talk to
11 Roger.'

12 Roger say to me that 'I am calling a
13 partner of mine. I have to leave. My son is
14 sick.'

15 I said, 'Okay.'

16 Q. What was her demeanor like, in both calls?

17 A. The first one, it's hard to speculate.

18 But the second one, I could hear her sobbing.

19 Q. And what was his demeanor like when he was
20 on the phone?

21 A. Very uneventful.

22 Q. What did he do in between the calls?

23 A. He went back to work until his ride showed
24 up.

25 Q. And do you remember about how long it was

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

390

1 before he left?

2 A. I would say anywhere between ten to twenty
3 minutes, just ballparking.

4 Q. Do you remember what the phone number was
5 at the business at the time that the call came
6 in?

7 A. No. We don't have caller ID.

8 Q. I mean the phone number for your business.

9 A. Oh, yes.

10 Q. What would that be?

11 A. 843-747-4833.

12 Q. Do you remember specifically what time the
13 call came in?

14 A. I do not.

15 Q. Would it refresh your memory to look at a
16 call log to see that number and see what time
17 the number came in?

18 A. Okay, that would be fine.

19 SOLICITOR WILLIAMS: May I approach,
20 Your Honor?

21 THE COURT: Yes, you may.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR WILLIAMS:

24 Q. If you just look three lines down, do you
25 see the phone number for NOCS?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

391

1 A. Yes, I do.

2 Q. What time does that call come in?

3 A. 10:37.

4 Q. And would it refresh your memory to look
5 at a signout sheet for NOCS to know
6 specifically what time that Mr. Roger Williams
7 left that day?

8 A. Yes. I made a copy but I do not have the
9 original.

10 SOLICITOR WILLIAMS: Your Honor, I
11 am going to show defense counsel what has been
12 marked as State's Exhibit 9.

13 MR. FALK: (Review)

14 SOLICITOR WILLIAMS: May I approach?

15 THE COURT: You may.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR WILLIAMS:

18 Q. Do you recognize this?

19 A. Yes, I do.

20 Q. This is our sign-in sign-out sheet. We
21 have three different ones: one for our
22 employees, visitors and contractors.

23 Q. Is that a record that is kept in the
24 ordinary course of your business?

25 A. Yes, we do it for -- we don't keep it like

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

392

1 seven or eight years, nothing like that. We
2 just keep it like a reference point.

3 Q. Do you use them every day?

4 A. We use them every day.

5 SOLICITOR WILLIAMS: Your Honor, at
6 this time we would ask that State's Exhibit 9
7 be entered into evidence.

8 THE COURT: Any objection?

9 MR. FALK: No objection.

10 THE COURT: Without objection,
11 State's Exhibit 9 is admitted.

12 (SO ENTERED AS STATE'S EXHIBIT 9)

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. What time does it say that Mr. Williams
16 left?

17 A. It has like 12:21 down here. The
18 handwriting is a little rough, it would be
19 11:21, or 12:21, probably 11:21.

20 Q. Okay. That was after the 10:37 call?

21 A. Correction, I'm looking at the wrong one.
22 It was 11:00 o'clock when he left.

23 Q. Okay. When was the next time that you --
24 well, did Mr. Williams say anything about the
25 call?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. No, he didn't.

2 Q. When was the next time that you saw Mr.
3 Williams at work?

4 A. The very next morning.

5 Q. And do you remember if he worked days
6 after that, as well?

7 A. Yes, he did. He was at work every day.

8 Q. Did anything seem out of the ordinary?

9 A. Nothing whatsoever. His demeanor was the
10 same, he came in, did his job, he didn't say a
11 whole lot.

12 SOLICITOR WILLIAMS: No further
13 questions, Your Honor.

14 THE COURT: Cross examine?

15 MR. FALK: No questions, Your
16 Honor.

17 THE COURT: Do you wish for this
18 witness to be excused?

19 SOLICITOR WILLIAMS: Please, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. FALK: No objection.

23 THE COURT: You are also free to
24 leave. You may step down.

25 (WITNESS STEPS DOWN)

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

444

1 Gentlemen. As you have probably noticed,
2 from time to time we confer with a sidebar.
3 To do that to try and minimize the number of
4 times that you have to leave the courtroom.
5 There is nothing private or sacred about it,
6 it's just that they are matters that are not
7 for your consideration. Just as when you
8 decide the facts, no one will be present and
9 we follow the same format. You are the sole
10 judges of the facts and I am the sole judge
11 of the law.

12 Solicitor, please call your next
13 witness.

14 SOLICITOR HERRING-LASH: Yes, sir,
15 the State calls Lamona Smith.

16 (WITNESS TAKES STAND)

17 LAMONA SMITH, being duly sworn to tell
18 the truth, the whole truth and nothing but the
19 truth, testified, as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR HERRING-LASH:

22 Q. Ms. Smith, where do you live?

23 A. [REDACTED] North Charleston,
24 South Carolina 29420.

25 Q. Where do you work?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

445

1 A. I currently working for a company called
2 FSI, through a temp agency, Snelling.

3 Q. Are you related to Grace Trotman?

4 A. Yes, ma'am.

5 Q. How are you related to her?

6 A. I am her older sister.

7 Q. Do you also know Roger Williams?

8 A. Yes, ma'am.

9 Q. When did you meet him?

10 A. When she was pregnant with my niece, I met
11 him probably, maybe, when she was around six or
12 seven months pregnant.

13 Q. Did you visit with Roger and Grace in
14 their home, sometimes?

15 A. Once when she was pregnant and a couple of
16 times after.

17 Q. Did you know or meet Minor

18 A. Yes, ma'am.

19 Q. How many times did you meet Minor

20 A. I can count on my hand, probably about
21 five or six times.

22 Q. Did you visit with Grace when she lived on
23 Longbourne Way?

24 A. Yes, ma'am.

25 Q. Did you visit there when Minor was

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

446

1 there for the summer?

2 A. Yes, ma'am.

3 Q. Was the air-conditioner working in the
4 house?

5 A. No, ma'am, it wasn't.

6 Q. Did you see Minor that day?

7 A. Yes, ma'am, I did.

8 Q. Where was he?

9 A. He was in a room with his clothes off.
10 It was real hot. He was in there, laying on
11 the floor, sweating real bad.

12 Q. Had he already been having seizures?

13 A. I was aware that he was having him.

14 Q. Is that the last time that you saw him?

15 A. No, ma'am. The last time that I saw him
16 was Memorial Day weekend.

17 Q. Now, during the month of June, did Grace
18 come to stay with you at your in-law's house?

19 A. During that time she would come back and
20 forth almost every day, during that timeframe.

21 Q. And where were you staying then?

22 A. I was staying with my in-laws.

23 Q. Now, how did you hear about The Battery
24 situation?

25 A. I received a phone call, it was around

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

447

1 1:00 o'clock in the morning, from my uncle,
2 asking ---

3 Q. You can't say what he said, but it was a
4 phone call?

5 A. Yes, ma'am.

6 Q. After that, did you talk with Roger
7 Williams?

8 A. Yes, ma'am.

9 Q. Would he call you?

10 A. Yes, ma'am.

11 Q. Where would he call you from?

12 A. Jail.

13 Q. Were those phone calls recorded?

14 A. Yes, ma'am.

15 Q. How could you tell that?

16 A. Because whenever I would answer the phone
17 is would say to please be reminded that the
18 calls are recorded.

19 Q. Did Roger talk to you about Minor

20 A. He didn't talk about him. There was a
21 time when I asked him what happened because,
22 you know, nobody was really telling me
23 anything. So I asked him what happened to him,
24 and he said that one day he was getting ready
25 to go to the club, that they was upstairs, just

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

448

1 him and [Minor] that Grace and my niece were
2 not there, that they were going downstairs and
3 he fell and hit his head. That's what he told
4 me.

5 Q. Did he tell you any other things in other
6 conversations?

7 A. He called me another time. I don't
8 remember when it was, whether it was before or
9 after that particular phone call. But he did
10 call asking me if my sister ever gave [Minor]
11 anything about drugs or pills or anything like
12 that. I told him that I didn't know anything
13 about it. He kept asking me and referring to
14 other people that might have stated that they
15 knew about it, and I just telling him that I
16 didn't know anything about any pills.

17 Q. Did he have any other conversations with
18 you?

19 A. There were others conversations. He would
20 ask me about the kids, Yaya and [Ya'King W.] I
21 would talk to him about the kids, you know, let
22 him know how they were doing.

23 Q. Did he ever talk about [Minor] in another
24 conversation?

25 A. No, really he -- we never talked about

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al.
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

449

1 him.

2 Q. Did he ever mention any bruises?

3 A. He did say that one day that it was him
4 and Yaya, that they were outside and he was
5 doing something -- I can't remember what he
6 said that he doing. But Yaya and [Minor] went
7 running outside and he couldn't find them. He
8 told me that he popped Yaya and he hit [Minor]
9 in his chest. He said at that time that he did
10 not realize that when he hit him that he'd hit
11 him that hard, to leave a bruise on his chest.

12 SOLICITOR HERRING-LASH: Your
13 Honor, I think we have stipulated the
14 authenticity of that tape because I can't show
15 it to her.

16 THE COURT: Right.

17 SOLICITOR HERRING-LASH: She has
18 put her initials on it but I can't show it to
19 her because it's in the ---

20 THE COURT: I understand. We fast-
21 forwarded to a certain point. What is the
22 exhibit number?

23 SOLICITOR HERRING-LASH: State's
24 Exhibit 11.

25 THE COURT: You have had an

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

450

1 opportunity to review the tape?

2 MR. FALK: Yes, Your Honor. No
3 objection.

4 THE COURT: Without objection,
5 State's Exhibit 11 is admitted. We have ruled
6 on some objections and ---

7 MR. FALK: Yes, sir, if we could
8 clarify it.

9 THE COURT: --- those objections
10 have been sustained. The part that is being
11 published, though, there is no objection to
12 that particular part, correct?

13 MR. FALK: Correct.

14 SOLICITOR HERRING-LASH: And, Your
15 Honor, at this time we would publish that
16 portion.

17 THE COURT: Ladies and Gentlemen,
18 the fact that we are publishing a portion of
19 this tape should not be considered by you.
20 That is a part of the process. This is the
21 portion that you are to consider. You are not
22 to consider that there may be other portions on
23 that tape. You can certainly consider the
24 testimony of the witness, but of the tape
25 itself that portion is the only portion that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

451

1 you are to consider, that is being published.

2 You may publish it.

3 (WHEREUPON PORTION OF STATE'S EXHIBIT 11,
4 AN AUDIO RECORDING, PLAYED FOR JURY)

5 SOLICITOR HERRING-LASH

6 BY SOLICITOR HERRING-LASH:

7 Q. I just have one other question, Ms. Smith.

8 Do you know Ishmael Rivers?

9 A. No, ma'am.

10 SOLICITOR HERRING-LASH: That's all
11 the questions that I have.

12 THE COURT: Cross examine.

13 CROSS EXAMINATION

14 BY MR. FALK:

15 Q. You had testified earlier that he said
16 something about seizures; is that correct?

17 A. Yes, sir.

18 Q. Did you witness ---

19 A. No, I didn't witness it for myself.

20 Q. The only thing that you know about
21 seizures then is maybe something that Grace
22 told you?

23 A. Well, it's because of how terrified she
24 was that day I was there. When he was in the
25 room, sweating, I asked her, 'Grace, why is he

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

452

1 in there?' And she said, 'Because I'm scared.
2 Whenever he has those episodes, I am scared. I
3 don't even want to deal with it.' That's why I
4 know about them, because of how scared she was.

5 Q. So the first that you knew about seizures
6 was in June; is that correct?

7 A. It was not in June, because I'm sure in
8 June, by that time, he was already passed. It
9 was before then, because he was still living.

10 Q. So you don't recall the time exactly when
11 that was?

12 A. It was not in June. It was before
13 Memorial Day weekend.

14 Q. Beg your pardon?

15 A. It was before -- the last time I saw him,
16 it was before then.

17 Q. Other than the obviously, that it was
18 before he passed, ---

19 A. Yes.

20 Q. --- could it have been the week before he
21 passed?

22 A. It could have been, but I remember that
23 Memorial Day weekend that she came to my house.
24 So I know that it wasn't in June, it was before
25 then because I was at her house.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

453

1 Q. Now, when you -- Roger was rarely in that
2 house. How often were you there when Roger was
3 there?

4 A. If he was there, he was on his way out.
5 Very seldom when I was there he was there.

6 Q. So Grace was with the children most of the
7 time?

8 A. All the time.

9 Q. All the time?

10 A. All the time.

11 Q. And did you say anything about -- in your
12 earlier testimony, did you say anything about
13 pills?

14 A. Yes, he called asking me if I knew
15 anything about pills.

16 Q. And you hadn't heard anything about that?

17 A. No, I hadn't.

18 Q. And that was your voice on the tape?

19 A. Yes, it was.

20 Q. Do you recall that telephone conversation?

21 A. Yes.

22 MR. FALK: Thank you very much. No
23 further questions.

24 THE COURT: Redirect?

25 SOLICITOR HERRING-LASH: No, Your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

454

1 Honor.

2 THE COURT: You may come down.

3 SOLICITOR HERRING-LASH: May she be
4 excused?

5 THE COURT: Any objection?

6 MR. FALK: No objection.

7 THE COURT: You are free to leave,
8 as well. Thank you.

9 (WITNESS STEPS DOWN)

10 THE COURT: Call your next witness,
11 please.

12 SOLICITOR WILLIAMS: The State would
13 call Dr. Nicholas Batalis.

14 (WITNESS TAKES STAND)

15 NICHOLAS BATALIS, being duly sworn to
16 tell the truth, the whole truth and nothing but
17 the truth, testified, as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. Dr. Batalis, where do you work?

21 A. I work at the Medical University of South
22 Carolina, in Charleston.

23 Q. Are you a licensed physician?

24 A. Yes, I am. I am licensed in the state of
25 South Carolina.

1 Q. How long have you been licensed in your
2 profession?

3 A. I have had an unrestricted licensed for
4 approximately the last seven years or so.

5 Q. Do you specialize in any branch or field
6 of medicine?

7 A. Yes. My primary certification in medicine
8 is Pathology, and then I have a subspecialty
9 training in Forensic Pathology.

10 Q. How long have you been practicing?

11 A. I've been out from all training and
12 practicing as an attending physician for about
13 four and a half years at this point.

14 Q. Has that all been at the Medical
15 University of South Carolina?

16 A. Yes, it has.

17 Q. What does pathology involve?

18 A. Pathology is a field of medicine that
19 deals with the diagnosis of disease and the
20 study of disease. So in a general pathology
21 training program, we would look at tissue
22 biopsy; you know, a biopsy to see if you had
23 cancer or not. We also help physicians
24 interpret laboratory tests. So if you have
25 some blood drawn to have your blood worked up,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

456

1 the pathologist would be the one running the
2 laboratory and interpret the numbers that the
3 machines give us back and then coordinate with
4 the physicians who are seeing the patients.

5 Q. And are you a member of any specialized
6 medical or scientific associations?

7 A. Yes, I am a member of several national
8 general pathology organizations as well as our
9 state pathology organizations, and then I am a
10 member of two major -- Friends of Pathology --
11 subspecialty organization nationally.

12 Q. Do those require any additional
13 certification?

14 A. To be a member of the organizations
15 themselves, generally you do not have to have
16 -- other than having your medical license and
17 certification, you don't need any further
18 certifications.

19 Q. And does your work involve performing or
20 participating in autopsies?

21 A. Yes, it does.

22 Q. About how many autopsies would you say
23 that you've performed?

24 A. At this point somewhere between a thousand
25 and fifteen hundred autopsies.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

457

1 SOLICITOR WILLIAMS: Your Honor, at
2 this time the State would move to have Dr.
3 Batalis qualified as an expert in the field of
4 Forensic Pathology.

5 THE COURT: Do you care to examine
6 him as to his qualifications, Mr. Falk?

7 MR. FALK: No objection, Your
8 Honor.

9 THE COURT: Very well. He will be
10 permitted to render opinions in the area of
11 Forensic Pathology.

12 SOLICITOR WILLIAMS: Thank you, Your
13 Honor.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. During July of 2010, were you working in
17 your present capacity?

18 A. Yes, I was.

19 Q. Did you participate in an autopsy or
20 conduct an autopsy of Minor [REDACTED]

21 A. Yes, I did, on July 8th of 2010.

22 Q. How long did that autopsy take?

23 A. I don't have an exact time log of the
24 autopsy but it took over half a day. So
25 probably four or five hours altogether.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

458

1 Q. Is that typical?

2 A. No. A typical autopsy can take anywhere
3 from an hour up to maybe two or three hours if
4 it is more complex. But this was very long.
5 In fact, I would say that it was the longest
6 autopsy that I've been a part of.

7 Q. Why did it take so long?

8 A. The most difficult part of this case was
9 accessing the body itself due to the condition
10 in which it was received.

11 THE COURT: I will allow that
12 question, but move on, please.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. When you formed your conclusion, did you
16 have to consider the condition that the body
17 came in as part of your analysis in your
18 conclusion?

19 A. Yes. In forensic pathology, we don't only
20 limit our conclusions to the examination of the
21 body itself. We take into consideration how
22 the body is found, the scene, the condition of
23 the body, many different factors other than
24 what we see at the autopsy examination area.

25 Q. So can you please explain to the jury what

1 peculiar condition -- what was unusual about
2 this body that entered into your analysis when
3 you formed your medical conclusion?

4 A. One of the issues of this case was that
5 there was extensive decomposition or breakdown
6 of the body. After a person dies, over the
7 next several days the body will break down.
8 Some of it is just our own natural process of
9 just the tissues breaking down themselves.

10 Then there is more breakdown that occurs due to
11 insects or other animals that could come along.

12 Q. In this case, how was the body presented?

13 A. In this case when the body was presented,
14 we received a large ---

15 MR. FALK: Objection, Your Honor.

16 THE COURT: Move on, Solicitor.

17 We've had a sidebar concerning this. He has
18 already testified. We know that. He has
19 already described it. He testified about
20 having to remove it from the concrete. So move
21 on.

22 SOLICITOR WILLIAMS: Okay.

23 THE COURT: Humor me.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILLIAMS:

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

460

1 Q. Did you come to a conclusion as to the
2 cause of death in this case?

3 A. Yes, I did.

4 Q. What was that conclusion?

5 A. The conclusion was that the cause of death
6 was homicidal violence, including probable
7 blunt head injury.

8 Q. What factors led to that conclusion?

9 A. The factors that led to that conclusion
10 were the condition in which the body was found,
11 encased in concrete; the fact that the ---

12 MR. FALK: Your Honor, may I move
13 to strike that comment?

14 THE COURT: No, sir. It is part of
15 the basis for his opinion. He is certainly
16 entitled to include that. Overruled.

17 THE WITNESS: In addition to
18 being encased in concrete, underneath the body
19 was wrapped in plastic garbage bags and secured
20 with duct tape.

21 In addition to that, in examination of
22 the body itself, we could see some areas in the
23 scalp that were indicative of contusions of the
24 scalp or blunt head injury.

25 So taking into consideration these

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

461

1 factors is how I came to the conclusion of the
2 cause of death.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILLIAMS:

5 Q. What parts of the -- did you have some
6 obstacles because of the decomposition?

7 A. Yes, we did. In decomposition there is
8 going to be a spectrum. If somebody has just
9 been dead for a couple of days, the entire skin
10 may be intact. It may be just a little bit
11 discolored or bloated.

12 In this case there was much more extensive
13 damage. The skin itself, while present in many
14 areas, was almost liquified or had kind of a
15 waxy consistency to it.

16 In addition to that, there were large
17 areas of the body which there was decomposition
18 or skeletalization, so the tissues had eroded
19 away. The right side of the chest, the right
20 side of the body down to the hip and the right
21 arm, all the soft tissue was gone. So all that
22 was present was bone. In that case, it is not
23 possible to determine anything else that could
24 have been going on in those areas, because all
25 that overlying tissue was absent.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

462

1 Q. So any bruising that could have been
2 found, you've lost the ability to do that?

3 A. Yes, over time, the tissue being absent,
4 if there was bruising there, blood will break
5 down like anything else and not be present
6 after a while. In addition, internally the
7 organs undergo the same changes. So the
8 internal organs will also break down and become
9 much more soft, so it is difficult to tell much
10 about them.

11 SOLICITOR WILLIAMS: Your Honor, may
12 I approach? I have a diagram here.

13 THE COURT: Sure.

14 SOLICITOR WILLIAMS: Jim, this is
15 just a diagram.

16 MR. FALK: (No verbal response).

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR WILLIAMS:

19 Q. Dr. Batalis, if you could -- would you be
20 comfortable stepping down and just talking
21 about some of the contusions that you explained
22 a minute ago? Just telling the jury where they
23 were on the victim's head.

24 SOLICITOR WILLIAMS: Your Honor, is
25 this okay?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

463

1 THE COURT: That's fine. Thank you.

2 SOLICITOR WILLIAMS: Can everybody
3 see this?

4 THE COURT: Can you see that, as
5 well?

6 MR. FALK: Yes, sir.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. If you could, just show the jury where on
10 the child's head these contusions were.

11 A. Just to first explain the orientation of
12 these photographs. When we go to examine a
13 decedent, the first thing that we look at is
14 the body intact, without making any incisions.

15 After we have looked at the outside of the
16 body, we then move further. So this is a
17 diagram of just the head. In order for us to
18 examine the scalp and skull and then remove the
19 brain for examination, we make an incision from
20 behind the right ear to the top of the head and
21 then down to the left ear. After doing that,
22 we can then move the front half of the scalp
23 forward and the back half backwards, so that we
24 can remove those and get to the skull.

25 So what we are seeing here is -- where

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

464

1 this black area here, this would be the scalp.
2 So this part, this line here would actually
3 correspond to the top of the head. This area
4 here would be -- the right eye would be
5 underneath here, the left eye right here.

6 Similarly, this is the right ear. So
7 anything in this area would be the right side
8 of the scalp.

9 Up here, anything over here would be the
10 left side of the scalp.

11 So what we saw in this case was that there
12 was a very dark area of contusion right at the
13 kind of junction where the scalp was reflected
14 backwards, which -- the front of the face would
15 correspond to the area, the right eye, just
16 above the eye, a very dark -- dark precise
17 area.

18 In addition to that, the rest of the scalp
19 was very shiny and white, for the most part.
20 But there were some vague areas of faint blue
21 discoloration. There was one about right here,
22 another one about here, and a larger one over
23 her.

24 So mostly two or three that would have
25 corresponded to the left side of the head, one

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

465

1 a little bit higher up on the right side, and
2 then again the darkest one would have been
3 right above the right eye.

4 Q. None on the back of the head?

5 A. No.

6 Q. Are those -- based on your experience and
7 in your professional opinion, are those the
8 kinds of discoloration that you would see from
9 a person who just had an ordinary knock in the
10 head, fall down, like a nonconsequential get up
11 and keep running -- what kind of -- do you have
12 an opinion as to how severe that would have to
13 be to still show up at this point on his body?

14 A. Now, we're talking about the undersurface
15 of the scalp, so we call it a subscalpular
16 area. It is going to require more force and
17 more bleeding for it to show up in that area.
18 So for example, we see numerous injuries in
19 case that we do, where somebody may have fallen
20 down, may have been in a motor vehicle
21 accident, or we may see some bruising and
22 scrapes on the outside of the scalp but when we
23 reflect the scalp in this fashion sometimes
24 there is no bleeding to the underlying surface.
25 So since we were seeing bruises to the under-

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

466

1 surface of the scalp, it would be a more
2 significant trauma than just bumping his head.

3 Q. Thank you, Doctor. Now, Dr. Batalis, did
4 you form an opinion as to the type of brain
5 jury suffered by Minor [REDACTED]

6 A. In a general categorization; yes, I did.

7 Q. And what was that?

8 A. In general it was blunt head trauma, so an
9 injury caused due to blunt force injury.

10 When we talk about blunt force injuries to
11 the head, they are not all created equal.
12 Sometimes we'll see injuries where there is a
13 large skull fracture and then bleeding around
14 the brain, which then kinda pushes the brain
15 down and causes injury from that standpoint.
16 Those are more obvious.

17 There are also other types of injuries
18 that don't necessarily have a skull fracture or
19 any significant bleeding around the brain.

20 When we did examine the inside of this
21 skull, there were no skull fractures, of the
22 skull itself. Even though the brain was
23 decomposed, if there would have been a large
24 hemorrhage when he died, that hemorrhage would
25 have been present, that bleeding would have

1 been present.

2 So in the absence of that, the other type
3 of injury the brain can have is more of a
4 concussive type phenomenon or what we call
5 axonal injury where if the brain kinda gets hit
6 back and forth in the skull, if the brain is
7 going back and forth, you get a shearing
8 injury. Your brain cells are kinda connected
9 like that (hand gesture), so if your brain is
10 getting sloshed back and forth, this axons
11 become injured, so it is a term called axonal
12 injury.

13 So there are all types of head trauma that
14 do not have a significant hemorrhage around the
15 brain or a skull fracture.

16 Q. And is that the kind of injury that sports
17 -- is that the type of injury that we hear
18 about with sports, with athletes, where they
19 get injured and they can get reinjured again?
20 Is that the kind of injury that you are talking
21 about?

22 A. Yes, it's -- it's a big spectrum of
23 injury. With sports injuries there is a
24 phenomenon called a "second impact" phenomenon.
25 This is a case where someone has had a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

468

1 significant head injury, enough to cause a
2 concussion, and it kind of stuns the brain,
3 so the brain is not in its normal state of
4 functioning. If there is another injury to the
5 brain during that time before it is fully
6 healed, even if it is not as severe as the
7 previous one, there's a cumulative or
8 multiplicable effect. So if a stunned brain
9 receives another injury, the brain can
10 dysfunction; when maybe you would not have
11 expected it, if that second impact had been two
12 years later when they were feeling perfectly
13 healthy. So that is more of the sports related
14 phenomenon.

15 The axonal injury would be more of a -- as
16 opposed to the second injury, which could occur
17 days apart or even weeks apart, the axonal
18 injury could occur by multiple impacts in a
19 relatively short period of time. That more of
20 the brain kind of going back and forth fairly
21 quickly.

22 Q. So in this case you really can't age this
23 bruise? You can't say when this child received
24 these contusions on his head or if they are the
25 sole source of his death.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

469

1 A. Correct. Because of the breakdown of the
2 body, it was not possible to age these scalp
3 contusions.

4 Q. They are just one piece of the puzzle?

5 A. Correct.

6 Q. And the absence of a skull fracture and a
7 large amount of blood is what's causing you to
8 draw the conclusion that it is not just one
9 giant impact?

10 A. Correct.

11 Q. Now, did you make a preliminary identi-
12 fication of this child to law enforcement
13 before there was a DNA identification?

14 A. Yes, we did.

15 Q. And to your knowledge there was an
16 identification that this was Minor
17 is that correct?

18 A. Correct.

19 Q. Do you remember how old was Minor
20 Williams at the time of his death, if you know?

21 A. I have his birth date recorded as November
22 of 2007 and we performed the autopsy in July of
23 2010. Again, he was extensively decomposed, he
24 probably died sometime in June. So
25 approximately two and a half years old.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

470

1 Q. Without going into too much detail, how --
2 what method did you have to employ to identify
3 this child?

4 A. With identification, we have presumptive
5 identification which is kind of like 'I think
6 that it is him.' Then we have a more
7 scientific form of identification.

8 So at the autopsy, during the autopsy
9 itself we were able to make a presumptive
10 identification. This was based on there was --
11 I believe that there was an officer there that
12 described the length and fashion of the child's
13 hair and, additionally, a photograph of the
14 child, taken while the child was alive, and you
15 could see the teeth. Looking at the teeth we
16 examined at autopsy -- and even though we had
17 decomposition, all the hair was still present
18 except for a small patch on the left side of
19 the head. So based on those two features,
20 along with the fact that we could tell this
21 \was a black male child, approximately --
22 considering the length of the body, it fit into
23 that two and a half year old category. We made
24 our presumptive identification based on that.

25 Then we sent off samples from the body,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

471

1 with officers, to be submitted for DNA
2 identification. So that scientifically
3 confirmed the identification of the decedent,
4 which I think occurred about a week later.

5 Q. As part of the autopsy, was there a
6 toxicology run or a toxicology test done on

7 Minor [REDACTED]

8 A. Yes, there was.

9 Q. To your knowledge, were there any drugs
10 found in his blood?

11 A. Traditionally we do send blood. That's
12 our best substance to test for toxicology
13 specimens. In this case, unfortunately because
14 of the extended interval between the time of
15 death and the autopsy, there was no blood
16 present. In these cases we can then submit
17 other tissue. One that we most commonly use is
18 liver. So in this case, instead of submitting
19 blood, we submitted a sample of the liver. The
20 conducted toxicology testing on that and no
21 drugs were detected in that sample.

22 Q. Thank you, Doctor.

23 SOLICITOR WILLIAMS: Court's
24 indulgence.

25 THE COURT: Certainly. Take your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

472

1 time.

2 SOLICITOR WILLIAMS: Thank you, Dr.
3 Batalis. Please answer any questions that the
4 defense may have.

5 THE COURT: Cross examine?

6 CROSS EXAMINATION

7 BY MR. FALK:

8 Q. During your autopsy, were you able to do
9 any slides of any of the other major organs?

10 A. Due to the extensive decomposition of the
11 body, with the organs very softened and
12 decomposed, I did not submit any sections of
13 the organs for analyses under the microscope.
14 I did submit two sections of the scalp for
15 microscopic inspections.

16 Q. So then you didn't submit any brain
17 sections, any slides?

18 A. No. The condition of the brain almost
19 being liquified, I don't think -- I am not even
20 sure that it would have been possible to submit
21 a slide. I'm convinced that there would be no
22 findings to be had at that time due to the
23 decomposed state of the brain.

24 Q. What observable proof from the autopsy was
25 there of the axonal injuries?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

473

1 A. Due to extensive decomposition of the
2 brain, we did not see that in the brain. The
3 conclusion of that is from seeing the bruising
4 on the scalp and, again, what I described
5 before, the condition of the body. The diffuse
6 axonal injury is one way in which head trauma
7 could have caused the decedent to die.

8 The other thing that we didn't rule out --
9 and we mentioned the second impact, which is a
10 little bit different. You know, that could
11 have occurred as well.

12 Q. But there is nothing in the autopsy that
13 would support, direct support, death by
14 concussive injury; is there?

15 A. The contusions on the scalp would show
16 that there was significant head trauma. But
17 because -- again, we do not have an examination
18 of the brain itself.

19 Q. And I believe that you said there was no
20 intracranial hemorrhaging?

21 A. Correct.

22 Q. Were you able to observe whether or not
23 there was an retinal hemorrhaging?

24 A. No, we did not.

25 Q. I'm sorry, you didn't observe any; is that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

474

1 correct?

2 A. (Affirmative nod), we did not.

3 Q. Okay. Have you done autopsies before
4 where you have noticed retinal hemorrhaging?

5 A. Yes, I have.

6 Q. Is that a finding that is often consistent
7 with brain injuries and shaken baby type
8 injuries?

9 A. That is one situation in which you can see
10 them, yes.

11 Q. So that would be consistent with a brain
12 kind of being sloshed around; is that correct?

13 A. It could be.

14 Q. Okay. Did you find any evidence of --
15 when you were doing this autopsy, you were
16 looking pretty closely for what could be
17 possible causes of death; is that correct?

18 A. Correct.

19 Q. So you were looking pretty closely at all
20 the -- did you find any evidence of broken
21 bones?

22 A. No, we did not.

23 Q. Did you find any evidence of any healed
24 broken bones?

25 A. We did not.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

475

1 Q. So did that include -- would you have
2 found evidence of what I believe are called
3 bucket handle fractures on some of the major
4 bones?

5 A Yes, we would have.

6 Q. And you did not see any of those; is that
7 correct?

8 A. We did not.

9 Q. Did you see any evidence of broken back
10 bone injuries, of being hit on the back,
11 cervical breaks?

12 A. Yeah, there were no injuries to any of the
13 bones, including the long bones or the spinal
14 column, which you're referring to.

15 Q. Thank you. Is there anything in your
16 autopsy that could disprove that the child died
17 perhaps of asphyxia?

18 A. No, there is not.

19 Q. That would also be consistent with
20 homicidal violence; would that be correct?

21 A. Yes. "Homicidal violence" is a more all-
22 inclusive term that I will use in situations
23 such as this where there are factors that limit
24 the examination. So in this case, I know that
25 there was blunt head trauma but I can't rule

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

476

1 out that there wasn't a component of asphyxia,
2 just because, again, the condition of the body.

3 Q. Okay. And I think everybody who watches
4 C.S.I. has heard the term petechia. Can you
5 explain what that is?

6 A. Petechia are basically small little
7 hemorrhages or smaller areas of bleeding that
8 are usually due to burst capillaries, very
9 small blood vessels will essentially explode.

10 Q. And you didn't observe any of that;
11 correct?

12 A. No. And those aren't specific for
13 asphyxia. You can see that in other
14 situations. But we did not see those.

15 Q. If there was a break to any cartilage,
16 like in the bone, would that show up on the
17 autopsy?

18 A. The cartilage will not show up on the x-
19 rays but in the course of the autopsy we would
20 examine things. I did not examine any
21 fractures of the nasal cartilage of the nose.

22 MR. FALK: I believe I have no
23 further questions.

24 THE COURT: Redirect?

25 SOLICITOR WILLIAMS: Just briefly.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

477

1 REDIRECT EXAMINATION

2 BY SOLICITOR WILLIAMS:

3 Q. Dr. Batalis, Mr. Falk asked you about
4 hemorrhaging in the eyes. Was there enough
5 material left of this child's eyes to where you
6 could make that determination?

7 A. The -- one moment, please. While the eyes
8 were present, there were significant
9 decomposition changes in those, as well. So,
10 again, it would be something that I couldn't
11 rule out, because of the condition of the body.

12 SOLICITOR WILLIAMS: Thank you.

13 THE COURT: Recross?

14 MR. FALK: Nothing, Your Honor.

15 THE COURT: Do you wish this witness
16 to be excused?

17 SOLICITOR WILLIAMS: Please, Your
18 Honor.

19 THE COURT: Any objection?

20 MR. FALK: No objection.

21 THE COURT: Dr. Batalis. Thank you,
22 sir. You are free to step down and free to go.

23 (WITNESS STEPS DOWN)

24 THE COURT: Call your next witness,
25 please.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

483

1 wishes to present a witness out of order; is
2 that correct, Mr. Falk?

3 MR. FALK: Yes, sir. At this time
4 we would like to call Dr. Collins.

5 THE COURT: I remind you, Ladies and
6 Gentlemen, that this is -- that it is not
7 uncommon. You've already seen that and heard
8 that in this case. We are doing that to
9 accommodate the witness. Thank you, Mr. Falk.

10 (WITNESS TAKES STAND)

11 KIMBERLY COLLINS, being duly sworn to
12 tell the truth, the whole truth and nothing but
13 the truth, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FALK:

16 Q. Dr. Collins, could you tell me where you
17 are currently employed?

18 A. I am currently employed by the Fulton
19 County Medical Examiners office in Atlanta,
20 George, where I am a forensic medical examiner.
21 I am also a director at Life Point Tissue and
22 Organ Procurement, which serves the state of
23 South Carolina, and that's here in Charleston.

24 Q. What education have you had in order to
25 qualify you for that profession?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. I went to college at the University of
2 George and I received my bachelors in
3 microbiology.

4 After college, I attended medical school
5 at the Medical College of Georgia, which is in
6 Augusta, and I received my M.D.

7 Following medical school, I decided to
8 specialize in pathology and I completed a five-
9 year anatomic and clinical pathology residency
10 at Wake Forest University School of Medicine,
11 Bowman Gray.

12 After the residency, I then wanted to
13 attend the Medical University of South Carolina
14 for my forensic pathology fellowship. So I
15 completed that fellowship in '94-'95.

16 Q. Thank you. Do you have any particular --
17 are you licensed in the state of South
18 Carolina?

19 A. South Carolina, Georgia and North
20 Carolina.

21 Q. Thank you. Do you have any board
22 certifications?

23 A. I am board-certified in anatomic
24 pathology, clinical pathology and forensic
25 pathology.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

485

1 Q. You've been employed in Charleston, South
2 Carolina?

3 A. Yes. For about fifteen years I was
4 professor of pathology and laboratory medicine
5 at the Medical University of South Carolina. I
6 was director of forensic pathology and autopsy
7 pathology. And while we had a medical examiner
8 system in that county, during that time I was
9 chief medical examiner for Charleston County.

10 Q. I've had an opportunity to look at your
11 CV. So you were the chief medical examiner in
12 1994, 1995 to '98?

13 A. I forget the exact dates but, yeah, during
14 that time and then I became chief medical
15 examiner for the county.

16 Q. I may have read chief deputy, so you were
17 deputy medical examiner and then the medical
18 examiner?

19 A. Yes.

20 Q. In the course of being the medical
21 examiner, did you have cause to ever perform
22 any autopsies?

23 A. Yes, I did.

24 Q. Is that principally what the medical
25 examiner does?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

486

1 A. The medical examiner will perform
2 autopsies, attend scene investigations or death
3 scenes. We will interview families, sign out
4 death certificates certifying cause and manner
5 of death. Yes.

6 Q. And have you had an opportunity to
7 actually perform an autopsy?

8 A. Yes.

9 Q. Do you have a rough estimate of how many
10 you may have performed?

11 A. It's about twenty-five hundred to three
12 thousand.

13 Q. Are you familiar with Dr. Batalis?

14 A. Nick Batalis, yes, I am.

15 Q. How are you familiar with him?

16 A. Nick Batalis was a resident training at
17 the Medical University when I was director of
18 forensic pathology. I was one of his
19 attendings, so he was one of my trainees.

20 Q. Thank you.

21 MR. FALK: Your Honor, at this time
22 we would like to admit Dr. Collins as an expert
23 to give expert opinions regarding forensic
24 pathology.

25 THE COURT: Do you care examine her

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

487

1 as to qualification?

2 SOLICITOR HERRING-LASH: No

3 objection, Your Honor.

4 THE COURT: Dr. Collins will be
5 permitted to render opinions in the area of
6 forensic pathology.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. FALK:

9 Q. Have you had an opportunity to review any
10 of the pathology reports or forensic reports
11 associated in this case?

12 A. Yes, I have. I reviewed the autopsy
13 report, the autopsy diagrams and the toxicology
14 report. Then I also reviewed two glass slides
15 that were taken from tissue from the autopsy.

16 Q. Thank you. Have you had -- as part of
17 that did you review the conclusion that Dr.
18 Batalis drew?

19 A. Yes, I did.

20 Q. Regarding the cause of death?

21 A. Yes. He certified the death as homicidal
22 violence including probable blunt head trauma,
23 and the manner of death was homicide.

24 Q. Does that report rule out any other forms
25 of homicidal violence?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

488

1 A. He classifies it as homicidal violence.
2 He doesn't specify the type of homicidal
3 violence. He says that there was probable
4 blunt head trauma that was present on the body,
5 but because of the decomposition, it was
6 impossible to actually specify the exact type
7 of homicidal violence.

8 Q. Are there any other forms of homicidal
9 violence that would be inconsistent with the
10 medical report, the autopsy report?

11 A. No, nothing that would be inconsistent.
12 There are other areas of trauma and fatal
13 injuries that could have taken place besides
14 head trauma.

15 Q. For example, could -- is there anything
16 inconsistent in that report that he could have
17 died from asphyxia?

18 A. No.

19 Q. Is it possible to die from being struck in
20 the chest?

21 A. Yes, you can die from being struck in the
22 chest. It is called commotio cordis. What
23 happens is that if you receive a blow to the
24 chest, it could from a tennis ball, baseball or
25 a strike in the chest. If it hits at a certain

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

489

1 time during your regular heartbeat rhythm it
2 can cause your heart to go into an abnormal
3 rhythm and then into asystole or flat line.

4 Q. In that case is death instantaneous?

5 A. Yes.

6 Q. So if somebody was struck in the chest
7 three days prior to his death, that would not
8 be -- I can't pronounce the term that you used.

9 A. Right, that would not result in death by
10 commotio cordis. Commotio cordis happens at
11 the time, the death occurs at the time that the
12 blow is received.

13 Q. Is somebody were to have pushed someone to
14 the degree that they caused their neck to
15 wrench to the side, could that cause somebody's
16 death?

17 A. Yes.

18 Q. How would that occur?

19 A. That can happen if -- we know it more
20 commonly such as with diving accidents, where
21 you snap the neck. You damage the very top of
22 your spinal cord. Those are the areas that
23 control your heartbeat and your respiration.
24 So if you do snap or twist your neck in a
25 certain way to damage that part of your spinal

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

490

1 cord, that can result in instant death.

2 Q. Would that be anything inconsistent with
3 the autopsy report -- would that cause of death
4 have been inconsistent with that autopsy
5 report?

6 A. No, it would not.

7 Q. You said you had an opportunity to review
8 some of the slides?

9 A. Yes.

10 Q. Did you draw any conclusions from those?

11 A. The only slides that were submitted were
12 two pieces or areas taken from the scalp. One
13 was -- they both had changes of decomposition
14 and one area had some remnants of some
15 hemorrhage or bruising to the scalp.

16 Q. Would it be your opinion, based on what
17 you'd seen, that that could have been a head
18 trauma sufficient to cause death?

19 A. The scalp contusion itself would not have
20 been fatal. All you can say from the findings
21 is that this child had a large bruise on its
22 head. We cannot tell you if it happened the
23 day of death, if it happened two days before
24 death. You cannot date these bruises, and
25 especially it becomes more difficult when you

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

491

1 have changes of decomposition.

2 Q. Did you see anything in the autopsy report
3 that would support a finding that there was
4 axonal damage?

5 A. Axonal damage is damage, under the
6 microscope, to brain tissue itself. It is a
7 tearing or shearing to the brain tissue from an
8 injury. Because of the decomposition, we were
9 not -- Dr. Batalis was able to adequately
10 examine the brain under the microscope to look
11 for the axons. They had already broken down or
12 decomposed.

13 Q. So based on the autopsy report, would
14 death by axonal injury be any more likely than
15 death by asphyxiation?

16 A. No.

17 Q. Dr. Batalis discussed with us something
18 called a second concussion syndrome. I may
19 have said the term wrong. Is there something
20 similar to that?

21 A. Yes, and it's now -- it's termed second
22 impact syndrome, or SIS. We've heard a great
23 deal about it recently on the media, dealing
24 with the football players. It's a second
25 impact or a second concussion that you can

1 receive. It also happens in other types of
2 scenarios besides playing football, where an
3 individual receives a concussion, a blow to the
4 head and they may be knocked out, they may have
5 a memory loss or they may even remember the
6 event itself. But it is not fatal, there is no
7 bleeding to the head or anything like that.

8 But the second impact syndrome means that
9 between that point in time to about ten days to
10 two weeks later, if you receive another blow to
11 the head, that can be fatal because the first
12 blow has already started some changes, abnormal
13 changes in the brain. So the brain is already
14 compromised and more susceptible to a second
15 blow. That's why you will often hear of
16 players from high school on to the professional
17 league saying, 'well, if you suffer a
18 concussion, you've got to stay out of the game
19 for two weeks.' That's why, because we now
20 know that there is a second impact syndrome.

21 Q. So there is a second impact syndrome,
22 meaning that there has to be a second impact?

23 A. Yes.

24 Q. Is there a way to quantify how much impact
25 would be required to trigger -- how much

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

493

1 contact -- first of all, would the second
2 contact have to be with the head?

3 A. Yes.

4 Q. So contact with the neck or the back or
5 the chest would not trigger the second impact?

6 A. That's correct.

7 Q. So if somebody were to -- if a three-year-
8 old were to fall on their bottom and then fall
9 backwards against the wall, is there any way to
10 know whether or not that is sufficient, that
11 could have caused a sufficient impact with the
12 wall to trigger second impact?

13 A. A lot of variables are involved. It
14 depends on if the child -- how much force was
15 throw onto its bottom, how fast it fell back
16 against the wall, what the wall is made of. So
17 it's difficult to quantify. The only thing we
18 do know as far as second impact syndrome is
19 that studies have shown that the second impact
20 does not have to be as great as the first.

21 Q. Being popped on the head, is that going to
22 be enough?

23 A. It would depend on how much force the
24 child received from being hit on the head.
25 It's more than just a walking and you bump your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 head on a doorframe or something like that.

2 You've got to receive a significant force.

3 Q. Okay. In your practice, have you ever --
4 if somebody suffered a seizure, would that have
5 been evident from an autopsy?

6 A. No. The only thing that it would be
7 evident is if there's a reason for the seizure,
8 such as a tumor. There might be an old scar in
9 the brain that would be the trigger, focus, the
10 site. Or maybe an area of bleeding in the
11 brain. But for instance epileptics that have a
12 seizure disorder, it is most common not to see
13 anything in the brain to the naked eye or under
14 the microscope, because a seizure is an
15 electrical disturbance. So you cannot see the
16 electricity at the time of autopsy.

17 Q. If somebody suffers from a seizure and
18 they are able to immediately get back out
19 there, playing or laughing, is that an
20 indication of the severity of the seizure?

21 A. It's an indication of the severity as well
22 as the type of seizure. If you have like a
23 grand mal seizure, then there's usually a
24 postictal stage where after you cease the
25 seizing, with the arms and the legs, etc., that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

495

1 you become almost in this unconscious -- deep
2 sleep, rather. I don't want to say
3 unconscious. This deep sleep state. So most
4 seizure patients don't immediately get up and
5 just start playing, but it does depend on the
6 type of seizure that you have.

7 Q. So if you wake up from a seizure laughing
8 and playing, you're not going to fall into the
9 postictal coma state; is that correct?

10 A. Correct. If you have a seizure and then
11 after the seizure you are going about your
12 regular activities, you don't suddenly go into
13 that postictal state.

14 Q. Thank you.

15 MR. FALK: No further questions.
16 Please answer any question the State may have.

17 THE COURT: You may cross examine.

18 SOLICITOR HERRING-LASH: Just a
19 couple of questions.

20 CROSS EXAMINATION

21 BY SOLICITOR HERRING-LASH:

22 Q. Dr. Collins, in this case did you have the
23 opportunity to review this child's, Minor
24 Williams', past medical records?

25 A. No, I did not.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

496

1 Q. And did you have the opportunity to
2 interview any of the statements about any of
3 his behaviors or activities?

4 A. No, I did not.

5 Q. And the state of the body is the reason
6 that other causes of death can't be ruled in or
7 out?

8 A. That's correct. The post mortem interval,
9 the decomposition. Yes.

10 Q. And basically you would agree with the way
11 that Dr. Batalis called this case?

12 A. Yes, I do.

13 SOLICITOR HERRING-LASH: Those are
14 all the questions that I have.

15 THE COURT: Redirect.

16 MR. FALK: One question -- no
17 further questions. Thank you.

18 THE COURT: Okay. Do you wish Dr.
19 Collins to be excused?

20 MR. FALK: Yes, please.

21 THE COURT: Any objection?

22 SOLICITOR HERRING-LASH: No, Your
23 Honor.

24 THE COURT: Dr. Collins, thank you
25 very much. You are free to step down and free

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

497

1 to leave.

2 (WITNESS STEPS DOWN)

3 THE COURT: The State may call its
4 next witness.

5 SOLICITOR WILLIAMS: Thank you, Your
6 Honor. The State calls Dr. Carol Jenny.

7 (WITNESS TAKES STAND)

8 CAROL JENNY, being duly sworn to tell
9 the truth, the whole truth and nothing but the
10 truth, testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR WILLIAMS:

13 Q. Are you a licensed physician?

14 A. Yes, I am.

15 Q. In what state?

16 A. In the state of Rhode Island.

17 Q. How long have you been licensed in your
18 profession?

19 A. Since 1974.

20 Q. Do you specialize in a particular area of
21 medicine?

22 A. I am a pediatrician.

23 Q. Are you presently practicing?

24 A. Yes, I am.

25 Q. Where is that?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

498

1 A. I am professor of Pediatrics at Brown
2 Medical School in Providence, Rhode Island.
3 And I am the Director of the Child Protection
4 Program at the Hasbro Children's Hospital in
5 Providence.

6 Q. Have you been involved in studies,
7 articles, obtaining grants?

8 A. I'm sorry? Say it again.

9 Q. Have you been involved in conducting any
10 studies, writing any articles for journals or
11 scientific publications?

12 A. Yes, I've written, I think, about a
13 hundred and twenty-something articles for
14 scientific publications and thirty-seven books
15 and book chapters.

16 Q. Are you familiar with Dr. Kimberly
17 Collins?

18 A. I am.

19 Q. How are you familiar with her?

20 A. She and I served together on a panel in
21 Toronto, Canada last year -- or two years ago
22 -- reviewing a large number of child abuse
23 cases.

24 Q. Did you ever write any chapters in her
25 book?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

499

1 A. I just submitted a chapter that is going
2 to be published in her book, yes.

3 Q. Does your work involve in performing or
4 participating in child abuse cases?

5 A. Yes, it does.

6 Q. Have you had specific training and
7 experience with abuse and head trauma cases?

8 A. Yes, I have.

9 Q. What does the study of forensic pediatrics
10 involve?

11 A. Well, it's the study of conditions that
12 result from child abuse, child neglect,
13 psychological abuse, physical abuse, sexual
14 abuse, emotional abuse, and all kinds of
15 neglect, the effect of domestic violence on
16 children, all of the child maltreatment -- all
17 the way that children are maltreated, from a
18 medical perspective.

19 Q. Have you testified as an expert before in
20 pediatrics, forensic pediatrics, abusive head
21 trauma?

22 A. Yes, I have.

23 Q. How many times would you say that you've
24 been qualified as an expert, if you had to
25 guess?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

500

1 A. Well, since 1983 I've probably testified
2 probably once every month to two months, so --
3 I've testified in twenty-four states and four
4 countries outside of the U.S.

5 SOLICITOR WILLIAMS: Your Honor, at
6 this time we would move to have Dr. Jenny
7 qualified as an expert in the field of general
8 pediatrics, forensic pediatrics and abusive
9 head trauma.

10 THE COURT: Do you care to examine
11 her in those areas?

12 MR. FALK: Just one or two
13 questions, please.

14 THE COURT: Yes, sir.

15 MR. FALK: Dr. Jenny, could you
16 just explain what the area of abusive head
17 trauma is? Does that include like shaken baby,
18 shaken impact syndrome?

19 THE WITNESS: It does, impact or
20 shaken or any type of abusive trauma to the
21 head. I've done research in that field. I've
22 worked for several years in a laboratory in
23 Japan on biomechanics on abusive head trauma
24 and accidental head trauma in infants and young
25 children.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

501

1 MR. FALK: Thank you. No further
2 questions. No objection.

3 THE COURT: I will permit the
4 witness to render opinions in the area of
5 pediatrics, forensic pediatrics and the area of
6 abusive head trauma.

7 SOLICITOR WILLIAMS: Thank you, Your
8 Honor.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILLIAMS:

11 Q. Now, do you still treat live patients
12 aside from teaching?

13 A. Oh, yes, I do.

14 Q. Do you have a clinic or do you use a
15 hospital?

16 A. Both. We -- our team is three physicians,
17 a nurse, a social worker, three Fellows who are
18 physicians in training, and then support staff.

19 We see -- our group -- one of us sees every
20 child that presents to our hospital with a
21 concern about possible abuse and intent,
22 whether it is in the inpatient department or in
23 the emergency department. Then we run clinics
24 where we evaluate children as outpatients who
25 are not growing because they are not being fed

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 or with whom there are concerns of possible
2 sexual abuse or physical abuse. We also
3 evaluate all the children who come into foster
4 care in the state of Rhode Island, do a tune-up
5 to at least identify what their needs are and
6 to make a plan for their care while they are in
7 state custody.

8 Q. In some of these cases, do you conclude
9 that there is no child abuse?

10 A. In about forty percent of the kids that we
11 see we rule out abuse.

12 Q. You've been hired by the prosecution of
13 various states; is that true?

14 A. That's right.

15 Q. Have you also been hired by the defense?

16 A. Yes, I have.

17 Q. And you've testified for both?

18 A. Yes, I have.

19 Q. And consulted with both?

20 A. Yes.

21 Q. And have you ever come to a different
22 conclusion than the prosecution has come to?

23 A. I've done cases when I get sent a case by
24 a prosecutor and after reviewing the case I
25 wouldn't feel comfortable testifying. I let

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

503

1 them now that, and let them know why.

2 Q. Did you review materials in the case
3 involving the homicide of Minor

4 A. I did.

5 Q. What specific records did you review?

6 A. The newborn records, the outpatient health
7 records from when the child -- all of his well
8 child exams and his sick visits. I reviewed
9 the autopsy report. I reviewed the police
10 reports. I reviewed interviews with his father
11 and his father's girlfriend, and I reviewed
12 other material that described other people's
13 interactions with the family.

14 Q. Were his medical records comprehensive?
15 Were they extensive enough for you to use that
16 as part of your analyses?

17 A. Yes, I believe that I had everything. I
18 believe that I had all the records from all the
19 doctor visits he'd ever had.

20 Q. As a forensic pediatrician, why is it so
21 important that you review all those materials
22 instead of just the autopsy and a couple of
23 medical reports?

24 A. Well, we go back to the beginning to find
25 out how the pregnancy went, what complications

1 there were, what kind of health problems that
2 the child had, how his development was, how his
3 growth was to get a sense as to whether there
4 was any underlying medical problems that could
5 have added to his illness or his death.

6 Q. In a child abuse case, why is it important
7 to evaluate materials beyond just medical
8 information?

9 A. You mean like the histories?

10 Q. The histories, what happened to the child,
11 what symptoms the child -- not just accordingly
12 to the doctors by according to the people
13 around him.

14 A. Obviously that's a very important part of
15 putting the whole picture together and seeing
16 if the symptoms, the signs, the autopsy and the
17 past history, you know, all make sense in terms
18 of looking at the entire packet of information
19 to reach the right conclusions.

20 Q. And did Minor [REDACTED] visit the
21 pediatrician appropriately and regularly?

22 A. Well, he had normal well child care.
23 Throughout his well child care, he was found to
24 be developing and growing normally. He had a
25 very uncomplicated birth. He had had one visit

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

505

1 for pinkeye and one visit for croup, but
2 basically he was -- and he had ongoing problems
3 with eczema, itchy skin, but he was basically a
4 healthy child.

5 Q. And did you note any preexisting
6 conditions that would contribute to seizure-
7 like symptoms or any kind of symptoms that
8 would case him to be unconscious or anything
9 like that.

10 A. There was nothing in his medical record
11 that would have made me think that he had
12 problems with his brain.

13 Q. And have you come to a conclusion after
14 your analysis afer the death of Minor
15 Williams?

16 A. I have.

17 Q. And what is that?

18 A. I believe he died because of repeated head
19 injuries which led to his eventual collapse.

20 Q. I am going to show you, Dr. Jenny, and put
21 up on the board just a basic diagram.

22 SOLICITOR WILLIAMS: Your Honor, I
23 have already shown defense counsel what has
24 been marked as State's Exhibit 34. We are
25 going to use this for demonstrative purposes

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

506

1 only. I don't think there's any objection.

2 MR. FALK: No objection.

3 THE COURT: Very well, State's
4 Exhibit 34 is for demonstrative purposes only,
5 ID.

6 (SO ENTERED AS STATE'S EXHIBIT 34 - ID ONLY)

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. If you could, just explain to the jury
10 what type of injury you think this child had
11 based on all of your analysis. You know, how
12 in a regular healthy brain -- it is behind you
13 and there is a laser pointer right here.
14 You know, how it should work in a normal brain
15 and what you think happened with this child.

16 A. Well, this is a drawing of the brain
17 inside the skull. It is surrounded by a layer
18 of fluid. The brain tissue itself is what I
19 believe was injured in this child's
20 presentation.

21 Q. And are there different types of brain
22 injuries? Well, first, let me backtrack a
23 little bit.

24 Is there any significance to the
25 differences between a child's brain and an

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

507

1 adult's brain in terms of traumatic brain
2 injury?

3 A. Yes, they respond differently. Children's
4 brains are softer than adult brains. They get
5 -- you know, they are not completely developed.
6 They are in the process of developing. They
7 also have more fluid around the brain so that
8 the brain can actually move more within the
9 skull if there is an impact to the head.

10 Q. So are there different types of brain
11 injuries when you are dealing with traumatic
12 injury? You know, like a fracture and a lot of
13 blood versus another kind of injury? Can you
14 explain what your opinion is as far as the
15 specific type of injury that this child had and
16 why you came to that conclusion.

17 A. Well, the types of injuries we see depend
18 on the nature of the assault or the nature of
19 the initial event.

20 Sometimes we see large collections of
21 blood between the brain and the skull.

22 Another type of primary injury that we see
23 is called diffuse axonal injury, which means
24 that the brain cells themselves get concussed,
25 get hurt and stop functioning. I believe that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 is the type of injury this child showed over
2 the weeks leading up to his death.

3 Q. You couldn't have come to that conclusion
4 just based on the autopsy; right?

5 A. Yeah, the autopsy of the brain was
6 completely collapsed. There was nothing there
7 to really analyze because he had been dead for
8 quite a while in a hot place.

9 Q. So what did you review that led you to the
10 conclusion that it was diffuse axonal injury?

11 A. Well, the key symptom in axonal injury is
12 decreased level of consciousness, seizures.
13 That's what this child showed after several --
14 uh, after several injury events.

15 Q. Is apathy or lethargy or just an inability
16 to wake up, is that one of those symptoms?

17 A. That certain is not specific for axonal
18 injury. I mean, if you have a high fever, you
19 will have that but there was no history of him
20 being ill otherwise. And diffuse axonal injury
21 causes decreased levels of consciousness, like
22 either a concussion or a loss of consciousness,
23 either temporary or longstanding.

24 Q. I want to show you just another picture.

25 SOLICITOR WILLIAMS: Again, Your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

509

1 Honor, I showed this to defense counsel. It is
2 State's Exhibit 36 just for demonstrative
3 purposes.

4 MR. FALK: No objection.

5 THE COURT: State's Exhibit 36 is
6 for ID Only.

7 (SO ENTERED AS STATE'S EXHIBIT 36 - ID ONLY).

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILLIAMS:

10 Q. What is this?

11 A. Well, this is the drawing of a brain cell.
12 This is the cell body with the nucleus. Then
13 the brain sends out long projections -- I'm
14 sorry, the brain cell sends out long
15 projections that really travel a long ways
16 through the brain. Then this little things on
17 the end, called terminal synapses, then will
18 connect with the cell body of another cell.
19 Then that's how things get connected, how the
20 cells gets connected and the messages get sent
21 from one cell to the next.

22 This long projection is called the axon
23 and it is very vulnerable to injury. So when
24 you have forces applied to the head, this axon
25 will become damages. It then will not function

1 and that's when you get the signs of concussion
2 or loss of consciousness.

3 But the real difference between little
4 kids, babies and grownups is that the axons in
5 grownups are covered with a thick, almost like
6 plastic, coating. It's a thick white coating
7 that protects the axons. In fact, when
8 grownups get diffuse axonal injuries, the
9 injuries happen at these little areas where
10 this myelin, this coating, marries. But in
11 little kids that coating is not complete. So
12 those axons are not as protected as they are
13 in the adult brain.

14 Q. So they are more vulnerable.

15 A. (Affirmative nod), so they are more
16 vulnerable.

17 Q. Is that like a tearing of the brain
18 tissue or is that just too simplistic of a
19 description?

20 A. Yeah, it is probably too simplistic. What
21 happens is that if the force applies to the
22 tissue make biochemical changes in that axon,
23 then that leads to failure of the axon. In
24 fact, when nerve signals are sent down the
25 axon, where that axon fails, the material that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

511

1 carries those signals, called the neurolima.
2 You can see that if you autopsy somebody
3 immediately after death or shortly after death.
4 Obviously once the brain has disintegrated, you
5 can't see that.

6 Q. Thank you. Now, if you could refer to
7 some of the specific things in Mr. Williams
8 statements that you reviewed and the way that
9 he describes these episodes and what he thinks
10 that he did that leads you to this conclusion.

11 A. Well, one of the things that he describes,
12 after immediately falling over and hitting his
13 head, after being assaulted, he would lose
14 consciousness or at least be unconscious for a
15 period of time. Then he would kind of rally.

16 Another thing that he described was his
17 eyes rolling back in his head and his body
18 stiffening, which is seizure activity. Post-
19 traumatic seizures are a very common phenomenon
20 in children. They are very vulnerable to post-
21 traumatic seizures. So it is something that we
22 often see.

23 So an injury followed by decreased level
24 of consciousness, loss of consciousness, eyes
25 rolling back, stiffening seizure-like movements

1 is consistent with trauma, post-traumatic
2 seizure.

3 A. And is there anything significant about a
4 symptom where a child's head turns one way and
5 the body turns around and they kind of stretch
6 their limbs?

7 A. Well, again, that's a neurologic posturing
8 that sort of happens because some of these
9 circuits in the brain have been disrupted and
10 the brain is not functioning symmetrically, so
11 one side of the brain is more affected than the
12 other, which causes this odd posture.

13 Q. In this case, based on your review of the
14 police reports, the statements by the
15 defendants, and symptoms, do you see -- is it
16 your analysis that this is one injury that
17 caused this child's death or some other
18 conclusion?

19 A. After reading all the witness statements
20 and the material that was provided, it is
21 obvious to me that this child had multiple
22 episodes of head injury, of concussion. We
23 know -- well, it is obvious, given all the flap
24 about the NFL an NHL, the problem that occur --
25 once you get a concussion, you're much more

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

513

1 vulnerable for the next conclusion. It's worse
2 in children, they are even more vulnerable to
3 repeated head injuries. So it is like the
4 first head injury kind of primes you so that
5 your response to the next head injury is going
6 to be worse, then the response to the next head
7 injury is going to be worse. Eventually what
8 happens, if you get multiple head injuries in a
9 row, after one of those head injuries your head
10 just swells up and you die.

11 Q. So is it possible that a seemingly
12 innocuous hit, something that wouldn't kill a
13 normal child, could cause the death of a child
14 who has had multiple hits to its head over a
15 period of time.

16 A. Yes, those multiple episodes of head
17 trauma made a child more vulnerable to a repeat
18 episode. Some people call it second impact
19 syndrome, that vulnerability that comes from
20 the prime being primed, from experiencing
21 previous head injury.

22 This is why we are saying now that when
23 kids are playing football or soccer or
24 whatever, if they get a head injury or they get
25 a concussion, they have to be out for a

1 significant period of time because that puts
2 them at risk for a worse outcome if they happen
3 to get another concussion in rapid succession.

4 Q. Had there been some medical intervention
5 after the first time Minor [REDACTED] had
6 whatever this episode is that we're calling a
7 seizure, or some type of neurological response,
8 how would that have impacted his chance of
9 surviving?

10 A. Well, obviously one head injury is not
11 good for you but it certainly better than two
12 and certainly better than three and it
13 certainly better than five or four. So with
14 each repetitive head injury, the chance of a
15 disastrous outcome increases. And if he had
16 received treatment after the first or second
17 injury, it would have given his brain time to
18 recover, at least in the short run.

19 We don't know at this point if kids have
20 multiple concussions as young children, we
21 don't know if that puts them at increased risk
22 of, say, degenerative diseases when they get
23 older. There is new data about NFL players
24 that show that they have a very high incidence
25 rate of Alzheimer disease and it starts at a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

515

1 very young age.

2 So I can't say that if he had gotten
3 treatment that he wouldn't have developed
4 problems later in life. But I -- we don't have
5 data on children either way, because most kids
6 don't get repetitive head injuries. Most of us
7 are pretty careful about making sure that
8 doesn't happen.

9 But I think that there would have been
10 concern that as an adult that he may have been,
11 in his older years, more vulnerable to
12 degenerate diseases.

13 Q. So what you are saying is that it might
14 have saved his life but there is no guarantee
15 that he wouldn't have had some type of brain
16 injury or some type of problem later due to all
17 of these beatings?

18 A. You know, that's what we are seeing with
19 NFL players. You know, we don't have that data
20 on children. But certainly this is one of the
21 reasons why we are so forceful about getting
22 kids out of play when they have a head injury
23 in either sports or -- you know, youth sports,
24 high school sports, or college sports. Whereas
25 we used to -- people used to just send the kid

1 back in as long as they could see straight.
2 Now when a child gets a concussion, the
3 treatment of choice is to put them in a dark,
4 quiet room with literally no stimulation. You
5 know, put them on "brain rest" we call it; you
6 know, no X-Box, no cell phone, no TV, no music.
7 Try to really make the quietest environment
8 possible for that child's brain to recover. So
9 that when they do go back into play they won't
10 be vulnerable to that second impact syndrome,
11 that bad outcome based on the previous insults
12 to the head.

13 Q. Okay. Now, you just finished describing
14 some of the treatments that are possible for
15 this type of injury. Once you have some
16 accumulation of injuries, is there other
17 medical intervention that is more serious that
18 might have been employed in a case like this
19 for the final episode?

20 A. Well, obviously one thing would be to
21 control seizures because seizures are hard on
22 your brain and you want to get that under
23 control. Another thing would be to control
24 brain swelling after an injury, and we can do
25 that with medications, with changing the rate

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

517

1 of ventilations. We can control some of the
2 brain swelling. There are several things that
3 we can do in an intensive care unit if a child
4 actually ends up getting resuscitated after a
5 bad injury event, and we can try to save their
6 lives.

7 Q. We talked a little bit about how the
8 autopsy is really dispositive of the whole
9 issue but were there things in the autopsy that
10 helped you exclude certain types of head
11 injuries?

12 A. Well, he did not have what we call a
13 subdural hematoma, which is a bleed between the
14 brain and the -- and the skull; which again
15 would be more consistent with one major blow
16 causing death, because you have to have a
17 fairly substantial blow or violent shaking to
18 cause subdurals. So we kind of ruled that out
19 because he didn't have subdural hemorrhages.

20 So he certainly -- certainly the clinical
21 picture is much more consistent with a child
22 who has repetitive brain injury with concussion
23 leading to a bad outcome at the end.

24 SOLICITOR WILLIAMS: Court's
25 indulgence.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

518

1 THE COURT: Certainly.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR WILLIAMS:

4 Q. You just talked about the fact that there
5 was no big hematoma. What about the absence of
6 a skull fracture, is that also in line with
7 that?

8 A. Well, again, there wasn't one major blow
9 that led to his demise. It's much more
10 consistent with repetitive blows leaving to a
11 decrease in his neurologic function, his
12 ability to function, his brain to function;
13 increasing the brain's vulnerability to future
14 injury.

15 SOLICITOR WILLIAMS: Thank you, Dr.
16 Jenny. Please answer any questions from the
17 defense.

18 THE COURT: Cross examine.

19 CROSS EXAMINATION

20 BY MR. FALK:

21 Q. You had said that the child could have
22 benefitted from medical attention after the
23 first -- if he did have a seizure, would the
24 child have benefitted from medical attention?

25 A. Yes.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

519

1 Q. That medical attention would have been
2 basically putting him in a quiet room, is that
3 right?

4 A. Well, first he would have needed to be
5 evaluated. I assume that if he had had a head
6 injury with a seizure that he should have ended
7 up in an emergency room and had a CAT scan, a
8 neurologic exam. Then if the -- if the initial
9 diagnosis was concussion then, yes, rest and
10 avoiding future head injuries would have been
11 the prescribed treatment.

12 Q. So the medical procedures that you've
13 described are mostly diagnostic; is that
14 correct? As opposed to -- I don't know what
15 the term is, "curative" or "preventative"
16 maybe. A CAT scan would be mostly to diagnose
17 what was going on, correct?

18 A. Well, I think it would diagnose what was
19 going on and would prevent future injury, which
20 is important. And the surgical intervention
21 would be removing a large hematoma, which
22 wasn't there. I mean, you know, you can't
23 remove the whole brain. So in a child that had
24 a head injury and had a seizure and was
25 lethargic, the main therapeutic approach would

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 be rest.

2 Q. I believe that you just said that a CAT
3 scan would be a preventative ---

4 A. No, that would be a diagnostic test.

5 Q. Okay. So there is no -- if a three-year-
6 old is in your clinic and has had a seizure, is
7 there any medicine that you are going to give
8 him?

9 A. It depends on the nature of the studies
10 that are done, whether he has an abnormal EEG
11 or not, whether the seizure with a fever or
12 without a fever. It would really depend. If
13 it was a seizure that followed a head injury,
14 chances are that he would have been put on
15 medication.

16 Q. At three? On a head injury?

17 A. A head injury with a post-traumatic
18 seizure.

19 Q. You had said that you've looked at -- that
20 part of your diagnosis is based on interviews
21 or reports of interviews with caregivers; is
22 that correct?

23 A. Yes.

24 Q. All right. Did you have a chance to read
25 any of the reports or interviews from the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

521

1 female who was the caregiver in this case?

2 A. The?

3 Q. Grace Trotman?

4 A. Yes, I did.

5 Q. And did you draw any conclusions from
6 that?

7 A. Well, again, there appeared to be multiple
8 episodes where the child was hit or hurt, hit
9 his head and had episodes of either seizure,
10 lethargy or posturing described.

11 Q. The period of lethargy, are you referring
12 to when she said that she had a hard time
13 waking him up one morning?

14 A. That was one of them but she also
15 described other times when he was sleepy, I
16 believe.

17 Q. Certainly one time of a three-year-old
18 waking up does not mean that he had a seizure?

19 A. No, it does not.

20 Q. So you are basing your diagnosis on these
21 -- when you look at the interviews from the
22 caregivers, is that what you call the clinical
23 information?

24 A. Well, that -- yes, what they describe is
25 the child hitting his head, being out of it,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 his eyes rolling back, posturing, having a
2 period of less/decreased consciousness. There
3 were other descriptions of him being quite
4 lethargic at other times.

5 Q. So if there are inaccuracies in that those
6 descriptions, would that affect your diagnosis?

7 A. Yes. If they were -- if he had not had
8 any injuries, wasn't lethargic and didn't
9 seize, yeah, I wouldn't have made the diagnosis
10 of head injury.

11 Q. So you're saying -- is it your opinion
12 that he died as a result of axonal injury?

13 A. Well, multiple concussion blows to the
14 head which lead to this kinda of reactive
15 situation where he was much more vulnerable to
16 a bad outcome from a concussion.

17 Q. Can you get a concussion from a blow to
18 the chest?

19 A. Now unless you hit your head.

20 Q. Similarly a blow to the back? In order to
21 have a concussion to the head, there's got to
22 be a blow to the head?

23 A. Yes.

24 Q. Did you have -- in reviewing this, were
25 there any -- did you have any sort of list of

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

523

1 differential diagnoses when you were looking at
2 this, as to what other causes of death that you
3 were able to rule out?

4 A. Well, given the fact that he was a healthy
5 child who was growing and developing normally,
6 that would rule out a metabolic disorder, it
7 would rule out a mitochondrial disorder, there
8 was no evidence of a brain tumor. Given that
9 he had a history of trauma, repeated trauma to
10 the head that led to symptoms, that was the
11 only diagnosis that I could think of that would
12 be a reasonable diagnosis.

13 Q. And, again, the only evidence of seizures
14 is from the testimony of Mr. Williams and Ms.
15 Trotman; is that correct?

16 A. That's right.

17 Q. There was no medical diagnosis, no medical
18 recording of any seizure?

19 A. He was never taken to a doctor, no. During
20 that period of time.

21 Q. Is it possible that he died of asphyxia,
22 would that be consistent with the medical
23 findings?

24 A. No.

25 Q. Could he have died of a sharp blow to the

1 chest -- and, forgive me, Dr. Collins described

2 a ---

3 A. Commotio cordis?

4 Q. Exactly.

5 A. He did have marks on his head of impact to
6 the head at autopsy.

7 Q. But not as far as commotio cordis, a hit
8 to the chest causing an irregular heartbeat,
9 causing death. Would that be consistent with
10 the autopsy finding?

11 A. You don't find anything on autopsy with
12 that.

13 Q. There is a possibility of accident.
14 Children, if they are going to have an
15 accidental injury, it is going to be to
16 the bony prominence, is that correct?

17 A. More likely.

18 Q. So an injury to this part of the forehead
19 is more likely to be accidental than an injury
20 to this part of the head; is that correct?

21 A. This is a common place where little guys
22 have bruises on their head from falling over.

23 Q. And is it common for new walker, novice
24 walkers, is it more common for them to have
25 bruises on their body than older children?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

525

1 A. Well, that is a hard question to answer.
2 When children are -- until they are pulling to
3 standing, we rarely see bruises, if ever. You
4 have to strong enough to cruise in order to
5 bruise. So once they are strong enough to be
6 standing, holding on surfaces, they begin to
7 get bruising. The amount of bruising increases
8 to a maximum when they are walking and not
9 alternating feet going up stairs, they just
10 take one foot at a time, because they have
11 strength but not good balance. Then when they
12 start using both feet going up stairs and their
13 balance gets more mature, then the amount of
14 bruising goes way down.

15 So we don't see bruising in babies. We
16 do see it in cruisers. We don't see it in
17 crawlers, strongly enough, because they are
18 too close to the ground to get hurt. Once
19 they start pulling to standing they can start
20 getting bruised and it increases until they --
21 until they are going up steps but not
22 alternating feet. Then once they start getting
23 balance, then the amount of bruising goes down.

24 Q. It's interesting that you would say
25 cruising and bruising. Are you familiar with

1 an article entitled "Those who don't cruise
2 rarely bruise."

3 A. Yes.

4 Q. Are you familiar with the publications
5 that was in?

6 A. That was in *Pediatrics*.

7 Q. And you're on Board of that, you're on the
8 editorial board of that publication?

9 A. No, I'm on the -- I'm a vice chairman of
10 one of the districts of the American Academy of
11 Pediatrics.

12 Q. Is there a relationship of that to that
13 article?

14 A. The American Academy of Pediatrics
15 publishes that journal.

16 Q. I see. So in that article it said that in
17 a survey that 51.9 percent of walkers had
18 bruises on them that were accidental. Would
19 you agree with that conclusion?

20 A. Yes.

21 Q. Is part of your process, in going through
22 these cases, looking to see whether or not the
23 caregiver's story is in synch with the
24 injuries? Is that the best way to characterize
25 what you do?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

527

1 A. Yes.

2 Q. So if there is -- if a caregiver comes in
3 and says that they -- you know, they have a
4 hematoma or a cerebral hemorrhage and they say
5 that they fell down, even fell off a table, or
6 something like that, would that be one of those
7 things you'd look for to see if the history
8 jives with the injuries?

9 A. Yes. We would look at how severe the
10 injury was and what the biomechanics of the
11 injury were that was described.

12 Q. So if a caregiver described a bio-
13 mechanical mechanism cause of injury that
14 didn't jive -- that led you to believe that
15 possibly the caregiver was responsible for the
16 death?

17 A. I believe that's a stretch. You know, you
18 don't make that leap immediately.

19 Q. You start looking?

20 A. It's all -- well, it's in the differential
21 diagnosis and you would, you know, do a
22 reasonable inquiry.

23 Q. Could a two-year-old pushed another two-
24 year-old into a wall with sufficient force to
25 cause this type of injury?

1 A. You know, I think I'd have to have more of
2 a description of what it was. Usually two-
3 year-olds playing together don't cause very
4 serious injury to each other.

5 If a two-year-old pushes another two-year-
6 old off a bunkbed, they can get very bad
7 injuries.

8 If they are both standing, it would depend
9 on how close the wall was to child, and it
10 would depend on if there were other factors
11 that made the child more vulnerable to injury;
12 like what if the child had a bleeding disorder,
13 say. If they got pushed into a wall and
14 ruptured an artery, they could get very sick.

15 Q. But if part of your clinical investigation
16 was the caregiver saying our two year olds were
17 playing around and one fell into the wall,
18 would that start leading you to look further?
19 Would that raise the specter of a head injury?

20 A. If it was a severe head injury, I'd be
21 very concerned, yeah. If a kid came in with a
22 bruise on his head, I don't think that I would
23 get excited about it.

24 Q. There is nothing in your testimony to say,
25 there is nothing in your opinion to say who

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

529

1 caused the, uh, you believe that he suffered
2 concussions?

3 A. Yes.

4 Q. There is nothing in your testimony as to
5 who caused the concussions; is that correct?

6 A. Well, there was a history that that was
7 consistent with multiple assaults by one
8 person.

9 Q. But it doesn't necessarily say who that
10 one person could be. I mean, could it have
11 been the female caregiver in this house?

12 A. That wasn't the history that was given,
13 but it would depend on the reliability of the
14 history.

15 Q. Would you agree with the medical examiner
16 -- well, you didn't hear, but the medical
17 examiner has testified that the scalp contusion
18 on this child was not in and of itself fatal;
19 would you agree with that conclusion?

20 A. Yes.

21 Q. And if the clinical histories in this case
22 that you base your opinions on are not
23 accurate, then your expert opinion here would
24 not be -- if your opinion is based on histories
25 that are inaccurate, would you say that your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 opinion could be wrong?

2 A. I think it would depend on how inaccurate.

3 If this child did not have any multiple

4 concussions to the head, then I am totally

5 wrong.

6 Q. But the fact that you're having seizures,

7 if there are different descriptions of what the

8 events were, the seizure-like activity, one

9 person described it one way and another person

10 described it another way, would that cause you

11 to wonder if a seizure had occurred?

12 A. Well, I think -- well, it would depend on

13 -- I don't know. I don't know the witnesses, I

14 don't know how accurate they are. What was

15 described by people who saw the child sounds

16 like seizure activity. Seizures don't look the

17 same every time. There's a constellation of

18 symptoms that occur. Certainly the

19 descriptions that were given were consistent

20 with post-traumatic seizures.

21 Q. If a child can pop up immediately after

22 a seizure, laughing and playing, is that an

23 indication of how severe the seizure was?

24 A. Not necessarily. It really would depend

25 on the nature of it and what caused it and what

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

531

1 part of the brain was affected.

2 Q. Was there typically a long postictal,
3 coma-like state after a seizure?

4 A. There is sometimes, but not always.

5 MR. FALK: No further questions.

6 THE COURT: Redirect.

7 SOLICITOR WILLIAMS: Very, very
8 briefly.

9 REDIRECT EXAMINATION

10 BY SOLICITOR WILLIAMS:

11 Q. Mr. Falk asked you if just getting hit in
12 the chest or getting hit in the back would
13 cause an injury that would be consistent with
14 a seizure. But what about getting hit in your
15 chest, falling down and hitting your head?

16 A. Again, you've have to have impact to the
17 head to get a head injury.

18 Q. It is not just a blow to the head with the
19 hand. It's being smacked to the floor and
20 hitting your hit on the floor, or something of
21 that nature. That could do it?

22 A. That's a head injury, yeah.

23 Q. Some of this symptoms that you described
24 or read in your materials, can they occur, say,
25 the next day after a beating?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

532

1 A. Yes. Post-traumatic seizures don't have
2 to immediately follow the event. In fact, when
3 kids gets accidental injuries, maybe in a car
4 wreck or something, they may be fine for a day
5 or two and then come in with a seizure a day or
6 two later. That is not uncommon.

7 Q. And Mr. Falk brought out that the hema-
8 tomas themselves, seen here and here and here,
9 in and of themselves would not have killed the
10 child. But what are they evidence of?

11 A. Sites of impact.

12 SOLICITOR WILLIAMS: Thank you.

13 THE COURT: Recross?

14 MR. FALK: Yes, please.

15 RECROSS EXAMINATION

16 BY MR. FALK:

17 Q. On a three-year-old, to say that a fall
18 from a standing position for a three-year-old
19 on a carpeted floor; is that going to make a
20 difference of causing a seizure? Getting hit
21 in the chest, someone who is three years old,
22 falls to the ground, falls on a carpeted floor,
23 is that going to be enough impact to cause a
24 concussion?

25 A. It would really depend on how fast he went

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

533

1 down, the nature of the carpet, was there
2 cement under the carpet, was there wood under
3 the carpet. It would depend on the nature of
4 the biomechanics of the event, essentially.

5 Q. So from what you know now, there is not
6 enough that you say whether or not he got hit
7 in the chest and fell to the floor, whether or
8 not he could suffer a concussion, from what you
9 know in this case?

10 A. I think that it is certainly possible.
11 I wasn't there, I didn't watch it.

12 MR. FALK: Thank you.

13 THE COURT: Do you wish this witness
14 to be excused?

15 SOLICITOR WILLIAMS: Please, Your
16 Honor.

17 THE COURT: Do you have any
18 objection?

19 MR. FALK: No, sir.

20 THE COURT: Thank you very much.
21 You may step down and you're free to leave.
22 Have a safe trip home.

23 (WITNESS STEPS DOWN)

24 SOLICITOR WILLIAMS: Russell Minter.

25 THE COURT: How long is this

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 witness? Is this the detective?

2 SOLICITOR WILLIAMS: This is
3 detective.

4 THE COURT: Let's take a break at
5 this point, Ladies and Gentlemen. I will let
6 you go to your jury room. Do not begin your
7 deliberations, don't discuss the case. We will
8 be with you in about ten minutes.

9 (JURY OUT @ 1:23 P.M.)

10 THE COURT: Anything from the State
11 before we recess?

12 SOLICITOR WILLIAMS: No, Your Honor.
13 She is going to give you some information about
14 the tapes that we are scheduling, but when
15 you're ready.

16 THE COURT: From the defense?

17 MR. FALK: No, sir.

18 THE COURT: We will be at-ease.

19 (BRIEF RECESS)

20 (DEFENDANT PRESENT)

21 THE COURT: Let the record reflect
22 that the Defendant is present.

23 SOLICITOR WILLIAMS: Your Honor, the
24 next witness is about ten minutes. There's no
25 audio, it's just a videotape. Mr. Falk has

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

535

1 been gracious enough to agree that it is
2 admissible. He's already spoken to our
3 witness, who clearly authenticated. But
4 because his initials are on the tape, we have
5 already started it a little bit, not to waste
6 as much time.

7 The last witness, we have a tape.
8 It's the last interview of Roger Williams that
9 we are going to play. It begins at 1:50 and
10 ends at 2:40, so it is about fifty minutes
11 long.

12 THE COURT: All right. Move both of
13 those in. No objection?

14 MR. FALK: Just that I don't want
15 to mischaracterize what I agreed to.

16 THE COURT: Okay.

17 MR. FALK: I agreed that it is him
18 on the tape, so that we don't have to go
19 through those steps of identification. It is
20 him on the tape. But we have not talked about
21 this, this is the ---

22 THE COURT: Yeah, you're not
23 withdrawing your objection to it's not
24 relevant; it's just that prejudice outweighs
25 the probative value.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

536

1 MR. FALK: Right.

2 THE COURT: So you don't object to
3 the authentication but your objection still
4 stands.

5 MR. FALK: Yes.

6 THE COURT: That's fine. We will
7 just play and when you do -- you offer it, Ms.
8 Williams, and I will just simply say that it is
9 admitted such to the objection previously
10 placed on the record during this proceeding.

11 MR. FALK: Thank you.

12 SOLICITOR WILLIAMS: Yes, sir.

13 THE COURT: Thank you very much, Mr.
14 Falk. Now, the last one, the interview, is
15 there any objection to that interview?

16 MR. FALK: No, Your Honor.

17 THE COURT: Just for my edification,
18 were you able to obtain the presence of any of
19 your witnesses -- if you wish to call any
20 witnesses.

21 MR. FALK: Well, I have called one
22 witness. I do have a lady back here and of
23 course, will kinda see how it plays out. If
24 we don't think that we are going to go there,
25 I will tell her that she can go home.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

537

1 THE COURT: That will be a break,
2 obviously we'll have to entertain motions.
3 I will need to talk with your client about his
4 decision to testify or not to testify. Then I
5 would plan to call that witness, if we could,
6 before recessing. Now, do you have additional
7 witnesses?

8 MR. FALK: Before recessing for the
9 day?

10 THE COURT: That's correct. And you
11 have additional witnesses for tomorrow?

12 MR. FALK: Yes, sir.

13 THE COURT: That's fine. Yes, she's
14 here, and I'd like to go ahead and take her
15 testimony.

16 MR. FALK: That's fine.

17 THE COURT: Okay. State's ready?

18 SOLICITOR WILLIAMS: Yes, Your
19 Honor.

20 THE COURT: Defendant is ready?

21 MR. FALK: Yes, Your Honor.

22 THE COURT: Let the record reflect
23 that Mr. Williams is present. Let's bring in
24 our jury, please.

25 (JURY IN @ 1:41 P.M.)

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

538

1 THE COURT: Thank you very much,
2 Ladies and Gentlemen. All right, you may call
3 your next witness.

4 SOLICITOR WILLIAMS: Thank you, Your
5 Honor. The State would call Russell Minter.

6 (WITNESS TAKES STAND)

7 RUSSELL MINTER, being duly sworn to
8 tell the truth, the whole truth and nothing but
9 the truth, testified, as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR WILLIAMS:

12 Q. Mr. Minter, where do you work?

13 A. Air Concepts Solutions.

14 Q. How long have you worked there?

15 A. About two months.

16 Q. Do you know Roger Williams?

17 A. Yes, ma'am.

18 Q. How long have you known him?

19 A. About five, six years.

20 Q. Do you know Grace Trotman?

21 A. Yes, ma'am.

22 Q. And did you know them both back in June of
23 2010?

24 A. Yes, ma'am.

25 Q. Where were they living at that time?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

539

1 A. Tramway.

2 Q. Do you remember which town that it was in?

3 A. It was, uh, Summerville. It would be
4 Summerville.

5 Q. Was it Longbourne Way? Do you remember?

6 A. Ah, I don't remember.

7 Q. Do you see Mr. Williams here in the
8 courtroom?

9 A. Yeah.

10 Q. Can you identify him?

11 A. Yes, ma'am.

12 Q. What is he wearing?

13 A. A white shirt.

14 SOLICITOR WILLIAMS: Let the
15 reflect, Your Honor, that he has identified
16 the Defendant, Roger Williams.

17 THE COURT: It so reflects.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR WILLIAMS:

20 Q. Did you receive -- where were you working
21 back in June of 2010?

22 A. Coastal Produce.

23 Q. How long have you worked there?

24 A. Twelve years. At the time eight years.

25 Q. Did you receive a phone call from Mr.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Williams in June of 2010?

2 A. Yes, ma'am.

3 Q. Do you remember what your phone number was
4 back then?

5 A. 296-0188.

6 Q. What did he call you about?

7 A. He needed a ride.

8 Q. To where?

9 A. To Lowe's.

10 Q. Did he say what it was for?

11 A. He said that he needed some concrete and a
12 couple of different things.

13 Q. Did he say what the other couple things
14 were?

15 A. No, ma'am.

16 Q. Did you -- do you remember about when you
17 got the call?

18 A. It was about -- I was working, it was
19 probably around 1:30 or 2:00 o'clock, I want to
20 say.

21 Q. Would it refresh your memory to look at a
22 phone record with your number on it?

23 A. Yes, ma'am.

24 SOLICITOR WILLIAMS: Your Honor, may
25 I approach?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

541

1 THE COURT: You may. For the
2 record, what are you showing him? Which
3 exhibit?

4 SOLICITOR WILLIAMS: This is State's
5 Exhibit 1 and it is record of 539 ---

6 THE COURT: Has it been admitted?

7 SOLICITOR WILLIAMS: Yeah, it has
8 been admitted.

9 THE COURT: State's Exhibit 1.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILLIAMS:

12 Q. If you look at this line, what is the
13 phone number here that was calling?

14 A. 843-539-6213.

15 Q. What time is that call?

16 A. 12:00 o'clock.

17 Q. Is it 12:00 o'clock?

18 A. Yeah. On, no, it's 12:02.

19 Q. 12:02?

20 A. 12:02, yeah.

21 Q. And what is the number that it is calling
22 at 12:02?

23 A. 843-296-0188.

24 Q. Was that your number at the time?

25 A. It was.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

542

1 Q. Is that the call that we are talking
2 about?

3 A. Yes, ma'am.

4 Q. What date is that?

5 A. It is 6/7.

6 Q. Of what year?

7 A. 2010.

8 Q. Did you review a tape at some time earlier
9 than today of -- that we showed you of some-
10 where in Lowe's?

11 A. Yes, ma'am.

12 Q. Is that you and Mr. Williams on the tape?

13 A. It is.

14 SOLICITOR WILLIAMS: Your Honor, at
15 this time we would offer State's Exhibit 51
16 into evidence.

17 THE COURT: Subject to the objection
18 previously placed on the record and preserved,
19 the tape is admitted -- what is the number of
20 the tape?

21 SOLICITOR WILLIAMS: State's 51.

22 THE COURT: State's Exhibit 51.

23 (SO ENTERED AS STATE'S EXHIBIT 51)

24 SOLICITOR WILLIAMS: May we publish?

25 THE COURT: You may.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

543

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR WILLIAMS:

3 Q. Turn around and view the tape. I may ask
4 you just one or two questions afterwards.

5 A. Okay.

6 Q. (Video playing), -- where is Mr. Williams
7 on the tape?

8 A. He's right there (indicating).

9 Q. To your left there is a pointer. You can
10 use this to kinda point out where he is -- it's
11 a little red button.

12 A. All right.

13 Q. What is he doing?

14 A. He is talking to the salesclerk about the
15 concrete.

16 Q. Did he have questions?

17 A. He wanted to know which one dried the
18 quickest.

19 Q. Is there anything else being purchased
20 there, next to the concrete?

21 A. Yes, ma'am, a trash can.

22 Q. Can you point to that, please?

23 A. (Indicating).

24 Q. (Video playing), do you know where he went
25 at this point, do you remember?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

544

1 A. I don't.

2 Q. (Video playing), what's happening there,
3 Mr. Minter.

4 A. We were getting the different concrete and
5 there is also a pole, and then the trash can.
6 The pole's right there.

7 Q. Why are you getting different concrete?

8 A. Because we had got the wrong kind. That
9 one dried quicker, from what I remember.

10 Q. Mr. Minter, did you know what that was
11 being used for?

12 A. I did not.

13 Q. What were you told that it was being used
14 for?

15 A. He was building ---

16 Q. If you could, just talk into that
17 microphone.

18 A. He was building a patio on his new house.

19 Q. After that day, did you ever hear from Mr.
20 Williams again?

21 A. I did.

22 Q. Tell me about that.

23 A. He had called me once he had got out of
24 jail.

25 Q. And what did he say to you?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

545

1 A. He just told me that he was sorry and
2 asked me how I was doing and everything
3 and I ---

4 Q. Did he ask you to do anything for him?

5 A. No, ma'am.

6 Q. Do you remember saying that he asked you
7 to come and testify for him?

8 A. Yes, ma'am. Well, he wanted everybody
9 that had -- he -- I don't know how to say it.
10 Yeah, he did.

11 Q. We subpoenaed you to be here today?

12 A. Right.

13 Q. You don't really want to be here?

14 A. No.

15 Q. What did he want you to say in court?

16 A. He just wanted me to say that he wasn't
17 abusive with the kids and stuff like that.

18 Q. What about his psychological state, did he
19 ask you ---

20 A. He did ask me about a psychological state,
21 him just being out it, not knowing what to do
22 really, that he was just psychologically not
23 there.

24 Q. He wanted you to say that?

25 A. Right.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

546

1 Q. Is that true? That day, did he seem
2 psychologically out of it?

3 A. In ways but in some ways not. I mean, he
4 just kinda acted hisself. He was kinda out of
5 it a little bit.

6 Q. Did you previously say that he was acting
7 just normal?

8 A. Did I pre--, -- Yes, ma'am.

9 SOLICITOR WILLIAMS: Nothing
10 further.

11 THE COURT: Cross examine.

12 CROSS EXAMINATION

13 BY MR. FALK:

14 Q. How long were y'all in the store? Does
15 that tape accurately reflect how long y'all
16 were shopping?

17 A. No, sir. We were in there probably thirty
18 minutes or so.

19 Q. So it took thirty minutes to buy the
20 cement?

21 A. Yeah. It was probably about twenty-
22 thirty minutes, max.

23 Q. Mr. Williams apparently called you later,
24 after that?

25 A. Right.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

547

1 Q. Now, is he asking you to testify
2 incorrectly? Was he asking you to lie?

3 A. He was just asking me to say that he was
4 psychologically not there.

5 Q. Now that you have had a chance to think
6 about it, do you think it is possible that he
7 was a little bit out of it at the time?

8 A. Not really. No, sir.

9 MR. FALK: No further questions.

10 THE COURT: Redirect?

11 SOLICITOR WILLIAMS: No, Your Honor.

12 THE COURT: You may step down, Mr.
13 Minter. You wish this witness to be excused?

14 SOLICITOR WILLIAMS: Please, Your
15 Honor.

16 THE COURT: Any objection?

17 MR. FALK: No, Your Honor.

18 THE COURT: Mr. Minter, you are also
19 free to leave.

20 (WITNESS STEPS DOWN)

21 THE COURT: Call your next witness,
22 please.

23 SOLICITOR WILLIAMS: The State would
24 call Detective Bobby Shuler.

25 (WITNESS TAKES STAND)

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al.
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

548

1 BOBBY SHULER, being duly sworn to tell
2 the truth, the whole truth and nothing but the
3 truth, testified, as follows:

4 DIRECT EXAMINATION

5 BY SOLICITOR WILLIAMS:

6 Q. Where are you currently employed?

7 A. At the Berkeley County Sheriff's Office.

8 Q. How long have you worked there?

9 A. Almost fourteen years.

10 Q. Do you also have another job?

11 A. Yes, ma'am. I have almost twenty-six
12 years in the Air Force National Guard.

13 Q. What are you present duties?

14 A. Present duties in the Sheriff's office, I
15 am the sergeant in the detectives division.

16 Q. Were you working in that capacity back in
17 June of 2010?

18 A. I was.

19 Q. In July of 2010?

20 A. Yes, ma'am.

21 Q. And were you involved in the investigation
22 of a homicide regarding victim Minor
23 Williams?

24 A. I was.

25 Q. Did you respond to the Dorchester County

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

549

1 Sheriff's Office on July 7th?

2 A. Yes, ma'am.

3 Q. Was it the 7th or the 8th?

4 A. The 7th.

5 Q. What time did you arrive on scene, if you
6 can remember?

7 A. It was a little bit after 12:00, maybe
8 around 12:30 or so.

9 Q. And who were you with?

10 A. Detective Pottieger.

11 Q. Did you interview any witnesses there?

12 A. I did. I interviewed Roger Williams.

13 Q. Now, when you interviewed Mr. Williams did
14 he appear to be under the influence of any
15 alcohol or drugs?

16 A. No, he was not.

17 Q. Was he provided his Miranda rights?

18 A. He was.

19 Q. Did you provide them?

20 A. No, ma'am. Detective Pottieger advised
21 him of his Miranda rights.

22 Q. Were you sitting there the whole time?

23 A. Yes, ma'am.

24 Q. Did he appear to understand what was being
25 told to him?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

550

1 A. Yes, ma'am.

2 Q. Did he know what he was being questioned
3 about?

4 A. Yes, ma'am.

5 Q. Did he ever ask for clarification?

6 A. No, ma'am.

7 Q. Did he agree to talk to you?

8 A. He did.

9 Q. How many interviews were actually done,
10 technically, during that period of time that
11 you were with him?

12 A. The interview. There was actually two
13 interviews. The first one went on almost an
14 hour. We took a little bit of a break and then
15 came back and started the second interview.

16 Q. Do you remember how much time was between
17 the first interview and the second interview?

18 A. Approximately ten minutes.

19 SOLICITOR WILLIAMS: Court's
20 indulgence. I am going to show defense counsel
21 what has previously been marked as State's
22 Exhibit 66.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILLIAMS:

25 Q. Do you recognize what this is?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

551

1 A. Yes, ma'am.

2 Q. What is that?

3 A. That is the recording, audio recording of
4 the interview with Mr. Roger Williams.

5 Q. Is this the first or the second one?

6 A. This is the second one.

7 Q. Did you listen to it from beginning to
8 end?

9 A. I did.

10 Q. Does it accurately portray the whole
11 interview?

12 A. Yes, ma'am.

13 Q. No additions, deletions, changes?

14 A. No, ma'am.

15 SOLICITOR WILLIAMS: Your Honor, at
16 this time we would offer State's Exhibit 66
17 into evidence.

18 THE COURT: Any objection?

19 MR. FALK: No objection.

20 THE COURT: Without objection,
21 State's Exhibit 66 is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 66)

23 SOLICITOR WILLIAMS: May we publish?

24 THE COURT: You may.

25 (WHEREUPON STATE'S EXHIBIT 66, AUDIO TAPE

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

552

1 WAS PLAYED FOR THE JURY)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR WILLIAMS:

4 Q. Is that the tape of the second interview?

5 A. Yes, ma'am.

6 Q. Now, the jury heard the earlier interview.

7 But you remember the earlier interview, where
8 he was denying?

9 A. Yes, ma'am.

10 Q. How much time was there between the
11 earlier interview when they were getting
12 chicken wings and 'chillin and all this?

13 A. About ten minutes. We stepped out of the
14 room and came in in about ten minutes.

15 Q. And he kept saying that he was telling you
16 "the truth to the T", in second interview?

17 A. Yes.

18 Q. Did he also use that term in the first
19 interview?

20 A. He did.

21 Q. All the way honest?

22 A. All the way honest.

23 Q. At one point in the tape he's acting out
24 this episodes where this child -- I think in
25 this one he says he's fallen down the stairs.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

553

1 Can you show the jury what he was doing with
2 his body?

3 A. The best I can recall, the way that Mr.
4 Williams demonstrated was that Minor legs
5 would lock out, his arms would lock out like
6 this (demonstrating) and his head -- the body
7 was like going in one direction, his head was
8 going in another direction, and his eyes were
9 doing some weird stuff.

10 Q. Okay. What was his demeanor like as he
11 discussed his child, the way the child died and
12 afterwards?

13 A. His demeanor didn't seem to change from
14 the first interview to the second interview.
15 It seemed to stay pretty much the same.

16 SOLICITOR WILLIAMS: Thank you. No
17 further questions.

18 THE COURT: Cross examine.

19 MR. FALK: One moment, Your Honor.

20 CROSS EXAMINATION

21 BY MR. FALK:

22 Q. At some point during that conversation
23 that you had with him, did he not admit to you
24 that he had a difficult time just coming right
25 out and telling you that story?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

554

1 A. Well, in the -- are you talking about from
2 the first time to the second time?

3 Q. (Affirmative nod).

4 A. The first time he just kept sticking to
5 the story that the child was alive and all that
6 stuff. Once we got to the second one -- once I
7 came back in there and confronted him with the
8 fact that we actually found Minor [REDACTED] remains,
9 with the help of Grace, at that point is when
10 he decided to go ahead and tell his side of the
11 story.

12 Q. Did he ever ask you to tell Nikki that he
13 was sorry?

14 A. Uh, he did say that after the bond hearing
15 at the sheriff's office as he was -- as they
16 were walking him out of the bond hearing, he
17 asked me if I would him a favor. I said 'what
18 was that?' And he said, "Will you tell Nikki I
19 am sorry?" I said, 'I'll do that.'

20 MR. FALK: Thank you.

21 THE COURT: Redirect?

22 SOLICITOR WILLIAMS: No, Your Honor.

23 THE COURT: You may come down.

24 (WITNESS STEPS DOWN)

25 THE COURT: Your Honor, the only

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

555

1 thing we have before we rest are the two
2 stipulations that we discussed with the court.
3 Would you like for me to bring that forward?

4 THE COURT: Yes, please.

5 (OFF RECORD BENCH CONFERENCE)

6 THE COURT: Court's Exhibit 1 will
7 be a stipulation regarding State's Exhibits 63,
8 64, 65. Ladies and Gentlemen, a stipulation in
9 a trial is to expedite the proceedings and the
10 parties may, from time to time, stipulate to
11 what a witness had said. When they enter the
12 stipulation you will enter this stipulation
13 when you evaluate all the testimony in this
14 case. This stipulation, Court's Exhibit 1, Kim
15 Dent from SLED took photographs of the home at
16 [REDACTED] Way on July 7th, 2010. The
17 photographs of the stains on the carpet in
18 State's Exhibit 63 and State's Exhibit 64 were
19 taken in Bedroom #2, as listed in her diagram,
20 State's Exhibit 65. You may consider that
21 testimony in evaluating all the other
22 testimony.

23 (SO ENTERED AS COURT'S EXHIBIT 1)

24 THE COURT: Court's Exhibit 2, which
25 is a stipulated regarding identification of the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

556

1 body. Paul Meeh, a forensic analyst from SLED
2 made a positive identification of the spleen
3 smears in the case and would have testified
4 that this body was that of Minor

5 That likewise is a matter in evidence that you
6 may consider with all other evidence in this
7 case.

8 (SO ENTERED AS COURT'S EXHIBIT 2)

9 THE COURT: With that, as I
10 understand, Solicitor, the State rests?

11 SOLICITOR WILLIAMS: The State would
12 rest at this time.

13 THE COURT: At this point, Ladies
14 and Gentlemen, there are matters of law that I
15 must now take up outside your presence. I
16 would ask that you retire to your jury room,
17 but do not begin your deliberations and do not
18 discuss the case. We will be with you as
19 quickly as we can. Thank you.

20 (JURY OUT @ 3:01 P.M.)

21 THE COURT: Any Motions from the
22 State at this point?

23 SOLICITOR WILLIAMS: None from the
24 State.

25 THE COURT: Mr. Falk, any Motions

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

557

1 from the Defendant?

2 MR. FALK: Yes, Your Honor.

3 THE COURT: I will be delighted to
4 hear from you, sir.

5 MR. FALK: Your Honor, at this time
6 we would like to ask for a directed verdict in
7 my client's favor. I appreciate that the State
8 has a very low burden in here, I understand the
9 weighing of the evidence. But I'd like to draw
10 the court's attention to -- my concern in this
11 case is the extreme lack of medical that tied
12 my client to the death of Minor
13 I think that the proof is pretty clear, and I
14 don't think that it was controverted, that he
15 was not present at the time of the child's
16 death.

17 I think it's pretty clear that there
18 were two telephone calls that the child was --
19 that there were two telephone calls coming in
20 that -- where Grace Trotman said that the child
21 is not breathing. And we heard Grace Trotman
22 say that the child was not breathing.

23 You know, we went through -- and I
24 won't discuss Dr. Collins' testimony, because I
25 am not sure that is -- as far as the directed

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

558

1 verdict Motion. But even if you look at Nick
2 Batalis' testimony, he'd found evidence of
3 probable blunt force trauma but you heard him
4 say that he couldn't rule out any other causes
5 of death that would exonerate my client from an
6 instantaneous point of view. Let me explain my
7 point there.

8 THE COURT: Sure.

9 MR. FALK: I think the medical
10 testimony is sort of that there were cumulative
11 injuries over a period of time, and that maybe
12 whatever happened on that morning was sort of
13 the straw that broke the camel's back. That
14 might be a way to summarize it. I think that's
15 a summary of what their argument is.

16 I think that they certainly cannot
17 rule out asphyxia or any other types of -- they
18 couldn't rule out asphyxia and the term that I
19 still can't express, the term for when you hit
20 the chest and you stop breathing, nor the
21 possible wrenching of the neck.

22 I believe that Ms. Washington
23 testified that she had admitted to snapping and
24 striking the child. Even Ms. Trotman testified
25 that she snapped and struck the child, that she

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

559

1 had struck him, there was a twisting motion and
2 his head hitting the wall. So I think that's
3 more than mere speculation.

4 There is no evidence -- I mean,
5 granted, there is no evidence because of the
6 significant decomposition of the body, but
7 still there is no evidence of intracranial
8 hemorrhaging, there is no evidence of the
9 axonal damage to the nerves. Absent any more
10 direct proof, scientific proof, medical proof
11 regarding the cause of death that ties my
12 client, as opposed to Ms. Trotman, this is a
13 different case going further to the jury.

14 THE COURT: Well, certainly if the
15 State did not present Carol Jenny there may be
16 -- certainly there is an abundance of
17 circumstantial evidence which link. Clearly
18 Dr. Jenny states, and I don't think -- we can
19 all say that it might be something else, but
20 that's not the standard and that really is
21 speculative anyway. Dr. Jenny was very
22 specific given what she knew, and this was
23 confirmed by the pathology, by the autopsy,
24 there were multiple injuries to the scalp which
25 would not be just simply superficial bruising

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

560

1 but deep bruising, which would require
2 significant force. There were multiple areas
3 of that. Which clearly would refute and
4 diffuse any argument that this death was solely
5 -- in fact, she said that it was not the result
6 of sole injury, one blow. Because it just
7 typically physiologically, according to her, if
8 the jury believes that and supports that, would
9 never have occurred.

10 But there is a statement in the
11 defendant's own statement, and I wrote it down
12 because if it was a civil trial, I'd have to
13 direct a verdict based on the statement alone,
14 nothing else. "We didn't call the ambulance,
15 that makes us both responsible." Precisely,
16 absolutely, succinctly states what the statue
17 says. His own statement makes him guilty of
18 this offense, if the jury believes that.
19 Because that is exactly what happened. They
20 didn't do anything.

21 You know, in listening to that tape --
22 because we have to say manifests extreme
23 indifference to human life. I don't care if
24 you've never had a class on raising children,
25 I've never heard, from both parties, anything

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

561

1 more extreme indifference to the life of a
2 human being, if the jury believes that, than
3 what I have heard in this trial.

4 So absolutely, unequivocally, I deny
5 your Motion. Thank you, sir. On both,
6 obviously. Unlawful conduct is clearly
7 supported. Thank you, sir.

8 Now, have you discussed with Mr.
9 Williams his desire to testify or not to
10 testify?

11 MR. FALK: I have discussed that.

12 THE COURT: All right. Do you need
13 to talk with him any further or has he made a
14 decision?

15 MR. FALK: He has just informed me
16 that he would like to sleep -- he's waived from
17 not wanting to, to maybe thinking that he needs
18 to. He's just asking if he can sleep on his
19 decision.

20 THE COURT: Well, there are
21 witnesses that you intend to call tomorrow;
22 is that correct?

23 MR. FALK: That's correct.

24 THE COURT: Mr. Williams, and you
25 may remain seated, sir, you have had the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

566

1 any additional witnesses?

2 MR. FALK: Yes, sir.

3 THE COURT: You may proceed.

4 MR. FALK: The defense would like
5 to call Kelly Garrett.

6 (WITNESS TAKES STAND)

7 KELLY GARRETT, being duly sworn to
8 tell the truth, the whole truth and nothing but
9 the truth, testified, as follows:

10 DIRECT EXAMINATION

11 BY MR. FALK:

12 Q. Ms. Garrett, have you been inside this
13 courtroom or heard other witnesses testify in
14 this case?

15 A. No, sir.

16 Q. I mean, at any time since Monday of this
17 week?

18 A. No, sir.

19 Q. You followed the prescription about --
20 when you were asked to leave, because we are
21 sequestering the witnesses, you left?

22 A. Yes, sir.

23 Q. Can you tell me where you live?

24 A. I live in Summerville.

25 Q. How long have you lived in Summerville?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

567

1 A. Most of my life.

2 Q. What is your address in Summerville?

3 A. My address currently is [REDACTED]

4 in Ladson.

5 Q. Do you know the defendant, Roger Williams?

6 A. I do.

7 Q. Can you tell us how long you've known him?

8 A. I have known Mr. Williams for several
9 years, but we became better acquainted in 2009.

10 Q. Can you go ahead and describe your
11 relationship with Mr. Williams?

12 A. We were friends and then eventually we
13 became involved.

14 Q. By involved, you mean what everybody
15 thinks you mean by "involved"?

16 A. Yes, sir.

17 Q. Thank you. Were you involved with Mr.
18 Williams around 2009, 2010?

19 A. Yes.

20 Q. Do you recall sometime in June of 2010 --
21 do you recall when in June of 2010 that Mr.
22 Williams got arrested?

23 A. I do.

24 Q. Prior to that time of getting arrested,
25 were you helping him?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

568

1 A. I was. I was taking him to work, picking
2 him up from work, taking him to his parties.

3 Q. Were you driving him around at the
4 beginning of the week, like the first or second
5 of June?

6 A. Yes, sir.

7 Q. How about maybe the weekend before he got
8 arrested?

9 A. Well, he got arrested in July.

10 Q. Excuse me, I'm sorry. You're right. So
11 you recall in June, the first week in June,
12 driving him around?

13 A. I do.

14 Q. Do you recall driving him around the
15 weekend of June 6th -- or June 4th, and I guess
16 that is a Friday?

17 A. I do.

18 Q. Can you tell us what you were doing with
19 him on that Friday?

20 A. Friday evening I picked him up from his
21 house and we went to, I think it was WalMart to
22 get some things to set up for the party that he
23 was having that night. I didn't get dressed
24 before we went, so -- I just wore jeans and
25 what I had on. We went to the club and blew up

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

569

1 balloons and put out party favors and things
2 like that. I left him there, I went home and
3 I got dressed and then came back. He asked me
4 to go back to Summerville -- the club was in
5 Goose Creek. He asked me to go back to
6 Summerville to pick up some other people that
7 wanted to attend the party. I got upset with
8 him about that because I didn't want to. I
9 left. And he called back to see if I was on my
10 way to pick up those people and we had words,
11 because I told him that I wasn't going to do
12 that and I was mad with him. So I left. Then
13 after we argued -- I think he hung up on me,
14 then I called him back because I wanted to
15 finish saying what I had to say to him. I
16 didn't speak to him that night.

17 Then on Saturday, I went to a comedy show
18 with my girlfriend and he called, I think it
19 was maybe around midnight or a little after,
20 and he was saying that he had a room and he
21 wanted me to come. He asked me where I was,
22 because he heard the noise. I told him like
23 that I "out." He was like, 'Oh, you like out
24 having fun.' So we got into it then. So I
25 said, 'I will come after.' He said, 'Well,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

570

1 just call me when you finish', but he was kind
2 of attitudy (sic) with me. So he hung up.

3 I didn't speak to him Sunday but I texted
4 him and told him that if he needed a ride to
5 work the next day to let me know before the
6 morning.

7 I got a call from him about maybe 4:00-
8 something, close to 5:00 in the morning and
9 he was like, 'Don't leave out the time you
10 normally leave, because I'm not home.' I said,
11 'Where are you?' And he was like, 'Don't worry
12 about that but I should have a ride home before
13 time for you to come get me. I will call you
14 when I get there.'

15 So I waited for a while and about maybe
16 5:30 or so I texted him and asked him if his
17 ride had come. He ended up calling back,
18 saying no, his ride didn't come. He was, like,
19 'Man, you just gonna have to come on because I
20 am running late.' I said, 'Well, where are
21 you?' He said that he was at the hotel. So I
22 went to go get him from the Economy Inn in
23 Summerville.

24 Q. Okay.

25 MR. FALK: May I approach?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

571

1 THE COURT: You may.

2 MR. FALK: May I see State's
3 Exhibit 1, is that here?

4 COURT REPORTER: Yes, sir,
5 (tenders).

6 DIRECT EXAMINATION CONTINUED

7 BY MR. FALK:

8 Q. Ms. Garrett, I've handed you State's
9 Exhibit 1, which has already been identified as
10 Mr. Williams' telephone records. I've folded
11 that to Page 24. If you look maybe a third of
12 the way down on that page, do you see a -- what
13 is your telephone number?

14 A. 843-532-7109.

15 Q. Has that been your telephone number since
16 2010, at least?

17 A. Yes.

18 Q. So is there a call to you, to that number
19 at around -- early in the morning?

20 A. Yes.

21 Q. Can you tell us what time that call was
22 made?

23 A. He called me at 4:50.

24 Q. Okay. And I believe that those times are
25 in sort of a twenty-four clock. So would that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 make sense that that would be 4:50 in the
2 morning?

3 A. Yes, sir.

4 Q. Is that how you remember it?

5 A. Yes, sir.

6 Q. Okay. Thank you. Can you tell us what
7 that says all the way across that? It has your
8 telephone number and then the next column -- is
9 that correct?

10 A. It does.

11 Q. Then over to the right it say "2", so I
12 believe that's under a column that says number
13 of minutes?

14 A. Yes.

15 Q. Then over to the right of that, can you
16 read what that says?

17 A. There is a 2, then there is a 50301
18 Summerville, South Carolina.

19 Q. Then a little bit below that, are there
20 some other calls to you that morning?

21 A. Actually there is one more after that.
22 Then I called him.

23 Q. Okay. What time did you call him back
24 that morning?

25 A. At 6:00 a.m.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

573

1 Q. Do you recall where you were that morning
2 at 6:00 a.m.

3 A. I believe I would have been outside the
4 hotel.

5 Q. In Summerville?

6 A. Yes.

7 Q. And did you call him again after that?

8 A. I did.

9 Q. Did you call him at 6:12?

10 A. I did.

11 Q. Then again at 6:22?

12 A. Yes, sir.

13 Q. What do you think those calls were about?

14 A. I guess to tell him to hurry up.

15 Q. You think that you were still in
16 Summerville at that time?

17 A. Yes, sir.

18 Q. So you drove him from the hotel in
19 Summerville?

20 A. Yes.

21 Q. Where did y'all go next?

22 A. I took him to his house on Longbourne Way.

23 Q. Did you see Grace Trotman that morning?

24 A. I saw her briefly. When we got there, she
25 was sitting upstairs in a window looking

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

574

1 outside. Then she met him at the door. He
2 went inside to get his work things, and I saw
3 her for another brief moment when he came
4 outside to get in the car. She followed behind
5 him, she was yelling for him to come back. She
6 was saying, "Box! Box!" He said, "I don't
7 have time, I gotta go."

8 Q. So she saw you dropping him off at 6:00
9 o'clock in the morning?

10 A. She did.

11 Q. Then what happened next?

12 A. Well, when he got in the car he said, "Oh,
13 Lord." I said, 'What's wrong with you?' He
14 said, ---

15 SOLICITOR WILLIAMS: Objection.
16 Hearsay.

17 THE COURT: As to what he said,
18 sustained.

19 THE WITNESS: When he got in the car
20 he said, "Oh, Lord." I said, 'What's wrong?'

21 THE COURT: I sustained the
22 objection.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. FALK:

25 Q. Did you notice anything about his

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

575

1 demeanor?

2 A. He seemed stressed a little bit.

3 Q. So you drove him to his job?

4 A. I did.

5 Q. Could you tell whether or not they'd be
6 fighting or anything that morning?

7 SOLICITOR WILLIAMS: Objection,
8 speculative.

9 THE COURT: I will allow it, based
10 on demeanor.

11 THE WITNESS: He told me that
12 they had been arguing.

13 MR. FALK: Not ---

14 THE COURT: I am not going to allow
15 it, based on her answer there. She would be
16 speculating. Just based on what her
17 observations are.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. FALK:

20 Q. So then did you drive him -- did he call
21 you later that morning?

22 A. He did.

23 Q. And do know what the purpose of that call
24 was?

25 A. He called me for a ride back home.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

576

1 Q. Could you tell anything about his demeanor
2 at that time?

3 A. When he called, he seemed anxious.

4 Q. What time, about, was that?

5 A. Maybe about 10:45.

6 Q. Okay. So where were you when he called
7 you?

8 A. At home

9 Q. How far a drive is it from where you live
10 to where he works?

11 A. About thirty minutes.

12 Q. So when he called you, did you get in the
13 car and start coming?

14 A. I did.

15 Q. Could you tell why he was coming home so
16 early?

17 A. Well, can I ---.

18 Q. Other than what he told you?

19 A. I don't know what I can say.

20 Q. Were you ever with Box -- with Roger
21 Williams when Grace called him?

22 A. Yes.

23 Q. Would he ever then leave and go home?

24 A. There've been a few times where she may
25 have called and said that ---

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

577

1 SOLICITOR WILLIAMS: Objection,
2 hearsay.

3 THE COURT: Sustained.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. FALK:

6 Q. Do you know he was going on?

7 A. She would say ---

8 THE COURT: Objection.

9 THE COURT: Sustained.

10 MR. FALK: Thank you.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. FALK:

13 Q. Did you ever have an opportunity to watch
14 Yaya?

15 A. Yes.

16 Q. Why would that come up?

17 A. Because sometimes she said she needed a
18 break.

19 Q. Without saying what she said, did she just
20 ask you to take care of her?

21 A. Ms. Trotman wanted a break.

22 Q. She said -- excuse me. All right. How
23 long would you watch her?

24 A. Just a few times for a few hours maybe.

25 Q. Have you ever watched Roger's demeanor

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

578

1 around Yaya?

2 A. I have.

3 Q. What did you observe?

4 A. Well, there was an incident where she ---

5 SOLICITOR WILLIAMS: Objection,
6 relevance.

7 THE COURT: Sustained -- I mean
8 overruled. Excuse me.

9 THE WITNESS: There was an
10 incident where she and I were actually together
11 and Yaya was being busy and she -- she ran away
12 from Ms. Trotman and she came to me. She was
13 calling her to come back to her and she told
14 her 'no'. She wouldn't go back to her mom, she
15 wanted to stay with me. She was kinda acting
16 out a bit. Then the baby started crying, as
17 well, YaKing W. and I got the baby and Yaya and
18 they both calmed down, got quiet. And she
19 said, 'Well, how can you deal with them? I
20 just don't have the patience. You're just so
21 good. You know ---

22 SOLICITOR WILLIAMS: Objection,
23 hearsay.

24 THE COURT: I sustain the objection.

25 DIRECT EXAMINATION CONTINUED

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

579

1 BY MR. FALK:

2 Q. So this was after Ya'King W. was around?

3 A. Yes.

4 Q. Do you ever recall bringing Mr. Williams
5 back to the house and seeing Grace with

6 Ya'King W.

7 A. Yes.

8 Q. Was there ever an incident there?

9 A. There was an incident where I had taken
10 him to get his battery charged or exchanged and
11 when we got to the auto parts store, they said
12 that they would have to keep the battery for a
13 while. So Mr. Williams and I rode around and
14 did some other things. When we got back, Ms.
15 Trotman kinda threw the baby in his arms and
16 she was, like, 'Well, I guess I should tell you
17 ...' ---

18 Q. No. Don't -- okay.

19 A. Okay.

20 Q. So did you ever watch Ms. Trotman
21 discipline Ya'King W.

22 A. She didn't discipline him, not in front of
23 me, but he was bruised when we come back that
24 day.

25 SOLICITOR WILLIAMS: Objection.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 THE COURT: Overruled.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. FALK:

4 Q. When you came back that day there were
5 bruises that you observed on Ya'King W.

6 A. Yes, sir.

7 Q. Did you recall observing them before you
8 left?

9 A. No.

10 Q. You made a statement to the police in this
11 case, did you not?

12 A. I did.

13 Q. Do you recall that statement?

14 A. Yes, sir.

15 Q. Do you recall saying in that statement
16 where you were -- where Roger was when you
17 picked him up that morning?

18 A. Yes, sir.

19 Q. Do you recall what you said?

20 A. I said that I picked him up from home.

21 Q. You just testified this morning that
22 although you didn't take him from the house to
23 his work, you picked him up in Summerville?

24 A. Yes, sir.

25 Q. Do you have an explanation for the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

581

1 difference in that statement?

2 A. Yes, sir. After I realize the time that
3 the incident happened, I went back through my
4 cell phone, my old cell phone and I looked at
5 some of my text messages and things and I saw
6 the text where I had texted him and asked if
7 his ride had come yet. I remembered that that
8 was the day that I picked him up from the
9 hotel. So I contacted Detective Pottieger and
10 told him that I needed to amend my statement.
11 For some reason we weren't able to coordinate a
12 time for me to come in and do that.

13 Q. And you gave the statement on July 9th,
14 2010; is that correct?

15 A. Yes, sir.

16 Q. Have you ever spoken to the prosecution
17 since you've given a statement?

18 A. Yes, sir.

19 MR. FALK: No further questions.

20 THE COURT: Cross examine?

21 CROSS EXAMINATION

22 BY SOLICITOR WILLIAMS:

23 Q. Good afternoon, Ms. Garrett.

24 A. Hello.

25 Q. Ms. Garrett, you just testified that on

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 June 7th, 2010, that you picked up Mr. Williams
2 from work; is that correct?

3 A. Yes, ma'am.

4 Q. And you testified that he called you at
5 10:45?

6 A. I believe that it was around that.

7 Q. And how long did it take you to get there?

8 A. Maybe about twenty-five, thirty minutes.

9 I sped, so it was shorter than usual.

10 Q. So you got there about 11:10, 11:15?

11 A. Maybe so.

12 Q. Then how long would it take for you to get
13 to his home on Longbourne?

14 A. Probably about thirty minutes, depending
15 on traffic.

16 Q. So you figure that you got there about
17 11:30, 11:45?

18 A. It might have been about then.

19 Q. Do you think that's about right?

20 A. That sounds -- maybe so.

21 Q. Now, you just testified that on Monday,
22 June 7th, that you picked up Mr. Williams at
23 a hotel?

24 A. Um-humm.

25 Q. And what time was that?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

583

1 A. It was 6:00-something.

2 Q. And that was Monday morning. Do you know
3 where he was Sunday night?

4 A. I do not.

5 Q. Do you know where he was Sunday evening,
6 early evening?

7 A. No, ma'am.

8 Q. Sunday morning?

9 A. No.

10 Q. And you also testified that when you gave
11 your statement on July 9th that you said
12 something completely different; is that right?

13 A. Yes, ma'am, I did.

14 Q. You said that you picked him up at his
15 house?

16 A. Yes, ma'am.

17 Q. And you just explained that by telling Mr.
18 Falk that you went through your cell phone,
19 that you realized that you made a mistake and
20 that you wanted to correct your statement?

21 A. I did.

22 Q. Have you ever told people in the past that
23 the reason you wanted to change your statement
24 was because Mr. Williams called you from jail
25 and said, "You done messed me up."

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. No, because I actually told him that I had
2 made a mistake and he said -- 'I messed up,
3 because I realized that I told them that I
4 picked you up from home and I didn't.'

5 Q. Okay. So it wasn't just really you
6 figuring out that you had to change your
7 statement, you had a discussion with Mr.
8 Williams and he said, "You messed me up."

9 A. No, I told him that I messed him up and
10 his response was, 'Yeah, you probably did mess
11 up.' He was upset with me because I told them
12 the mistake that I had made.

13 Q. So what you're saying today is that on
14 July 9th when you said that you picked him up at
15 the house, that that is not true anymore?

16 A. That was not correct. Yes, ma'am.

17 Q. But irregardless, you don't know where he
18 was on Sunday anyway?

19 A. I don't.

20 Q. And you were involved in a sexual
21 relationship with Mr. Williams?

22 A. I was.

23 Q. At the same time he was living with Ms.
24 Trotman?

25 A. That's correct.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

585

1 Q. And his kids liked you better than Ms.
2 Trotman, they went to you?

3 A. I can't say that they liked me better than
4 her but that particular day her daughter
5 refused to go to her and came to me.

6 Q. And the relationship that you have with
7 Mr. Williams, you pick him up from work every
8 day?

9 A. Not every day but a lot of days.

10 Q. And you get up at 6:00 in the morning,
11 drive to his house, where he is living with
12 another woman, and take him to work?

13 A. I did.

14 Q. Every day?

15 A. Pretty much, yes, ma'am.

16 Q. And then when he is ready to go, you go
17 pick him up from work and take him back to
18 Grace's house?

19 A. Some days he went home, some days he did
20 not.

21 Q. Well, you take him wherever he wants to
22 go?

23 A. Yes, ma'am.

24 Q. Since he has been in jail you've visited
25 him quite a few times, is that true?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

586

1 A. I have.

2 Q. And he's asked you to perform certain
3 tasks for him, is that true?

4 A. Yes, ma'am.

5 Q. Contact witnesses in the case?

6 A. I don't know about contacting witnesses
7 but ---

8 Q. Well, did you contact Lamona Smith?

9 A. I've spoken with 'Mona. Yes.

10 Q. Did you provide her with evidence from the
11 case?

12 A. I don't know if I provided her with
13 evidence but ---

14 Q. Did you bring her an FBI statement that
15 Grace Trotman gave?

16 A. I may have.

17 Q. And did you ask her to write down all of
18 Grace's lies so that you could bring it back to
19 Roger Williams?

20 A. No, ma'am. I did not.

21 Q. You didn't ask her to write something down
22 on a statement?

23 A. No, ma'am. I did not.

24 Q. Well, what was the purpose of bringing her
25 the statement?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

587

1 A. Because when I spoke with 'Mona, she said
2 that she felt betrayed because her sister had
3 lied to her as well as Mr. Williams, and she
4 and I were talking about it.

5 Q. So you just thought it might be helpful
6 for her to have the FBI statement?

7 A. I didn't know if it would be helpful for
8 her or not. I mean, there was a lot of
9 emotions going on. I felt betrayed. She did,
10 as well.

11 Q. And you never discussed that with Box?

12 A. Yeah, I did discuss with him that I felt
13 betrayed. Yes.

14 Q. Did you discuss giving evidence in the
15 case to a potential witness?

16 A. I don't know. I don't remember.

17 Q. Don't remember. And did you also contact
18 Nikki Washington and then let Mr. Williams call
19 you from the jail so that you could arrange for
20 him to talk to her, even though she had blocked
21 the jail number?

22 A. No, I did not.

23 Q. You never called Nikki Washington?

24 A. I don't believe that I did.

25 Q. Are you sure?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

588

1 A. I don't recall speaking with her.

2 Q. You don't recall?

3 A. (Negative gesture).

4 Q. Do you have Box's name tattooed on your
5 leg?

6 A. I do.

7 Q. So whatever he wants you to do, you're
8 going to do?

9 A. No, ma'am. I would not.

10 SOLICITOR WILLIAMS: Nothing
11 further.

12 THE COURT: Redirect?

13 MR. FALK: No, Your Honor.

14 THE COURT: You may come down,
15 ma'am. Do you wish this witness to be excused?

16 MR. FALK: Yes, Your Honor.

17 THE COURT: Any objection to Ms.
18 Garrett being excused?

19 SOLICITOR WILLIAMS: No, Your Honor.

20 THE COURT: Are also free to leave.

21 (WITNESS STEPS DOWN)

22 THE COURT: Your other witness is
23 tomorrow?

24 MR. FALK: Yes, sir.

25 THE COURT: Ladies and Gentlemen, at

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

594

1 like to call Mr. Ron Patel.

2 (WITNESS TAKES STAND)

3 RON PATEL, being duly sworn to tell
4 the truth, the whole truth and nothing but the
5 truth, testified, as follows:

6 DIRECT EXAMINATION

7 BY MR. FALK:

8 Q. Good morning, Mr. Patel.

9 A. Yes, sir.

10 Q. Can you tell me where you live?

11 A. I live in Summerville, South Carolina.

12 Q. Can you tell me your current occupation?

13 A. I am the owner of the motel Economy Inn.

14 Q. The owner of the Economy Inn?

15 A. The Economy Inn in Summerville.

16 Q. Summerville?

17 A. (Affirmative nod).

18 Q. Is that at 200 Holiday Drive?

19 A. 200 Holiday Drive. Yes.

20 Q. And the telephone number there is 843-875-
21 75--?

22 A. 67.

23 Q. 7567. Thank you.

24 MR. FALK: May I approach the
25 witness?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

595

1 THE COURT: You may.

2 SOLICITOR WILLIAMS: May I see what
3 you are showing him?

4 MR. FALK: (Sidebar with Ms.
5 Williams).

6 DIRECT EXAMINATION CONTINUED

7 BY MR. FALK:

8 Q. Mr. Patel, I am going to show you a
9 document labeled Defendant's Exhibit 1. Can
10 you recognize that document?

11 A. Yes, it's my daily report for Economy Inn.

12 Q. You said that is your daily report?

13 A. Uh-huh.

14 Q. Now, is that something that you do on a
15 regular basis?

16 A. I do it every day.

17 Q. And is that something that you -- is that
18 a report that you prepare in the ordinary
19 course of your business?

20 A. Yes, sir.

21 Q. Okay. Does that report show -- there's a
22 -- there are numbers on the top, dates; is
23 there not?

24 A. (No verbal response).

25 Q. Are there dates on the top of the report?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

596

1 A. No, that's the date.

2 Q. What does the report show?

3 A. It shows the name, number of days stayed,
4 the room number in which the occupant stays,
5 and charges.

6 Q. Of people who have checked into your
7 hotel?

8 A. Yes, sir.

9 Q. So people who check into your hotel, is it
10 your normal practice to make a notation on this
11 report?

12 A. Yes.

13 Q. Is it your normal practice to put their
14 last name in and their first initial?

15 A. Most of the time, yes.

16 Q. Okay. Can you -- there's a page that is
17 marked 6/6 and ---

18 A. Yes, sir.

19 Q. Can you tell me what it shows next to Room
20 305?

21 A. Room Number 305, it says "T. Williams" and
22 the stay is one day.

23 Q. So would that mean to you that somebody,
24 last name Williams, first name "T", checked
25 into your hotel on 6/6?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

597

1 A. 6/6, yes, sir.

2 MR. FALK: Your Honor, I don't have
3 an overhead projection. Can I publish this by
4 showing my copy to the jury.

5 THE COURT: Do you want it admitted?

6 MR. FALK: Yes, Your Honor, we move
7 to admit ---

8 THE COURT: Any objection?

9 SOLICITOR WILLIAMS: No, sir.

10 THE COURT: Without objection,
11 Defendant's Exhibit 1 is admitted. You may
12 publish it, yes, sir.

13 MR. FALK: I show to the jury the
14 same notation that Mr. Patel was looking at.

15 (SO ENTERED AS DEFENDANT'S EXHIBIT 1)

16 THE COURT: You may continue -- or
17 were those all your questions?

18 MR. FALK: Those are all the
19 questions that I had.

20 THE COURT: Cross examine?

21 CROSS EXAMINATION

22 BY SOLICITOR WILLIAMS:

23 Q. Good morning, Mr. Patel.

24 A. Good morning, ma'am.

25 Q. I am just trying to understand this

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

601

1 (JURY IN @ 9:28 A.M.)

2 THE COURT: Thank you, Ladies and
3 Gentlemen. We are ready to continue. You may
4 call your next witness.

5 MR. FALK: The defense calls
6 Whilden Baggett.

7 (WITNESS TAKES STAND)

8 WHILDEN BAGGETT, being duly sworn to
9 tell the truth, the whole truth and nothing but
10 the truth, testified, as follows:

11 DIRECT EXAMINATION

12 BY MR. FALK:

13 Q. What is your address?

14 A. Sir?

15 Q. What is your address?

16 A. [REDACTED] Summerville.

17 Q. In June and July of 2010, where were you
18 employed?

19 A. With Berkeley County Sheriff's Office.

20 Q. Prior to that time, how long had you in
21 law enforcement?

22 A. Seventeen, eighteen years.

23 Q. Always with the Berkeley County Sheriff's
24 Office?

25 A. Always.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. In July of 2010, were you ever involved in
2 the investigation regarding the disappearance
3 of Minor [REDACTED]

4 A. Yes, sir.

5 Q. Can you explain your involvement in that
6 investigation?

7 A. I interviewed two of the -- two people
8 that they brought to me, that they believed
9 were involved in it?

10 Q. Was one of those people Grace Trotman?

11 A. Yes, it was.

12 Q. Do you recall interviewing Grace Trotman?

13 A. I do.

14 Q. Is it typical when there are to be
15 interviews for those interviews to be tape
16 recorded?

17 A. It is.

18 Q. Have you seen the taped recording of that
19 interview?

20 A. Not -- if I have it would have been
21 shortly after the interview. I don't believe
22 that I have.

23 Q. So you haven't seen a recent recording of
24 it?

25 A. No, I haven't.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

603

1 Q. What can you recall about the interview?

2 A. I remember they brought her in and I
3 remember being in the interview room with her.
4 I remember her telling or giving information
5 that over the course of the interview changed.

6 Q. When you say over the course of the
7 interview, how long did you interview her?

8 A. (No verbal response).

9 Q. Was it a ten-minute interview?

10 A. No, it was lengthier than that. Probably
11 an hour or two, maybe.

12 Q. Okay. When you say her story changed, are
13 you saying that she told different versions of
14 the event?

15 A. That's right. It went from -- one story
16 evolved to another.

17 Q. Did she start with admitting to any
18 responsibility for the disappearance or death
19 of Minor [REDACTED]

20 A. I don't believe so.

21 Q. Do you recall at some point during that
22 interview that she admitted to snapping?

23 A. I don't remember that phrase, "snapping."
24 I can't say that I remember that. Like I say,
25 it's been two years ago.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 Q. Do you recall at any point in that
2 interview where she demonstrated striking
3 Minor [REDACTED]

4 A. I do remember that, yes.

5 Q. Can you show us how that was?

6 A. I can't remember how it was. I just
7 remember that she did demonstrate. I don't
8 clearly remember what it was. As I said, I
9 haven't been able to see the tape.

10 Q. When you say that you don't recall that
11 particular word, was it your understanding that
12 at the conclusion of the interview that she
13 took responsibility for Minor [REDACTED]
14 injuries?

15 A. Yes, she did take responsibility for
16 having part in the injuries, yes.

17 Q. At that point did you conclude the
18 interview?

19 A. It was concluded, yes.

20 MR. FALK: Your Honor, at this
21 point we would like to play a portion of that
22 tape to show prior inconsistencies.

23 (OFF RECORD BENCH CONFERENCE)

24 DIRECT EXAMINATION CONTINUED

25 BY MR. FALK:

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

605

1 Q. Do you recall her saying that she hit him
2 hard?

3 A. That she did?

4 Q. Yes.

5 A. I don't remember how she said ---

6 THE COURT: You have the transcript.

7 Let me review that portion of the transcript.

8 I am not trying to tell you -- but it's here,

9 we used it before. Exhibit 31.

10 COURT REPORTER: State's Exhibit 71.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. FALK:

13 Q. If you read from right there, starting at

14 Line 21. Read to yourself.

15 A. (Upon review), okay.

16 Q. Mr. Baggett, what you have just looked at

17 is a transcript which the State has offered as

18 their Exhibit 71.

19 THE COURT: For ID Only.

20 DIRECT EXAMINATION CONTINUED

21 BY MR. FALK:

22 Q. For identification only. You have read

23 pages 103 through 103 of the that transcript;

24 is that correct?

25 A. That's correct.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

606

1 Q. Having had a chance to reflect now, do you
2 -- the transcript that you read, do you believe
3 that accurately reflects the conversation that
4 you had with Ms. Trotman?

5 A. I think it does.

6 Q. Having had an opportunity to refresh your
7 recollection, do you recall now her saying that
8 she snapped?

9 A. I do.

10 Q. Do you recall now what that meant to her?

11 A. I believe that she had just lost control
12 momentarily.

13 SOLICITOR WILLIAMS: Objection,
14 speculation.

15 THE COURT: Sustained. Under 602,
16 he can't know that.

17 DIRECT EXAMINATION CONTINUED

18 BY MR. FALK:

19 Q. Did she further explain to you what
20 snapped meant?

21 A. I think that she just said that she ---

22 SOLICITOR WILLIAMS: Objection,
23 hearsay.

24 THE COURT: I will allow the
25 question.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

607

1 THE WITNESS: I think she was
2 indicating that she had gone too far.

3 DIRECT EXAMINATION CONTINUED

4 BY MR. FALK:

5 Q. And did she then ever change that
6 statement? Did she ever try to take it back
7 before the end of the interview?

8 A. No.

9 MR. FALK: No further questions.

10 THE COURT: Cross examine.

11 CROSS EXAMINATION

12 BY SOLICITOR WILLIAMS:

13 Q. Captain Baggett, Mr. Falk asked you if
14 during the interview Grace Trotman took
15 responsibility for hitting [Minor] I believe
16 that you said yes.

17 A. Yes.

18 Q. Did she also detail who else hit [Minor]

19 A. Yes.

20 Q. And who else did she say hit [Minor]

21 A. Mr. Williams.

22 Q. And in the context of that statement that
23 she took responsibility, did she give you
24 details about more than one beating that Mr.
25 Williams inflicted upon [Minor]

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 A. I believe that she did.

2 Q. Did she talk about one that was
3 particularly bad?

4 A. I don't remember.

5 Q. Would it refresh your memory to review the
6 transcript?

7 A. It probably would.

8 SOLICITOR WILLIAMS: Court's
9 indulgence for just a moment.

10 THE COURT: Certainly.

11 SOLICITOR WILLIAMS: Showing defense
12 counsel what has been marked as State's Exhibit
13 71. May I approach, Your Honor?

14 THE COURT: Yes, you may.

15 CROSS EXAMINATION CONTINUED

16 BY SOLICITOR WILLIAMS:

17 Q. If you could read, just to refresh your
18 memory, from here and all of that and right
19 there.

20 A. (Upon review), okay.

21 Q. Does that refresh your memory?

22 A. It does.

23 Q. Does she detail numerous beatings by Mr.
24 Williams on this little boy?

25 A. She did.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

609

1 Q. Severe beatings?

2 A. It appeared to me, yes.

3 Q. Did she detail one on Sunday night?

4 A. She did.

5 Q. Because the little boy pooped on the
6 floor?

7 A. Yes.

8 Q. She says that his head would beat the
9 floor?

10 A. I believe that she did say that he struck
11 him and it caused his head to hit the floor,
12 yes.

13 SOLICITOR WILLIAMS: Thank you.

14 THE COURT: Redirect?

15 MR. FALK: Yes, Your Honor.

16 THE COURT: Certainly.

17 REDIRECT EXAMINATION

18 BY MR. FALK:

19 Q. You were just testifying about the
20 incident on Sunday night; is that correct?

21 A. That's correct.

22 Q. And she gave you specific details of that
23 incident; is that correct?

24 A. That's correct.

25 Q. So reviewing your transcript, reviewing

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 that conversation, do you think that she was
2 saying what she heard or do you think she
3 actually observed it?

4 SOLICITOR WILLIAMS: Objection,
5 calls for speculation.

6 THE COURT: You can answer the
7 question 'did she say' something.

8 REDIRECT EXAMINATION CONTINUED

9 BY MR. FALK:

10 Q. Did she say that she observed that?

11 A. I don't recall her saying that she
12 observed it, no.

13 Q. But she gave specific details of what had
14 happened?

15 A. Right.

16 Q. And when she admitted to -- and this --
17 and when she admitted, just to clarify, when
18 she admitted to snapping that was on that
19 Monday; is that not correct?

20 A. During the day.

21 Q. The day he died?

22 A. Yes.

23 MR. FALK: No further questions.

24 THE COURT: Recross?

25 SOLICITOR WILLIAMS: Nothing, Your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

635

1 placed your lunch order, which we hope will be
2 here by the time we finish these two parts.

3 We are now ready to begin the last two
4 phases of this process. I appreciate very much
5 your attention thus far. I know you're anxious
6 to get started but these are two very important
7 parts of the process, so please give the
8 attorneys and the court your attention during
9 these last two portions. Again, you will not
10 hear any evidence during either of these
11 portions.

12 Ms. Herring-Lash, as I understand, the
13 State wishes to open on the law?

14 SOLICITOR HERRING-LASH: Yes, Your
15 Honor.

16 THE COURT: You may proceed.

17 SOLICITOR HERRING-LASH: Ladies and
18 Gentlemen, by opening the law, I will just once
19 again go over with you the statute and some of
20 the legal concepts. Then Mr. Falk will argue
21 to you and then Ms. Williams will present her
22 argument.

23 I will go over the definition, once
24 again, of homicide by child abuse, "A person
25 causes the death of a child under the age of

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

636

1 eleven while that person is committing child
2 abuse and neglect and the death occurs under
3 circumstances of extreme indifference."

4 "Child abuse or neglect" is defined as
5 act or an omission by a person which causes
6 harm to a child's physical health or well
7 being.

8 "Harm" is defined under the statute as
9 inflicts or allows to be inflicted upon the
10 child physical injury, including injuries
11 sustained as a result of excessive corporeal
12 punishment or fails to supply the child with
13 adequate food, clothing shelter or healthcare
14 and the failure causes a physical injury.

15 "Extreme indifference" is the
16 conscious act of disregarding a risk which a
17 person's conduct has created, or a failure to
18 exercise due care. That is a legal concept
19 that may be a little difficult to understand
20 but it's something that when you see it, you'll
21 kind of know it. And you saw it here.

22 The different thing about this
23 statute, that I spoke to you earlier about,
24 different from murder, usually that is one
25 event, a gunshot or something like that. Often

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

637

1 with child abuse, as defined, it's a series of
2 events that culminate in the harm that causes
3 the death of a child; just as you saw here, a
4 series of events that ended up causing the
5 harm.

6 The other different thing, on
7 particular, about this statute from a murder
8 statute is that omission can also be
9 considered. Failure to receive -- get medical
10 care is an omission that harm defines as child
11 abuse that causes the death.

12 If you find in this case that Roger
13 Williams did no action, no acts, no blows,
14 nothing to harm the child, then you can
15 consider if he knowingly aided and abetted
16 another person. But you first consider if he
17 did any acts. You've heard testimony about the
18 acts. You go to this after you have decided
19 that he didn't cause any harm or he didn't
20 cause any omission, or that he omitted nothing.

21 "Unlawful conduct toward a child" is
22 that it is unlawful for a person who has charge
23 or custody of a child to do or to cause harm to
24 be done, bodily harm to the child. And in this
25 case there was bodily harm inflicted by Mr.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

638

1 Williams on this child.

2 Going back to the homicide, when that
3 child, after the harm was inflicted, had
4 medical needs, the omission to seek care for
5 those medical needs is also the act you can
6 consider in the homicide.

7 The other legal concept that I wanted
8 to discuss with you just briefly is the
9 standard of proof to which the State is held.
10 That is beyond a reasonable doubt. The court
11 will explain that to you. It's a legal concept
12 that is often difficult, jurors say afterwards,
13 to understand. I can tell you that it is not
14 beyond every doubt, it is not beyond any doubt,
15 it is not beyond the shadow of a doubt. It is
16 a doubt for which a reasonable juror seeking
17 the truth hesitates to act.

18 There are few things in this world
19 that any of us know with absolute certainty.
20 But absolute certainty is not the standard.
21 If absolute certainty were the standard, we'd
22 not be ever able to present a case. If you
23 were absolutely certain that all these events
24 happened, you would have been sitting up there
25 (witness stand) because you would have

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

639

1 witnessed.

2 But it is reasonable. As kind of an
3 example, you came in here on Monday afternoon
4 not knowing any of these people or any of these
5 facts. If you now are convinced that Roger
6 Williams caused the death, by acts and/or
7 omissions, of this baby, then the State has met
8 that burden.

9 THE COURT: Thank you, Ms. Herring-
10 Lash. Mr. Falk.

11 MR. FALK: Contrary to what Ms.
12 Lash told you, I am not up here to argue with
13 you. This is Roger Williams' time to explain
14 his version of the evidence.

15 Ladies and Gentlemen of the jury, I am
16 just hoping that I can have your attention for
17 just a little bit longer.

18 You've heard a lot of bad evidence,
19 you've heard of a lot of bad acts during the
20 course of the last couple of days. I have no
21 doubt that not one of you really want to be
22 friends with my client, want to be considered
23 as one of his homeboys or even one of his
24 girls.

25 Now, rest assured that my client is

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

640

1 going to be punished for what he's done
2 regarding disposing of Minor body.
3 Roger Williams has admitted to that felony. It
4 wasn't part of any kind of plea agreement. He
5 stood up, he's took responsibility for what
6 he's done. The law of South Carolina has
7 established the maximum penalty for what he did
8 to hide Minor body. No matter how upset
9 you are with what he did, the testimony that
10 you heard about the concrete, etc., no matter
11 how upset you are with that matter, the law of
12 South Carolina is not going to allow you to
13 punish him for his part in that event during
14 deliberations today on the charge of homicide
15 by child abuse.

16 At the end of the closing statements,
17 I expect that Judge Dennis is going to instruct
18 you on the law. I expect that he will instruct
19 you that you cannot consider my client's --
20 whatever conduct that he might have had over
21 there, in reaching a verdict today.

22 With all that being said, my client is
23 not responsible for the death of Minor
24 Williams. There's been ample evidence that
25 Grace Trotman is responsible for Minor

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

641

1 Williams' death.

2 Ms. Lash talked to you about aiding
3 and abetting. I think what they mean there is
4 that it was clear from the testimony that Roger
5 Williams aided and abetted Grace Trotman in the
6 disposition, in burying that body. But there
7 is no testimony that he aided and abetted in
8 the homicide by child abuse.

9 Grace Trotman has already pled guilty
10 to homicide by child abuse. In my opening
11 statement, I told you that in order to find my
12 client guilty that you're going to have to
13 believe Grace Trotman's story. You're going to
14 have to believe that she is a credible witness.

15 During the course of the last couple
16 of days, what have we learned about Grace
17 Trotman? Well, the first thing that we learned
18 is that she's told multiple versions of what
19 happened on that Monday when Minor
20 died. The version that she testified to on
21 Tuesday is no more likely to have happened than
22 any of the other versions that she's told of
23 the story.

24 We also learned, I think, that Grace
25 Trotman wants to be a victim. Throughout her

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

642

1 testimony and throughout this case, Grace has
2 tried to describe herself through this whole
3 event. She said that she was living with Roger
4 Williams, but that she was afraid of him; she
5 said that Roger Williams is the reason that she
6 lost her job; Roger Williams is always out on
7 the town doing his own thing, and she was home
8 watching his kids; Roger Williams doesn't let
9 her play with her own friends; Roger Williams
10 won't let her go find a new job; Roger Williams
11 didn't let her talk to anyone.

12 While Grace wants you to look at her
13 as the victim in this, she is not the victim.
14 The victim is Shaneeka Washington, the Hugers
15 and Minor [REDACTED] Those are the victims
16 in this tragedy.

17 We also learned another thing that I
18 think is important about Grace Trotman. She
19 was willing to throw her own child under the
20 bus in order to divert the blame away from her.
21 She blamed Yaya for pushing Minor [REDACTED]
22 into the wall on that Monday morning. She
23 repeated.

24 So the primary accuser against Roger
25 Williams for committing any child abuse against

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

643

1 Minor is Grace Trotman. But that
2 primary accuser is the same person who would
3 rather blame her own child than to take
4 responsibility.

5 I know it may sound like I am harping
6 on this point, but I think it's important.
7 There are parents who are going to take the
8 fall for a child in order to maybe save them
9 from getting in trouble. That's not Grace
10 Trotman. Not only is she not going to take the
11 fall, she's willing to shed the blame over onto
12 Yaya. Grace wants to blame anybody in this
13 tragedy except herself.

14 After all the evidence presented, I
15 submit that Grace Trotman's testimony is still
16 really the foundation upon which the State's
17 argument is built.

18 And here are some of my examples:

19 We heard Dr. Jenny testify. Dr. Jenny
20 is clearly an expert in the field of abusive
21 head trauma. However, -- and we'll maybe talk
22 a little bit more about Dr. Jenny in a few
23 minute. But she testified that she believes
24 that Minor had suffered from
25 concussion, possibly numerous concussion, that

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

644

1 there was axonal damage in the brain. However,
2 there is no forensic evidence that is going to
3 support that theory. She bases her theory a
4 lot on her interviews and the information that
5 she received from Grace Trotman about Roger
6 Williams.

7 She had said that in these kind of
8 cases that what they are going to do is they're
9 going to look at the testimony of what the
10 caregivers are saying and if that jives with
11 kind of the injuries the victim had, well,
12 then that is more likely -- then that is not
13 something that they can be concerned with.

14 But when the testimony of the
15 caregivers, which in this case would be Roger
16 Williams and Grace Trotman, doesn't jive,
17 that's when they are going to be concerned that
18 maybe the caregivers are the ones.

19 But she based her testimony a lot on
20 what Grace Trotman says about Roger Williams.
21 And she also admitted, I believe, that the
22 accuracy of the opinion is going to be based in
23 part on the accuracy of the observations of the
24 people who gave her this information. I submit
25 to you that if Grace Trotman had been lying

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

645

1 through that, that's going to affect her
2 opinion, her ability to reach an opinion in
3 this case.

4 And the other thing, the other piece
5 of the case that is against Roger Williams
6 really hinges on Grace Trotman's testimony is
7 the evidence that Minor had been abused.
8 Grace Trotman is the one that said that Roger
9 Williams was the one abusing Minor hitting
10 him in the head. During the course of the
11 investigation told this many times. The common
12 theme in her case was that everybody else was
13 responsibility for this except for herself.
14 First, again, it was Yaya, then it was Roger
15 Williams.

16 Now, Grace said that on that Sunday,
17 which was June 6th, that Roger Williams hit
18 Minor. However, she also told two different
19 stories regarding that Sunday night. I believe
20 that she told Officer Baggett that she observed
21 Roger Williams hitting her (sic), but then when
22 she testified on Tuesday she said that she
23 didn't see it, that she just heard it. I
24 believe the reason why she changed that story
25 from having seen something happen to having

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

646

1 heard something happen is, again, a way that
2 she is going to divert the attention away from
3 herself because she felt that if she was an
4 actual witness to it, a visual witness to it,
5 that she is somehow responsible for it.

6 I also suggest that the other reason
7 why she changed her story is that it was a
8 fiction from the very beginning.

9 Other than Grace Trötman's testimony
10 there is no evidence that Roger Williams was
11 even at the home that Sunday.

12 We know that Kelly Garrett testified
13 that she picked up Roger Williams on Friday and
14 they went away. She also testified that on
15 that Monday morning that she picked up Roger
16 Williams at a hotel in Summerville, brought him
17 back to the house and then she drove him on to
18 work that day.

19 I hope that you'll have an opportunity
20 to look at our exhibit, our one defense
21 exhibit, which shows the log from the Economy
22 Inn in Summerville. It will show on the page
23 marked 6/6 that at Room 305 there was a T.
24 Williams registered into that room. Now,
25 granted there could be a lot of people named T.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

647

1 Williams. Maybe that is not the best
2 corroborating evidence but, then again, Kelly
3 Garrett said that he was at that room. You
4 also heard testimony that at other times he was
5 at a hotel room in Summerville. I think that
6 was his M.O., that he would frequently get a
7 room in Summerville, away from Grace Trotman.

8 But another thing that can corroborate
9 what was going on that Sunday is when Kelly
10 Garrett testified that at 4:50 in the morning
11 he called her, and she testified that that was
12 to remind her that he was in Summerville and
13 she had to pick him up in Summerville and drive
14 him to the house before she would drive him to
15 work.

16 Now, there's probably also some
17 question that there was some romantic -- well,
18 she admitted that she was romantically involved
19 in the past with Roger Williams. But I don't
20 think that necessarily means that she is up
21 here not telling you the truth. If you would
22 at the prosecution's exhibit that has the phone
23 logs and if you look at Page 24 on there, at
24 least for the calls that occurred on 6/6 and
25 6/7 there is a call on there at 4:15 in the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

648

1 morning from Kelly Garrett's -- from Roger
2 Williams to Kelley Garrett's phone. Then
3 there's three calls after that. I think that,
4 along with the testimony of Mr. Patel, should
5 give you some comfort that he wasn't in that
6 house on Sunday night.

7 Now, based on the numerous
8 inconsistencies in Grace's testimony, it is
9 just as likely that Grace was the one hitting
10 Minor that Sunday night, not Roger Williams.

11 Dr. Jenny could not give you any proof
12 that Roger Williams was the one that hit
13 Minor

14 Dr. Batalis didn't testify that Roger
15 Williams hit Minor

16 The testimony about Roger Williams
17 hitting Minor comes from Grace
18 Trotman. There was some testimony where Roger
19 Williams admitted to hitting Minor in the
20 chest. But we heard Dr. Jenny say that you
21 can't get a concussion from getting hit in the
22 chest. It requires contact to the head. The
23 only testimony that we have heard about contact
24 to the head from Roger Williams to Minor
25 Williams is coming from Grace Trotman.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

649

1 Now, who really was hitting Minor
2 Williams? At first Grace Trotman said that
3 she'd popped him on the arm. She'd never hit,
4 -- she admitted to -- she said that she'd never
5 hit him with anything but her hand. But then I
6 read the testimony back to her that she gave to
7 Officer Baggett, and at first -- then she
8 admitted to hitting him with a spoon. Now, all
9 of a sudden, she is hitting him with two
10 spoons. She is hitting him twice with a spoon.

11 But I think the most telling part of
12 that is the part of the testimony where she
13 said 'all she would have to do is raise her
14 hand with that spoon in her hand and the kids
15 would stop fighting.' I submit to you that a
16 three-year-old, that it probably takes more
17 than 'two' beatings of the child with a spoon
18 for the child to make the connection, that if
19 mom's hand goes up and there is a spoon in the
20 hand that another beating is coming.

21 Grace Trotman has admitted to hitting
22 him more than just once with the spoon. She
23 admitted that she snapped. When Officer
24 Baggett come up here and we read back the
25 testimony, she'd said that she went "too far"

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

650

1 in hitting him that Monday morning.

2 Now, Grace has now said that Monday
3 morning is when she snapped. But there really
4 is no proof as to when on Monday morning she
5 snapped. We can maybe assume that the things
6 that started sort of percolating in her to
7 drive her to sort of snap started at about 6:00
8 that morning, because at 6:00 o'clock on that
9 Monday that's when she saw, from out her
10 bedroom window, Kelly Garrett drive up to the
11 house and Roger Williams getting out of Kelley
12 Garrett's car.

13 Grace Trotman has admitted that he
14 wasn't there that night. So that kinda mean
15 that -- it's easy for us to draw the conclusion
16 that she was with him at least at some point.

17 But the same girl who drove him away
18 from the house on Friday is the girl who drove
19 him back to the house on Sunday (sic) morning.

20 Now, you heard Dr. Collins testify,
21 that is the medical expert that I called, that
22 it is possible -- first of all, we also heard
23 Grace admit that she hit him, that she went too
24 hard in hitting him. You heard Dr. Collins
25 testify that it could be possible if you hit a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

651

1 child with enough force and if the neck moved
2 enough, that could be enough to cause instant
3 death because it would severe the spinal cord.
4 That would be a cause of death that would be
5 consistent with the medical -- with the autopsy
6 report.

7 Grace Trotman admitted to snapping
8 once. I submit to you that possibly, just like
9 with the spoon, she snapped more than once.
10 You can understand the stresses that Grace was
11 under. She had the everyday stress -- I am not
12 saying that you can understand her ultimate
13 action but you can understand what's
14 percolating in her head. She's in the house,
15 kids are fighting, she is cooped up in the
16 house, it's in the summer, there is no air
17 conditioning, she got no phone, she's got no
18 car, she's got no money, she's watching some
19 other woman's child while the father of that
20 child is who-knows-where. She snapped and she
21 hit him too hard.

22 From the evidence, it seems -- if that
23 is what made her snap on June 7th, from the
24 evidence it seems that Monday, June 7th, is
25 probably not the only time that those events

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

652

1 occurred.

2 Another thing I'd like you to
3 consider. Grace tells the story that Yaya and
4 Minor were playing, that they were rough-
5 housing. We told them to stop. Apparently
6 they wouldn't stop, so she popped him on the
7 arm. Then she admits to snapping, but the only
8 person that she admits to snapping -- the only
9 one of the children who got any of her wrath
10 was Minor She admitted to popping Yaya on
11 the arm, and she admitted to popping Minor
12 but then she also admitting to "snapping" and
13 going "too far" with Minor

14 While there is a lot that we are never
15 going to know, there are a few things that we
16 do know about this case. We know that Roger
17 Williams was at work when Minor -- I think
18 that we can draw the conclusion that Roger
19 Williams was at work when Minor died.

20 We also know that Morris Clark, Roger
21 Williams' boss, said that each time that Grace
22 Trotman called she -- Grace said that her baby
23 was not breathing and that's why it was an
24 emergency. She called once, she called again,
25 she called twice about ten minutes apart and

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

653

1 each time she told Morris Clark that the baby
2 was not breathing.

3 My question, and the question that I
4 think that we have to consider is, how long
5 before the telephone call was that baby not
6 breathing.

7 Grace's actions, I submit, and I think
8 the evidence supports is more consistent with
9 the fact that when she made that telephone call
10 at 10:45, she already knew that Minor [REDACTED]
11 Williams was dead. She testified that after
12 she made that telephone call at 10:45 that she
13 never went back in the house. She testified
14 that she gave the child CPR, put him on the
15 sofa, checked his pulse and then she left the
16 house. She never came back in until Roger
17 Williams got there.

18 It's not clear the exact timeframe
19 that it took for Roger Williams to get back to
20 the house. But we know that it took enough
21 time for Roger Williams to make a call to Kelly
22 Garrett, for Kelly Garrett to have to leave her
23 house in Summerville and drive to Charleston
24 where the Cold Storage is, pick him up and
25 drive back to his house in Summerville.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

654

1 If [Minor] was alive and in
2 a frail state, why wouldn't she have gone back
3 in and checked on him?

4 If [Minor] was still alive,
5 why didn't she call 911?

6 Why didn't she, when she talked to the
7 first person on the telephone, why didn't she
8 ask for help? All she asked was to use the
9 phone. Why didn't she ask Hugh O'Neill for
10 some help?

11 Why didn't she, when she had this
12 frail child, why didn't she take the child with
13 her to go make these telephone calls? We know
14 that she had to leave the house because they
15 didn't have a phone in the house. But why
16 didn't she take the child with her so that the
17 child would always be under her supervision?

18 She just left the child in the room.
19 I believe that the only reason she left the
20 child in the room is because she knows that the
21 child had already passed.

22 I think that explains that there was
23 no call to 911. Grace knew that there was no
24 reason to call an ambulance because [Minor]
25 Williams was already dead.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

655

1 Now, Grace wants to tell you that she
2 didn't call an ambulance because Roger Williams
3 told her not to call. I think, again, that's
4 Grace playing the victim card. She doesn't
5 want to take any responsibility, she wants
6 other people to be responsible for it.

7 She said Roger Williams wouldn't like
8 it if she called an ambulance. Why was her
9 first call even to Roger Williams? Why wasn't
10 her first call to 911, why wasn't her first
11 call for an ambulance?

12 Now, there is one thing that we can't
13 get away from. My client lied to the police.
14 My client lied to the officers who first
15 interviewed him. At first it was a story that
16 Minor [REDACTED] was still alive, then there's a story
17 about falling down the stairs. Why would he do
18 it? Now, I expect that the prosecutor will
19 argue that the reason he went to such lengths
20 to hide the death is because he was trying to
21 hide his own guilt. But I think that there is
22 another reason.

23 You heard him in the second interview
24 with Dr. (Sic) Shuler that was played
25 yesterday, you heard him say that he did it to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

656

1 protect Grace. Up to this time, Roger Williams
2 wasn't acting like much of a man around Grace.
3 You know, he certainly wasn't manning up with
4 his relationship with Grace. Maybe he finally
5 started to think about that it wasn't Grace
6 Trotman but it was the mother of his children
7 that needed protection. She certainly wasn't
8 his one and only lover, but she was the only
9 mother for Yaya and Ya'King W. his children.

10 I think the evidence supports that
11 either he and Grace concocted the story
12 together or one of them came up with the story
13 and the other agreed to follow the story. They
14 both agreed, to a point, to stick by it. When
15 Roger Williams was lying, he was lying because
16 that was the party line that he and Grace had
17 come up with. That was the party line that
18 they came up with to try and protect Grace
19 through this. When he was lying to Officer
20 Pottieger, it was because he was sticking to
21 that story, and that he and Grace had decided
22 to run with that story.

23 Then once it was clear that Grace was
24 slipping on him, then he told Officer Shuler
25 the truth.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

657

1 Now, if Grace Trotman didn't believe
2 that she was responsible for the death of
3 Minor [REDACTED] then why did she take such
4 a part in this coverup?

5 She had already testified that by the
6 July 4th weekend that she had already moved out
7 of the house, that she had moved in with the
8 Deas. She talked about that she had gotten her
9 life together and that she was away from Roger
10 Williams. She could have just left.

11 If she really didn't think that she
12 had any responsibility there, that there was
13 nothing for her to worry about, why didn't she
14 just leave Roger Williams to deal with Shaneeka
15 Washington when she was calling about the
16 child? I mean, that would have been perfect
17 for her. But she didn't just leave Roger
18 Williams to deal with that, because she knew
19 that she had to help Roger Williams cover up
20 her role in that death.

21 Now, the State has to prove their case
22 beyond a reasonable doubt. I believe that the
23 evidence produced this week has provided -- has
24 given you more than just reasonable doubt on
25 certain issues here. The forensic evidence

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

658

1 does not point to Roger Williams. The autopsy
2 report doesn't point to Roger Williams, it
3 points to possible blunt force trauma.

4 There certainly could have been other
5 causes of death that would have been consistent
6 with that autopsy report. In the autopsy
7 report, there were no broken bones. I think
8 what was telling is that the medical examiner,
9 Dr. Batalis, said that there was also no
10 evidence of any kind of mended bones. I think
11 that will show that this child wasn't being
12 beaten in the past, gotten broken bones and the
13 bones had healed. There is no evidence of
14 intracranial bleeding. There is no evidence of
15 Minor blood being found in that house.
16 There is no forensic evidence in this case that
17 will going to support that there was child
18 abuse.

19 Now, there was homicidal violence in
20 this case. The State's expert stated that and
21 our expert would agree with that. The death
22 could have been caused by blunt force trauma,
23 that's a potential cause of death. But it is
24 not the only form of homicidal violence that
25 would have been supported by the autopsy

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

659

1 report.

2 Both Dr. Collins and the State's
3 expert agreed that death by asphyxia,
4 smothering, would have been equally consistent
5 with the autopsy report -- Dr. Batalis -- no,
6 that it would not be inconsistent with the
7 autopsy report. Dr. Batalis admitted to that
8 and Dr. Collins agrees with that.

9 Granted, it is only speculation and it
10 just comes out of wherever speculation that
11 Grace could have smothered Minor

12 But there has to be something that is
13 going to tie this tragedy to Roger Williams.
14 If it is blunt force trauma, there is evidence
15 that Grace Trotman inflicted the blunt force
16 trauma.

17 And I think that there are other
18 areas of doubt here. If Minor suffered a
19 concussion, medical treatment -- Dr. Jenny
20 suggested that he receive -- I mean, if it was
21 one concussion, she said that you would take
22 the child to the hospital and that the medical
23 -- that the medical treatment that he would
24 have gotten would have been diagnostic
25 treatment, and being left in a quiet room.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

660

1 As I stated earlier, if Minor
2 Williams was already dead before Grace Trotman
3 called, what could Roger Williams from his
4 place of work in Charleston have done anything
5 about?

6 Dr. Jenny testified that in her
7 opinion that the cause of death was cumulative
8 concussive head injuries.

9 The only testimony in this case that
10 Roger Williams struck Minor in the head was
11 in the version of events that she told Dr.
12 (sic) Baggett about, hitting him in the head.
13 Whereas she testified at trial, she said that
14 she didn't see it, that she heard something
15 going on and it was speculation that there was
16 a head injury.

17 Again, I want you all to consider why
18 would she change her story, one to the other.

19 Dr. Jenny testified that there has to
20 be contact with the head in order to cause a
21 concussion.

22 What Grace said mostly is that Roger
23 Williams -- what Grace also said is that Roger
24 Williams hit him in the chest, on the back.
25 Roger Williams admitted to hitting him in the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

661

1 chest.

2 If Minor did in fact suffer a
3 concussion, we have only Grace Trotman's
4 testimony that Roger Williams hit him in the
5 head.

6 We do have Grace's testimony that she
7 pushed the child and we also have Grace's
8 testimony that she hit the child with a spoon.
9 We don't know how many times she snapped. We
10 don't know if it was only once, we know that it
11 was at least once.

12 It is just as likely to believe that
13 she was home that Sunday night with Minor
14 and when he pooped in his Pampers and it got on
15 the floor that she was the one that had to
16 clean it up. She was left to clean up the mess
17 that some other woman's child had caused.
18 Maybe that is why she would have snapped Sunday
19 night.

20 Now, I certainly expect that the State
21 is going to say that I am making wild
22 speculation about the cause of death. I admit
23 that I am speculating. But in light of Grace's
24 inconsistent testimony, I think some
25 speculation as to the real cause of death is

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

662

1 reasonable. My point is that the State is also
2 speculating as to the exact cause of death and
3 they have the burden of proof to prove that
4 Roger Williams is guilty beyond a reasonable
5 doubt.

6 When we are talking about reasonable
7 doubt, sometimes people wax poetic about it and
8 I've got some -- I've got a description of the
9 presumption of innocence and reasonable doubt
10 that comes from an old South Carolina jury
11 instruction. I think that it is helpful here.
12 I think anything that you sort of can use an
13 analogy to sort of paint a picture of what it
14 means it's going to be helpful.

15 The presumption of innocence does not
16 end when you begin your deliberations but it
17 accompanies the defendant throughout the trial
18 until you reach a verdict of guilt based upon
19 evidence satisfying you of that guilt beyond a
20 reasonable doubt. The presumption of innocence
21 is like a robe of righteousness placed about
22 the shoulders of the defendant, which remains
23 with the defendant until it has been stripped
24 from the defendant by evidence satisfying you
25 of the defendant's guilt beyond a reasonable

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

663

1 doubt. The presumption of innocence is not a
2 mere legal theory, it's not just a legal catch
3 phrase, it is a substantial right which every
4 defendant is entitled to unless you, the jury,
5 are satisfied from the evidence of the
6 defendant's guilt beyond a reasonable doubt.

7 I believe that there is plenty of
8 doubt in this case. I know that you are going
9 to give this case your thoughtful
10 consideration. You certainly have given, I
11 believe, your thoughtful consideration to the
12 testimony that you have already heard. I am
13 asking you to return your verdict, to come back
14 with a verdict of Not Guilty for homicide by
15 child abuse and Not Guilty for unlawful conduct
16 towards a child. Thank you.

17 Now, please listen to Ms. Williams.

18 THE COURT: Solicitor.

19 SOLICITOR WILLIAMS: May it please
20 the court.

21 THE COURT: Yes, ma'am.

22 SOLICITOR WILLIAMS: Well, you've
23 think that it was the case of the State versus
24 Grace Trotman.

25 Grace Trotman pled guilty. Grace

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

664

1 Trotman did a lot of horrible things, but she
2 has pled guilty.

3 Yes, she did -- she hit him that
4 last day and she didn't call an ambulance.
5 She didn't call an ambulance after the first
6 seizure, she didn't call an ambulance after the
7 second seizure, she didn't call an ambulance
8 after the last seizure. That's why she is
9 guilty. She is going to have her day in court
10 to be sentenced.

11 But we are here today to decide the
12 guilt of Roger Williams. That's what we are
13 here for today. As much as they try to
14 distract you about Grace Trotman, that's not
15 what we are here to talk about today. She is a
16 witness, you can consider her credibility. But
17 we are here about Roger Williams.

18 Now, defense counsel said that the law
19 does not allow you to punish him for the way
20 that he disposed of that child's body. But you
21 can use your common sense. Use your common
22 sense. This isn't Hollywood, this isn't
23 Florida, this is C.S.I., this is the real
24 world. And you don't put a baby's body in a
25 trash can and fill it with concrete unless

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

665

1 you've got something to hide. You don't drive
2 forty miles to a trash dump and dump a child's
3 body unless you've got something to hide.

4 They would have you believe that Roger
5 Williams went to all that trouble to cover for
6 Grace. Come on. Y'all saw how he treats
7 Grace. How he treats all these women. Do you
8 really think that Roger Williams would go
9 through all that trouble to protect her? Heck,
10 he won't even go down to The Battery. He
11 throws her in there with all those police
12 officers with this ridiculous story, yet he's
13 not going to go down there because he's got
14 warrants. Yet he is going to go through all
15 that trouble of disposing that body to protect
16 Grace Trotman?

17 Now, I just want to clear up a few
18 issues about testimony. Mr. Falk told you a
19 few things about the testimony that just aren't
20 true.

21 When Captain Baggett testified, he did
22 not say that Grace Trotman told him that she
23 saw that Sunday beating. He asked him that,
24 'Didn't she tell you that she saw the beating.'
25 And he said 'no, I don't think she said that.'

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

666

1 Just like when Russell Minter was on
2 the stand, he said 'But now that you've had
3 time to think about it, wasn't he acting a
4 little different that day and Russell Minter
5 said 'not really.'

6 So you remember what the testimony is
7 not rely on what the attorneys tell you; and
8 that goes for me, too. You remember what they
9 said. You're the best judges of credibility of
10 what happened on that witness stand.

11 Now, he talked a lot about the fact
12 that Grace Trotman blamed Yaya. That is
13 reprehensible. Well, who else blamed Yaya?
14 The neighbors saw Minor [REDACTED] with two
15 black eyes and a knot on his head. Shaneeka
16 Washington saw Minor [REDACTED] with black eyes and a
17 knot on his head. And what does she say that
18 Mr. Williams tells you about those injuries?
19 "Yaya did it." So they both did it. They both
20 blamed Yaya. It's awful.

21 He wants to talk about how Mr.
22 Williams wasn't manning up with Grace. Who was
23 he manning up? He was manning up Minor [REDACTED]
24 The truth of the matter is -- and I'm not
25 talking about the kind of truth that Mr.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

667

1 Williams talks about, "to the T", "the truth
2 all the way." No matter what he tells you,
3 he'll always tell you that he's telling the
4 truth; though, later admitting that he lied
5 about it.

6 The truth of the matter is that he
7 beat him and beat him and he beat him. He took
8 a happy little boy who went to the home, from
9 the Huger's house, with all his little songs
10 and acting like a normal two-year old and he
11 beat him down until, by the end, even Grace
12 Trotman described him as just sitting there,
13 dazed. Lamona Smith says he didn't even come
14 out of the room.

15 And what did Dr. Jenny tell you about
16 a child when they get beaten and beaten and
17 beaten?

18 Remember, he got there by May 20th.
19 He was dead by June 7th. How many beatings
20 did that kid endure in two weeks? It's
21 heartbreaking to hear the descriptions of the
22 change, the way that he used to be and the way
23 that he was after he (indicating defendant) got
24 finished with him.

25 That's the act. You heard testimony

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

668

1 about how he beat him. You saw evidence that
2 there were contusions here (indicating center
3 of forehead), here (indicating over right eye)
4 and here (indicating slight left of center of
5 forehead). Not the kind of contusions that you
6 would get from rough play. The suggestion of
7 that is ridiculous, and the medical experts
8 told you that.

9 You heard how he hit him. Other
10 people heard Roger Williams talking about this
11 kid and using the word "faggot". He was two
12 years old.

13 And speaking of common sense, what
14 does the way that he disposed of that body tell
15 you about the way he felt about that child?
16 You're allowed to use your life experiences.
17 If he treated the body that way, how do you
18 think that he treated that child when he was
19 alive? That's the act.

20 But even -- even if you don't believe
21 the act, what about the failure to act. I will
22 quote the person that knows the best, and
23 that's the defendant. In the tape he said
24 something that was very, very true and who
25 would know better than him? He said, "We

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

669

1 didn't call the ambulance, that's what makes us
2 both guilty." He is absolutely right. They
3 are both guilty. And he's talking about the
4 last time. I would submit to you that they had
5 a responsibility to call the ambulance after
6 the first seizure, after the second seizure and
7 after the last seizure.

8 When she calls him hysterical, as far
9 as I know, you can call the ambulance from
10 North Charleston and it will get there just as
11 fast as if she had called from Summerville.
12 And she doesn't call the ambulance?

13 I'll tell you, an real eerie part of
14 his tape, when he is supposedly tell the truth,
15 the second time, he goes back to work and he
16 tells the officers, after she calls, he says,
17 "I went back and unloaded another truck." If
18 you listen real carefully he say "I could make
19 another \$50." He just learned that his child
20 is not breathing and he's going to go back and
21 make another fifty dollars. And why do you
22 think that he doesn't call the ambulance? One
23 explanation is that he's got dope in the house.
24 That's just awful. Another explanation is that
25 he knew that there were bruise on the child. I

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

670

1 don't know which one is worse. They're awful.
2 Clearly he knew something was wrong because he
3 was not concerned about this child not
4 breathing.

5 Grace Trotman should have called the
6 ambulance. No question. But, my gosh, at
7 least she is hysterical. She is sobbing on the
8 phone. He doesn't even care. He does not even
9 care. It's unbelievable.

10 You know, this case is complicated in
11 a way but it's simple. It really is very
12 simple, because when you think about it, I
13 can't think of another reason why you would
14 cover up your crime, go to the extent that he
15 went to, to hide this body if he didn't have
16 something to hide. I mean, it really can be
17 that simple.

18 There's a lot of evidence which
19 supports his guilt but when it comes right down
20 to it, it might just be common sense.

21 When he talks about the way that he
22 got rid of that body, it's just chilling.
23 There is no emotion. He could be talking about
24 taking out the papers. It's like it is not
25 even a child. And let's not forget that, this

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

671

1 is a child.

2 Now, I am very sorry that you have had
3 to listen to some very disturbing evidence. I
4 am sure a lot of you did not realize when you
5 signed up for jury duty that this would be the
6 kind of case that you would be involved. But
7 it's ugly truth. These are ugly truths. That
8 is what we are here to do, that is your job and
9 your responsibility, to find the truth. It is
10 our responsibility to find the truth together.
11 To that end you've seen so much evidence. I
12 just want to go through briefly what you've
13 seen.

14 Let's look at what we're learned from
15 the evidence that you've seen on the witness
16 stand, and kinda of go through it and think
17 about what happened during this week:

18 First of all, we hear about The
19 Battery. You know, down at The Battery, the
20 silly story about poor Minor falling into
21 The Battery. Think about this. He doesn't go.
22 He's holed up in some hotel room with someone
23 named Latrina, but he sends Grace Trotman down
24 there to The Battery. But it is not Grace's
25 idea. That's clear from the phone records.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

672

1 He's calling Nikki, he's calling Grace, he's
2 calling Nikki, he's calling Grace. If you look
3 at the phone records when you go back, there's
4 a version that is color coded and you can see
5 Grace and Nikki's phone numbers in different
6 colors and it is unbelievable. It's like he
7 called one, called the other. He calls one,
8 he calls the other. He is coordinating this
9 whole thing from his hotel room with Latrina.

10 Again, as I said, -- but he is not
11 coming down there. You heard a couple of
12 officers. They just couldn't believe it. They
13 are, like, 'You child is missing.' He says, 'I
14 can't come down there, I've got warrants.' He
15 cannot go down there because he has warrants.
16 He rents the car, he gets the three hundred
17 dollars to this someone named Sabrina and
18 arranges the car for Grace. Grace is clearly
19 not calling the shots. He coordinates Grace
20 and Nikki. And, again, remember these phone
21 records are his phone number -- 539-6213.

22 What else did we learn? Detective
23 Pottieger testified and he talked to you about
24 the first statement where Mr. Williams kept
25 saying that he was telling the truth "to the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

673

1 T." It is unbelievable the detail that he goes
2 into. Matter of fact, they went to the Waffle
3 House. Matter of fact, he got wings. 'We had
4 some pizza. Little [Minor] is sitting there
5 playing cards with Roger and his friends.'
6 Meanwhile, he's been dead for a month! He goes
7 on for forty-five minutes, 'I just saw him
8 yesterday. Took him to see the fireworks.
9 Goes into detail about the fireworks, took
10 little [Minor] to see the fireworks.' "I'm
11 telling the truth."

12 One thing that I want you to remember,
13 because the way that we presented the evidence
14 -- you heard the first statement and then you
15 heard some more evidence and then you heard the
16 second statement. Those statements are five
17 minutes apart. Don't forget that, because he
18 basically tells all this detail about him and
19 [Minor] five minutes go by, they go back in
20 and it's like 'Now I am going to tell you the
21 truth.' Then he tells you more lies. He tells
22 you about him falling down the stairs and all
23 kinds of other stuff that we are going to get
24 to.

25 Lieutenant Kokinda -- this is a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

674

1 difficult picture to see on the screen, but
2 you're going to have the photographs with you
3 back there. This is a picture of the trash can
4 with little Minor body in it, filled with
5 concrete and a couch over it. Lieutenant
6 Kokinda testified about finding that there. I
7 think what was striking was just how far about
8 there his body was. It was very hidden. You
9 not only had to go off the interstate, you had
10 to go back behind an abandoned trailer and then
11 into some woods. You know, for whatever it's
12 worth, Grace Trotman at least brought them to
13 that body. I don't know if this body would
14 have ever been found had it not been for her
15 taking them to this body.

16 Remember, he doesn't just find this
17 spot in one day. He rents a truck, drives
18 around, looks for the perfect spot to hide this
19 body. Then goes back the next day, rents the
20 truck again to dump this body. And then
21 doesn't even have -- doesn't even give it the
22 dignity of burying it. In his statement he
23 says, 'I went back two weeks later but it just
24 smelled too bad, there was too much -- too many
25 maggots. I just had to -- I am not going to do

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

675

1 it.'

2 Detective Shuler, this is the second
3 statement. This statement is prompted by
4 finding the body. Once they find the body,
5 Roger Williams launches into the next "I'm
6 telling you the truth, to the T, the whole
7 truth." 'This is what it is, I put everything
8 on this' -- on and on and on.

9 He said that he was still alive when
10 he got home and he says he goes back later and
11 he is stiff. This is a horrible thing to think
12 about but I don't know if either of these
13 people really know when this child died.

14 When Roger gives his statement, he
15 talks about going in and she's doing CPR, put
16 him on the couch, he's walking around and he
17 said, 'I wish this boy would pop up, I wish
18 this boy would pop up.' He goes back later and
19 he realizes that he is stiff.

20 In another statement he says that he
21 was dead when he got home. I don't know if
22 anyone knows when this child died. But the
23 point is, no one calls the ambulance -- not on
24 the phone, not on the way to the house, not
25 when he gets to the house and not when the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

676

1 child is laying on the couch and he is not
2 sure.

3 He gives a chilling description of his
4 son's body. And when he talks about the body
5 -- I am not going to use the words he used but
6 it is so obvious how he feels about this child.

7 Grace Trotman. She pled guilty. She
8 got up there and told you that she was guilty.
9 She talks about -- she is really the only other
10 person in the house with Roger when he is
11 striking this child.

12 And, now, why is he striking this
13 child? He thinks that he's gotten into his --
14 this two-year-old, he calls him a faggot, calls
15 him a punk, stands like a girl. And this
16 evidence, I think if you're evaluating Grace
17 Trotman's testimony, you really have to think
18 about who else corroborated what she says.
19 You heard from Nikki. Nikki and Grace were not
20 friends. But Nikki herself says that the
21 father of her child told her, a lot, 'Why does
22 he stand like a girl? Why does he act like a
23 girl? I need to man him up.' She and Grace
24 both say that.

25 Kim Evans says that she sees him

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

677

1 calling him "soft", 'we are going to take care
2 of that.'

3 Then Avis Clark hears him on the phone
4 saying 'he's an f'ing faggot' and 'shut the F
5 up.'

6 She says that he hit him in his chest.
7 Just so that we are clear. Just because he
8 hits him in his chest and hits him in his back
9 doesn't mean that he doesn't fall down and hit
10 his head. Grace clarifies that. She tells
11 that.

12 Mr. Williams himself tells that he
13 pops him in his chest. He tells that one
14 little story during the jail tape about how he
15 "popped" him. And if you notice on the jail
16 tape, he kinda catches himself because he says
17 something like 'I didn't pop Yaya, because I
18 did that once and' -- and then he stops. So
19 he's clearly popped Minor and probably
20 popped Yaya before.

21 The seizures. She describes the
22 seizure -- I will tell you what, she describes
23 them somewhat but the most eerie description
24 that you get of these seizures is from Roger
25 Williams. He has seen these seizures up close.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

678

1 He gives great detail. I would suggest to you
2 that he is not smart enough to realize that
3 describing those seizures hurt him, because
4 he doesn't know anything about a Dr. Jenny.
5 He doesn't know that's an indication of
6 repeated blows to the head or hitting your head
7 on the floor. It just thinks, 'well, maybe it
8 means it's a natural death.' So he kind of
9 adjusts his statement to help himself, but he
10 does continue to describe the seizures.
11 Because at that time he doesn't realize what he
12 is doing and he describes them in great detail.
13 She also says that he told her not to
14 call the ambulance. That's exactly what he
15 says. That is a fact that they both agree on.
16 And he said it best himself, neither of them
17 called the ambulance and that means that they
18 are both guilty.
19 She lies about the stairs and so does
20 he. And that may be his best description of
21 the seizures. He says after he falls down the
22 stairs that he has that one horrible seizure
23 and he actually kind of describes what Dr.
24 Jenny described as posturing, which is an
25 indication of brain injury. He also says a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

679

1 little bit later in that statement that
2 Minor is watching TV and just falls down,
3 starts doing that thing again. That is exactly
4 what Grace says.

5 She is telling the story at the police
6 department about this bologna about the coverup
7 at the same time he's telling the whole story.
8 They are covering it up together.

9 All right. Nikki Washington. Let's
10 think about the way that poor Minor came
11 into his relationship with this man. He didn't
12 even want him. She's gotta chase him down with
13 DSS. He doesn't want to pay child support. He
14 really doesn't want anything to do with this
15 child. Finally she goes to the drugstore and,
16 who knew, there's a paternity test that you can
17 buy at the drugstore and find out if this is
18 your child. She finally convinces him to take
19 the paternity test. But, remember, he doesn't
20 even find out that this is his child until ten
21 months before he dies. He doesn't even know
22 this child.

23 He tells Nikki -- as I said before,
24 some of this testimony and evidence does
25 overlap. He tells her that he is feminine and

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

680

1 that he stands like a girl. He says that he is
2 going to "man him up." She sees the two black
3 eyes and the knot on the head -- and y'all pass
4 this picture around. It's kinda hard to see on
5 this picture but that Nikki did do -- she put
6 either cocoa butter or some kind of makeup or
7 something under his eye to cover that up. But
8 you can see that there is a knot on his head.
9 It's right here. What is kind of chilling
10 about that is that that is exactly where the
11 pathologist says that the knot is on head, that
12 they see under the scalp after his death.

13 Danielle Kott is the neighbor. She
14 obviously was intimidated. She got up here and
15 was just shaking. But she really doesn't have
16 a dog in the fight, she's just the neighbor.
17 And what does she see? A black eye, a knot on
18 the head, deep scratches on his back.

19 Russell Minter was the little guy that
20 took him to Lowe's, his friend that took him to
21 Lowe's. I know we harped on this but I want
22 you to really think about this. Grace Trotman
23 calls Roger Williams, the first time, at 10:37
24 a.m., 'He's not breathing, he's not breathing.'
25 'All right, I'll get a ride.' She calls back

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

681

1 again. It takes Kelly, their witness, she said
2 ten minutes to get there. So now we are at ten
3 of 11:00. She said thirty or forty minutes to
4 get back, so now it is 11:30. This man
5 doesn't even get home until 11:30. He's
6 already come up with the concrete idea by 12:00
7 o'clock. By 12:00 o'clock he's already in
8 cover up mode. I just don't know what to think
9 about that. I don't know whether he thought it
10 on the way home or whether he is just really
11 that cold, but that is something that you need
12 to consider.

13 He goes to Lowe's the same day. And
14 you see him in Lowe's. He's in there, he's
15 just buying his concrete. He has the presence
16 of mind -- look at his demeanor on that tape.
17 You're allowed to watch any of this evidence
18 again. But try to remember his demeanor on
19 that tape. He actually has the presence of
20 mind, after just finding out that his child has
21 died, to ask the Lowe's sales clerk, 'Which
22 concrete dries the fastest?'

23 Then he calls Minter later and tries
24 to get him to testify that that day he just
25 wasn't himself, that he was just psychologic-

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

682

1 ally off. Russell Minter told you that just
2 wasn't true.

3 And this is the timeline that I was
4 just talking about. Roger Williams finds out
5 that his child is not breathing, leaves work
6 and by 12:00 o'clock he is at Lowe's.

7 Now, Dr. Batalis testified and he got
8 up and he showed you some of the things that he
9 found in the autopsy. It is a tragedy that he
10 couldn't find out more from the autopsy. It's
11 a tragedy that Mr. Williams benefitted from the
12 way that he disrespected that body. The body
13 was decomposed, so there were things that he
14 could not tell you. But he could tell you that
15 it was homicidal violence.

16 And most importantly, he told you that
17 it was his opinion that the death was not
18 caused from one blow. How did he know that?
19 He deduced that because there was no giant
20 skull fracture and there was not a large
21 hematoma on the head. So that, to him, led him
22 to the conclusion that it was not one blow that
23 killed this child. He said that it was
24 consistent with axonal injury. He noted three
25 contusions to the head. He also explained to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

683

1 you, as I said before, that the contusions were
2 severe enough that he saw them on the underside
3 of the scalp. So they were significant. And,
4 like I said, it is sad that the decomposition
5 made it hard for him to look and come to more
6 conclusions.

7 Dr. Kim Collins was the defense
8 expert. She agreed with Dr. Batalis.

9 Let's talk about Dr. Jenny. She bases
10 her opinion primarily on Roger Williams' own
11 statements. The defense would have you believe
12 that somehow that's not reliable. She bases it
13 on the medical records, complete medical
14 history; which this child had not medical
15 history of anything that would cause seizures.
16 He was a very healthy child. But she bases it
17 on Roger Williams' descriptions of the seizure.

18 She says also that this is not
19 consistent with one blow. She bases that on
20 the autopsy, some of the same factors that Dr.
21 Batalis bases his conclusion on, and also that
22 -- what is the reason for these seizures?
23 There is no medical reason. He's not having
24 seizures when he is with the Hugers. He is not
25 having seizures when he is with his mother.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

684

1 It's be a pretty big coincidence that he's
2 hidden them and then he is having seizures and
3 they are not connected. Obviously they are
4 connected. That's the conclusion she came to.

5 She also said that this child died
6 and that it was a cumulative effect of these
7 beatings. Not one beating, but several
8 beatings.

9 She talked about concussions. I think
10 we all have some experience with sports
11 injuries. Especially nowadays there's lots of
12 information about people getting concussions in
13 a football game and now they don't let them go
14 right back in, because it is dangerous to get
15 another concussion right away. Your brain has
16 to have time to heal. Minor brain did not
17 have time to heal.

18 She said multiple blows eventually
19 caused swelling, which is what caused this
20 child's death.

21 Now, I don't know if we will ever,
22 ever be able to know why. It may not be in our
23 frame of experience to understand why anybody
24 would treat a child this way. We had some
25 hints but -- what we've learned here, what came

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

685

1 out from the witness stand is that he did not
2 really know [Minor] for very long. I don't
3 know if he had time to bond with his child, but
4 it seems to be a factor. He'd only known him
5 about ten months. 'He stands like a girl.' As
6 ridiculous as that is, it seems to be what he
7 thinks, that his two-year-old is what he calls
8 a faggot. 'He's soft, spends too much time
9 with girls.'

10 Of course, nobody ever spends for any
11 boy toys for this child to play with. They
12 don't buy him any toys and now he is being
13 punished because he is playing with whatever
14 toys are available, which is the other little
15 girl's in the home.

16 He says, "I am going to man him up."
17 That's what he tells Nikki, that's what he
18 tells Grace. "We are going to get him out of
19 this." That's what Kim Evans hears him say,
20 when he says that he is "soft."

21 Control seems to be an issue. Like
22 I said, I don't think he knew him that well.
23 There's reasons that we may just never know.
24 I don't know why anybody would do this to a
25 child.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

686

1 Let's talk about this statute. Now,
2 we have to prove, that is our burden, beyond a
3 reasonable doubt that he -- that this death was
4 caused by child abuse and that it was either an
5 act or it was a failure to act. There is ample
6 evidence of both. I would suggest to you that
7 it is not whether or not he is guilty, it's how
8 many ways that he is guilty.

9 And when you get the jury instructions
10 back there, there is a one and a two. You are
11 going to look at some definitions. The
12 definition of "harm" is that you act, that you
13 do something or you allow someone else to do
14 something. Even if you believe that he wasn't
15 beating this kid repeatedly, he had to have
16 seen the bad eyes, he had to have seen the
17 knots on the head -- because the neighbors saw
18 it! So even if you believe that he wasn't
19 doing it, he was allowing Grace Trotman to do
20 it. That's the act. Did he hit this child and
21 cause these injuries?

22 He is only there two weeks. Think
23 about that when you think about all these
24 beatings, the ones that he admits to and the
25 ones that Grace talks about. This is a very

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

687

1 short period of time.

2 The defendant tells you himself that
3 he hit him in the chest. That kinda
4 corresponds with the day that the neighbor Hugh
5 O'Neill talks about. He leaves -- he sees
6 Grace leaving and he sees the kids kind of
7 following her. Then Roger Williams comes out
8 and sort of orders them back in the house.
9 Then Roger Williams tells the same story to
10 Lamona on the jail tape. Said, "I popped him
11 three times."

12 Grace tells you that he smacks him to
13 the floor. Grace says that he hits him a lot.
14 At one point Ms. Herring-Lash asked her:

15 'You've described several seizures. Were
16 there other times that he hit him?'

17 And I think she says 'yes.'

18 'How many times, more than ten?'

19 She says, 'No, not more than ten.'

20 But he hit him a lot.

21 There are at least two seizures after
22 incidents. One description of the seizure by
23 the defendant after this phony story about him
24 falling down the stairs. Then there is another
25 beating and Grace says that the next day she

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

688

1 can't even wake him up. She says the symptom
2 that most fits is "unconscious." Then, of
3 course, the last seizure.

4 Box, as he is known, sees the seizures
5 in the clearest detail. He is able to give the
6 best detail about these seizures. I suggest to
7 you that that is because he sees them the best
8 because he's right there. As I said before, I
9 just don't think he's smart enough to lie about
10 the seizures. I think that's why he goes into
11 so much detail about them.

12 Let's talk about the failure to act.
13 As I said, if you don't believe that he was
14 beating this child, he clearly does not get any
15 medical help for this child after the seizures
16 and after the final time when he is not
17 breathing. He does not call an ambulance after
18 three alarming seizures, described by both of
19 them: the stairs incident, the Friday incident
20 where he supposedly called back to the house
21 because he's 'doing that thing again', and then
22 Sunday when she says that he is not breathing.
23 That is not even according to the State's
24 witnesses. That is accordingly to Roger
25 Williams' own statements.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

689

1 The final omission, 'Don't call the
2 ambulance, I have weed in the house.' Or,
3
4 'Don't call the ambulance, I deal my pounds.'
5 Or, depending on which story you believe,
6 'Don't call the ambulance because he's got a
7 bruise on his chest.'

8 So many lies. This man tells so many
9 lies. Let's just review a few of them:

10 The story where he talks about that he
11 just saw Minor

12 There's another story where Grace
13 Trotman is at The Battery, she's on the police
14 officer's phone. She gets the phone from the
15 police officer and he goes, 'You better help
16 them find my son.' I mean, how ridiculous is
17 that? He knows the child is gone for a month.

18 He talks about how Grace called him up
19 Friday and told him, 'Hey, you know, I see a
20 little bruise on his chest.' And he comes back
21 from playing cards with his buddies and that he
22 was 'doing that thing again.' That's not true.

23 He says that he put him in the
24 concrete because he was helping Grace. He's
25 only doing that, putting his own flesh and

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

690

1 blood in a trash can filled with concrete,
2 because he wants to help Grace Trotman.

3 He also said he put him in the
4 concrete because he had a bruise on his chest.
5 That's what he tells Lamona.

6 He tells Nikki Washington a really
7 strange story. 'I put him in the concrete
8 because I had an overwhelming urge to hold him
9 after he died, and that's the only way that I
10 could prevent myself from holding him.' That's
11 what she says in her testimony.

12 He says that he didn't call the
13 ambulance at one point because the child took
14 Ecstasy.

15 Now, you heard from the guy that he is
16 in jail with, Ishmael Rivers, who has never met
17 Lamona Smith, yet they both told you that
18 another weird story he tells about why he
19 didn't call the ambulance was because Minor
20 had swallowed some pills and he was afraid that
21 he called the ambulance that they would figure
22 that out and he would get in trouble.

23 Yet you hear from the pathologist that
24 there were no drugs in this child's system.

25 'I didn't call the ambulance because

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

691

1 I thought he'd just pop up.' In one of his
2 rambling statements, he says he just kept
3 looking at him and I just thought he'd just pop
4 up.

5 'I didn't call the ambulance' -- Mr.
6 Falk suggested this, 'I didn't call the
7 ambulance because she said that he wasn't
8 breathing.' Well, what is the implication
9 there? That it was just too late? If the
10 child is not breathing, of course you'd call an
11 ambulance -- unless you've got something to
12 hide.

13 'I didn't call the ambulance because
14 he had bruises on his chest.'

15 You know what? This makes no sense.
16 Because part of his story is the reason he put
17 him in the concrete trash can was to help
18 Grace, because once he got home he realized
19 that she was responsible for the death of his
20 child. But he didn't even know that until he
21 got home. So why wouldn't he call the
22 ambulance from work? Why wouldn't he have her
23 call the ambulance from work? He doesn't even
24 know what's really going on yet. It just
25 doesn't really make any sense unless he knows

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

692

1 something that he did the night before.

2 And think about what Grace Trotman
3 says. She is not trying to hide anything. She
4 doesn't call the boss and say, 'Oh, I just need
5 to talk to Roger Williams' and then only tells
6 Roger Williams that he is not breathing. She
7 tells everybody in the neighborhood that he is
8 not breathing. So it's not like she is trying
9 to cover anything up right then. She really
10 does want to call the ambulance.

11 Now, it's inexcusable that she
12 doesn't. But she is telling everyone, 'Should
13 I call the ambulance? He's not breathing. He
14 is not breathing.' She tells Morris Clark
15 that, she tells Hugh O'Neill that and she tells
16 another neighbor that.

17 Let's talk a little bit about the
18 cover up. We talked about the sequence of
19 phone calls and how quickly this man comes to
20 the conclusion that concrete is the best
21 answer.

22 He also tells his boss that everything
23 is okay. After listening to Grace Trotman's
24 hysterical voice, the boss' first inclination
25 is, 'Did you call the ambulance?' And he says,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

693

1 'Yeah, yeah. Everything's okay.'

2 He goes to Lowe's and asks about the
3 quick drying cement.

4 Dumps his child in the trash can and
5 covers it with concrete and drives forty
6 minutes to get rid of it.

7 This is one of the weirder things that
8 Mr. Williams does to cover up his crime. He
9 makes a video at some point during Minor
10 stay of Yaya hitting him and dragging him
11 around. He thinks that is funny. Then he
12 realizes that when Nikki Washington calls on
13 the phone he can kinda keep this thing going a
14 little bit longer by playing this video, so
15 that she never really gets to talk to her child
16 but she somehow thinks that he is there. Which
17 is horrible.

18 And, again, he tells Nikki that the
19 black eyes and the knot on the head are from
20 Yaya.

21 We talked about before that the phone
22 records show that he is the one to coordinate
23 The Battery. He also sends his sister to The
24 Battery. I don't know if y'all caught that,
25 but both Nikki and Grace talked about how he

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

694

1 doesn't go to The Battery but he sends his
2 sister there and she is on the phone with him,
3 telling him everything that is going on. He
4 pays for and arranges the rental car, he makes
5 up all these lies about the child being in
6 Carowinds in North Carolina.

7 What's the truth? The truth is that
8 he beat his kid continuously during the short
9 time that he was there.

10 He then stripped his two-year-old,
11 took off his Pampers, wrapped him in trash
12 bags, taped it up with duct tape, dumped him in
13 a trash can, filled it with concrete and dumped
14 him in a remote area; where he would never have
15 been found.

16 He didn't call the ambulance after any
17 of the seizures, and he certainly didn't call
18 the ambulance after the last seizure.

19 We haven't really talked much about
20 unlawful conduct. He is also charged with
21 unlawful conduct towards a child. There is
22 ample evidence of that. In order to be guilty
23 of that, he has to threaten the child's
24 physical, mental health or safety. There are
25 so many instances where he did that in this

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

695

1 case. He hit him, he called him a faggot, and
2 he didn't get him healthcare.

3 You're going to get some definitions.
4 Ms. Herring-Lash went over this. We talked
5 about the act and the failure to act.

6 There's Mr. Williams' quote, "We
7 didn't call the ambulance and that's what makes
8 us both guilty."

9 Again, I said this before, harm is not
10 just inflicting, it is allowing to be
11 inflicted. There is no way that he could not
12 have known this child was being beaten, even if
13 he wasn't doing it, because of the black eyes.

14 We talked a little bit about this.

15 I just want you to use your common
16 sense. Use your common sense about this case.
17 It just doesn't make any sense that he's not
18 responsible when you think about all the facts.

19 You know, this is what this case is
20 about. You heard my voice, you heard this
21 (indicating Ms. Herring-Lash) voice, the other
22 attorney's voice, but no one is ever going to
23 hear his (displaying picture of Minor
24 Williams) voice again.

25 Think about this little boy when you

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 go back there. Think about what his life was
2 like in those last days. Think about justice.
3 I am asking you to have the courage of your
4 convictions when you think about that child.
5 Don't cave in because you know he did this.
6 Hold him accountable. This is about the truth
7 and it's about justice and it is time for
8 justice in this case. Thank you.

9 THE COURT: Thank you, Ladies and
10 Gentlemen. If I could have your attention, now
11 it becomes my responsibility as the judge of
12 the law to give you the law that you of course
13 promised to accept and apply fairly and
14 impartially to those facts that you will
15 determine very shortly when you begin your
16 deliberations. You and you alone will
17 conscientiously evaluate the evidence in this
18 case, apply your common sense and decide what
19 you might find to be the true facts. When you
20 do that, you'll apply this law and make your
21 decision. Once that is done, you will have
22 honored the commitment that you made to both
23 the State, Mr. Williams and to the court when
24 we started this process on Monday.

25 During this instruction, you may hear

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

697

1 we use the word "defendant." As I explained to
2 you when I was starting this case, identifying
3 the dispute, "defendant" is simply a term that
4 we use to designate the party against whom a
5 claim is made. That's the sole significance
6 of that term. So when you hear that term,
7 please understand that I am referring to Mr.
8 Williams but it means nothing more than -- it
9 is nothing more than just another way of
10 identifying him.

11 Mr. Williams, as I mentioned to you
12 was accused in these documents which I hold in
13 my hand. They are, as I shared with you,
14 pieces of paper. They are called indictments.
15 They are the formal charging documents,
16 basically. They frame the issues to be
17 resolved by you and me in this proceeding.
18 They are not evidence, they will not accompany
19 you to your jury room.

20 To these indictments, he's rendered a
21 plea of Not Guilty, which places on the State
22 the burden of proving his guilt beyond a
23 reasonable doubt. As you recall, I stated to
24 you and each of you said that you had no
25 problem applying this principle of law fairly

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 and impartially, that persons accused of
2 committing criminal offenses in this state, and
3 in this country, as far as I know, such as Mr.
4 Williams here today, are never required to come
5 in and prove anything. They certainly are not
6 required to prove their innocence because the
7 law says that they are presumed to be innocent
8 until and unless the State proves the guilt of
9 that person beyond a reasonable doubt. That
10 means establishing each element of the crimes
11 charged, to that specific level. As I stated
12 to you, that is not -- there are not just
13 words, that's a presumption that you must
14 actively maintain. That is, you must actively
15 see him as not guilty and that can only change
16 when, after your deliberations, you are
17 convinced otherwise.

18 Obviously, Ladies and Gentlemen,
19 persons so accused, not being required to prove
20 or disprove anything, if that person does not
21 testify in a proceeding involving the dispute,
22 that cannot be used by a jury for any reasons.
23 A person so accused has the Constitutional
24 right to remain silent. The assertion of that
25 right cannot and must not be used and

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

699

1 considered by a jury. Therefore, under your
2 oath you are to reach no inference and to draw
3 no conclusion whatsoever from the fact that Mr.
4 Williams did not testify. His failure to
5 testify may not even be discussed in the jury
6 room. If it is, if you consider it in any
7 fashion, you will have violated the commitment
8 that you made when you started this, because
9 you will have violated your oath in not
10 applying the law fairly and impartially.

11 It is not a fact to be considered and,
12 rather, the State must prove each element of
13 the crimes charged beyond a reasonable doubt.

14 What is a reasonable doubt? A
15 reasonable doubt is a doubt that would make an
16 honest, sincere, conscientious juror hesitate
17 to act or take some action.

18 Proof beyond a reasonable doubt is
19 proof that leaves you firmly convinced of the
20 defendant's guilt. Now, there are very few
21 things in this life and in this world that we
22 know with absolute certainty. The law does not
23 require proof that overcomes every possible
24 doubt.

25 If based on your consideration of the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

700

1 evidence you are firmly convinced that the
2 defendant is guilty of one or more of -- or
3 both of this crimes, then you must return a
4 verdict of Guilty.

5 On the other hand, if you think that
6 there is a real possibility that he is not
7 given, then you must give him the benefit of
8 that doubt and return a verdict of Not Guilty.

9 A reasonable doubt, Ladies and
10 Gentlemen, may arise from the evidence in the
11 case or the lack or absence of evidence in the
12 case. It's up to you to determine whether or
13 not a reasonable doubt exists as to this
14 defendant.

15 And I charge you, Ladies and Gentle-
16 men, that he is entitled to every reasonable
17 doubt arising in the whole case. What do I
18 mean by that? Simply this, if on any issue of
19 fact which would be essential to your returning
20 a verdict of guilty you should have a
21 reasonable doubt as to how that issue is to be
22 resolved, I would instruct you that it would be
23 your duty to resolve that in Mr. Williams'
24 favor.

25 Now, Ladies and Gentlemen, evidence in

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

701

1 a case such as this is presented basically in
2 two ways. There are two types of evidence that
3 juries customarily consider, direct evidence
4 and indirect evidence. The more popular name
5 for indirect evidence is circumstantial
6 evidence.

7 Direct evidence would be essentially
8 as the term would imply, that would be
9 generally a sensory perception, 'I saw
10 something, I heard something, I felt something
11 or the like.' If you are firmly convinced of
12 the truthfulness of that testimony, the
13 credibility of that testimony, that would
14 establish that particular fact or
15 circumstances.

16 Circumstantial evidence is when you
17 will consider a number of facts which you are
18 firmly convinced have been established by the
19 evidence and you link them, through inductive
20 or deductive reasoning, and that suggests a
21 logical conclusion. That is also another way
22 of proving a particular fact or circumstance.

23 Now, the law makes absolutely no
24 distinction to be given to the weight -- the
25 weight or the value to be given to either

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 direct or circumstantial evidence, nor is any
2 greater degree of certainty required of
3 circumstantial evidence than of direct
4 evidence. You are instructed to weigh all of
5 the evidence and decide what you believe to be
6 the truth.

7 Now, to the extent that the State
8 relies on circumstantial evidence, you must
9 reach a conclusion that it is more than just
10 simply someone being 'might be guilty' or
11 'possibly guilty' or even 'probably guilty.'
12 It has to be proof that is stronger than that.
13 It has to be proof that leaves you firmly
14 convinced that he is guilty beyond a reasonable
15 doubt.

16 Now, the evidence which you are to
17 consider consists of the testimony of the
18 witnesses and exhibits. As I have stated
19 throughout, that and that alone are what
20 you are to analyze when you begin your
21 deliberations.

22 My remarks during this trial, my
23 actions during this trial, should not be
24 considered by you at all. The remarks of the
25 attorneys likewise should not be considered by

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

703

1 you at all as being evidence. You are to
2 consider their remarks and you are to consider
3 my charge, but our remarks are not evidence.

4 I would instruct you furthermore that
5 if during their openings or their closings the
6 attorneys have given you a statement of law
7 which differs from the law as I give it to you,
8 you must disregard that statement in its
9 entirety because for the purposes of the
10 proceeding today, I am the sole judge of the
11 law.

12 Likewise, if their statements
13 concerning what a witness said or didn't say
14 differs from your recollection, your collective
15 recollection, of what they said or didn't say,
16 you must disregard their statement in its
17 entirety. Why? Because you are the sole
18 judges of the facts today. That is your job.
19 You are that judge.

20 Please understand also in your
21 deliberations that if you have a difference of
22 opinion about what a witness said or didn't say
23 and you can't resolve that through your
24 collective discussion, Ms. Garrison, our court
25 reporter, as I mentioned, is responsible from

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 keeping the verbatim record. If necessary, we
2 can replay testimony for you, for you to
3 resolve any dispute that you may have
4 concerning what a witness said or didn't say.

5 Also I would instruct you, Ladies and
6 Gentlemen, that you have had a witness that we
7 call expert witnesses. Generally witnesses are
8 not permitted -- and the reason for that term
9 is because most witnesses are not allowed to
10 give opinion, except in very limited areas.
11 But certain witnesses who, because of their
12 background, their training, their experience,
13 are allowed to render some opinion in some art,
14 science or professional calling that the
15 witness claims -- in which the witness claims
16 to have some expertise. In considering this, I
17 would state to you, however, that you should
18 consider any expert opinion received in
19 evidence in this case like any other evidence
20 and give it the weight that you think it
21 deserves. If you decide the opinion of the
22 expert is not based on sufficient education or
23 experience or if you conclude that the reasons
24 given for support of the opinion are not sound
25 or that the opinion is outweighed by other

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

705

1 evidence, you may disregard the opinion in its
2 entirety. An expert witness' testimony is to
3 be given no greater weight than any other
4 witness simply because the witness is an
5 expert. Further, you are not required to
6 accept an expert's opinion, even though it is
7 not contradicted directly.

8 How then do you decide what you
9 believe to be credible and believable?

10 Ladies and Gentlemen, as I stated to you when
11 we were qualifying you that you were extremely
12 qualified to perform this task, because you've
13 done it many, many, many times in your life.
14 Each of you have made a decision for yourself
15 in your lifetime whether you believe somebody
16 or not. There are many, many factors that we
17 apply. We apply our life's experience, our
18 common sense, our sense of logic and reason.
19 You're expected to do the same thing.

20 Now, there are, as I stated, a number
21 of factors and I am going to discuss some of
22 them with you now. But if I don't mention a
23 method or factor that you've used in your life
24 to assist you, and you've found it to be
25 reliable, please use it when you begin the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

1 process of analyzing the evidence.

2 Some of the factors that you may want
3 to consider would be the appearance of the
4 witness, how do they appear to your,
5 straightforward or hesitant in answering
6 questions?

7 Was the testimony of a witness
8 consistent or was it inconsistent?

9 Was it strengthened or weakened by
10 other evidence in the case?

11 How did the witness come to know the
12 facts that he or she testified to and what was
13 the ability of that witness to know those
14 particular facts or circumstances?

15 Is there a reason for a witness to
16 give testimony which may be helpful or
17 detrimental to one side or the other? In other
18 words, was the witness biased or prejudiced in
19 any fashion?

20 In making the determination of
21 credibility of believability of witnesses,
22 Ladies and Gentlemen, you are given very broad
23 discretion. You have the right to believe one
24 witness against many, many witnesses against
25 one. You have the right to believe all of a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

707

1 witness' testimony, parts of a witness'
2 testimony, or none of a witness' testimony.

3 Now, of course, you don't make those
4 decisions arbitrarily but if there's a reason
5 in the record, that is the evidence of this
6 case, for taking that position, you have the
7 prerogative because your objective has been
8 since you took your oath to consider the
9 evidence and determine what you believe to be
10 the truth.

11 Now, while you enjoy very wide
12 latitude when it comes to determining the true
13 facts of this dispute, what you find to be
14 credible and believable, please remember that
15 there is a distinct separation between our
16 roles. As I have stated, I have nothing to do
17 with the facts.

18 My position has been to give you the
19 law, to make rulings on matters of law which
20 from time to time may have arisen in the trial
21 of this case, and to preside over this
22 proceeding.

23 But you, likewise, have nothing to do
24 with the law. If I give you a principle of law
25 with which you may differ, I respect your right

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

708

1 to feel that way. The law is -- we can change
2 it, it happens every day. But for purposes of
3 this proceeding, you've promised to set aside
4 your opinion of what you thought the law was or
5 what you think that it should be and you must
6 take the law as I give it to you notwith-
7 standing your personal opinion, if that should
8 be different than that which I give to you.

9 Please understand something else,
10 because it really does demonstrate how we work
11 together. During this proceeding you have
12 heard attorneys from both sides say 'Objection,
13 Your Honor.' I've asked them to state
14 succinctly their objection. Most of the time
15 you've heard my ruling. Please understand,
16 first of all, that that was very proper for the
17 attorney to make those objections. That's
18 exactly what they are supposed to do as
19 officers of this court. And rather than excuse
20 you, I made the ruling. But you're not to
21 consider my ruling at all.

22 If I sustained the objection,
23 obviously I didn't allow that question and
24 answer -- and/or answer. You must not consider
25 that at all, to reflect on that or to discuss

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

709

1 that, because that's not for your
2 consideration.

3 But if I overruled it, I allowed you
4 to hear the answer -- the question and answer.
5 It would be easy to say, 'Well, the judge
6 overruled that. That must mean I must accept
7 that.' If you engage in that thought process,
8 then you've let me engage in something that I
9 am not supposed to do, and that's to step over
10 in your area of responsibility.

11 Really and truly, I think that moment
12 is precisely how we work together. I've ruled
13 as a matter of law under our rules of evidence
14 that I am going to allow that question and
15 answer, but at that precise moment, once I've
16 done that, it shifts to you. You now have to
17 decide whether or not you believe it and, if
18 so, how strongly you believe it.

19 So that's how we work together in
20 deciding -- an example of how we have worked
21 together throughout this proceeding. And how
22 you will ultimately work together with me when
23 you got back and evaluate the evidence in this
24 case.

25 Please also understand that the law

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

710

1 that I give to you, that you're not to consider
2 this charge -- to focus on any one aspect but,
3 rather, consider the charge as a whole. The
4 order of the instruction means absolutely
5 nothing. I had to put it in some order.
6 But when you apply it, just apply the entire
7 charge. The fact that I give you an
8 instruction on a particular aspect is not,
9 again, to suggest to you how you resolve any of
10 the factual issues.

11 Let's look at the two charges. The
12 State, as I mentioned, has accused Mr. Williams
13 in these documents, one, of the offense of
14 homicide by child abuse and, the other,
15 unlawful conduct towards a child.

16 First I'd like to talk about the
17 homicide by child abuse. The State must prove
18 beyond a reasonable doubt, to obtain a verdict
19 of guilty on the homicide by child abuse that
20 the defendant caused the death of a child under
21 the age of eleven while committing child abuse
22 or neglect.

23 Child abuse or neglect is an act or a
24 failure to act which causes harm to the child's
25 physical health or welfare. Harm to a child's

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

711

1 physical health or welfare means that the
2 defendant either, one, inflicted or allowed to
3 be inflicted on the child physical injury or,
4 two, failed to supply the child with adequate
5 healthcare and this failure caused the physical
6 injury or condition which caused death.

7 The State must also prove beyond a
8 reasonable doubt that the death occurred under
9 circumstances showing an extreme indifference
10 to human life. Extreme indifference is the
11 nature of a culpable mental state akin to
12 intent. Indifference is a conscious act of
13 disregarding a risk which a person's conduct
14 has created, or a failure to exercise ordinary
15 or due care.

16 Now, if you should find that the State
17 has failed to meet its burden of proof on this
18 part of Section 16-3-85, that part that I just
19 discussed about causing that or neglecting, all
20 those aspects that we talked about, if you find
21 that the State has failed to meet its burden of
22 proof that he did that, then you may consider a
23 lesser-included offense, which is established
24 by the same section. Basically if you consider
25 whether the State has proved beyond a

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

712

1 reasonable doubt that Mr. Williams knowingly
2 aided and abetted another person to commit
3 abuse or neglect which resulted in the death of
4 a child under the age of eleven. In other
5 words, he didn't actually do anything but he
6 assisted by aiding and abetting.

7 "Aid" means to help, promote, enforce
8 or to accomplish, to give support to or to give
9 assistance to.

10 "Abet" means to encourage or appear to
11 support.

12 Now, unlawful conduct towards a child,
13 the next charge, the State must prove, to
14 obtain a conviction or to find the defendant
15 guilty of this charge, must prove beyond a
16 reasonable doubt that the defendant had charge
17 or custody of a child or was the parent of the
18 child and the State must prove that the
19 defendant placed the child at unreasonable risk
20 of harm affecting the child's life, physical or
21 mental health or safety; or unlawfully and
22 maliciously did or caused to be done any bodily
23 harm to the child, so that life or health of
24 the child is endangered or likely to be
25 endangered.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

713

1 "Child" for purposes of this section
2 means a person under the age of eighteen years.

3 Now, Ladies and Gentlemen, neither you
4 nor I have been selected as a judge in this
5 case, in this proceeding, to be an advocate for
6 either side. We aren't partisan, we don't have
7 any friends to reward nor do we have any
8 enemies to punish. In fact, we're called upon
9 to do something that I confess, and trust that
10 you will as well, because it's important that
11 we acknowledge that we are human. Because as
12 humans we tend to be influenced by human
13 emotion. That's normal. But we have to be
14 conscious about something when we're performing
15 the task of being a judge. We have to set that
16 aside, because human emotion has no place in
17 this process. You've promised to do the same
18 thing. You've promised to apply your common
19 sense, your sense of logic and reason fairly
20 and impartially in analyzing the evidence.

21 Once you decide what you believe to be the
22 true facts, you then take the law as I have
23 given it to you and apply that law to those
24 facts and report that decision. When you have
25 done that, you will have fulfilled your

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

714

1 responsibilities in this case. I am confident
2 that you will do that, very shortly when you
3 begin your deliberations.

4 To assist you, Mr. Bradshaw, in
5 reporting your decision I have prepared two
6 verdict forms which I would like to discuss
7 with you now. They will accompany you to your
8 jury room. They will be sent back with the
9 other evidence.

10 You will note that they are captioned.
11 The caption, Ladies and Gentlemen, is simply to
12 facilitate the filing. That means nothing, you
13 are to put no weight or emphasis on that.

14 On one form, dealing with homicide by
15 child abuse, there are three options. On the
16 other there are two. The order in which they
17 appear means nothing. I had to put them in
18 some order.

19 Let's talk about the two forms. First
20 let's talk about the homicide by child abuse.
21 It says, "We, the jury, by unanimous consent.."
22 -- what does that mean? Unanimous consent, as
23 I am sure you can assume, means all of you.
24 Twelve to zero. Eleven to one won't work. It
25 has to be a vote of twelve to zero. "...by

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

715

1 unanimous consent find the Defendant, Roger
2 Williams, on the charge of homicide by child
3 abuse..." -- then you'll see Guilty of Section
4 16-3-85(a)(1). That's being -- that's the
5 first part that I read to you. Or guilty of
6 the lesser-included offense, that's the aiding
7 and abetting that I read to you. That's
8 (a)(2). Or, Not Guilty. Then there is a place
9 that says Presiding Juror. If you will, sign
10 it where it says that and date it. You will
11 have completed that form.

12 Let's talk about it. First, what will
13 you be saying if it is the first choice?
14 Guilty? Then you will be saying that the State
15 has met its burden of proof, that you are
16 firmly convinced that he did one of those acts
17 or failed to do, or omitted to do some act,
18 that that section prescribes. That the State
19 has established that and convinced you of that
20 beyond a reasonable doubt.

21 Two would be if you find guilty of the
22 lesser, you've found that 'no, the State didn't
23 prove that he did anything' or failed to do
24 anything specifically but they proved that he
25 aided or assisted someone to do that; and,

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

716

1 therefore, is guilty of the lesser-included
2 offense.

3 Three, Not Guilty. The State failed
4 to prove that he did anything or that he
5 assisted anyone in doing anything to cause the
6 child's death, or failed to do something or
7 assisted anyone in failing to do something that
8 caused the child's death.

9 Whichever one that it is, if you'll
10 place a check in the blank that precedes it and
11 circle it, we'll know that is your decision.

12 The second form is the form for
13 unlawful conduct towards a child. Two choices,
14 Guilty or Not Guilty.

15 Guilty, you're firmly convinced that
16 the State has established those requirements
17 that he had -- that he was a parent and that he
18 did something or failed to do something to
19 place the child at risk, as I have stated in
20 that, of harm. Therefore, you'd be applying
21 that law that I gave to you, and all of that
22 law, and you're firmly convinced and you would
23 select "Guilty."

24 Not Guilty, that the State failed to
25 prove or more of those elements required, to

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

717

1 your satisfaction beyond a reasonable doubt.

2 Whichever your choice, again place a
3 check, circle it and sign it where it says
4 Presiding Juror.

5 Once you have completed both of them,
6 if you will knock on the door, we will return
7 you to the courtroom to receive your verdict.

8 During your deliberations, Ladies and
9 Gentlemen, you've heard us play certain
10 tapes/CD's. We are not going to send those
11 back to you. If during your deliberations it
12 is necessary for you to hear those again,
13 you'll just send out a note that says 'we'd
14 like to hear the CD' on whatever it is and we
15 will bring you in the courtroom to accomplish
16 that. Unless I hear from you, I will assume
17 that you don't need to rehear it. That you
18 recall enough of it to resolve any concerns
19 that you may have.

20 Other than that, the other exhibits
21 will accompany you to your jury room. I know
22 that you're anxious to get started and you're
23 almost there. As I told you when we started,
24 the last instruction that I'd give to you is
25 when you may start your deliberations.

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

718

1 Before doing that, I need to ask if
2 the first twelve feel that they will be able to
3 continue. If anyone feels that they cannot,
4 please raise your hand now. (No response).
5 Thank you. Mr. Fennell and Ms. Kitt, it
6 appears that the first twelve will be able to
7 continue. So when the jury is -- when you and
8 the other jurors are excused in just a moment,
9 I am going to ask that you not rejoin them in
10 the jury room. They will take you to another
11 room and I will be with you very shortly to
12 tell you how much longer you need to remain
13 with us.

14 Ladies and Gentlemen, when you retire
15 in just a minute, you're almost there but
16 you're not quite there because I have to excuse
17 you to discuss my instruction -- to find out if
18 I failed to give you an instruction or need to
19 give you some clarification, so I need to talk
20 to the lawyers, as you've seen that done
21 throughout on matters of law.

22 If there aren't any additions or
23 corrections that need to be given, then we will
24 deliver the verdict forms and the evidence to
25 you. When you receive that, then you may begin

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

719

1 your deliberations but not before.

2 Now, once the deliberations commence,
3 the only restriction that I place on the
4 deliberations is this. If any juror has to
5 leave the table for any reason, you must stop
6 deliberating until all twelve of you are
7 together. Other than that, you proceed as you
8 deem fit and proper.

9 Again, I thank you for your attention.
10 I ask you now to retire to your jury room and
11 await your exhibits before commencing your
12 deliberations.

13 (JURY OUT @ 12:25 P.M.)

14 THE COURT: Any exceptions or
15 additions from the State?

16 SOLICITOR WILLIAMS: Not from the
17 State, Your Honor.

18 THE COURT: Exceptions or additions
19 from the Defendant?

20 MR. FALK: Your Honor, we would ask
21 that you still submit our instruction on prior
22 criminal contact. We think that he has already
23 pled guilty in court.

24 THE COURT: I understand that but
25 the only person that said that was you. I

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

720

1 don't think that it is necessary. I think that
2 it's clear. I think, to be candid with you,
3 that if I do that I am putting emphasis on that
4 charge. Do you want me to bring them out and
5 tell them that they can't consider that -- but
6 it's not evidence. See, that's the problem.
7 Your statements are not evidence, as I told
8 them. They're to evaluate the evidence. So
9 now I've just confused my charge or confused
10 them of what they are to consider, because
11 there is absolutely no testimony about it.

12 MR. FALK: Thank you, Your Honor.

13 THE COURT: Thank you, sir. I
14 decline to do that, for that reason. I think
15 that it would be an improper instruction based
16 on the evidence because there is no evidence of
17 any crime.

18 MR. FALK: Yes, sir.

19 THE COURT: Okay? Now, if you want
20 me to talk about the drugs mentioned, I will
21 talk about that. But I am not going to talk
22 about pleading guilty.

23 MR. FALK: Quite honestly, we'd
24 talked about, you know, excluding that
25 evidence. When it came up, I was sort of

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

721

1 surprised by that.

2 THE COURT: Well, it was his
3 statement.

4 SOLICITOR WILLIAMS: My understand
5 was that the only thing that we were supposed
6 to refer to was that there was weed in the
7 house and that's why he didn't call the
8 ambulance.

9 MR. FALK: I think that's says
10 prior drug use ---

11 THE COURT: No, no, not prior -- I
12 am talking about the drug use where he talked
13 about that he said, 'I didn't want to call it
14 because there was weed in the house.' There
15 was no testimony of drug use. That's the only
16 thing that could possibly be inferred from the
17 evidence, I think, of some crime.

18 MR. FALK: I was thinking more
19 about the Ecstasy part.

20 THE COURT: Well, he said that, too,
21 but that doesn't -- don't know where that was
22 and what that was from, but there was -- there
23 really is no criminal conduct, per se. There
24 is certain evidence of some contraband, uh, but
25 that would be the only reason that I would

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

722

1 bring them back and tell them any discussion
2 about any drugs may not be considered for any
3 purpose in determining guilt or innocence.

4 MR. FALK: I think with ---

5 THE COURT: Or guilt, not innocence.
6 They don't determine innocence.

7 MR. FALK: I think that to the
8 extent that they used it, and we've already
9 discussed this issue, that they used it -- she
10 made the argument, and we talked, about this,
11 that ---

12 THE COURT: I don't think it's
13 there. I am just focusing on something that
14 really is a nonissue. That's my concern. So
15 -- you want it because of the statements about
16 his pleading guilty.

17 MR. FALK: No, I want it because he
18 pled guilty to the des---

19 THE COURT: I understand that but
20 he's not entitled -- there is not evidence for
21 them to evaluate on that.

22 MR. FALK: Yes, Your Honor.

23 THE COURT: Thank you. I decline it
24 for those reasons, then. Other than that, that
25 is the only addition you're requesting?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

723

1 MR. FALK: Yes, sir.

2 THE COURT: Thank you all. We will
3 be at ease then. I appreciate the manner in
4 which you have handled this trial.

5 COURT REPORTER: Counsel, please
6 come forward and approve exhibits.

7 (APPROVAL OF EXHIBITS)

8 (JURY IN DELIBERATION @ 12:37 P.M.)

9 (NOTIFIED OF VERDICT @ 1:40 P.M.)

10 (DEFENDANT PRESENT)

11 THE COURT: I'm informed that
12 the jury has reached a verdict. Is the State
13 ready to receive the verdict?

14 SOLICITOR WILLIAMS: Yes, Your
15 Honor.

16 THE COURT: Defense ready?

17 MR. FALK: Yes, sir, Your Honor.

18 THE COURT: I would like to commend
19 each of the attorneys for the way that you have
20 handled this case.

21 I also would commend the families who
22 are present. I understand that it is a very
23 emotional case. Being a parent and a grand-
24 parent, I understand the emotions that you
25 have. However, while I respect your feelings

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

724

1 as human being, we are going to maintain proper
2 decorum and will not permit any outbursts in
3 this courthouse when the verdict is announced.
4 If you feel that you are not going to be able
5 to control your emotions, I would ask that you
6 leave now. Any disturbance or outburst would
7 be considered contempt of court and I would
8 deal with you as soon as I dismiss the jury.
9 Understanding that, please bring in our jury.

10 (JURY IN @ 1:45 P.M.)

11 THE COURT: Thank you, Ladies and
12 Gentlemen. Mr. Bradshaw, I understand that the
13 jury has reached a verdict?

14 PRESIDING JUROR: Yes, sir.

15 THE COURT: If you would, please
16 pass the verdict forms to the bailiff.

17 (VERDICTS FORMS TENDERED TO JUDGE).

18 THE COURT: The verdict forms have
19 been properly completed. I would ask the
20 Defendant to stand.

21 DEFENDANT: (Complies).

22 THE COURT: The State of South
23 Carolina versus Roger Williams, Indictment
24 2010-GS-08-1519, on the charge of homicide
25 by child abuse, "We, the jury, by unanimous

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

725

1 consent find the Defendant, Roger A. Williams,
2 on the charge of homicide by child abuse guilty
3 of Section 16-3-85(a)(1)." Signed by Mr.
4 Bradshaw as the presiding juror, dated October
5 11th, 2012.

6 The State of South Carolina versus
7 Roger A. Williams, Case Number 2010-GS-08-1521,
8 which is the indictment for unlawful conduct
9 towards a child, "We, the jury, by unanimous
10 consent find the Defendant, Roger A. Williams,
11 on the charge of unlawful conduct towards a
12 child, guilty." Signed again by Mr. Bradshaw
13 as the presiding juror. Also dated October 11,
14 2012.

15 THE COURT: Ladies and Gentlemen, if
16 the court has accurately published your
17 verdicts, please indicate that by raising your
18 right hand.

19 (AFFIRMATIVE RESPONSES)

20 THE COURT: Thank you. You may put
21 them down. Let the record reflect that each
22 juror raised his or her right hand in response
23 to the Court's question.

24 Anything further from the Defendant,
25 of the jury?

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

726

1 MR. FALK: No, Your Honor.

2 THE COURT: Anything further from
3 the State?

4 SOLICITOR WILLIAMS: No, Your Honor.

5 THE COURT: You may be seated.

6 Thank you, sir.

7 Ladies and Gentlemen of the jury,
8 thank you very much for your participation in
9 this matter. It's been a privilege and an
10 honor to serve with each one of you as a judge.
11 As I told the alternate jurors, it's a
12 sacrifice that you make for your state and your
13 county, and each of you have honored the
14 commitment that you made by the manner in which
15 you have conducted yourself and I thank you for
16 that. The one thing that makes me proud to be
17 in a community where folks like you reside and
18 I have the pleasure of working in that
19 community with you.

20 Good luck to each one of you. You
21 are now free to discuss this case with anyone
22 that you wish, or you're free not to talk about
23 this case with anyone you wish. If you choose
24 not to and somebody persists in asking you
25 questions, please let Ms. Brown know. She can

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

727

1 make that known to me and we will try to take
2 care of it and assist you on that.

3 I'm going to let you retire to your
4 jury room. I will be in in just a moment and
5 excuse you. Thank you very much.

6 (JURY DISMISSED)

7 THE COURT: Any Motions from the
8 State?

9 SOLICITOR WILLIAMS: None from the
10 State, Your Honor.

11 THE COURT: Mr. Falk, any Motions
12 from the defense?

13 MR. FALK: Your Honor, at this time
14 we would move for a mistrial. I believe that
15 the thirty-three minutes that the jury was out
16 for deliberation time makes us concerned that
17 they didn't give proper consideration to all
18 the evidence. We've had three days of trial
19 testimony and my concern is that with such a
20 short time of deliberation that they didn't
21 give due regard to their obligation.

22 THE COURT: Thank you, sir. The
23 court -- certainly I understand that but I must
24 respectfully differ. The evidence in the light
25 -- again, as we talked in ruling on the

State of South Carolina v. Roger A. Williams
Case No. 10-GS-08-1519 et al
Jury Trial of October 8-11, 2012
before The Honorable R. Markley Dennis, Jr.

728

1 Motions, it's a jury question. I think that I
2 even said something on the record about his
3 statement. And I don't think I've, I don't
4 recall ever saying it, in my nineteen years,
5 but it was so incredibly overwhelming to me
6 that I don't quarrel with the length of time.
7 As I stated, as was argued, the Defendant, by
8 his own statement, made his guilty of that. He
9 knew it when he said that.

10 I think the jury did it very, very
11 properly. They stayed out for a period of time
12 and I think that they evaluated it totally, and
13 the evidence overwhelming supports both
14 verdicts. So I must respectfully deny your
15 Motion for a new trial or any mistrial. Thank
16 you very much. I assume we're ready for
17 sentencing.

18 SOLICITOR WILLIAMS: Your Honor, we
19 just sent someone down for the sentence sheets.

20 THE COURT: I will take about a five
21 or ten minutes break. I will go speak to the
22 jury and thank them personally. We'll be at-
23 ease for about five minutes.

24 (BRIEF RECESS)

25 (DEFENDANT PRESENT)

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkeley County

R. Markley Dennis, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

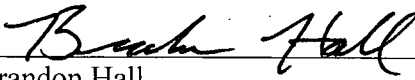
ROGER WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2012-213388

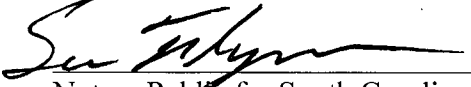
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of July, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 9th day of July, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022