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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Lee S. Alford, Circuit Court Judge

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JUN 09 2014

SC Court of Appeals

Case Nos. 2012-GS-42-2624, 2012-GS-42-2625, 2012-GS-42-2626,
2012-GS-42-2627, 2012-GS-42-2633, and 2012-GS-42-2634

Appellate Case No. 2012-213228

The State of South Carolina,

Respondent,

v.

Ronasha Taylor,

Appellant.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Lee S. Alford, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

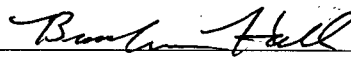
V.

RONASHA TAYLOR,

APPELLANT

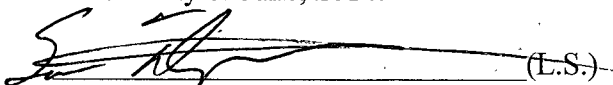
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Christina Catoe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of June, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 9th day of June, 2014.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022

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State's Exhibits 1, 2, 7, 9, 10, 19, 22, and 40

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SPARTANBURG COUNTY 2012-GS-42-02624 - 02634

THE STATE OF SOUTH CAROLINA,

-VS-

RONASHA TAYLOR,

Defendant.

TRANSCRIPT OF RECORD

September 10 & 11, 2012
Spartanburg, South Carolina

Ordered: November 16, 2012

Delivered: April 17, 2013

B E F O R E:

THE HONORABLE LEE S. ALFORD, Presiding Judge.

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MS. BETHANY MILES, Esquire

Assistant Attorney Generals Appearing for the State

MR. STEPHEN HENRY, Esquire

Attorney Appearing for the Defendant

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Pamela Faucette
Circuit Court Reporter

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2- (DVD - Spicer)	193	402 (Over Obj.)
3 -(Set of Photos (3a - 3k)	193	305
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REPORTER'S NOTE: This transcript contains quoted material. Such material is reproduced as read or quoted by the speaker.

PAMELA FAUCETTE, CVR - Home: 864-574-9534 Cell: 336-260-2864

1 MR. HENRY: Yes, sir.

2 MS. HALL: Thank you.

3 MS. MILES: Thank you.

4 (Whereupon and lunch recess was taken from 1: 39 to 2:30 P.M.)

5 PRE-TRIAL MOTIONS 2:30 P.M.

6 THE COURT: All right, Counsel. You ready to proceed?

7 MS. HALL: Yes, sir, Your Honor. Your Honor, we have three
8 of our four experts witnesses here this afternoon in the hopes of expediting
9 the process so that we can go ahead and qualify those three folks as an
10 expert.

11 Additionally, we have three legal arguments we'd like to make. First is
12 for closed circuit television statutory provisions for four of the six child victims
13 in this case.

14 The second, Your Honor, is for the admission of forensic videotapes
15 pursuant to *Jessie's Law*. And the third is to request some type of child-
16 friendly or child accommodated oath.

17 I believe you already have all of the *Jessie's Law* motions. I think we
18 gave those to you when we were in York a couple of weeks ago. At this time
19 I'd like to approach and bring you the motion for closed circuit, as well as the
20 motion for the child-friendly oath. And I've given all of this to Defense
21 Counsel.

22 (Documents handed up.)

23 MS. HALL: And we can take them in whatever order Your
24 Honor would like.

25 (Brief Pause)

1 **THE COURT:** Well, Counsel, I'll do it any way you want to do it.
2 We've got to cover all of it, so whatever —

3 **MS. HALL:** If it's all right, I'm going to start with Meredith
4 Thompson–Loftis because I believe she has some appointments later this
5 afternoon.

6 **THE COURT:** Okay.

7 **MS. HALL:** So we'll go ahead and start with her.

8 **THE COURT:** All right.

9 **MS. HALL:** This State calls Meredith Thompson–Loftis.

10 **(The witness stepped forward to be sworn.)**

11 (Whereupon,

12 **MEREDITH THOMPSON – LOFTIS**

13 first being duly sworn, testified as follows:)

14 **(Off-the-Record Comments)**

15 **THE COURT:** Proceed, please.

16 **DIRECT EXAMINATION by MS. HALL:**

2:32 P.M.

17 **Q.** Would you, please, state your name?

18 **A.** Meredith Thompson–Loftis.

19 **Q.** And where do you work?

20 **A.** I work for North Main Counseling in Greenville.

21 **Q.** What services does North Main Counseling provide?

22 **A.** We provide individual, family, and group therapy to children, adults,
23 adolescents.

24 **Q.** And what do you do at North Main Counseling?

25 **A.** I'm a licensed professional counselor. And I provide individual and

1 family therapy to children and young adults.

2 Q. Would you tell us briefly your educational background?

3 A. I have a Bachelor of Science degree from Pennsylvania State
4 University. I have a Master of Arts degree in Counseling from Western University
5 (phonetic). And I'm licensed by the State of South Carolina as a licensed
6 professional counselor since 2001.

7 Q. And would you also mind giving us a little bit of your training
8 background?

9 A. Sure. I've had training through the National Children's Advocacy
10 Center in Huntsville, Alabama. I attend numerous regular training on post-traumatic
11 stress disorder and child sexual abuse, the yearly conference in Spartanburg. And
12 pretty any con — any kind of conference I can that's local, I'll — I attend.

13 Q. What is your employment background?

14 A. I have worked for about five (5) or six (6) years in therapeutic foster
15 care as the clinical counselor. I've taught psychology at Greenville Technical
16 College.

17 I've worked as a domestic violence counselor for the Laurens County
18 Safe Home. I've been in private practice since 2001. And included in that I've
19 worked for five (5) years at the Children's Advocacy Center of Spartanburg doing
20 child sexual abuse assessment and treatment.

21 Q. Okay. And what is child abuse assessment?

22 A. Child abuse assessment is the ability to determine whether a child has
23 been physically, emotionally, or sexually abused and how they disclose it.

24 Q. Okay. How are you involved in that field of child abuse assessment
25 and treatment?

1 A. I receive referrals from either the Children's Advocacy Center in
2 Spartanburg or also the Julie Valentine Center (phonetic) out of Greenville. And I
3 usually treat children who disclose sexual abuse.

4 Q. And what type of therapy do you engage in?

5 A. The type of therapy that I use is a trauma focused cognitive behavioral
6 therapy. And essentially what that is, is a way — it's a system and a way for children
7 to be able to disclose and report feelings and address behaviors and issues that
8 occur as a result of being a victim of sexual abuse.

9 Q. And what is forensics sensitive therapy?

10 A. Forensics sensitive therapy is a way to ask non-leading questions,
11 non-suggestive questions, but give the child the ability to be able to disclose either
12 further sexual abuse or be able to treat problems that arise from it.

13 Q. Have you attended courses, seminars, and other training to be a child
14 sexual abuse assessment, forensic sensitive therapy, particularly trauma focused
15 cognitive behavioral therapy?

16 A. Yes, I have.

17 Q. And what training or teaching experience have you had in this area?

18 A. I attended through — down in Charleston, through the D. Martin
19 Lowcountry Children's Home (phonetic). I attended their training on trauma focused
20 cognitive behavioral therapy and also at the National Children's Advocacy Center.

21 Q. Have you had an opportunity to review publications or literature
22 involving child abuse assessment and/or forensics sensitive treatment?

23 A. I have.

24 Q. Okay. And what is that?

25 A. The foundation article that is usually referred to as the Snelling

1 Soreson Report (phonetic) from 1991, which is — it's basically a foundation of how
2 children disclose sexual abuse and why it takes them time longer to disclose based
3 upon how close they are to the alleged perpetrator.

4 Q. And so would that literature include information on delay disclosure?
5 I'm sorry.

6 (Off-The-Record Comments)

7 Q. Does that literature include information on delay disclosure?

8 A. Yes, it does.

9 Q. What is delay disclosure?

10 A. A delay disclosure is when children take a period of time to disclose
11 incidents of abuse. It happens over time; it doesn't happen initially.

12 Q. And does that literature also include information on partial or tentative
13 or piece mill disclosure?

14 A. It does. Tentative disclosure would refer to when a child tells a little bit
15 at a time, just kind of gives bits and pieces over time.

16 Q. Have you had any type of training or experience in conducting —
17 conducting either competency assessments or mental health evaluations for
18 children?

19 A. I do. I do mental health evaluations initially when children come in to
20 treatment to be able to diagnose and create a treatment plan.

21 Q. What types of problems or issues have you seen?

22 A. I've seen everything from child sexual abuse to attention deficit
23 hyperactivity disorder to mild mental retardation to low IQs, speech issues, divorce
24 reaction.

25 Q. And you mentioned earlier the method that you specifically use in

1 forensic sensitive treatment known as TFCVT (phonetic). How does TFCVT work?

2 A. TFCVT is a way of focusing strictly on the children's problems and
3 addressing the issues that occur as a result of them. I utilize a play therapy modality
4 where, depending upon the child's age, we're able to allow the children to express
5 their feelings. And, then, provide interventions to specific problems.

6 Q. How common is TFCVT?

7 A. It's very common. It's actually one of the most widely used at this
8 point in time.

9 Q. By licensed professional counselors?

10 A. Right. Yes, ma'am.

11 Q. And are you trained and certified in TFCVT?

12 A. Yes, I am.

13 Q. And subject to peer review?

14 A. Yes.

15 Q. Is your work with TFCVT subject to peer review?

16 A. Yes. We provide staffings in our office. And I also do a once-a-month
17 consultation group.

18 Q. How many years have you been a licensed professional counselor?

19 A. Since 2001, so about -- almost eleven (11) years.

20 Q. What would you estimate is the total number of clients you have seen
21 as a licensed professional counselor?

22 A. I would say probably over 200.

23 Q. Okay. How many clients would you say you've seen in the past year?

24 A. Total number of clients would be about -- probably about 50.

25 Q. Okay. And how many of those 50 involve cases of child abuse?

1 A. I would say probably about 25.

2 Q. So about half?

3 A. About half.

4 Q. And of those, what types of abuse does that child abuse entail of those
5 25?

6 A. Sexual abuse and sometimes physical abuse and emotional abuse.

7 But the majority of it is sexual abuse. About 90 percent of it is sexual abuse.

8 Q. Okay. And how many of those 90 percent involve the issue of delayed
9 reporting?

10 A. I would say it's probably about 100 percent.

11 Q. And how many of those also involve the issue of tentative disclosure?

12 A. About the same, 100 percent.

13 Q. How many of the cases involving delayed reporting or tentative
14 disclosures was the perpetrator a family member or in a position of authority over
15 the victim?

16 A. About 100 percent.

17 Q. Okay. What procedures or methods are undertaken to ensure
18 reliability in therapeutic sessions?

19 A. We have a very safe environment. I provide the child-friendly
20 environment. As far as safety, can you give me more specifics?

21 Q. Sorry, reliability.

22 A. Oh, reliability? We go over the sexual behavior rules, which basically,
23 in a sexual abuse situation, we teach the child that it's not okay to allow anyone to
24 touch their private parts. It's not okay for them to touch anyone else's private parts.
25 And it is okay to touch your own but only when you're by yourself.

1 We go over truth and lying as far as, you know, to what telling the truth
2 is. I have rules about you always tell the truth when you come to therapy. I tell
3 them that I don't talk to anybody else about what it is that they tell me; the majority
4 of the discussion is strictly with them.

5 **Q.** And what is the -- what are the rules as far as when the children do
6 want to come into therapy and play pretend or make believe? Do you have rules as
7 far as that goes?

8 **A.** We talk about, if it's something that their fantasizing about or
9 something that their talking about that just happened, I usually remind them and ask
10 them, you know, "Is that something that's real and true?" And I'll allow them a
11 chance to answer and redirect back to the rule about being honest in therapy.

12 **Q.** Have you previously been qualified as an expert in the field of child
13 abuse assessment and treatment and provided testimony in court?

14 **A.** Yes, I have.

15 **Q.** In what courts have you been qualified?

16 **A.** I provide --- I've been qualified in Family Court, General Sessions
17 Court, and Federal Court in Greenville, Spartanburg, Anderson, Cherokee, Oconee
18 County, Pickens County.

19 **MS. HALL:** At this time, Your Honor, we would offer the
20 witness, Meredith Thompson-Loftis, as an expert in the field of child abuse
21 assessment and treatment.

22 **THE COURT:** Voir dire, Counsel?

23 **MR. HENRY:** Judge, just to make it clear, we're just talking
24 about the qualification now, not admissibility in and of itself?

25 **THE COURT:** That's correct.

1 Q. What is parent alienation?

2 A. He -- well, parent alienation is when one parent feels they've been
3 alienated from their child. In a -- in this particular case, it was in a divorce.

4 Q. So it was a -- a case in Family Court in Greenville?

5 A. Yes, sir.

6 MS. HALL: Your Honor, the therapist testified that she was
7 cleared of any complaint by administrative hearing at LLR. I'm not sure how
8 much further this line of questioning should be allowed to go?

9 MR. HENRY: Is that an objection? I mean...

10 THE COURT: Well, you need to make it relevant to -- to our
11 proceeding today, yes, sir. You need to make it relevant to our proceeding.

12 MR. HENRY: I'm trying to do that. I mean, an ethics complaint, I
13 mean, it's something you're going to ----

14 THE COURT: And she said she was cleared of any ethical
15 wrong doing. I assume now you're -- you're shopping to try found out who
16 the person is so I guess you can contact them ----

17 MR. HENRY: Sure.

18 THE COURT: -- but -- but the fact of the matter is, you know, for
19 the purpose of -- of determination today, as to whether she's qualified or not,
20 that's what we're here about today.

21 MR. HENRY: All right, sir. Well, I'll -- I'll make a separate
22 discovery request on the other issue then.

23 Q. (By Mr. Henry) Do you record your sessions?

24 A. No.

25 Q. So, when you say that -- that you -- when you explain how you do

1 these therapy sessions, we take your word for that, right?

2 A. Yes, sir.

3 Q. And, when you don't -- you tell the children you don't disclose what
4 happens, you'll be disclosing what happened when you come to testimony; is that
5 right?

6 A. I explain to them that the only way that I will talk about what happens
7 out -- outside of the session would be, if someone was hurting them, if they threaten
8 to hurt themselves, or if a judge orders me to.

9 Q. And -- and, according to what you said, you have -- had 50 cases this
10 year, 25 are child abuse. Wouldn't you have to report all of those 25?

11 A. Not all cases go to prosecution. Some cases get settled.

12 Q. But wouldn't you have to report all 25?

13 A. Well, most of the cases have already been reported.

14 Q. Before you get them?

15 A. Correct.

16 Q. Okay. In this case there was already an arrest made, right?

17 A. In this -- yes.

18 Q. Okay. So there had already been an arrest made. And, then, you
19 were brought in to do therapy?

20 A. Correct.

21 Q. And you were brought in to do therapy by the center where you used
22 to work?

23 A. Yes, sir.

24 Q. In this case, you were the therapist for how many of the kids that were
25 victims allegedly in this case?

1 A. Six (6).

2 Q. Out of six (6)?

3 A. Yes, sir.

4 Q. Besides the therapy session, did you do any other investigation or --
5 or any other work in this case at all?

6 A. No.

7 Q. No outside investigation?

8 A. No.

9 Q. Nothing to confirm whether what they're were telling you was true or
10 not?

11 A. I had communication with the detective when the children made further
12 abuse disclosures.

13 Q. Okay. Well, tell me about that.

14 A. When the children disclosed more than what they had in their
15 forensics evaluations, I was able -- I had to make a report to law enforcement.

16 Q. Okay. Is that when you sent the letters ----

17 A. Yes, sir.

18 Q. ---- to law enforcement in March?

19 A. Yes, sir.

20 Q. Okay. So you talked to the detective. Anybody else?

21 A. No, not other than just in preparation for court.

22 Q. Okay. What person at the Center made the referrals?

23 A. The referrals came directly from -- well, from the CAC. And I -- I can't
24 imagine -- I don't know exactly who it was. They usually send it over. I don't know
25 who the administrative person was at the time.

1 Q. Okay. Do you only do child therapy or do you do adults too?

2 A. I do some young adult therapy.

3 (Brief Pause)

4 MR. HENRY: No other questions.

5 MS. HALL: No redirect, Your Honor, but, again, we would
6 offer this witness as an expert in the field of child abuse assessment and
7 treatment.

8 THE COURT: I have no objection to that. The Court finds that
9 she's so qualified as a licensed professional counselor with expertise in the
10 field of child sexual abuse assessment and treatment.

11 MS. HALL: Your Honor, if I may, I'm going to go ahead and go
12 to the CCTV motions because that would involve her testimony. And I know
13 she's got to get back to Greenville if that's all right with you.

14 THE COURT: Where you going with that now? Say again?

15 MS. HALL: I was going to go ahead and make the arguments
16 for the closed circuit television —

17 THE COURT: Oh, okay.

18 MS. HALL: --- because it also involves her testimony.

19 THE COURT: All right. I have no problem with you doing that.

20 MS. HALL: All right. Should I just let her stay up there?

21 THE COURT: Yes, ma'am.

22 MS. HALL: Your Honor, at this time, the State would like to
23 make a motion — actually it would be four motions — for closed circuit
24 television.

25 Your honor, the premise of this request is South Carolina Code 16-3-

1 1550(e), which basically essentially provides, Your Honor, for special
2 protections for very young witnesses.

3 One such protection, as listed by South Carolina Code, is closed
4 circuit television, again, when necessary. And South Carolina case law
5 further provided *State v. Murrell* (phonetic) and *State v. Bray* (phonetic).
6 *State v. Murrell* is 302 SC 77 and *State v. Bray* is 335 SC 514.

7 There are three main requirements for closed circuit television.
8 The first, of course, is that the State must establish that the child has a
9 special need and that there is a necessity for closed circuit television.

10 The second requirement is that the child must be placed in as close a
11 courtroom setting as possible. And the third is that the Defendant must be
12 able to see and hear the child, have counsel present, both in the court room
13 and with the child, and have communication available with her attorney
14 throughout the child's testimony.

15 Your Honor, the first child that we would like to ask for closed circuit
16 television for is Child 3 Child 3 date of birth is July 9, 2006. If I could,
17 direct your attention to the second page of my motion for Child 3

18 There are three main areas or really reasons why we feel that CCTV is
19 appropriate. The first, Your Honor, is that her therapist, Meredith Thompson-
20 Loftis, has analyzed her to have various mental statuses and/or diagnoses
21 during her therapy sessions which include moodiness, clinginess, irritability,
22 difficulty with emotional control, panic, excessive fear of being in trouble;
23 anxiety of having done something wrong and basically throughout the therapy
24 sessions needs constant refocusing.

25 Additionally, Your Honor, the child's parents, James and Lynette Stein,

1 who are here today, have also reported that she had difficulty falling asleep at
2 night. She won't go upstairs in her home without her parents with her and is
3 also dealing with some generalized fear and anxiety since these assaults
4 took place.

5 Finally, Your Honor, the child herself reports fear of the Defendant.
6 She believes the Defendant to be locked up where she will be safe. She is
7 afraid of getting the Defendant in trouble additionally.

8 So those are the three sort of main areas that we feel form the basis
9 for the child's need to testify via closed circuit. Again, the main ones are the
10 anxiety and fear of the child herself of the Defendant and of being in court.

11 And, additionally, Your Honor, this constant need for refocusing we
12 believe that correct elicitation of the child's testimony would require closed
13 circuit testimony.

14 If you'd like to hear from the therapist at this time, I'll be glad to
15 question her. And the child's mother, Lynette Stein, is also willing to testify as
16 well.

17 **THE COURT:** Counsel, I -- I would suggest, as I told you earlier
18 when we broke for lunch, you put whatever you got up.

19 **MS. HALL:** Okay.

20 **THE COURT:** The Court has to make the determination. And
21 the more there is on the record to support your position -- and the Appellate
22 Court has -- has expressed that -- has suggested to the lower Courts that --
23 that the more there is to support it, or whatever there is to support it, should
24 be put on the record. And there should be a record made.

25 And I'm -- I'm telling you that because you have to make a showing

MEREDITH THOMPSON-LOFTIS - CON'T DIRECT by MS. HALL Page 77

1 other than the fact that the child might be afraid to testify generally in a
2 courtroom proceeding. It's got to be more than that. So put up whatever
3 you've got.

4 CONTINUED DIRECT EXAMINATION by MS. HALL:

5 **Q.** Ms. Loftis, tell us about your therapy sessions with Child 3 not
6 specifically what she says, but just in general her -- your sessions; kind of how they
7 operate, how they work.

8 **A.** Sessions with all the kids, and specifically with Child 3 she usually
9 takes a little while to settle down. And she can be somewhat anxious.

10 I notice a lot with Child 3 when she's nervous or fearful, she becomes
11 somewhat hypersensitive and hyperactive at times. She does have difficulty
12 focusing sometimes one-on-one.

13 **Q.** Tell us what that looks like. Start with the hyperactivity. What does
14 that look like when you said she becomes -- when she's fearful she sometimes
15 becomes hyperactive?

16 **A.** She gets a silly voice at times. She will awful -- often at times create
17 almost an -- an infantile voice at times, a baby-talk voice. She goes from one
18 activity to the next.

19 She can't stay still on one specific activity. She refuses to answer
20 questions or -- or refuses to stay on task, has difficulty concentrating. She's
21 extremely fearful of being in trouble, very worried about being in trouble.

22 **Q.** Is that hyperactivity -- you -- you said it's when she's afraid. Is it when
23 she's afraid in general?

24 **A.** I've only seen her in this capacity, so I would say it's when she's afraid.
25 That's when I've noticed it, when she is afraid.

1 Q. What types of activities or questions involving -- as therapy goes
2 would trigger this hyperactivity or this fearfulness?

3 A. If she's worried that she's done something wrong; if she's fearful that
4 she's going to be in trouble. But, as far as if she's fearful that she could hurt
5 someone or someone's going to be angry with her, if someone -- if -- if she's going
6 to be punished in some way.

7 Q. Who -- who is this person we're talking about that she's fearful of?

8 A. Ronasha Taylor.

9 Q. The Defendant in this case?

10 A. Yes.

11 Q. And, when Child 3 exhibits this fearfulness, is she able to be refocused
12 and -- and talk more about what happened with Ronasha?

13 A. One-on-one yes, but, if -- if someone else were to be in the room or, if
14 there were more than one person, she has a real hard time.

15 There have been several times when I have started a session and her
16 mother or father may have just been giving me some brief information about
17 behaviors, and that's when I noticed a lot more of the silliness and the infantile talk.

18 Q. Are her mother and father present when you do therapy with Child 3

19 A. No.

20 Q. Where are her parents?

21 A. They're in the waiting room.

22 Q. Okay. Why is that?

23 A. I just try to keep it separate, as far as -- Child 3 time is strictly with
24 her. And -- and, with trauma focus, CVT (phonetic), there are times when I can
25 involve parents in the process. But the majority of the time that I've seen Child 3 it's

1 been one-on-one.

2 Q. You also mentioned or I actually mentioned earlier that you discussed
3 the panic that she has. Talk a little bit about that.

4 A. She gets -- well, the panic I think comes from her fear of being in
5 trouble, the fear as she often -- like I said she'll go from one activity to the next.
6 She's just -- she -- she can't seem to -- to sit still.

7 Q. What is she afraid of being in trouble for or with or whom?

8 A. Well, I think like a normal six-year old, she's afraid she's going -- that
9 somebody's going to be mad at her; that she's done something wrong. I think, in
10 this particular case, based upon a disclosure, she was -- she's fearful that because
11 she was told to do something that she's going to be in trouble for doing it.

12 Q. How does she feel about the Defendant now?

13 A. She's very angry with her.

14 Q. How did she feel about the Defendant when she started in therapy with
15 you?

16 A. She was angry and seemed to be fearful that she had done something
17 wrong. But she was more -- she's not as fearful of her, but more fearful of -- of
18 what would happen in the future.

19 Q. How many times have you seen Child 3

20 A. Goodness ---

21 Q. You can give an approximation.

22 A. Over 25 times; more than that, maybe 30.

23 Q. When did you start seeing Child 3

24 A. I started seeing Child 3 -- I'm sorry.

25 Q. That's okay.

1 (Brief pause while witness reviews documents.)

2 A. February 3rd, 2011.

3 Q. And how often have you seen her?

4 A. Pretty much on a weekly basis or -- and recently, within the past six
5 months, about every two weeks.

6 Q. Okay. And you said she started out feeling very angry with the
7 Defendant as well as some other things. What were those other things?

8 A. She was -- as far as how she felt about the Defendant?

9 Q. Uh-huh (affirmative).

10 A. She was angry. She didn't understand. She was confused as to why
11 someone she trusted like a teacher would tell her to do something wrong.

12 She didn't understand how something that felt good, why that was
13 wrong. It's a hard thing for children to understand, when you have a good feeling
14 from something, that it's bad.

15 She had issues with the authority; the fear that her parents were going
16 to be upset with her even though they told her they weren't. She still struggled with
17 that.

18 Q. And how would having Child 3 testify in court, in front of the Defendant,
19 -- or why would there be a need for Child 3 not to testify in court in front of the
20 Defendant?

21 A. I feel that, if Child 3 were to testify in court in front of the Defendant, it
22 would be extremely overwhelming for her. She has difficulty one-on-one, so in a
23 courtroom setting, it would be extremely difficult for her.

24 I think she would probably regress, would most likely develop a -- a
25 baby talk, the infantile behaviors. I think she would probably shut down emotionally.

1 Q. Would you say that, that's more than mere nervousness or anxiety?

2 A. Absolutely.

3 MS. HALL: All right. I don't have any other questions for you.

4 CROSS EXAMINATION by MR. HENRY:

5 Q. Has she been put in a courtroom setting about this case?

6 A. I believe they done some ---

7 Q. By you?

8 A. Oh, by me? No.

9 Q. Okay. So what you're telling us is that you think she might end up
10 talking baby talk and shut down if she's in the courtroom?

11 A. I believe so, yes.

12 Q. Does it matter whether the Defendant is present or not?

13 A. I think it would make a difference if the Defendant was present, yes.

14 Q. Okay. And you're somewhat guessing, when you say I think it would,
15 aren't you?

16 A. I'm --- I'm speculating, yes.

17 Q. All right. Are you trained, for example, to deal with -- to prepare
18 witnesses to adjust to courtroom settings?

19 A. Am I trained? I've done that in training, yes.

20 Q. Okay. All right. And you just didn't do it in this case?

21 A. No, that's not true.

22 Q. Okay. Well, I thought you said you didn't -- didn't put her in a
23 courtroom?

24 A. I didn't put her in a courtroom, but we talked about ways to alleviate
25 anxiety in session in relation to court.

1 Q. Okay. Well, that's not really the same thing, is it?

2 A. I think the two are linked.

3 Q. Okay. That's fine. So did you put her in a courtroom setting or not?

4 A. I did not physically take her to a courtroom.

5 Q. And you -- you live and work in Greenville?

6 A. I do.

7 Q. There's lots of courtrooms in Greenville, correct?

8 A. Correct.

9 Q. You testified you've been in Federal, State, and Family Court?

10 A. Yes, sir.

11 Q. Have you been in City Court too?

12 A. No.

13 Q. Okay. Have you taken any of these kids, into the courtroom setting,
14 sat them down, and said, "This is not so scary, let's -- let's do this"?

15 A. No.

16 Q. So we don't know exactly what's going to happen when Child 3 or the
17 other kids get in court and sit in that chair, do we?

18 A. No, but from the best of my ability, I can project that based upon how
19 she does one-on-one talking about situations that create anxiety, that she would not
20 be able to perform to the best of her ability and would probably shut down
21 emotionally if she were in a setting like this.

22 Q. And, then, what would happen? What's the worst thing that's going to
23 happen?

24 A. She --

25 Q. She just talks baby talk?

1 A. She could regress. She could have severe regressive behaviors that
2 affect her school, could affect her life, could affect her friendships, her social skills.

3 Q. It's pretty severe in -- in your opinion. And you're telling us that would
4 happen?

5 A. I'm saying that could happen.

6 Q. Okay. But we don't know that would happen until she sits in that chair,
7 do we?

8 A. No, we don't.

9 Q. And, as of this date, you haven't really tried to put her in that setting
10 even with a therapist present to see if it's okay?

11 A. I've not put her physically in a courtroom, no.

12 Q. And, if it's extremely difficult for Child 3 to testify when it's weighed
13 against the right to -- to have confrontation of witnesses, so what?

14 A. I'm sorry; I don't understand.

15 Q. Well, let me ask you this --

16 THE COURT: She's not a lawyer, Counsel. Stay away from
17 legal questions.

18 MR. HENRY: I'm sorry?

19 THE COURT: She's not a lawyer. You need not ask her legal
20 questions --

21 MR. HENRY: Okay.

22 THE COURT: -- about her right to confrontation. That's not
23 her expertise. You can ask her how the child will be affected.

24 MR. HENRY: Okay.

25 THE COURT: Don't tell her to weigh one against the other. You

1 talk to the court about that.

2 **MR. HENRY:** So that's your objection to my question?

3 **THE COURT:** I'm not objecting to anything. I'm telling you that's
4 not relevant what you're asking. You're asking her to weigh her right to
5 confrontation against this child's right to be whatever she says is — ver could
6 be regression on her part and affect her in many ways.

7 You're asking her to weigh the two. And I'm saying to you that's not
8 her job to weigh the two; that's the Court's job to weigh the two. So, if you
9 want to make that argument, make it to the Court. But you can ask her
10 questions about her — her field and what's relevant to her and her opinions in
11 this.

12 **MR. HENRY:** I think she should be aware of it. And I think it
13 should be a part of her — her — her assessment of this. But I'll — I'll move
14 on since you stopped me.

15 **Q.** (By Mr. Henry) All right. So, as far as the courtroom setting, who do
16 you know that is comfortable testifying in court?

17 **A.** I'm comfortable ---

18 **MS. HALL:** Objection, Your Honor. Her testimony wasn't the
19 child wouldn't be comfortable testifying in court. That's not — the word
20 "comfort" has not come up one time.

21 **MR. HENRY:** It doesn't matter. I can question her if I want, can't
22 I?

23 **THE COURT:** Well, I'll allow you a little leeway there. It's not
24 really relevant to this child and her being able to — the child being able to
25 testify in court at her age. But I think you can ask her generally that question

1 if it leads up to something else. Go ahead.

2 Q. (By Mr. Henry) So you're comfortable?

3 A. I am.

4 Q. And you have none of your kids -- any of your other adult clients

5 uncomfortable testifying in court?

6 A. Do I have any adult clients ----

7 Q. Sure.

8 A. --- uncomfortable testifying in court?

9 Q. Sure, sure.

10 A. Sometimes, yes.

11 Q. Okay. So the difference is the young age of the -- the witness is what

12 you're saying?

13 A. Correct.

14 Q. Okay. So, if you're -- if you were going to try to be a -- a therapist to

15 encourage the young child to testify, you -- you would experiment at least in some

16 other courtroom-like setting to see how it worked first?

17 A. I don't have the ability to take them to a courtroom. However, what we

18 do in session is we do talk about, when they come to see the courtroom and what

19 that felt like and how they felt and what the courtroom looks like. And they told me

20 where everybody would sit.

21 And they're very familiar with it. So we do discuss that and process

22 that in session.

23 Q. Okay. Do you show them pictures of courtrooms?

24 A. No.

25 Q. You just talk ---

1 A. Well, actually, that's not true.

2 Q. Okay.

3 A. Actually I have a courtroom notebook and they also receive courtroom
4 notebook which have pictures of a courtroom setting.

5 Q. Okay. So, when you showed Child 3 the courtroom notebook, did she
6 have a panic attack?

7 A. She became very nervous.

8 Q. Became nervous unlike other witnesses?

9 A. Unlike other witnesses, yes.

10 MR. HENRY: Okay. That's all I have.

11 REDIRECT EXAMINATION by MS. MILES:

12 Q. Ms. Loftis, would it be appropriate for a therapist to take a child to
13 court?

14 A. I don't believe so, no.

15 Q. What's the therapist's role?

16 A. The therapist's role is to treat problematic behaviors that occur as a
17 result of victimization.

18 Q. And, in your opinion, are the behaviors that Child 3 exhibits in therapy
19 the result of victimization?

20 A. I believe they are, yes.

21 Q. And, in your opinion, is the behaviors that Child 3 experiences and
22 exhibits in -- in therapy more than mere nervousness or generalized anxiety?

23 A. Yes.

24 MS. HALL: No further questions. Your Honor, I have one

25 other witness I would like to call for Child 3 closed circuit testimony at

1 this time.

2 THE COURT: Hold on just a minute. Let me think for a minute.

3 MS. HALL: Okay.

4 (Brief Pause)

5 THE COURT: I feel a little bit con -- not clear on one thing. And
6 I'm going to ask you a question. And I will allow the attorneys to follow up.

7 If Child 3 were to testify in court, attempt to testify in court, with
8 the Defendant Ronasha Taylor present and her being able to see her, what
9 do you think will happen?

10 A. I think there's a strong possibility that she could shut down emotionally;
11 that she could regress and even have more problematic behaviors than what we
12 started with possibly.

13 THE COURT: In your opinion, would she be able to testify?

14 A. I think she can testify. It's just I think the environment and the persons
15 and -- that are surrounding her would need -- would need to be adjusted.

16 THE COURT: In your opinion, what effect would Ronasha Taylor
17 being present, and in the -- in the line of sight of Child 3 what effect in
18 your opinion would that have on her ability to testify?

19 A. I -- I think it would traumatize her. I don't know that she would be able
20 to complete her thoughts. I don't know that she would be able to stay focused. I
21 don't know that she would recover from that.

22 THE COURT: All right. Follow up questions?

23 MS. HALL: Nothing else from the State, Your Honor.

24 THE COURT: And Defense?

25 MR. HENRY: No sir, I have no other questions.

1 **THE COURT:** All right. Thank you, ma'am. You may stand
2 down.

3 **(Witness complied with the Court's request.)**

4 **MS. HALL:** The State calls Lynette Stein.

5 (Whereupon,

6 **LYNETTE STEIN**

7 having been duly sworn, testified as follows:

8 **DIRECT EXAMINATION by MS. HALL:**

3:06 P.M.

9 **Q.** Would you state your name?

10 **A.** Lynette Marie Stein.

11 **Q.** And you have a daughter?

12 **A.** I do.

13 **Q.** What's her name?

14 **A.** Child 3

15 **Q.** How old is Child 3

16 **A.** She's six (6).

17 **Q.** When did --- what is your understanding of when these assaults
18 occurred? How old was Child 3

19 **A.** Four (4).

20 **Q.** Four (4)? Do you know when approximately these assaults occurred
21 or have any idea of the relative time frame?

22 **A.** Around -- around the time that she disclosed it, but we're not sure how
23 long it had taken place.

24 **Q.** But she was four (4) at the time?

25 **A.** Correct.

1 Q. What sort of behaviors did you notice around the time she disclosed in
2 your home?

3 A. A lot of the behaviors she's -- she's -- we're seeing now. She won't
4 go upstairs by herself with the lights on or with the lights off. My husband or I have
5 to be with her.

6 She will not lay down and go to sleep by herself. I have to lay in the
7 bed with her until she falls asleep.

8 Q. Let me stop you there. What's the -- why -- why does she not want to
9 go to sleep by herself?

10 A. I'm not sure.

11 Q. What about going upstairs by herself?

12 A. I'm not sure.

13 Q. And when did that start?

14 A. I can't really say. It was around --- we recognized it around the time
15 that, you know, the disclosure came out. It might have been a couple months
16 before then.

17 Q. What else? What else has been going on at home?

18 A. She's been fully potty trained for a while, but she wets the bed every
19 once in a while. She wakes up screaming calling for me. So I go down and console
20 her. And she falls back to sleep fairly quickly, but she never wakes up enough to
21 really explain what happens.

22 Q. When she wakes up screaming, what kinds of things is she saying?

23 A. Sometimes she talks in her sleep. It's really hard to understand what
24 she's saying. Or she might say one word or two words, but you can't really put a
25 whole story together.

1 Q. You have any idea what any of those words are?

2 A. I can't, no.

3 Q. How does Child 3 react now when you talk about coming to court or
4 have you talked about coming to court with Child 3

5 A. Whenever we came up here to visit you guys, we just told her we were
6 coming up to see Bethany and Kelly to see the courtroom. And she's been pretty
7 okay with it.

8 We really don't talk about it much. As far as her talking to me about
9 anything that has happened, it's not really something that she does.

10 Q. What about the Defendant, have you mentioned Ronasha to Child 3

11 A. No.

12 Q. Okay. And you said that some of these behaviors started around the
13 time of the assaults and some of them have happened since?

14 A. Correct.

15 Q. As her mother, how do you think Child 3 would do in the courtroom?

16 A. I think she'd be very nervous. In new settings with new people, she
17 tends to get very antsy and, you know, always wanting to be around, wanting to be
18 the center of attention.

19 So she'll do anything to get that attention, whether it's being loud or
20 jumping from chair to chair or getting in somebody's face, or wanting to hold their
21 hand or caress their hand, touch a shoulder, play with hair. So I really don't know
22 how she would act with a bunch of people in the courtroom.

23 Q. How do you think the Defendant's presence would affect Child 3

24 A. Since we've not talked about it -- talked about her or what happened,
25 I'm really not sure how that would affect her.

1 Q. Is there any other behaviors at home you've observed?

2 A. As Meredith said, she does revert to baby talk. And, when she does
3 do that, we try to remind her that we can't understand her. It's very slurred, a high
4 pitch voice that it's really hard for me as a parent to understand. But I seem to
5 understand her a little bit more than my husband or other family members.

6 MS. HALL: All right. I don't -- I don't have any other
7 questions for you. Mr. Henry might.

8 CROSS EXAMINATION by MR. HENRY:

9 Q. Ms. Stein, just a couple of things. When Child 3 first met Lynn, the
10 forensic interviewer, she adjusted to her pretty well quickly, didn't she?

11 A. I wouldn't say it was quickly. We had three visits with her. And I think
12 that first visit we were there for 10 or 15 minutes.

13 Q. Okay. But she didn't -- did she resort to baby talk or ----

14 A. I wasn't in the session. I'm not sure.

15 Q. Okay. So you didn't sit in on those interviews?

16 A. No.

17 Q. All right. Did she -- when she came out of the first interview with --
18 with the forensic interviewer, Lynn, did she have any of these behaviors that you're
19 talking about here?

20 A. She --- it was so long ago I'm not sure.

21 Q. You're not sure? Okay. And was she put in a courtroom setting at
22 some point?

23 A. Yes. We've been -- we've been up here I believe three (3) times
24 within the last four (4) weeks.

25 Q. Okay. And she just looked very nervous when she's in that -- in that

1 setting? Excuse me.

2 A. With any setting. If it's new to her, she gets very nervous and quiet.

3 Q. Okay.

4 A. Or rowdy.

5 Q. Okay. And you -- you don't know how -- how it -- or if the impact on
6 her with Ronasha being in the room, you don't know --- you don't know what that
7 would be at this point?

8 A. I have -- I don't have any personal experience with it because, like I
9 said, we don't talk about it ----

10 Q. Right.

11 A. -- about what happened or how she would react. That mostly comes
12 from Meredith.

13 Q. Okay. But she knows she's coming to court, right?

14 A. She does.

15 Q. Okay.

16 A. And she knows that Ronasha will be here also.

17 MR. HENRY: Okay. That's all. Thanks.

18 MS. HALL: No -- no further questions.

19 THE COURT: Thank you, ma'am.

20 THE WITNESS: Uh-huh (affirmative).

21 MS. HALL: At this time, Your Honor, the State would renew
22 our motion for the victim Child 3 date of birth July 9, 2006, to testify via
23 closed circuit television.

24 Again we would point to mainly, Your Honor, the testimony of the only
25 person who's really discussed Ronasha's presence with her, her therapist

1 Meredith Thompson-Loftis, who testified that she believes the child will be
2 traumatized and completely regress if she was made to testify in the
3 presence of the Defendant.

4 That is more than is required by statute. And it's more than is required
5 by *State v. Bray*. The exact language from the case, Your Honor, is, "The
6 trial Court must find that the emotional distress suffered by the child witness,
7 in the presence of the Defendant, is more than de minimis; i.e., more than
8 mere nervousness or excitement or some reluctance to testify."

9 And I would pose to the Court that the therapist's testimony that she
10 could regress, revert, and would be traumatized is more than de minimis.

11 **THE COURT:** Mr. Henry?

12 **MR. HENRY:** I think that -- I think the mother's testimony was
13 helpful, Judge. I think that this should be attempted. And, if it turns out that
14 there's a panic attack or a shutdown, you can re -- revert to another method.

15 I -- I think also that there's not a whole lot of developmental case law
16 with respect to that statute. And I still think the Sixth Amendment and
17 *Crawford* trump our state law.

18 And, to the extent that -- that we disagree on that, I'm going to ask
19 that you declare that -- that statute unconstitutional and in violation of the
20 Sixth Amendment and Article I of our Constitution.

21 This isn't --- this is not -- the evidence that's been presented, to me, is
22 not strong enough to meet the standard under the statute. The -- the -- the
23 mom is saying that the child has been in a courtroom setting and knows she's
24 coming to court and that it might be difficult, as the therapist said.

25 But it's impossible to predict a shutdown of that type. And I think here

1 the overriding issue of confrontation should trump the evidence as presented
2 here and allow her to come in and at least try to testify in front of the Court.

3 Now one of the options you would have, of course, is clear the
4 courtroom of other witnesses so it there wouldn't be so many people here.
5 But I really think the cross examination trumps the statue in this case.

6 (Brief Pause)

7 MS. HALL: Your Honor, I'd like to respond just to the cross
8 examination point.

9 THE COURT: All right.

10 MS. HALL: There's nothing that would limit the Defendant's
11 ability to cross examine the — the victim in this case. In fact, the — the case
12 law specifically requires that she have the ability to communicate with her
13 attorney; that she be able to cross examine the victim.

14 There is no limit to the amount of cross examination outside of the
15 Rules of Evidence that the Defendant may question the victim about. It's
16 merely a matter of creating a — an environment where the children's
17 testimony will be elicited to the most truthful manner.

18 I mean, we're trying — we're talking about trying to elicit testimony in a
19 way that will not traumatize a child and will still allow the Defendant to cross
20 examine her. And the video CCTV is we understand the way it will work will
21 be playing live feed.

22 The vic — the Defendant will be able to hear and see everything as it
23 is happening. We'll have an attorney with her and we'll have an attorney
24 present while the child testifies via CCTV.

25 There is no way in which her right to confront the child will be violated

1 by this particular way of handling the testimony.

2 (Brief Pause)

3 THE COURT: Counsel, I -- I think that I will wait and rule on this
4 when I've had a chance to talk with the child herself with only -- if the
5 Counsel is around, Counsel will be here, the parents can be present.
6 Counsel can be present, Ms. Taylor will not be present.

7 MS. HALL: Okay.

8 THE COURT: And I will talk with her and ask her some questions
9 myself.

10 And -- and so I think we can do that when the child is present before
11 she testifies. As I told you earlier, we have everything set up so that we can
12 go that route if we need to do it.

13 Let me tell you what my concern is. I'm fairly well convinced, but these
14 cases have emphasized the fact that the judge should look at everything,
15 including the expert witness, the parent's testimony.

16 The parent in this case did not say that she was afraid of -- the child
17 was afraid of Ronasha Taylor or that she was scared of her or anything like
18 that. She didn't say any of that.

19 She was honest in her testimony. Obviously she wasn't -- hadn't ever
20 broached that subject with her, but that's -- that's the thing about it. She'd
21 never talked to her about it.

22 And --- but I think in most of these cases the judge does talk to the
23 child to see what the child thinks insofar as -- and -- and the Court, then, can
24 ask her, you know, how she would feel if Ms. Taylor was present in the
25 courtroom when she's testifying.

1 I think I'd like to go that one more step. And I'm — the expert's
2 testimony is such that it is clear, in her opinion, Child 3 would be
3 traumatized by testifying. And that she would very well could regress in how
4 she responds generally when you get down to that subject.

5 So I'm — I'm — I'm considering it, strongly considering it, but I would
6 like to go an additional step and talk with the child not in the presence of Ms.
7 Taylor and — and speak with her. And we can do that on the record with us
8 present and see what her response — how she reacts.

9 **MS. HALL:** Are we — are you willing to do that just prior to us
10 calling her as a witness? Is that ----

11 **THE COURT:** Yeah, before we decide whether we're going to
12 allow her to testify by closed circuit —

13 **MS. HALL:** Okay.

14 **THE COURT:** — or testify in court.

15 **MS. HALL:** Okay.

16 **THE COURT:** I would like to see her reaction. And really I — I —
17 I don't know I that I have to even conduct that questioning, but I probably will,
18 and just ask her and get her feelings about it.

19 We have the expert witness' testimony, but the mother's testimony is
20 not such that the Court could conclude by her testimony that the child would
21 not be able to testify.

22 But the counselor's testimony was such that there is a significant
23 chance that the child will shut down and not be able to testify and also be
24 harmed emotionally by attempting to testify in front of Ms. Taylor. So I've got
25 to balance that out and weigh it. And I think I would like to ask the child some

1 questions not in the presence of Ms. Taylor.

2 **MS. HALL:** Your Honor, I'd like to make a second motion for
3 closed circuit tele -- television for Child 4 date of birth December
4 19, 2006. I mentioned that date of birth especially, Your Honor, so that
5 you're aware that child is still five years old; he's not yet turned six.

6 At this time I'm going to ask Meredith Loftis to come up while I give you
7 a little bit of brief background of Child 4

8 **(Ms. Thompson-Loftis stepped forward as requested.)**

9 **MS. HALL:** Your Honor, in this case, when this child first
10 started in therapy, he was -- I believe the therapist is going to tell you about
11 the anger issues he had.

12 He has indicated or she believes that his symptoms are consistent with
13 post traumatic -- post traumatic stress disorder. He has had everything from
14 sadness and irritability, anger control issues, anxiety, and panic.

15 His parents will talk a little bit about some bed wetting and some other
16 issues that have gone on since the incident.

17 The other thing I'll tell you, Your Honor, is that his behavior has
18 improved dramatically since he started in therapy. And he has progressed
19 extremely well. I believe his therapist will tell you about that as well.

20 And the main concern of Child 4 is that he will regress if he is made to
21 testify in front of the Defendant. At this time the State calls Meredith Loftis.

22 **THE COURT:** Ma'am you were previously sworn. You continue
23 to be sworn and under oath.

24 **THE WITNESS:** Yes, sir.

25 **(Witness returned to the witness stand.)**

1 **DIRECT EXAMINATION BY MS. MILES:**

2 **Q.** When did you first start seeing Child 4

3 **A.** I started seeing Child 4 in -- let's see. I'm sorry.

4 **Q.** That's okay.

5 **(Brief Pause)**

6 **A.** March 3rd, 2011.

7 **Q.** And what was he like when you first started seeing him?

8 **A.** Child 4 was initially shy, had to take awhile to warm up, had difficulty
9 expressing himself, clinging to his parents, just -- he was very evasive at times,
10 different -- difficult -- he had difficulty being able to talk one-on-one.

11 **Q.** How long did it take you to get Child 4 to talk to you one-on-one?

12 **A.** It was several sessions, probably a good month or two before he really
13 was able to stay focused and be able to -- to express himself with safety and
14 security.

15 **Q.** And how did Child 4 feel about Ronasha when he first started being
16 able to open up to you?

17 **A.** Very angry, scared, just extremely fearful that he had done something
18 wrong. He was, in fact, to --- to where, when we went over our rules initially in
19 therapy like I did with the other children, he had a really hard time expressing
20 himself, being able to do the second rule that it's not okay to touch someone else's
21 private part.

22 He had a really hard time. And, in fact, he changed that rule for him to
23 be able to say it's not okay for someone to make you touch their private parts
24 because he -- he had such a horrible time with that rule. He was so afraid he was
25 going to be in trouble.

1 Q. And how has Child 4 progressed?

2 A. Child 4 has done amazing. He's -- he's a different child; he really is.
3 He struggled throughout. He had several different daycares that he went to since
4 this whole thing has begun.

5 He had trouble with authority figures, especially teachers. Women in
6 general are difficult for him to accept direction. He has lots of control issues, anger,
7 explosive anger at times ----

8 Q. Who or what is that anger directed towards?

9 A. Usually it's towards an authority figure.

10 Q. Okay.

11 A. Or someone in power.

12 Q. And how do you deal with that in your therapy sessions?

13 A. Well, Child 4 in the therapeutic relationship that I have with Child 4 is
14 one where we have a very safe setting. And we provide just an open environment
15 for him to be able to express himself and, you know, telling him that he would never
16 be in trouble in my office. And that's -- that's not what -- what he's there for.

17 But we're -- we're going to make things better and make him feel
18 better and to make him feel better. And to help his family and help him with
19 problems that he has.

20 Q. How does Child 4 react when you discuss the Defendant Ronasha
21 Taylor with him?

22 A. Scared, angry; more scared than angry though.

23 Q. What's he afraid of?

24 A. Afraid of her hurting him, afraid of being in trouble, afraid that, as he
25 says, she's going to lie and say she didn't do things. He's -- he's afraid of a lot of

1 things.

2 Q. Tell me a little bit about the post traumatic stress disorder. What types
3 of things do you normally see when you think that there are symptoms that are
4 consistent with that type of diagnosis?

5 A. The, you know, extreme emotional control problems seems to be
6 pretty significant for Child 4 the anger outbursts. He has nightmares, sometimes the
7 bed wetting.

8 He has, like I said, an excessive fear of authority figures. He reacts
9 with oppositional defiance and anger. These symptoms are all consistent with that
10 of PTSD.

11 Q. And how would testifying in front of the Defendant in this case regress
12 where you've come with him as his therapist?

13 A. Well, given that he is, you know, one of the youngest --- or the
14 youngest out of all of them, I think emotionally he's younger as well. He's -- I think it
15 would traumatize him completely.

16 I think maybe he would do better in a one-on-one setting. I think he
17 would do well when he's developed a relationship. The fact that he's been here in
18 court and been able to see the place has helped, but he still has trouble being able
19 to focus.

20 And -- and I worry that the trauma that he suffers could -- could
21 continue past just simply testifying in course -- in court. He would have more
22 problems regressing. And we'd see more anger outbursts.

23 Q. So would you expect, as his therapist, to see him have a melt down on
24 the stand or are you talking about the anger issues that would manifest later? I
25 mean, what are we talking about here?

1 A. I think both. Really I -- I think you could possibly see him having a
2 melt down on the stand, could completely shut down. And, then, thereby continuing
3 to passport into his own personal life; in school, with friendships, authority figures,
4 life.

5 Q. And would you say that the distress you believe the child would suffer,
6 for testifying in front of the Defendant, would be more than mere nervousness or
7 anxiety?

8 A. I do.

9 Q. What -- what do you think it would be?

10 A. I -- I think it would be -- he would lose all emotional control. I really do.
11 I think he would -- he could quite possibly regress to a point that he wouldn't be able
12 to I think participate in daily activities. I think his -- his fear and his anger and his
13 symptoms that are consistent with PTSD are so great.

14 Q. And do you think that putting him in front of the Defendant -- if he were
15 to shut down emotionally or regress, do you think, if we were at that point to remove
16 him, would he be able to testify at that point?

17 A. No, not at all. I don't think he would be able to --- I think, once the
18 damage has been done, it's done. I think that's going to continue.

19 **MS. HALL:** All right. I don't have any other questions for you.

20 Mr. Henry may cross examine you.

21 **CROSS EXAMINATION by MR. HENRY:**

22 Q. Again, have you been in a courtroom with this child?

23 A. Not physically in a courtroom, no.

24 Q. Okay. So you haven't taken him into a courtroom to try out how he
25 would do?

1 A. I have not taken any of the children to the courtroom.

2 Q. Okay. All right. I just have to ask you for this particular question.

3 A. Certainly.

4 Q. Now do you know that he has been taken to a courtroom to see how
5 he would do?

6 A. Yes.

7 Q. All right. When he was taken to the courtroom to see how he would
8 do, apparently you, as his therapist, were -- were -- you were not needed?

9 A. I was not present, no.

10 Q. And, as far as you know, he didn't melt down?

11 A. I don't know that he didn't melt down.

12 Q. Okay. You think he did?

13 A. I think he had difficulty expressing himself, yes.

14 Q. As reported back to you from the solic -- from the prosecutor?

15 A. Well, the prosecutor and also from Child 4 himself.

16 Q. Okay.

17 A. He didn't like it.

18 Q. He didn't like it? All right.

19 A. He was scared.

20 Q. Okay.

21 A. Nervous.

22 Q. Okay. If he testified in court where you're sitting right now and you
23 were in the courtroom, could that make a difference in terms of how he would react?

24 A. I think it could help, but I don't know that it would make an overall
25 difference in that I think the fear and the trauma would already be done, the

1 overwhelmingness of the courtroom.

2 The fact that — that Ms. Ronasha, as he calls her, would be sitting
3 right in front of him, I think it would be extremely overwhelming and would traumatize
4 him completely.

5 Q. Okay. It would traumatize him completely. Can you — can you tell me
6 what that means? If that's — that's worse than what he has been through so far in
7 terms of sadness, irritability, anger, PTSD, outbursts, sleeping problems, tantrums,
8 et cetera?

9 A. Well, I think it's the — it's not a matter of whether it's worse. I think it's
10 a matter of we've done a really good job of trying and working within his family and
11 working in therapy of — of trying to eliminate and decrease those behaviors. And I
12 think, if this happens, you're going to see a resurgence of all of those behaviors
13 maybe times ten. I think it will be worse.

14 Q. Okay. Times ten?

15 A. Just a speculation.

16 Q. All right. Are you saying that he wasn't angry before you got him in
17 your treatment program?

18 A. I have no idea. I didn't see him until he came to me.

19 Q. Okay. You don't know who he — who he before that?

20 A. I don't know. I'm sorry, I don't understand your question.

21 Q. You don't know who he saw as — either in interviews or therapists, if
22 anybody, before you?

23 A. I — I don't believe that he saw anybody ----

24 Q. Okay.

25 A. ---- other than the forensic interview.

1 Q. Let me ask you this: You said you started with Child 4 when, in March?

2 A. March of 2011.

3 Q. All right. And do you know how long that was after the arrest? Any
4 clue?

5 A. Offhand I don't know.

6 Q. Okay. You know how long that was after Ronasha was no longer at
7 the Kids "R" Kids place?

8 A. I don't know.

9 Q. All right. Is it your recommendation, then, that -- that he not come into
10 the courtroom and testify?

11 A. I believe that, if he was able to have special accommodations, whether
12 it be through closed circuit t.v., that he could --- he may be able to function
13 appropriately in that setting.

14 Q. Wouldn't he still know that there's a trial going on?

15 A. He knows there's a trial going on. He does.

16 Q. Does he know that he's expected to come and testify?

17 A. He does know that he's expected to come and testify.

18 Q. But he's okay with that part of it?

19 A. I wouldn't say he's okay with it. I think he's extremely nervous and
20 worried but, if we were able to alleviate some of that, I think that would -- would
21 better suit him.

22 Q. Do you think clearing the courtroom would help?

23 A. I think it would help.

24 MR. HENRY: Okay. Thanks.

25 MS. HALL: No further questions for this witness.

1 **THE COURT:** If we cleared the courtroom and Ms. Taylor was
2 present sitting there, if she was sitting there and he was testifying, would --
3 would that affect him?

4 **A.** I think it would affect -- I think it would help. I do. I think the -- the
5 enormousness of the courtroom for a -- for a five-year old is -- is overwhelming.

6 **THE COURT:** My question is -- and I understand that, but my
7 question is, if Ms. Taylor is sitting there and he can see Ms. Taylor while he is
8 testifying, would that affect him?

9 **A.** Yes.

10 **THE COURT:** How would it affect him?

11 **A.** I believe that would -- I do. I believe it would traumatize him. I think
12 he would be angry. I think he would be scared. I think he would be nervous.

13 The -- the males -- the victims -- the male victims in this case have
14 such extreme anger towards her and hurt and fear more so than -- than the female
15 victims. They -- it's -- it's a tremendous difference.

16 **THE COURT:** And that would be so even if the courtroom was
17 cleared except perhaps Ms. Taylor and her attorney and ----

18 **A.** I -- I believe so, yes.

19 **THE COURT:** Do you think it would still traumatize him?

20 **A.** Absolutely.

21 **THE COURT:** All right. Thank you. Any questions related to the
22 questions I asked?

23 **MS. HALL:** Just to -- to follow up with that.

24 **REDIRECT EXAMINATION by MS. HALL:**

25 **Q.** And is it -- is it your opinion that the main problem is with the

1 Defendant being present while the child testifies?

2 A. Yes.

3 (Brief Pause)

4 THE COURT: Any other questions, Counsel?

5 MR. HENRY: Just a couple.

6 RECROSS EXAMINATION by MR. HENRY:

7 Q. Have you talked to him about the -- the defense lawyer being there or
8 -- or the judge?

9 A. We have, we have.

10 Q. And there's been no -- no indication of a meltdown for us being
11 present?

12 A. I think it's an overwhelming when you put them all together, but more
13 significantly if Ms. Taylor I think is, yes.

14 Q. Okay. When he expressed anger or fear or both, with respect to
15 Ronasha, what did he say? Not what you characterize it as, but what did he say?
16 What words?

17 A. He hates her.

18 Q. He hates her?

19 A. He hates her. I mean, "I hate her."

20 MR. HENRY: Okay. All right. Thank you.

21 THE COURT: Thank you ma'am. You may stand down, ma'am.

22 THE WITNESS: Thank you.

23 (The witness complied with the Court's request.)

24 MS. HALL: The States calls Ivonne Osorno.

25 (The witness stepped forward to be sworn.)

MS. IVONNE OSORNO - DIRECT by MS. HALL

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(Whereupon,

IVONNE ANDREA OSORNO

having been duly sworn, testified as follows:)

DIRECT EXAMINATION by MS. MILES:

3:37 P.M.

Q. Would you state your name?

A. Ivonne Osorno.

Q. And what is your son's name?

A. Child 4

Q. How old is Child 4

A. He's five (5).

Q. When will he turn six (6)?

A. December 19th.

Q. And how was Child 4 first day of school?

A. At the beginning, he was very excited, but, then, he got in trouble.

Somehow he did something wrong and he got in trouble. And they gave him time out. And, then, he started a tantrum. And he started throwing things so he went to the principal's office.

Q. And was that on the first day of school this year?

A. Yes.

Q. When was that?

A. On the 22nd.

Q. Of August?

A. Yes.

Q. So Child 4 ended up in the principal's office on August 22nd?

A. On the first day.

1 Q. Who did he get in trouble with?

2 A. He just threw a piece of wood. And a kid was passing and he hit him
3 and the kid told the teacher. And the teacher said, "Okay, you have to go back to
4 the room."

5 And he did not like that. And, then, the teacher came back saying ---
6 he didn't want to --- he wanted to be in recess. So she told him that he was in
7 trouble and, then, that he was going to go to the principal's office. So he started
8 breaking the crayons and throwing the chairs.

9 Q. And is that teacher a male or a female?

10 A. A female.

11 Q. I want to back you up. Tell me about how his behavior started
12 changing in the fall of 2010.

13 A. We live in a two story house. And, when I would pick him up from
14 school like around 5:30, we will get home and he will go upstairs and running
15 everywhere.

16 And he started not going upstairs. And, if he needed to go potty, he
17 will not go. He would say, "You have to come with me." And I would tell him, "You
18 just have to turn on the light and go do your stuff."

19 And he would say, "No, I don't want to go by myself." So we started
20 this part and go with him to the bathroom and turn on the light and wait for him to be
21 done.

22 Q. When did you have to start going to the bathroom with him?

23 A. It was like around that time that we --- that he disclosed what
24 happened.

25 Q. What about his sleeping behaviors? How does he sleep at night?

1 A. Well, we've tried several times to tuck him in his bed. But he has
2 these nightmares and he wakes up and, then, he goes back in our bed.

3 Q. What — what are the nightmares about? Does he tell you?

4 A. No, he fights. He kicks and he fights. He -- he kicks and he throws
5 fists.

6 Q. How often does he have nightmares?

7 A. Every night.

8 Q. Okay. Tell me about problems in school in between Kids "R" Kids and
9 August 22nd when he got sent to the principal's office.

10 A. He has been to around four daycares. And he does not accept a -- a
11 female figure as a teacher. He has trouble with -- with them.

12 He kicks them. He spits at them. It's been really hard for him to follow
13 instructions from a female teachers.

14 Q. Has he told you why it is that he struggles with female authority
15 figures?

16 A. No.

17 Q. How have you seen his behaviors changing in therapy?

18 A. Well, now he's more tolerant I guess -- I mean with his teachers. And
19 he still has anger issues and he still fighting to control them.

20 Q. Have you discussed the court case with Child 4

21 A. Yes.

22 Q. What have you talked to Child 4 about?

23 A. We have gone over the conflict, telling him the settings and who will be
24 here and what will happen.

25 Q. How did Child 4 react when you talked about the judge being present?

1 A. He knows that he's the highest authority and he tells me, "I cannot
2 stand up." You know, he tells me the rules.

3 Q. Was he afraid of the judge?

4 A. No.

5 Q. What about the jury? How did he react when you talked about the
6 jury?

7 A. He tells me that, "Okay. There are going to be 12 people." He knows it's
8 12 people. And he's like, "Do I have to tell them what happened?" You know, he's
9 aware that it's going to be crowded.

10 Q. And -- and how did he react when you mentioned the defense
11 attorney, Mr. Henry?

12 A. He is very concerned of where they're going to be.

13 Q. They?

14 A. They.

15 Q. All right. So I want to ask you about the Defendant. How has his
16 behavior been when you've talked about Ronasha being here?

17 A. He doesn't want to be near her.

18 Q. What do you mean he doesn't want to be near her?

19 A. Well, he -- he knows that he's going to stand by himself talking, but he
20 doesn't want to face her. He's afraid.

21 Q. Okay. And have you seen any temper tantrums or emotional outbursts
22 as a result of any of the discussions about the Defendant specifically?

23 A. We try not to discuss it with him because he -- he feels guilty. You
24 know, he feels that he is going to be in trouble with us if he talks about it. So we
25 don't encourage him to talk about it.

1 Q. So has he talked to you about the abuse at all?

2 A. He disclosed it, at the beginning, but it's not something that he likes to
3 talk about.

4 Q. Okay.

5 MS. HALL: I don't have any further questions for you, but Mr.
6 Henry may want to ask you some questions.

7 THE WITNESS: Okay.

8 CROSS EXAMINATION by MR. HENRY:

9 Q. You were -- you were just asked whether he talked to you about the
10 alleged abuse at -- at all. You said he doesn't like to talk about it, but you said he
11 has talked to you about it?

12 A. Yes, he did talk about it at the beginning.

13 Q. At the beginning, but not now?

14 A. No, we -- we don't take this up. I mean, we don't talk about it.

15 Q. Okay.

16 A. I try not to question him about it because he doesn't like to talk about
17 it.

18 Q. I Understand. And you said he didn't want to be near Ronasha, Ms.
19 Ronasha. How about this distance right here (indicating)? If she sits at the table
20 and he sits at -- at the witness stand? Do you see a problem with that?

21 A. Yes.

22 Q. Okay. And you also -- and also you mentioned that he had a problem
23 with both myself and -- and Ms. Ronasha being here. He has a problem with that
24 as well?

25 A. He -- he has not seen you.

1 Q. Okay.

2 A. So I would think he's going to have a problem with you, but he has
3 seen her and that's why we're here. He knows what has happened and he doesn't
4 want to go through it. He might think that he's going to have to go through all -- all
5 of it.

6 Q. All right. So you haven't told him anything much about who I am?

7 A. He knows that, that is your table.

8 Q. Right.

9 A. And that she's going to be there and you're going to be there.

10 Q. Okay.

11 A. But, if he sees you outside, he doesn't know who you are.

12 Q. Okay. But you don't see any -- a problem for him testifying if I move
13 up and talk to him?

14 A. He's going to be overwhelmed because he's -- he is afraid of adults.
15 He's very social with kids, but when it comes to adults, he -- he always hides behind
16 me.

17 Q. Okay.

18 A. He doesn't feel protected.

19 Q. Okay. But he does better with men than women?

20 A. That are kids, not grownups.

21 Q. Not grownups? Okay. So it doesn't make a difference whether it was
22 a man or a woman then? He would still have a problem?

23 A. I don't understand your question.

24 Q. Well, earlier you said that he seemed to be having trouble with
25 authority at the daycare centers because they were women.

- 1 A. Yes.
- 2 Q. And now you're saying it doesn't matter one way or the other whether
- 3 it was a man or a woman?
- 4 A. No, we aren't talking about the daycare. Now we're talking about the
- 5 court.
- 6 Q. Okay.
- 7 A. In court I would think that he's going to have a problem.
- 8 Q. With me?
- 9 A. By you being at a distance ----
- 10 Q. Right.
- 11 A. ---- he will not have a problem. If -- if you get this close he will.
- 12 Q. I see. Okay.
- 13 A. He will be -- he will feel threatened.
- 14 Q. Did he have a problem with being in the dark before any of this came
- 15 up?
- 16 A. Not at all.
- 17 Q. This is new?
- 18 A. Yes, sir.
- 19 Q. Okay. And the --- the incident at his school, that's the most recent
- 20 school, in August?
- 21 A. Yes, public elementary.
- 22 Q. Okay. So he's in kindergarten now?
- 23 A. Kindergarten.
- 24 Q. Okay. And this incident, with throwing the piece of wood and hitting
- 25 the child, was that related -- is that related to this case in some way?

1 A. Just the fact that the teacher told him he was in trouble ----

2 Q. Okay.

3 A. ---- that made him let's say explode. He got anger. I mean, he got
4 angry and mad. And, then, he started acting up.

5 Q. Did he throw the piece of wood and hit the other child first or -- or did
6 that come after?

7 A. No, that was -- I mean, he was playing throwing stuff. And, then, the
8 kid passed and it hit him. And the kid went to complain to the teacher.

9 Q. Right.

10 A. I mean, It wasn't a big thing, just to get in trouble. He is so scared of
11 getting in trouble just because of this.

12 Q. Okay. So the -- the wood incident was just an accident pretty much?

13 A. Well, yeah.

14 Q. And, then, he got confronted about it. And he got upset because he
15 was in trouble?

16 A. Uh-huh (affirmative).

17 Q. And that's when he threw the chair?

18 A. Yes.

19 Q. And had -- had a tantrum at the school?

20 A. Yes.

21 Q. Is that -- is that when they called you?

22 A. They didn't call me, but the teacher sent me a note that he had been
23 at the principal's office.

24 Q. You're not concerned that -- that -- that he would have a tantrum
25 while testifying, are you?

- 1 A. I know he's going to be scared.
- 2 Q. Right.
- 3 A. Uh-huh (affirmative). But a tantrum, I don't know.
- 4 Q. Do you think he could get through it, the testimony?
- 5 A. In this setting? I don't think so.
- 6 Q. You don't think so? What do you think really would happen?
- 7 A. He has done well like with the three of them. He has been used to
- 8 seeing them; they are like familiar faces. But, when it is a new face, he's very
- 9 scared.
- 10 Q. Okay.
- 11 A. I mean, he will not talk to you at all.
- 12 Q. Okay. Okay..
- 13 A. I mean, not you; meaning, if there is a person that he does not know --
- 14 Q. I can take it. I can take it. That's okay.
- 15 A. No, no. Like he -- he is not the social kid that will come to you, "Hi,
- 16 how are you." No.
- 17 Q. Oh, I understand.
- 18 A. He is very shy.
- 19 Q. Why don't you tell him I used to run a head start program; maybe that
- 20 will help.
- 21 A. What?
- 22 Q. I'm just teasing.
- 23 A. Oh, I'm sorry.
- 24 Q. I'm just teasing.
- 25 A. Oh, I thought you were serious.

1 Q. So -- so, if he's on the stand, let's say you're in the courtroom, he can
2 see you. He could see the attorneys representing the State who he knows -- am I
3 right; he knows them?

4 A. Yes.

5 Q. Okay. And he had --- has he been in a courtroom?

6 A. Yes, he has.

7 Q. For practice?

8 A. Yes.

9 Q. Okay. Didn't melt down then?

10 A. No, sir. To him, it was a game.

11 Q. Okay.

12 A. Once he sees her, it's not going to be a game.

13 Q. Okay. That's what you expect to happen?

14 A. Yes. I know it's going to happen.

15 Q. And you think -- you think he'd be okay as long as that side

16 (indicating) is in the room but not our side?

17 A. You -- I mean, if you ----

18 Q. I might be okay?

19 A. Yes, you will be okay.

20 Q. As -- as long as I don't approach him too closely?

21 A. Or grab him.

22 Q. Okay. Well, I promise I won't do that.

23 A. Okay.

24 MR. HENRY: All right. Thanks a lot.

25 THE WITNESS: You're welcome.

1 MS. HALL: No further questions Your Honor.

2 THE COURT: Thank you, ma'am. You may stand down.

3 THE WITNESS: Okay.

4 (Witness complied with the Court's request.)

5 MS. HALL: Do you want to wait to rule on this until you've ----

6 THE COURT: No, I'm -- I'm satisfied in this case.

7 MS. HALL: Okay.

8 THE COURT: First of all, I don't think the statue is

9 unconstitutional. And the Courts have -- have already held that, essentially
10 finding the procedures that separates other --

11 (The Court waits until child stops crying.)

12 THE COURT: The procedure is accepted under -- by the South
13 Carolina cases. And obviously constitutionally could have been tested and
14 would have been tested in those cases. And I'm satisfied in this case, based
15 on what the mother says and what the therapist says.

16 They're absolutely --- I won't say absolutely, but they are -- are very
17 sure that this child would not be able to get through this testimony without a
18 meltdown and perhaps freezing up and not testifying or -- and that.

19 And that he would be very much traumatized by seeing the Defendant
20 sitting here in the courtroom in front of him.

21 I'm satisfied that pursuant to the statute, that being 16-3-1550 and ---
22 and the code subsection in there that applies, I'm satisfied with that and what
23 the expert witness says that he made substantial progress and all of that
24 would probably be lost:

25 And he would revert and not be able to testify. And it wouldn't do any

1 good to try to let him testify, in her opinion, because, then, he would be --
2 he's got -- she diagnosed or believes him to have post -- post traumatic
3 stress disorder.

4 And she believes that he would regress substantially and not be able
5 to testify. And it wouldn't help to, then, move him to a separate room with the
6 TV camera and try to testify because the damage would have been done is
7 her testimony.

8 He would be so traumatized by that, that you would get no more
9 testimony out of him regarding this case. Not only would you not be able to
10 get it here in the courtroom, you, then, wouldn't be able to get it if you moved
11 him to a different setting and tried to get his testimony there following that;
12 the damage would have been done.

13 So I'm -- I am satisfied that he meets the statutory requirement. And
14 I'm also satisfied that, based on the expert testimony and the mother's
15 testimony -- which is very clear in this case -- that he would probably be
16 traumatized and would not be able to testify in this case and is afraid of the
17 Defendant in this case and be traumatized by having to try to testify with her
18 sitting there in front of him.

19 And I -- and I think that it wouldn't do any good to try it because,
20 according to the expert testimony, then, he would -- would not also be able to
21 testify; the damage would have been done. And the likelihood is that he
22 would regress greatly and lose the progress they've made through the
23 counselor.

24 So -- and so, for all of those reasons, I think the child will be
25 traumatized and not be able to testify if he was required to do that in the

1 presence of Ms. Taylor, even with --- if we somehow emptied out the
2 courtroom except for the essential people who need to be here, that he would
3 not be able to testify. And that he would be traumatized by it and revert and
4 would not be able to, then, go testify outside the court room.

5 I'm satisfied with that. And so, based on that, I find that his testimony
6 should be elicited by means of a closed circuit television at which -- and I'll
7 leave it up to Defense Counsel.

8 Defense Counsel can either be there for questioning of the witness.
9 And, of course, we would have to have the television on in here; that Ms.
10 Taylor would have to be able to see the witness.

11 Obviously, the -- we'd have -- we'd have to have two attorneys; one
12 with the child asking the cross examination questions and observing the
13 direct examination and another attorney here with Ms. Taylor and be able to
14 -- they would have to be able to communicate with each other so that, if Ms.
15 Taylor converses with an attorney and he needs to ask questions, that he
16 would be able to ask those questions through the other attorney in the other
17 room and do that simultaneously while the child is testifying.

18 And so she needs to be able to communicate with her attorney
19 regarding the child's testimony and any questions that need to be asked of
20 the child and to share information with the attorney.

21 And I -- I think that can be done. I prefer to have it in the courtroom. I
22 prefer to have it in the presence of Ms. Taylor. I just don't think it's going --
23 it's going to be possible, with regard to this child, to -- to be able to do it.

24 And I -- so -- and -- and that's my finding, factual finding, that it --- the
25 child wouldn't -- wouldn't be able to do it.

1 And so I'm — I am balancing that against her Sixth Amendment right
2 to confrontation and — and watching the case law and all of that, but I believe
3 this section is constitutional. And I believe her rights can be protected
4 adequately by providing for the closed circuit television and her having
5 communication — her being able to contribute with her attorney; talk with her
6 attorney, the attorney being able to have the questions asked that they want
7 ask on cross examination, to observe the direct questioning, and the child's
8 testimony et cetera. I believe that will be adequate to protect her rights in this
9 case.

10 All right. Move on to the next one.

11 **MS. HALL:** Yes, sir, Your Honor. The next child I'd like to
12 request — the State would make a motion for the victim, Child 5
13 date of birth February 21, 2006, to testify via closed circuit television.

14 The child's therapist in this case, Meredith Thompson-Loftis, has
15 analyzed him to have sadness, irritability, generalized anxiety,
16 embarrassment, shame, and excessive, almost debilitating, fear of being in
17 trouble during therapy sessions.

18 His father, Jose Salazar, is also here and will be reporting, Your
19 Honor, that he has decreased sleep, night terrors, tantrums at school, and
20 general anxiety since the assault occurred.

21 At this time the State calls Meredith Thompson-Loftis.

22 **(The witness stepped forward to return to the witness stand.)**

23 **THE COURT:** Okay. Ma'am, you continue to be under oath for
24 your testimony.

25 **THE WITNESS:** Thank you.

DIRECT EXAMINATION by MS. MILES:

3:55 P.M.

Q. Meredith, when did you first see Child 5

A. The first date that I saw Child 5 was April 5th of 2011.

Q. And how was Child 5 the first time you saw him?

A. Initially guarded, rather quiet, had difficulty opening up. It took him a little while to open up.

Q. How long did it take him to open up?

A. I would say probably a good two (2) months.

Q. And what was Child 5 feelings about the Defendant when he first started opening up about her?

A. Extremely angry.

Q. What was he angry about?

A. Angry that she made him do things that he didn't want to do. Angry that she made his friends do things that they didn't want to do. And angry that she made them do things -- do things to each other.

Q. And how has that anger changed? Or is it the same as the therapy sessions have progressed?

A. I think it's improved. However, he still has a tremendous amount of fear of Ms. Ronasha.

Q. How has he -- how has he expressed that fear to you?

A. Worried that she's going to come to his house and find him. And that he's going to have to protect himself. He's angry and fearful that she's going to hurt him again.

Q. Has he said specifically that he's afraid she's going to come to his house?

1 A. Yes. And --- and, in fact, I was looking at this while we were waiting.

2 And this was a picture he drew on my file where he was defending himself against

3 Ms. Ronasha.

4 Q. What are in his hands?

5 A. Guns.

6 Q. And who is the other person in the picture?

7 A. Ms. Ronasha and himself and his mom.

8 Q. And what does Child 5 dad do for a living?

9 A. He's a SLED agent.

10 Q. And what about his mother?

11 A. I believe, at one point, she had worked in a doctor's office. I believe

12 she's a stay-at-home mom now.

13 Q. All right. So in that picture he's defending his mother from Ms.

14 Ronasha with guns?

15 A. Yes.

16 Q. What did he tell you about that picture?

17 A. In this particular picture, he was fearful that she was going to come to
18 his house.

19 Q. And have you talked to Child 5 about court and how court is going to
20 go?

21 A. I did. I explained to him the court process, especially after he had met
22 here in Spartanburg and seen the courtroom. I talked with him about what he could
23 expect and what his feelings were.

24 He was nervous and scared and didn't want to talk about it. He, since
25 has gotten better with that, but still has the same renewed fears with Ms. Ronasha.

1 Q. What is he scared of specifically? Is it just generalized anxiety about
2 being in court?

3 A. I think he's scared -- it's more than that. I -- I think he has this true fear
4 of her, that she has so much power that she's going to hurt him.

5 Q. And is that fear that Child 5 has exhibited, is that different than other
6 children? I don't just mean in this case, but other children in general that you've
7 counseled?

8 A. I -- I believe it is. I think it's significant in that it's a trigger for him. And
9 that she -- it -- it makes him extremely shameful, guilty; causes him to have anger
10 outbursts.

11 Q. And what is the -- what is the specific trigger for Child 5

12 A. Well, specifically, it would be Ms. Ronasha. He's done better with
13 female authority figures as time had progressed, but anything that's overwhelming
14 and fearful, like in a courtroom setting; a bunch of people, crowds, talking about
15 what happened, he's extremely fearful he's going to be in trouble.

16 He's extremely fearful he is going to disappoint his dad and his mom,
17 that he had done something wrong.

18 Q. How do you think Child 5 testimony would be affected if he were
19 made to testify in front of the Defendant in this case?

20 A. I think it will be debilitating for him. I think he could shut down. I don't
21 know that he would be able to complete a thought.

22 Child 5 has a severe speech impediment at times. And sometimes,
23 when he gets nervous, it -- it becomes thicker and harder to understand.

24 Q. So he has a speech impediment as well as the other issues you're
25 dealing with?

1 A. Correct.

2 Q. And your testimony is that his speech impediment is actually made
3 worse?

4 A. I believe so, yes.

5 Q. What — and what causes that?

6 A. I think it's just the anxiety --- his anxiety level rises so he's unable to
7 control certain things. Some people, when they are anxious or nervous, will stutter.
8 Some people either their palms will sweat or, you know, you become fidgety.
9 That's one of his coping skills.

10 Q. But your — you testimony is that his testimony would not — it wouldn't
11 just be a speech impediment; there actually would be trauma?

12 A. I believe it could. It could traumatize him in the long run and -- and
13 passed just specifically testifying. I think we've done a good job of trying to help him
14 work, through a lot of anger and emotional control, but I'm afraid that you're also
15 going to see that resurgence again.

16 Like I said, in -- in talking about Child 4 this was his emotional control.
17 There's so much anger at Ms. Ronasha; there's so much anger about what she -- he
18 says that she made he and his friends do. And he's — he's angry and he's — he's
19 fearful.

20 MS. HALL: I don't have any further questions for you. Mr.
21 Henry may wish to ask you some.

22 CROSS EXAMINATION BY MR. HENRY:

23 Q. With Child 5 did you come with him to the courtroom?

24 A. Not physically, no.

25 Q. Did you telaport (phonetic) him? I mean —

1 A. I'm not sure I know what you mean by that.

2 Q. What do you mean by "physically"? What other way would there be to
3 come to the courtroom with him?

4 A. Well, we talked about his court experience.

5 Q. I understand that, but I was asking you if you came to courtroom with
6 him. And you said not physically.

7 A. No.

8 Q. So why didn't you if it was so traumatic?

9 A. Why didn't I what? I'm sorry.

10 Q. Come to the courtroom with him and make sure he was okay?

11 A. It would not be appropriate for me to come to the courtroom. Our
12 setting — our setting is the therapeutic setting.

13 Q. Okay. So, if the — if the prosecutor asked you to come and support
14 Child 5 in the courtroom because he might be upset, you wouldn't do that?

15 A. That's not what I said.

16 Q. Would you?

17 A. If I was asked and I was needed, I would be here. But I didn't. I -- I --
18 they were going for an initial session to show him the courtroom and to explain to
19 him what the procedures would be like.

20 Q. Okay. So it wouldn't have been inappropriate if they had asked --
21 had asked you?

22 A. It would be inappropriate if I showed up, yes. But it -- it would be -- it
23 would not be inappropriate if they had asked me.

24 Q. And, then, you would show up?

25 A. If they requested that I be here, I would be here.

1 Q. And that would have been okay?

2 A. If they requested that I was here, yes.

3 Q. All right. So you don't know firsthand how he reacted in the courtroom
4 setting when he actually came to Spartanburg?

5 A. Firsthand, no.

6 Q. Okay. All right.

7 (Brief Pause)

8 Q. Are you saying that Child 5 has a speech impediment because of
9 this alleged -- these alleged incidents?

10 A. No, that's not what I said.

11 Q. You said it would be made worse if he testified?

12 A. I said it could be made worse if he testified.

13 Q. All right. And it could traumatize him?

14 A. I believe so, yes.

15 (Brief Pause)

16 Q. What did he say in his own words about being -- being afraid of
17 Ronasha?

18 A. Let's see, his words -- I mean, he's scared of her. "I don't like her." "I
19 want to kill her."

20 Q. Okay.

21 A. He's -- he's angry. According to Child 5 she made Child 6 grab
22 Child 5 testicles and squeeze them. And that's something that Child 5 and
23 Child 6 both have in their head and can't seem to get out.

24 Q. Okay. And these, again, are his words?

25 A. These are his words -- well, his words meaning peepee thing. That's

1 what he said instead of "testicles." That was my word.

2 Q. Okay. Did you show him any photographs of Ronasha?

3 A. Actually I believe I did have a photograph of Ronasha.

4 Q. Okay. When -- when did you show him that?

5 A. I don't remember.

6 Q. I don't mean date; I mean kind of early or later in the therapy --

7 A. Early on.

8 Q. Okay.

9 A. There was a picture of -- of the group, of the class.

10 Q. Okay. Have you shown him an isolated photograph of Ronasha since
11 then?

12 A. No.

13 Q. Because you were saying that -- that -- that seeing her is a trigger. I
14 just don't know, if you had actually had shown him a picture of her isolated one-on-
15 one, during your therapy sessions to measure that trigger?

16 A. Not since the beginning, no.

17 Q. Okay. When you showed him the picture -- the group picture with
18 Ronasha in it, what was his reaction?

19 A. Anger.

20 Q. Anger? What did he actually do?

21 A. I don't remember specifically, but it -- it -- his -- all of -- any time we
22 talk about Ms. Ronasha there's anger, there's fear. There's talk about killing her,
23 fear of her hurting he and his family and his friends and his brother.

24 Q. Okay. I got that part, but we're talking -- I'm trying to talk to you about
25 the picture again and you're going off on something else.

1 When he — when you showed him the picture — a group picture with
2 Ronasha in it, what did he say?

3 A. I don't remember.

4 Q. You're not saying he could not testify in this case in open court, are
5 you?

6 A. I don't understand your question. I'm sorry.

7 Q. Could he testify?

8 A. Could he testify? Yes.

9 MR. HENRY: Okay. That 's all I have. Thank you.

10 REDIRECT EXAMINATION by MS. MILES:

11 Q. Meredith, what specifically do you believe the trigger is for Child 5

12 A. I think the trigger specifically is Ms. Ronasha.

13 Q. So, when we're talking and asking questions about him being able to
14 testify in open court, is the concern, from a therapeutic perspective, the testimony in
15 open court or is the concern the testimony in open court in front of the Defendant?

16 A. Testimony in open court in front of the Defendant.

17 Q. And would it be appropriate for a therapist to test different triggers on a
18 child that you're counseling?

19 A. No.

20 MS. HALL: No further questions.

21 THE COURT: Somehow we — we move — we danced around a
22 little bit around the issue, the most important issue, to the Court in — in — in
23 this case.

24 And that is, in your opinion, professional opinion, how Child 5 would
25 react if he were on the stand and testifying and Ms. Taylor was here directly

1 in front of him where he could see her and questions were being asked of
2 him, how would he respond?

3 A. I think he would be scared. I think he would probably cry. I think he
4 could become very angry or shut down, run. I — I think he's quite possible of doing
5 those.

6 THE COURT: What, if the courtroom was empty except for the
7 essential parties, including Ms. Taylor?

8 A. I think Ms. Taylor is — is the trigger, so I think that's the problem.

9 THE COURT: If we were to take — start taking his testimony in
10 the case and he was unable to testify emotionally, do you think, if we, then,
11 took a recess from court and put him in another room with a TV camera in
12 there and let the questions be asked over there, out of the presence of Ms.
13 Taylor, that he would be able to do that?

14 A. I don't think so. I — I really don't. And the reason for that is because
15 I think, once he sees her, that's the trigger. And I think he would have difficulty
16 forming his words, being able to complete his — a thought.

17 I think the trauma would have been done at that point in time. The
18 trigger is her.

19 THE COURT: Okay. Any follow up?

20 MS. HALL: None, Your Honor.

21 MR. HENRY: No, sir.

22 THE COURT: Thank you, ma'am. You may stand down.

23 (Witness complied with the Court's request.)

24 MS. HALL: State calls Jose Salazar.

25 (The witness stepped forward to be sworn.)

1 (Whereupon,

2 JOSE SALAZAR

3 having been duly sworn, testified as follows:)

4 DIRECT EXAMINATION by MS. HALL:

4:08 P.M.

5 Q. Would you state your name?

6 A. Jose Salazar.

7 Q. And what is your child's name?

8 A. Child 5

9 Q. When was he born?

10 A. February 21st, 2006.

11 Q. So he is six (6) years old?

12 A. Yes, he is.

13 Q. How -- and I know you don't stay home because I know that's your

14 wife. But what do you understand Child 5 behaviors at home to be presently?

15 How is he behaving at home?

16 A. Oh, he's -- at home he has a variety of mixed emotions; frustration,
17 lack of confidence, kind of speaks out and does some other things that are really ---
18 really horrible to me. He kind of lashes out on his little brother at times as well.

19 Q. When you say does some other things at home, would you -- would
20 you tell the Court what those other things are?

21 A. Kind of puts himself away. He distances himself -- distances himself
22 from the other family members, goes inside his room and locks himself in there.

23 Q. And when did that start?

24 A. As -- as far as I can remember, back in 2010.

25 Q. And what about his sleep patterns, his night time patterns? How have

1 those changed or have they changed?

2 A. They've maybe changed a little bit for the better. In fact, a couple
3 years ago just wasn't quite comfortable sleeping by himself, very scared of the night,
4 always had to have the light on. The door always had to be kept wide open the
5 whole night. And also the dining room light actually had to be turned on.

6 In the middle of the night, he would actually come and sleep in our bed
7 where he felt more comfortable.

8 Q. When did the night terrors start and when did they stop? Or when
9 have they started getting better?

10 A. They've actually started to recently to get better. I can't tell you when
11 they actually started. As far as I remember, in -- back in 2009 time frame.

12 Q. Okay. And what about Child 5 bathroom habits? How -- how are
13 they now and how have they changed?

14 A. Well, a couple years back, in a couple of years, back in 2009-2010, I
15 was actually at home a great deal of the time, Child 5 always had to have a light
16 on, never wanted anybody else to be inside the bathroom with him.

17 Even, if I came in and tried to check up on him at his age, three or four
18 years of age, he would actually start screaming and telling me to get out of the
19 bathroom. The only person he would allow inside the bathroom with him to help him
20 would be his mother, Andrea.

21 Q. How old is your other son?

22 A. He's almost two.

23 Q. Almost two? And you said Child 5 been acting out with his
24 younger brother. What other things has that been?

25 A. Well, he has a brother and his brother -- his little brother is complete

1 opposite of who he is. His brother is more forceful, more confident, does all things.

2 Child 5 is one of those -- he's a pretty sensitive child. And, if he
3 sees someone kind of agitating him, he -- he likes to push back and really gets
4 upset and starts crying and just pulls himself away from that situation.

5 Q. And have you or your wife discussed this case with Child 5

6 A. I have not.

7 Q. You have not? Has your wife?

8 A. And she has not.

9 Q. No? How have you understood him to react in therapy or have you
10 been given any reports from the therapist about how he's done?

11 A. Other than that he's doing well, I think that's about it.

12 Q. Okay.

13 A. I don't really probe and go and get too much inside his comfort level.
14 You know, I'm just anticipating the day where he actually tells me a great deal about
15 what actually occurred to him.

16 But I don't try to probe into him and ask him questions as to what
17 actually happened to him.

18 Q. Have you ever mentioned Ronasha to him since this incident
19 occurred?

20 A. The name, yes.

21 Q. How did he react when you mentioned the name Ronasha?

22 A. He doesn't like Ms. Ronasha.

23 Q. What do you mean he doesn't like her?

24 A. He constantly says, "I don't like her, she's a bad person."

25 Q. Would you describe that as fear, anger, anxiety?

1 A. It's all -- it's all rolled into one. Knowing Child 5 is a very sensitive
2 child and for him to be -- for me to utter the name, just -- he just, "I don't like her."
3 He gets into a more aggressive like mode.

4 Q. Had he had that reaction to other names?

5 A. No, he has not.

6 Q. No other names?

7 A. No.

8 Q. What about his speech impediment? What kind of speech
9 impediment does he have?

10 A. It's hard talking to Child 5 He actually can't talk because he actually
11 can't formulate sentences. But, like I say, it's the lack of confidence and -- that he
12 has within him.

13 He's actually been seeing a speech therapist at the school to try to
14 help him be more confident with his words. He does have problems with vowels, b's
15 and d's and sounding almost alike.

16 Q. And how has or have you noticed that earlier the therapist was talking
17 about, when Child 5 gets upset or anxious or worried or mad or any of those
18 things, that his speech impediment actually gets worse. Have you observed that in
19 the home?

20 A. Yes, I have.

21 Q. How? What happens?

22 A. What happens is, he actually starts wondering and his eyes will shift
23 over left to right and he won't look you directly in the eye. He starts looking down
24 and kind of -- you can see the tension building up, the frustration, to a point where
25 he actually starts breaking down and crying.

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1 Q. And, then, what happens when he starts breaking down and crying?
2 What do you do?

3 A. We just -- we just kind of leave him alone and let him deal with the
4 problem himself. And he more or less likes just to go back to a room, more of a
5 comfortable spot, where he can just gather himself once again, compose himself.

6 Q. And how long does it take Child 5 to compose himself once he breaks
7 down crying?

8 A. It takes -- it takes quite a -- quite a bit of time.

9 Q. Like hours?

10 A. Maybe an hour.

11 Q. Okay. And, in your opinion as his father, how do you believe testifying
12 in front of the Defendant in this case would affect Child 5

13 A. He's scared of the Defendant. He's actually told me that many times;
14 that he's scared of Ms. Ronasha. And that, you know, that she would actually go to
15 the house and harm his mother and his brother and me.

16 Q. And is it your belief, as his father, that testifying in front of Ronasha
17 would cause damage to your son?

18 A. I believe it would to the point to where it's just -- it's just going to get
19 worse on him.

20 Like I said, he's -- he's a very sensitive child and -- and gets frustrated
21 quite easily when he feels somebody's attacking him. Or, if he sees a threat, he
22 kind of starts to go to a -- a place where he's safe.

23 And like said in a courtroom it's kind of hard for him to find a safe
24 place even with the parents being there.

25 Q. And the parents wouldn't be in here while he testified anyway, would

1 they?

2 A. He is not comfortable with -- with my -- either myself or his mother.

3 MS. HALL: I don't have any other questions for you. I believe

4 Mr. Henry may ask you some.

5 **CROSS EXAMINATION by MR. HENRY:**

6 Q. All right. Mr. Salazar, going back to that last statement you made, he's
7 not comfortable with you being in the courtroom?

8 A. No, sir. Every time I've taken him to the courtroom I've actually had to
9 sit outside.

10 Q. Okay. So he's -- he's okay being in the courtroom but not with you in
11 it?

12 A. He's -- he's scared of upsetting me.

13 Q. Oh, to -- to saying what he ----

14 A. See, when he's scared, he's actually looking at us and feeling that --
15 you know, he doesn't like talking about what actually occurred to him. And, again,
16 he's -- especially with the parents being inside. It would just -- he feels depressed
17 and upset, so he doesn't want to see his mother go through that -- that mode.

18 Q. I see. Okay. And was that part of why you haven't talked to him or he
19 hasn't talked to you about what happened to him?

20 A. I haven't forced it on him. It's -- it's -- it's his decision when he wants
21 to talk to me about it.

22 Q. So he doesn't --

23 A. I never force him to talk.

24 Q. I understand. So to this -- as of today's date, he hasn't talked to you
25 about what happened to him?

1 A. No, he has not.

2 Q. Okay. And has he talked to his mom about what happened to him?

3 A. I believe he has.

4 Q. Okay. Do you know — do you think after what she told you?

5 A. Yes, sir.

6 Q. Okay. So neither you nor his mother has talked to him about the
7 courtroom process and how that would work, right?

8 A. Well, I've talked to him about the courtroom process ----

9 Q. Okay.

10 A. ---- since I am in law enforcement.

11 Q. Right. So he knows you do that for part of your job, right?

12 A. Yes, sir, but it's uncomfortable with me. And I know it probably would
13 be uncomfortable with him as well.

14 Q. I understand. Do you think that he could come in and testify if — if the
15 courtroom were cleared out and it was just me and Ronasha and the other lawyers?

16 A. No, I do not.

17 Q. Okay. What do you think would happen?

18 A. He's going to do the same thing. He's going to look away.

19 Q. Okay.

20 A. He's not going to be able to formulate his thoughts. His speech
21 impediment will — will get worse and finally he's just going to start looking down at
22 the ground or — or just wandering.

23 Q. Wouldn't he get upset just trying to talk about the incident in the same
24 way?

25 A. I don't believe so, sir.

1 Q. So you think he could testify outside of Ronasha's presence about
2 what happened?

3 A. Well, because he -- he's uncomfortable with -- with strangers as well.
4 It -- like I said, he's --- he's more comfortable around children at his age. When you
5 -- when you add in the factor of a courtroom plus a jury and other factors that have
6 been created by the courtroom, he's going --- it's going to really affect the way he --
7 he speaks.

8 He's going to feel all these eyes on him. And -- and he actually might
9 pull him into a -- a different state of mind.

10 Q. Okay. Earlier you said he gets angry -- has gotten anger at the
11 mention of Ms. Ronasha's name and got aggressive?

12 A. He gets aggressive. He gets upset. You can see it in his face. He
13 just doesn't like to be ----

14 Q. How does the aggression come out? Does he do anything or say
15 anything?

16 A. He tells me straight up that he doesn't like Ms. Ronasha; "I don't like
17 her."

18 Q. Okay. When you said he lashes out at his little brother, does he hit
19 him?

20 A. Well, he pushes him.

21 Q. Okay.

22 MR. HENRY: That's all I have. Thanks.

23 MS. HALL: No further questions from the State.

24 (Brief Pause)

25 THE COURT: Let me ask -- and I'm not real clear on when

1 Child 5 started exhibiting problems with regard to sleeping by himself or
2 going to the bathroom by himself or with lights on or not.

3 And so the question is -- it was not clear to me: Was he exhibiting this
4 kind of conduct before you learned -- or there was some reporting of some
5 sexual abuse -- and was that going on before that?

6 A. Yes, sir. It was actually going on before we heard of this.

7 THE COURT: Before you found out about it?

8 A. Yes, sir.

9 THE COURT: All right. How long before that?

10 A. Many months, sir.

11 THE COURT: All right. And, then, was that what represented a
12 change in behavior or not?

13 A. It was -- it was a big change in his behavior, sir.

14 THE COURT: Okay. That's what I couldn't understand. All right.

15 (Brief Pause)

16 THE COURT: All right. Any questions related to the questions I
17 -- question I asked?

18 MS. HALL: None, Your Honor.

19 MR. HENRY: No, Your Honor.

20 THE COURT: Okay. Thank you, sir. You may stand down, sir.

21 (Witness complied with the Court's request.)

22 MS. HALL: Your Honor, the State at this time makes a motion
23 to have Child 5 testify via closed circuit television.

24 The testimony from his therapist was that he has debilitating fear,
25 anxiety, and anger and talks about wanting to kill the Defendant. He talks

1 about being afraid of the Defendant. She believes that he would completely
2 shut down, would cry, would be unable to talk.

3 She also mentioned the speech impediment that becomes -- is
4 worsened by fear and/or anxiety, which would make eliciting testimony from
5 him difficult, if not impossible. His father also testifies that he exhibits a great
6 deal of fear from the Defendant.

7 Both his father and the therapist testified that clearing the entire
8 courtroom of everyone but the two prosecutors for the State, the Defense
9 Attorney, and the Defendant would not be sufficient, but it is the presence of
10 the Defendant in the courtroom, while he would be made to testify, that would
11 cause the fear, the anxiety, the emotional shutting down, and the trauma to
12 the child.

13 Again, Your Honor, the State requests that he be allowed to testify via
14 closed circuit television.

15 **THE COURT:** You want to be heard, Mr. Henry?

16 **MR. HENRY:** Yes, sir.

17 **THE COURT:** Go ahead.

18 **MR. HENRY:** The same -- same arguments, Judge. When the
19 -- it seems to me that, from the testimony of the -- of the therapist, he could
20 testify. And he has gotten better.

21 He would be scared. He might cry and get angry, but I don't see that
22 this would be -- prevent him from coming in and testifying before the Court,
23 especially if you decide you're going to remove all the non-essential people
24 from the courtroom.

25 The mom and dad didn't talk to him about the case. And he has also

1 apparently come in and practiced. So I think there's a — at least a
2 reasonable possibility that he could initially try to testify in open court.

3 **THE COURT:** If that's all I had before me, what you said, I would
4 agree with you. But there's more than that. And. — and that's what's
5 concerning me.

6 The therapist testified, in her opinion, he would be traumatized by
7 facing the Defendant in this case in a courtroom. He would be — he'd be
8 traumatized by that; that he would exhibit some behavior.

9 And — and — and primarily she said he would probably be emotionally
10 distraught and not be able to testify. And that because of his speech
11 impediment, which becomes worse when he is under a great deal of stress
12 and pressure — that it becomes much worse to the extent that you can't
13 really understand what he's saying.

14 And that — and — and the frustration of that makes him even more
15 emotionally upset and not able to concentrate or — or speak. And her
16 opinion was that, if he reached that stage during the course — during the trial,
17 that it would not help to, then, take a recess and let him go into a separate
18 room and be able to try to testify by closed circuit television at that point.

19 And that — that appeals to me if — if the Court didn't believe, based
20 on the testimony that's come in, that if he shut down emotionally and
21 otherwise not able to talk on the stand, that he would also not be able to do
22 that if we took a recess and put him in a room and put him on.

23 Otherwise I would be willing to try it and see. But I -- she doesn't think
24 he would be able to do it. And the main reason she doesn't think he'd be
25 able to do it is because Ms. Taylor to him is a trigger.

1 And even saying his name is a trigger --- her name is a trigger to him.

2 And so her name coming up and he gets emotionally upset and that --- and
3 that's going to bring on this.

4 And he does suffer from a speech impediment, which is affected by
5 stress and anxiety and --- and fear. And so --- and that's another concern for
6 the Court because, once he got to that stage, it would be too late to get any
7 testimony out of him.

8 He couldn't go to a separate room, according to the expert, because it
9 wouldn't make any difference; he would not be able to regain everything and
10 be able to --- be able to testify there because of the trigger with Ms. Taylor
11 once he saw her here.

12 So those are concerns I've got. And I'm trying to balance it and weigh
13 it.

14 I know she has a right to confrontation and that sort of thing, but I am
15 --- based on what the expert says, I think the great possibility is that there's a
16 substantial possibility or probability that, if he gets on the stand and sees Ms.
17 Taylor and that trigger is set --- all the therapists talk about triggering
18 somebody just goes out -- out of reason when the trigger hits, and this --- you
19 know, this happens with people that are 20 years beyond the trauma that
20 actually causes the trigger.

21 And they have a melt down even --- when the trigger hits, the longer
22 you go, as I --- usually is what the experts testify, the less likelihood of a
23 trigger.

24 But triggers can happen 20 or 30 years down the road. And the
25 person becomes emotionally distraught and falls apart emotionally.

1 And in this case this child is only six (6) years old. And, if the trigger —
2 if that's a trigger, and this triggers an event that causes him to shut down or
3 to become an emotional melt down, and there will be no recovery from that,
4 by trying to, then, put him -- taking a recess and putting him in a separate
5 room and letting him testify by closed circuit.

6 By then she says he will be too emotionally distraught or — or — to —
7 to be able to testify. So that's the concern I have.

8 And I'm — I'm very concerned about the problems with the speech
9 impediment and what happens with that when he becomes frustrated with
10 that, which is, in turn, set off — would be by a trigger or any other emotional
11 distress that would set it off; that he would not be able to testify and start
12 looking around or down or the therapist even said he might even get up and
13 run, you know.

14 In any event, based on all of those factors, the Court is going to find
15 that he will be allowed to — the State had made a sufficient showing that he
16 will most likely not be able to testify. And that it would be traumatic to him. And
17 he would suffer trauma from it and not be able to testify even by closed circuit
18 television if we got to that --- if — if — if he were to attempt to testify and
19 melted down here in the courtroom, it would not — would not be able to
20 testify, then, by closed circuit television.

21 So, based on all those factors, I'm going to find that the State's made
22 a sufficient showing that he can testify by closed circuit television.

23 **MR. HENRY:** Can I say one thing for the record?

24 **THE COURT:** Yes, sir?

25 **MR. HENRY:** With respect to any of these children that you

1 have ruled that they are going to testify by t.v. and not live, I'll be protected on
2 my — on my argument that the statue is unconstitutional ----

3 THE COURT: Okay.

4 MR. HENRY: --- by the State and Federal Constitution as
5 applied in — in the United States. So I make sure I'm protected by that.

6 THE COURT: Well, the record will reflect that you made an
7 objection to any of the children being able to testify, regardless — regardless
8 of the facts or the facts as the Court finds. And that the statue itself is
9 unconstitutional and they're required to testify in the courtroom, whether they
10 have the emotional ability to testify or not; that they be required to do so.

11 And that the statue, which allows some other way of treating them, you
12 say is unconstitutional, State and Federal. And that, as of each of these
13 children that I grant the right to testify — or the motion to testify by closed
14 circuit television, you object to that on the basis on the basis of — that the
15 statute is unconstitutional which allow them to do it because of the right to
16 self confrontation — confrontation under the Sixth Amendment.

17 MR. HENRY: Yes, sir.

18 THE COURT: That is — that is your basis for it. And it's
19 protected on the record, yes, sir.

20 MR. HENRY: And that the standard, then, doesn't apply to the
21 facts of this — of these cases, which I've already gone into in each case.

22 THE COURT: Well, you — as to each case, you'll have to make
23 it as to each case on the facts.

24 You're saying the statue itself is unconstitutional.

25 MR. HENRY: I am, sir.

1 **THE COURT:** And that it's unconstitutional based on the Sixth
2 Amendment right to confrontation. And that's — that's on the record as to all
3 — all of them that we might here today and rule on.

4 But as far as factual individually if you — you have to make separate
5 arguments as to those because that goes beyond — if you're saying — if
6 you're saying that it's not sufficient factually what the Court is citing as its
7 reason for granting the motion, it's not sufficient. You have to make your
8 objection on that.

9 That's not a constitutional issue. That's a question whether — outside
10 the constitution whether the Court's finding is sufficient, the factual finding is
11 sufficient, to grant the motion.

12 **MR. HENRY:** I've — I've made factual arguments in each case.

13 **THE COURT:** Yeah.

14 **MR. HENRY:** And I'm — I'm relying on those.

15 **THE COURT:** All right, sir. That's fine.

16 **MS. HALL:** Thank you, Your Honor. The final child we're
17 requesting — this is a motion for a child to testify via closed circuit television.
18 This is Child 6 date of birth March 12, 2006.

19 Again, Your Honor, we request that he be allowed to testify via closed
20 circuit television pursuant to South Carolina Code 16-3-1550(e), *State v.*
21 *Murrell* and *State v. Bray*.

22 In this particular case, Your Honor, you will here testimony from the
23 child's therapist that he has everything from sadness, irritability and panic to
24 anger problems, anxiety. He has easily triggered anger or emotional
25 outbursts. He's also very easily distracted.

1 This child reports fear of the Defendant if you even mention the name
2 Ronasha to this child. The therapist will tell you about the anger, the
3 outbursts, and, then, the subsequent shutting down that this child has.

4 Earlier the therapist mentioned this is much worse with the male
5 children as opposed to the female children. You'll hear her talk a little bit
6 about that with this child.

7 Additionally, Your Honor, you're going to hear from the mother of this
8 child. He has anger outbursts. He's had to be in special therapy daycares
9 for children that suffer from some of the issues that he's struggled with.

10 This child has been recently diagnosed with attention deficit
11 hyperactive disorder. That diagnosis had not even occurred when this
12 incident began.

13 He had been recommended for screening for ADHD, but as therapy for
14 the sexual abuse began, the therapist recommended that any — that any
15 additional screening be postponed.

16 At the child's I think most recent well visit, he was diagnosed with
17 attention deficit hyperactive disorder. She's going to talk a little bit about
18 some of the behaviors with that.

19 That specifically goes to his ability or our ability rather to illicit his
20 testimony in this case. But the therapist is going to be speaking specifically
21 about the child's fear of the Defendant and the child's subsequent reactions
22 when he is made to talk to the Defendant or about the Defendant.

23 **THE COURT:** All right. Let's — let's do this — and I hate to
24 interrupt you right at this point.

25 **MS. HALL:** That's okay.

3 MS. HALL: Yes, sir.

6 And so let's — let's take about ten minutes for everybody who might
7 need a break. Let's take about ten minutes and we'll come right back and
8 finish.

10 (Whereupon, a recess was taken from 4:30 p.m. till 4:49 p.m.)

12 THE COURT: All right. Madam Attorney General, when you're
13 ready.

14 **MS. HALL:** Thank you, Your Honor. We had just made a
15 motion prior to recess for Child 6 to testify via closed circuit television.

16 THE COURT: Right. Okay.

17 **MS. HALL:** At this time, the State calls Meredith Thompson -
18 Loftis back to the stand.

19 (The witness stepped forward and returned to the witness stand.)

20 THE COURT: Again, you continue to be under oath, please,
21 ma'am.

22 THE WITNESS: Yes, sir.

23 DIRECT EXAMINATION by MS. HALL: 4:50 P.M.

24 Q. Ms. Loftis, when did you first see Child 6

25 | **A.** February 22nd of 2011.

1 Q. And how often have you seen him since?

2 A. About once every two weeks.

3 Q. How has Child 6 behaviors changed over the course of therapy?

4 A. When Child 6 started, he was initially guarded, had some trouble
5 focusing, has continued to have trouble focusing; difficulty completing his thoughts;
6 had lots of anger at Ms. Ronasha. It took him a while to warm up.

7 Q. When you talk about anger towards Ms. Ronasha, how has that anger
8 manifested during therapy?

9 A. How has it manifested during therapy?

10 Q. Uh-huh (affirmative).

11 A. His -- his anger would occur in his play. And his --- his statements
12 about Ms. Ronasha would be filled with anger and hate, lots of anger that -- you
13 know, that she made him do things he didn't want to do. She made him hurt one of
14 his friends. And he didn't like her for that.

15 She hurt his feelings and she was mean to him; that she would often
16 say, if he didn't do things, he would be in trouble. And there were times when he got
17 in trouble, as he says for no reason, and was very angry about that.

18 Q. You -- you mentioned, in some of your therapy notes, sadness,
19 irritability, and panic. What has that -- or how has that manifested itself in therapy?

20 A. He has a lot of sadness or fear that he had done something wrong and
21 that he was going to be in trouble, fear that he was going to be in trouble. He
22 becomes very panicked when he talks about Ms. Ronasha.

23 His voice will often go down lower to a -- almost to a whisper. And he
24 often will combine his words together so it's hard to understand him at times when
25 he gets nervous.

1 Q. What about his body language when you talk to him about Ms.
2 Ronasha?

3 A. His eyes will go down, his head will go down almost in a -- in a fetal
4 like position; becomes very anxious as far as inability to complete a sentence,
5 difficulty staying on task.

6 Q. What are ^{Child 6} other diagnoses?

7 A. He's recently been -- been diagnosed with ADHD. He just started on
8 some medicine, which we're still seeing how that is working.

9 Q. Would you tell the Court what ADHD is for the record?

10 A. Attention Deficit Hyperactivity Disorder.

11 Q. And how might that disorder and the sexual abuse assessment and
12 therapy interact?

13 A. Well it affects a lot of things. You know, essentially, some of the
14 behaviors mirror one another, but with the ADHD diagnosis, you can definitely see
15 how much is intensified and how that can cause even more problems for him in
16 school and social situations at home.

17 Q. How is his behavior now in therapy?

18 A. His behavior in therapy is great now. He does very well one-on-one.
19 He understands his rules, does very -- seems to enjoy coming to therapy. He -- we
20 talk and process his anger. He knows he's not in any kind of trouble.

21 He has a lot of shame about the abuse, seems to be extremely worried
22 that he's going to hurt somebody's -- you know, hurt his mom or upset his mom.
23 You know, ^{Child 6} has a history of grief and loss too. So that's also a trigger for him.
24 It triggers a lot of different things.

25 Q. Tell me about that, the history of grief and loss.

1 A. Child 6 was in foster care and was adopted by Ms. Davis. And I
2 believe he was -- he was born addicted to cocaine at birth if I'm not mistaken. So he
3 had some behaviors as a result of that adoption.

4 He's -- he's an amazing kid. He's a -- he's a -- he's a great -- he's a
5 great personality, but he's easily angered. Little things can set him off.

6 He's had some severe problems at school, which I think we've gotten
7 under control now. But Ms. Ronasha is a trigger for him.

8 Q. That was going to be my next question. How are you able to
9 distinguish the anger in general and the grief and loss issues he has from being a
10 child who was born addicted to cocaine, who was in foster care, and a child who
11 was sexually abused?

12 A. Well, being that he's a child who has a myriad of -- of issues, he's very
13 --- the anger intensifies specifically when he talks about his abuse.

14 Q. Now what about --- you talked about fear. Tell us about that.

15 A. He has --- he had an excessive fear for a long time about being in
16 trouble; that he was going to go to jail; that he was going to be in trouble for doing
17 things that Ms. Ronasha told him to do.

18 Q. So who --- who is Child 6 fearful of?

19 A. He's fearful -- he's fearful of adults, female authority figures
20 specifically, but more specifically Ms. Ronasha.

21 Q. Now you talked about the fear of going to jail. How --- how has he
22 discussed that or talked about that in therapy?

23 A. He was afraid that, when he disclosed, that there were things that Ms.
24 Ronasha told him to do to his friends. And he was afraid he was going to be in
25 trouble, similar to --- to Child 4 in that, you know, he was afraid that -- and ashamed

1 of what had happened and afraid that he was going to -- to go to jail;

2 That he was going to be arrested. And the police were going to come
3 get him and he was very nervous about that.

4 Q. And how is he doing now with that?

5 A. Much better. We've tried to alleviate that fear. It's not gone, by any
6 sense of the means, but it's definitely is more dormant than it was before.

7 When we do talk about Ms. Ronasha, he becomes anxious and
8 nervous and fidgety. His ADHD behaviors intensify. Like I said, he became more
9 aggressive in his play. And, then, will often have outbursts after sessions too.

10 There are times when, you know, he's had some incidents at school
11 where he has acted out. And I'm correlating that with maybe some discussions that
12 we've had and some feelings he's expressed.

13 Q. What kinds of feelings has he expressed as far as Ms. Ronasha goes
14 in terms of other --- you mentioned anger. What about other emotional outbursts
15 that are mentioned in your notes?

16 A. As far as emotional outbursts of Child 6

17 Q. Uh-huh (affirmative).

18 A. He will cry easily. He'll have a meltdown. He'll tantrum very easily.
19 He's very clingy at times to his mom, doesn't want to be separated from his mom,
20 wants to be with her at all times. Very nervous about being alone.

21 Q. And how have you seen those outbursts exhibited in therapy?

22 A. He talks about them. He'll --- we talk about things that he's afraid of,
23 things that make him mad. In his play, he can become very aggressive in his
24 drawings and in his work. And he verbalizes his anger about Ms. Ronasha.
25 He felt that she was very mean to him.

1 **Q.** And what types of outbursts would you expect to see from Child 6 on
2 the stand in general?

3 **A.** You can expect Child 6 -- he --- he could throw something. He could
4 yell. He could go the complete opposite to where he could regress to where you
5 can't understand what he's saying; that whisper and that fetal position. He could
6 cry.

7 If he feels in any way, shape, or form that -- that Ms. Ronasha could
8 hurt him or feels --- or sees her, that could be a huge trigger for him.

9 **Q.** All right. So is that specifically with Ms. Ronasha in the courtroom or is
10 that just a general fear that he would have about being on the stand?

11 **A.** I think that he has a specific fear about Ms. Ronasha. I also think that
12 a courtroom setting would be extremely overwhelming for him because of his ADHD.
13 And I think that limits him specifically to where I don't really think he would be able to
14 handle it.

15 I don't know that he would be able to physically process the ability to
16 complete a sentence or a thought in -- with so many distractions.

17 **Q.** Have you spoken with Child 6 about court?

18 **A.** I have.

19 **Q.** What sorts of things has he expressed to you about court?

20 **A.** He's scared. He's nervous. He's worried about Ms. Ronasha coming
21 to get him to hurt him. He's afraid he's going to get --- go to jail. Those are all very,
22 very real fears for him.

23 **Q.** And I want to ask you specifically about Ms. Ronasha. Is his fear of
24 Ms. Ronasha something that you believe would inhibit his ability to testify from the
25 stand in front of her?

1 A. Absolutely, yes.

2 Q. How so?

3 A. I think that he will become emotionally distraught. I think seeing her,
4 like I said, is a huge trigger. And I think that he may be incredibly scared and unable
5 to -- to complete a thought, complete a sentence, may not be able to recollect the
6 things that --- that -- you know, his abuse and his victimization.

7 Q. How would removing Child 6 from the courtroom setting enable him to
8 talk about what happened? Or would it?

9 A. I -- I think it will. I think he's still going to struggle, but I think it would
10 be less overwhelming for him. I think he would be able, in a smaller setting,
11 especially if his trigger is not there.

12 Q. And is your testimony that the trigger of Ms. Ronasha will affect his
13 ADHD symptoms as well as him personally? Or that they're linked up?

14 A. I -- I think it would affect his --- both his ADHD sym --- his ADHD
15 symptoms and personally.

16 But specifically because he has ADHD, I think he's more likely to have
17 excessive symptoms as a result of that.

18 Q. What kinds of things could we expect to see from Child 6 or might we
19 see from Child 6 on the stand if he was made to testify in front of Ms. Ronasha?

20 A. I -- I think he would shut down. I think he could cry. I think he could
21 very easily throw something if he gets angry. That tends to be something he does
22 when he gets angry.

23 He has been known to be aggressive towards others, even adults,
24 when he's in that fear mode. I think he could also cry, get in the fetal position, being
25 unable to understand him.

1 I think long-term for Child 6 I think that would be a huge trigger for him.

2 And, in the trauma world, I think he would be extremely traumatized as a result of
3 seeing her. He often fears of seeing her and has talked about that.

4 Q. So you've -- you've talked with Child 6 about seeing Ms. Ronasha
5 again?

6 A. Yes.

7 Q. How has Child 6 processed coming to court in general and talking
8 about it?

9 A. He talks about how, you know, he wants to go and tell the truth. And
10 he wants to talk about what happened and -- even though he's scared. And we talk
11 about being brave.

12 He talks about --- he's very fearful that she's going to hurt him or that
13 she's going to be mean to him. And that she's going to come get him in some way.
14 And I've just tried to alleviate those fears.

15 Q. Does Child 6 have any idea about whether he will be testifying in front
16 of Ms. Ronasha or not?

17 A. The way that --- the last time I saw him was just last week. I did
18 discuss with him the possibility that Ms. Ronasha would be here, that I was not sure
19 whether she would be, there was a good possibility that she would be here. And he
20 was scared.

21 Q. What did he say specifically?

22 A. "I'm scared." "I don't -- I don't -- I don't like her." "She's mean." And I
23 just tried to reassure him and empower him that he -- "You can do this" and then
24 that he's --- he's very brave. And he's, you know, a big kid.

25 And --- and that, you know, he -- now that he's -- he's six, he will do a

1 lot of different things and how proud of him, you know, I am. I just -- just lots of
2 empowerment, trying to build up self-esteem.

3 Q. And do you believe that Child 6 would be able to testify in front of Ms.
4 Ronasha?

5 A. I -- you know, honestly I don't. I don't think -- I don't think he will be
6 able to do it. I really don't.

7 I think all of his issues, just the whole gamut of issues that he has, I
8 think it's going to shut him down completely. I think, you know, if he were to see her,
9 I think immediately he --- you're going to see that anger or that emotion -- emotional
10 distress.

11 And, then, after that you're not going to be able to get him back. I
12 don't think you're going to be able to calm him down.

13 Q. Have you had that happen in therapy?

14 A. Once. One time he got angry and got upset. But he was able to calm
15 down, but it was -- it took a lot of cajoling and -- and trying to encourage him to
16 make good choices. But it -- it's -- it's sad. It's sad to watch how angry he gets.

17 Q. When he gets that worked up, when it happened in therapy, are you
18 able to refocus him on the subject of Ms. Ronasha? Or is it -- do you have to go to
19 something else?

20 A. Oh, no, it's gone. I mean, we have to go to something else.

21 Q. Okay.

22 A. It's gone at that point because, if you bring it back up, it just increases
23 that anxiety. And we've been working on that from -- and -- and decreasing that
24 anger.

25 MS. HALL: I don't have any other questions. Mr. Henry may

1 wish to ask you some.

2 **CROSS EXAMINATION by MR. HENRY:**

3 Q. Do you have children?

4 A. Yes.

5 Q. Okay. So Child 6 didn't have any outbursts or tantrums before
6 he saw you?

7 A. No, I believe he did.

8 Q. How do you know?

9 A. His mother had reported some behaviors prior.

10 Q. So he had a tantrum before and now he's had a tantrum since?

11 A. Yes.

12 Q. And was -- was he crack addicted or cocaine addicted?

13 A. It might have been both.

14 Q. You don't know?

15 A. I believe it was a cocaine addiction.

16 Q. Okay. Is it in your notes, your therapy notes, that -- when he went into
17 the fetal position?

18 A. I don't know. I would have to look.

19 Q. You said --- you said he did?

20 A. He did, but I don't know that I wrote that down. I don't know.

21 Q. Oh, I see. And his fear that --- that Ronasha would come from the
22 table here and try to hurt him on the stand, you couldn't help reassure him about
23 that?

24 A. Like I said, I tried to attempt to empower him and tell him that he was
25 going to be safe. And that there would be police officers in the room. And I tried to

- 1 use anything I could think of to empower him to feel confident to be here.
- 2 Q. You -- you would agree that, that fear is irrational, wouldn't you?
- 3 A. I agree.
- 4 Q. Okay.
- 5 A. But at the same time, he's — he's six. So most kids are irrational at
- 6 six.
- 7 Q. I understand. Okay. So you couldn't calm his fears that Ronasha
- 8 would come from the defense table and attack him on the witness stand?
- 9 A. I don't understand your question.
- 10 Q. You don't? Okay.
- 11 A. Can you repeat that?
- 12 Q. Sure. As his therapist, you could not calm his fear, which you said ---
- 13 agreed was irrational --- that my client would come from the defense table and
- 14 attack him on the witness stand?
- 15 A. I've attempted to.
- 16 Q. But it hasn't -- it doesn't work?
- 17 A. I don't know. We haven't done that yet.
- 18 Q. Well, how long has it been since you started --- he started having
- 19 triggers that were because of Ronasha?
- 20 A. How long has it been since he has had triggers?
- 21 Q. Yeah, when did it start?
- 22 A. Child 6 has had problematic behaviors since the beginning.
- 23 Q. Okay. So --- so the beginning of your therapy?
- 24 A. Uh-huh (affirmative).
- 25 Q. Is that "Yes"?

1 A. Yes.

2 Q. And — and when did you first start talking --- talking to him about
3 court?

4 A. It wasn't until recently.

5 Q. Okay.

6 A. A couple of months maybe.

7 Q. And, once again, did Child 6 come to the courtroom and practice?

8 A. He did come to the courtroom and practice with the Attorney General's
9 Office.

10 Q. Okay. And did he have --- did he have therapy with you the day after
11 that?

12 A. Actually we had --- had it the same day later ---

13 Q. Okay.

14 A. ---- the last time he was here.

15 Q. Okay. Was that the day he went into the fetal position?

16 A. No, that was — well, yes, yes. That was the day he hung his head
17 down like this (demonstrating), and -- and you could barely understand what he was
18 saying.

19 Q. And so hanging your head down like this (demonstrating) is the fetal
20 position?

21 A. I said like a fetal position.

22 Q. Well, I think you testified it was the fetal position before. But you're
23 saying it was like a fetal position now?

24 A. That's my testimony, yes.

25 Q. Okay. All right. Well, your notes would reflect that he did or didn't go

1 into the fetal position, right?

2 A. I'm sure they would.

3 Q. Okay. How long has he been ADHD?

4 A. Well, you know, Child 6 exhibited some difficulty focusing and having
5 problematic behaviors the entire time that I've seen him. And it was just recently
6 that he's been diagnosed.

7 Q. Okay. So you have no deal than how far back it goes, just from the
8 date he was diagnosed forward?

9 A. Correct.

10 Q. Okay. ADHD, in your experience, doesn't have anything to do with
11 being a cocaine baby, does it?

12 A. I don't --- I mean, in my experience?

13 Q. Yeah. There's no connection, right?

14 A. No. I mean, there are connections.

15 Q. Okay.

16 (Brief Pause)

17 Q. When you talked to him last week, you told him that Ronasha would
18 be at the trial, right?

19 A. Yes.

20 Q. And so he was anticipating coming to trial to testify?

21 A. Yes.

22 Q. And he told you that he wanted to come to trial and tell the truth?

23 A. Yes.

24 Q. And he said he — he's scared, she's mean, "I don't like her"?

25 A. Yes.

1 Q. That's last week?

2 A. Yes.

3 MR. HENRY: That's all I have.

4 (Brief Pause)

5 REDIRECT EXAMINATION by MS. HALL:

6 Q. Ms. Loftis, when you are dealing with a child who has ADHD or who --
7 who is a cocaine baby, would --- would a sexual abuse diagnosis in any way trigger
8 those other issues that are going on?

9 A. Absolutely. I -- I think that the emotional control and emotional
10 distress definitely affects his ability to concentrate and his ability to pay attention and
11 his ability to complete thoughts, which he already has a problem with, with the
12 ADHD.

13 Q. And they're -- you testified there are many different triggers for Child 6
14 but Ms. Ronasha is one of those triggers?

15 A. That is correct, yes.

16 Q. And it is your testimony that you believe, if he was made to testify in
17 front of Ms. Ronasha, he would you think probably shut down altogether?

18 A. I do, yes.

19 MS. HALL: No further questions.

20 (Brief Pause)

21 THE COURT: I'll ask the same question I asked you before. If --
22 if he were in the courtroom, if he, in fact, did shut down as a result of --- of
23 being here, could -- would he be able to, if we took a recess for a little while
24 and --- and tried to take his testimony in closed circuit at that point, in your
25 opinion would he be able to do it at that point out of the presence of Ronasha

1 Taylor?

2 A. No. Again, Your Honor, I --- I feel like, once the damage is done, it's
3 done. I don't know that it --- I think, especially in this case with Child 6 his -- you
4 know, all of his diagnoses and all of the problems that he's had in his short little life, I
5 don't think that he would be able to get back.

6 He has such anger and such aggression. He's a very angry little boy.
7 And he's -- he's done amazing work. And his mother is amazing. And -- and he's
8 -- he's -- he's come a long way, but he still has a long way to go.

9 THE COURT: Well, the --- and I always get the initials a little -- a
10 little mixed up I guess, but ADH, a child with that or an adult --- I think a lot of
11 adults grow out of it as I understand it --- but even though some adults do
12 have it, but a person who has that has difficulty concentrating and staying on
13 track anyway, do they not? Or is that not correct?

14 A. That's correct, sir, yes.

15 THE COURT: Okay. And is it your opinion, then, that -- that that
16 is made worse by the -- by any other trauma?

17 A. Absolutely, yes.

18 THE COURT: And so would that, then -- if a trigger was Ms.
19 Taylor, seeing her in the courtroom when he was going to testify, how would
20 that affect the ADDH or ---

21 A. I think it -- it would intensify it. I think it would make it worse. I think it
22 could possibly send him into regressive behaviors that could cause kind of -- back to
23 where we started, you know, back.

24 We'd have to go back and address a lot more --- we do anger
25 management all the time, every time he comes, a lot -- a lot of the times in relation

1 to, you know, expressing feelings.

2 And I think it would be like starting over in some ways. You know,
3 when people are re-traumatized after a trauma, it takes them back to the beginning.

4 **THE COURT:** But I --- I guess my --- my concern is, if he has
5 ADDH, which apparently he does; he's been diagnosed with that, if Ms.
6 Taylor is a trigger for previous behavior and setting him off in that regard,
7 would that affect his ability to be able to communicate or concentrate?

8 **A.** Yes.

9 **THE COURT:** That's my question to you.

10 **A.** Yes, sir, yes.

11 **THE COURT:** More so than it already is with the ---

12 **A.** More -- absolutely, yes. More so than --- than he already is.

13 **(Brief Pause)**

14 **THE COURT:** Is there some danger he wouldn't be able to testify
15 at all even in a closed circuit kind of environment?

16 **A.** That's a strong possibility.

17 **(Brief Pause)**

18 **THE COURT:** All right. Any follow up questions?

19 **REDIRECT EXAMINATION by MS. HALL:**

20 **Q.** It's your testimony, Ms. Loftis, that he wouldn't be able to testify via
21 closed circuit at all? Or is it your testimony that, after seeing Ms. Ronasha and
22 trying to testify on the stand, testifying via closed-circuit would be impossible?

23 **A.** I think closed --- testifying after seeing Ms. Ronasha would be
24 impossible. I think he could --- he could try the closed circuit and it would be
25 traumatic for him as long as he was not in view of Ms. Ronasha.

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1 MS. HALL: No further questions.
2 THE COURT: Any follow-up, Counsel?
3 MR. HENRY: No, sir, I don't. I just —
4 THE COURT: Okay.
5 MR. HENRY: --- have a argument is all.
6 THE COURT: All right. Thank you, ma'am.
7 (The witness stepped down from the witness stand.)
8 MS. HALL: The State calls Pamela Davis.
9 (The witness stepped forward to be sworn.)
10 (Off-The-Record Comments)
11 (Whereupon,

12 PAMELA DAVIS

13 first being duly sworn, testified as follows:)

14 DIRECT EXAMINATION by MS. HALL:

15 Q. Would you state your name?
16 A. Pamela Davis.
17 Q. And what is your son's name?
18 A. Child 6
19 Q. How old is Child 6
20 A. He's six (6).
21 Q. And how is Child 6 doing?
22 A. He's doing pretty well at school academically, but emotionally he's
23 having a lot of issues.
24 Q. What kinds of issues?
25 A. A lot of tantrums and outbursts and, you know, just having a lot of

1 trouble making friends and getting used to being at school.

2 Q. Would you give us a little bit of Child 6 background?

3 A. Sure. I had fostered Child 6 at the age of two and, then, legally
4 adopted him when he was three, June 2009.

5 Q. Why was he placed in the foster care system to begin with?

6 A. When he was born, his birth mom told the -- the people at the hospital
7 that she had did drugs even the day before giving birth. So immediately they tested
8 him and found that he had cocaine in his blood. So they took him into custody, DSS
9 custody.

10 Q. And when was Child 6 diagnosed with Attention Deficit Hyperactivity
11 Disorder, or ADHD as we've been calling it?

12 A. Just recently at a wellness checkup. I talked it over with his
13 pediatrician. And he thought it would be a good idea to start an evaluation form for
14 his teachers to fill out. And he started school in the first grade on August 1st.

15 So he gave the teachers a little while, you know, to fill out the
16 evaluation forms. And, on our last visit on August 31st, he confirmed the diagnosis
17 and prescribed some medicine for him.

18 Q. How is that medicine working for Child 6

19 A. So far it's still in, you know, the testing stage. I haven't been able to
20 really tell any kind of difference yet. He just started it with very low doses of Ritalin
21 just to kind of get him used to it and see if that could help.

22 Q. And it's been two weeks since he started taking it?

23 A. A little over a week and a half.

24 Q. A week and a half? Okay. Tell us about Child 6 at home, some of the
25 issues he's had since 2010.

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1 A. At home, he's had a lot of times when he's had trouble sleeping. He's
2 had a lot of nightmares. He has a lot of fear. He seems to be — he seems to have
3 a lot of shame and he doesn't want to talk to me about anything.

4 Q. When you're talking about fear and shame, do you know what
5 specifically he's fearful or shameful of?

6 A. That's it. If I try to ask him about anything, he'll just put his head down
7 or, you know, just, you know, turn away like he doesn't want to talk about anything.

8 Q. How often have you talked with him about the sexual abuse that
9 occurred at the daycare?

10 A. I haven't tried to bring it up because I can tell, even in therapy sessions
11 where, you know, Ms. Meredith will tell him, you know, "It's okay to talk to your mom
12 about this." And he'll — he'll still just put his head down like he doesn't want to -- he
13 feels like --- it seems like he doesn't want to get in trouble, and it's though talking to
14 me will make him get in trouble.

15 Q. So is he --- is he fearful of getting in trouble with you?

16 A. Uh-huh (affirmative), he has a big fear of that.

17 Q. All right. And what about Ronasha? Has he exhibited any fear at
18 home of Ms. Ronasha?

19 A. Most of the time if --- when I brought up recently the fact that she
20 would be in the courtroom, and his voice got really --- really high and he said, "Oh
21 no." He's like, "She'll be there?" Like was really afraid and really scared.

22 And, you know, the only way I could try to calm him down was to kind
23 to tell him, "Well, she'll be far away hopefully and people will be between you." And
24 I just have to keep talking to him just to get him to --- to just calm down.

25 Q. And were you able to calm him down?

1 A. Yeah, after a little while. I took -- it took a little while, but I keep telling
2 him that physically she would not be able to touch him. And that's all --

3 Q. How long did it take you to calm him down?

4 A. It took about 15 minutes.

5 Q. What do you think Child 6 --- or where do you think Child 6 thinks Ms.
6 Ronasha will be?

7 A. I think he seems to think that she -- I mean, she would be right in front
8 of him and that she would be able to touch him. And he's afraid of what --- you
9 know, just looking at her or whatever, what she might be able to do to him.

10 Q. Does --- do you believe as his mother that Child 6 will be able to talk
11 about what happened if Ms. Ronasha is even this far away from him
12 (demonstrating)?

13 A. I don't think so. I don't -- I think just seeing her will make him feel like
14 he's in trouble because, after he knew that she would be here, it became more of an
15 idea that he was the one on trial instead of, you know, "No, this is not you on trial.
16 You're there to testify."

17 Before that he had an idea he was testifying. And now it's like -- now it
18 seems like he feels like he's the one being on trial. He'll get in trouble.

19 Q. And who is he -- who does he think he's going to get in trouble with?

20 A. Get in trouble with the police.

21 Q. The police?

22 A. Uh-huh (affirmative).

23 Q. And you think seeing Ms. Ronasha would further exacerbate that fear?

24 A. Right.

25 Q. How do you think Child 6 would do in terms of a closed circuit

1 environment?

2 A. I think he would do much better because even, you know, with simple
3 things like doing homework or just, you know, functioning day-to-day, he does better
4 at home than he does at school, when -- where he's in a big environment with a lot
5 of people around him.

6 And he's done better at trial prep and stuff, you know, beforehand --
7 before he came into an open courtroom, which seems like a really large -- to us it
8 seems small, but to him it seems like it's a really large room.

9 Q. And do you believe that his ADHD diagnosis would be --- or not his
10 diagnosis, the symptoms of his ADHD would be made worse by testifying in front of
11 Ms. Ronasha?

12 A. Yes, I do.

13 Q. How so?

14 A. I mean, he has -- he doesn't have the ability to really sit still, which
15 most first-graders have a problem with that. But he's excessive squirming. When
16 he's talked to -- when he talks about Ms. Ronasha, he gets fear and shame.

17 And I think he's either going to shut down, either like put his head
18 down and not want to talk, or he's going to get very edgy, fidgety, to where he might
19 squirm and just, you know, lash out, get aggressive.

20 Q. So you think one of two things will happen if he's made to testify in
21 front of Ms. Ronasha? Either he will shut down or he'll get fidgety?

22 A. Exactly.

23 Q. With the fidgetiness be something we would be able to elicit testimony
24 from him through? Or how does that --- how does that happen at home? What
25 happens when he gets fidgety?

1 A. When he gets really aggressive, then, everything shuts down. And
2 there's no talking because he's just totally lost control. He gets into a tantrum mode.

3 Q. And what happens when he goes into tantrum mode?

4 A. Then he --- then there is no talking because you're --- he's totally, you
5 know, not listening. And, you know, he can't really say anything or make him
6 understand anything at that point.

7 Q. And how long does it take him, once he's gone into tantrum mode, to
8 get back to normal Child 6 mode?

9 A. He's gotten much better. I mean, it used to be that he could go into
10 tantrums were it would last 30 minutes or even longer.

11 Now we've gotten it down to 10, 15 minutes. But sometimes, you
12 know, especially recently in school he's gone back to --- he's been in school since
13 August 1st, and he's always had --- already had three tantrums.

14 And I think a lot of that has to do with, you know, getting ready for this
15 case and talking about what happened to him. And it has elicited a lot of more
16 emotions and anger.

17 Q. And what happens when he has a tantrum at school?

18 A. In the first instance, he was rocking his chair really hard, you know,
19 fidgeting and rocking in his chair. And the teacher tried to get him to stop rocking
20 his chair. And he said no.

21 And, then, when she told him, he threw down his chair. And she told
22 him to pick up his chair. And he took the crayon box and threw it at her.

23 Q. At the teacher?

24 A. Uh-huh (affirmative).

25 Q. And how long did it take him to get calmed back down from that?

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1 **A.** They had to call someone to come help him in the classroom. And
2 actually in --- the very next --- like 30 minutes later, he had another instance where
3 he had tried to knock down the desk. And, then, he had to be sent to the principal's
4 office.

5 **Q.** And do you believe that that type of tantrum could happen in the
6 courtroom if he was in front Ms. Ronasha?

7 **A.** I think it's a possibility.

8 **Q.** What, if the courtroom was completely empty and it was just Ms.
9 Ronasha, Mr. Henry and myself, Ms. Miles, and the judge?

10 **A.** I think the less people there are, the less he will become agitated or
11 feel like, you know, he's being, you know -- you know, people are trying to, to give
12 an opinion of him or people are trying to lock him up or, you know, he's scared and
13 afraid. The -- the less fear he has, the better it will be for him.

14 **Q.** Okay. So you think the smaller -- the fewer number of people in here,
15 the better?

16 **A.** Right.

17 **Q.** What about the Defendant's presence?

18 **A.** Definitely I think he would do much better if he's not looking straight at
19 her.

20 **Q.** Okay.

21 **MS. HALL:** I don't have any other questions.

22 **(Brief Pause)**

23 **MR. HENRY:** I don't think I have any questions.

24 **THE COURT:** All right.

25 **MR. HENRY:** I don't have any questions.

1 **THE COURT:** Okay. Let me --- let me ask you just point-blank
2 because your -- your testimony is not real clear to me except that, of course,
3 he has --- Child 6 has tantrums and he has trouble in certain situations.

4 Let me ask you just -- just directly whether, if he were testifying from
5 the stand there and Ms. Taylor was there, in your opinion would he be able to
6 testify or not?

7 **A.** I don't think so. I think it's highly possible that he will do either one of
8 two things. He will either shut down. He'll put his head down and -- and you'll
9 probably wouldn't even be able to hear him.

10 He puts his head down and starts talking. He might talk, but it's a real
11 like whisper and mumble, you know, when people ask him any questions.

12 And, then, if you asked him -- you know, depending on how you asked
13 the question really direct, and he feels like you're going at him, then, he gets very
14 agitated and might go into a tantrum.

15 **THE COURT:** Okay.

16 **(Brief Pause)**

17 **THE COURT:** All right. I think that answers my question. Any
18 follow-up questions?

19 **MS. HALL:** Nothing from the State, Your Honor.

20 **MR. HENRY:** No, sir.

21 **THE COURT:** All right. Thank you, ma'am. You may stand
22 down, ma'am.

23 **(Witness complied with the Court's request.)**

24 **THE COURT:** Okay. I'll hear from you

25 **MS. HALL:** Yes, Your Honor. Again, we would renew our

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1 motion for closed circuit testimony via --- or testimony via closed-circuit
2 television for Child 6 date of birth March 12th, 2006.

3 Specifically, Your Honor, there has been testimony from both his
4 therapist and his mother that he has a diagnosis of ADHD. That diagnosis
5 alone, while it would make it very difficult to elicit testimony from a child,
6 would not be enough to meet the requirement under the statute.

7 But what we have here is a situation where we have the diagnosis
8 coupled with the sexual abuse with a trigger in the -- in the fact of the
9 Defendant's presence in the courtroom.

10 And at that point you've essentially got the perfect storm. You would
11 see one of two things: Either a child completely shutting down or a child
12 having a temper tantrum.

13 The fact that he's just recently been diagnosed with ADHD, they don't
14 have his medications regulated. You heard from both them about times
15 when his voice either gets so low you can't hear him or he gets so angry and
16 upset he starts breaking things and throwing things, neither of which, Your
17 Honor, is conducive to eliciting testimony from the child, which is the goal in
18 this case.

19 Both his mother and his therapist believe that putting him in some type
20 of environment where, number one, we're reducing the number of people, but
21 number two, where we're removing the trigger that they believe would call us
22 emotional outworked -- outburst and or emotional shutdown would be
23 beneficial; not only to the child in this case, but also to the Court to elicit the
24 testimony that we're here to seek.

25 **THE COURT:** All right. Do you wish to be heard, Mr. Henry?

1 **MR. HENRY:** Yes, sir. A couple of things. He's on Ritalin now.

2 It sounds like he's taking that for the ADHD. We don't know what the impact
3 would be, but it's got to be positive I would think. They wouldn't prescribed it
4 otherwise.

5 The mom says that, even if he has a tantrum, which is speculative at
6 most, it would take 10 to 15 minutes to calm him down. That's if he has a
7 tantrum.

8 Less people in the courtroom, the better. And we can take care of that
9 no problem. And not looking straight at Ms. Ronasha is something the Court
10 could probably deal with.

11 She went on, in response to your question, to say that she didn't think
12 it would be possible for him to testify, but that was pretty inconsistent with
13 what she said earlier I think.

14 I would also ask you, and not only in this case, this motion, but in the
15 other motions, to take into consideration a couple of things.

16 First, I think it would be a mistake, in all of these cases, not to talk to
17 the child as part of your analysis. I think there's some suggestion in the case
18 law of that that's one of — of the list of things that should be considered by
19 the Court.

20 I know you said you're going to do that in Child 3 situation. I would
21 ask you to do that in all of them. I think that we're --- we're talking about
22 testimony from advocates for the child here. We're not talking about
23 independent experts. And we don't have access to the children.

24 The --- we're talking about testimony from the therapist who says my
25 client triggers everybody; every --- every --- every child, my client is a trigger

1 to. And no one can basically testify in court on --- on the people we've
2 brought up because of that trigger.

3 That trigger presumes that sexual abuse has occurred. We haven't
4 gotten there yet. I mean, this therapist believes it; that's her -- that's what she
5 makes her living on. But that's not been demonstrated.

6 So I think -- I would like for you to consider that seeing a child yourself
7 should be part of the mandatory analysis.

8 I also would like for you to consider, since you've already reviewed
9 them, all the forensic interviews that relate to the four children that have been
10 moved upon today to be done by closed circuit television.

11 You've seen the videos. If you don't want to take judicial notice of that,
12 that's fine. I've got transcripts I can provide and add to the record.

13 Those videos don't indicate any of these symptoms; fear. They -- they
14 indicate a lot of coloring, but they don't indicate -- indicate fear.

15 And to me that's just as much of an indication as to how these kids
16 would testify as the testimony of the therapist, who now has seen these kids
17 20 to 30 times and -- and is paid for her -- her work.

18 Now, those are two factors I would like you to consider taking into
19 account. I don't think ADHD stops any of these kids from testifying.

20 ADHD is rampant. And probably many of the witnesses you've had
21 testify in court, adults and children, have had ADHD. It just hasn't been
22 brought out. It's -- it's -- it's alive in a lot of places.

23 So take into account that what seems to me to be a presumption of
24 sexual abuse, which I think is wrong, the --- the idea that the --- the
25 interpretation of the statute includes that the Court talk to the kid first, the

1 child first, before making a determination about whether closed-circuit TV is
2 appropriate.

3 **THE COURT:** Well, it doesn't require it, okay?

4 **MR. HENRY:** Well, I think ---

5 **THE COURT:** Let's be clear.

6 **MR. HENRY:** I think it says in one of the --- in one of them it said
7 "should."

8 **THE COURT:** No, it said "could." It should -- there are some
9 things in there that should be, particularly it emphasizes expert testimony.
10 The Court should put on -- there should be expert testimony put on. That's
11 one of the "shoulds" if it's available.

12 **MR. HENRY:** All right.

13 **THE COURT:** Now talking to the child is another matter. It's
14 something the Court can do, along with a parent, yeah.

15 But I think the -- the primary concern I think with the Court was that
16 you need some expert testimony and let the Court analyze that and decide
17 whether there is anything based on it, in other words, the facts, along with
18 these other things.

19 **MR. HENRY:** Yes, sir.

20 **THE COURT:** And the more -- the more we consider I think, look
21 at, the better. I agree with you.

22 **MR. HENRY:** And --- and, again, we do not have an
23 independent expert here. This is not an independent expert. This is
24 someone who is a therapist for the child.

25 I mean, it would be good to have an independent expert, but we don't

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1 have that. And to me that argues in favor of the Court at least talking to the
2 children itself.

3 I think that's -- that's a -- that weighs in -- in favor of you having the
4 child interview. And that's -- that's my position.

5 **THE COURT:** All right. Well, yes, ma'am?

6 **MS. HALL:** I just want to respond to a couple of things, Your
7 Honor. The first is that in the interviews with the Children's Advocacy Center,
8 the children were exhibiting a lot of behaviors that could be characterized as
9 emotionally shutting down, most of these kids -- or all of these kids have had
10 multiple sessions because they've gotten to a point now where they couldn't
11 talk anymore. They were done.

12 Additionally, the Defendant wasn't present in those forensic interviews.
13 And I would pose to the Court that if Ms. Taylor had been sitting at the table
14 with those kids, you wouldn't have gotten anything at those forensic
15 interviews.

16 The second thing I would like to just point out for the Court in general,
17 not on Mr. Davis' -- not on our request for Child 6 to have closed circuit, but in
18 general, is that there were six child victims in this case.

19 The State is only requesting closed circuit television for four of those
20 children, after speaking to the therapist, speaking with the forensic
21 interviewers, speaking with -- looking at pediatricians and medical records
22 and talking to the parents, we felt like four of these children had a
23 particularized need.

24 We didn't ask for it for all of them. We believe that two of these
25 children will be able to get up and do this. So we are making an independent

1 evaluation of what we think these children's abilities are.

2 We might be wrong about that. They might get on the stand and melt
3 down too. And we might be back here asking for this sometime this week.

4 But at this point in time, we are asking for this based on what we
5 believe are the particularized needs of these particularized children.

6 Additionally, as -- as regards to the ADHD comment Mr. Henry made,
7 there are plenty of kids out there who have ADHD, but only one of these six
8 do.

9 **THE COURT:** Well, let me say this: I -- I don't know -- and I'm
10 going to give some more thought to maybe talking with the children. I don't
11 think it would hurt for me to talk with the children. But -- but without Ms.
12 Taylor present.

13 That's -- I don't -- you know, I think that's a mistake because we can
14 traum -- could, if the therapist is right, it could so traumatize them we'll be
15 done, okay?

16 If she's correct, and seeing Ms. Taylor in here and have them -- try to
17 get anything out of them. Because she said not only would they shut down
18 here, but you're not going to get anything out of them and they may regress
19 substantially and have to back up way back with their therapy and start over
20 with a lot of their therapy and regress back. And not only that they wouldn't
21 be able to testify even by close circuit television.

22 So I wouldn't do it in her presence; that's for sure. I'd have a defense
23 attorney here, don't mind having the defense attorney here, don't even have
24 to tell the child who you are.

25 And have you here and -- and probably have the parents here to see

1 how they'll react to that.

2 I'll leave it up to you whether --- whether the therapist sits in the
3 courtroom or not. I don't want the therapist up here though, but I don't care of
4 the therapist sits in the courtroom somewhere back there, if you want; if you
5 want her here.

6 But I don't think it is a bad idea for me to do that. And I don't have a
7 problem with doing that. I think I might just do that with — with each of them.
8 But I'm going to so in such a way that everything is closed except for defense
9 counsel, attorneys, parents I think have a right to be here.

10 And — and the therapist — if the therapist wants to sit in the back of
11 the courtroom, I don't have any problem with that. I just don't think we ought
12 to have the therapist up here because — but I — and let me — let me go
13 back though and say you're exactly right.

14 I spent seven and a half (7 ½) hours on a weekend and nobody else
15 in the courthouse except me reviewing these tapes where nobody would
16 interrupt me, as they always will if I'm sitting in there trying to get anything
17 done.

18 And I did listen to them very carefully. And believe me that takes a lot
19 of patience because — and what I found out is, it's very difficult to get the
20 children to talk about the Defendant Ronasha Taylor.

21 And, when the therapist would go on and on for 45 minutes, 50
22 minutes talking to them about everything else and try to get them to that
23 point, when she did get pretty much directly on point, I saw the reaction of the
24 children.

25 And what I saw was anger, change the subject, jump up and down,

1 "Look at this," anything except talk about it. That's what I saw.

2 And — and it was real obvious, that, once you got to a sensitive point
3 on these videos, that the children reacted differently than they been reacting.
4 Otherwise, they were coloring and moving.

5 But, once you got to that point where there was a direct question
6 asked about their relationship or anything that might have happened with
7 regard to Ms. Taylor at the school, there was a whole different reaction.

8 And they tried to get off the subject. They would jump up and down
9 and holler — jump up out of the chair and holler or they would say, "Look at
10 this! Look at this! Look at this!" And tried to change the subject, anything to
11 change the subject so they wouldn't have to talk about it. I did see that
12 reaction.

13 Now, of course, Ms. Taylor was not there. So I don't know what the
14 reaction would have been there, but there was a different reaction of the
15 children on these tapes when they got directly on point.

16 So you're asking me to take — take that into consideration, and I am
17 taking it into consideration.

18 **MR. HENRY:** That's fine.

19 **THE COURT:** And — and they're there and they will speak for
20 themselves when they are introduced into evidence. Everybody agreed for
21 me to receive them ahead of time so I will be in a position to make a ruling
22 when they're offered, with whatever objections at that time.

23 But I did review them. And you've asked me to take them into
24 consideration. And I'll take them into consideration. And I see that the
25 children react differently when Ms. Taylor's name comes up. And so — and I

1 — I point that out.

2 But the videos will speak for themselves when they come in to
3 evidence. They'll be part of the evidence and anybody who wants to see
4 them on — on appellate review can look at them as well, if they want to spend
5 seven and the half (7 ½) hours looking at them like I did on the weekend.
6 And I'm sure they will. But — if that's an issue on appeal.

7 But, anyway, I am saying I did — I am taking it into consideration
8 because I saw the children's reaction when you suddenly went from just
9 general conversation and the coloring book and the colors and schools and
10 friends. And — and, when Ms. Taylor's name came up, that there was a
11 different reaction. So... All right.

12 But, in any event, I think what I will do is let me go ahead and before
13 we get started — and I don't know when we can do that. When can you have
14 the children here for me to be able to do that?

15 **MS. HALL:** Your Honor, we could have the children here
16 tomorrow morning after opening statements. And all of their parents would
17 be here for opening statements.

18 **THE COURT:** All right.. Well we — of course, I would need to
19 hear them before we make a decision on their testimony.

20 **MS. HALL:** Correct.

21 **THE COURT:** So...

22 **(Brief Pause)**

23 **THE COURT:** All right. The jury —

24 **MS. HALL:** The other option is prior to each child's testimony,
25 but I — I do — the technology part of it is not my forte, but we have secured

1 some assistance in that regard. But the more notice I can give him, as far as
2 having this up and going and running, the better.

3 **THE COURT:** Well, I — I'm leaning towards — as I've already
4 ruled that they — that these would come in, but I'll — I'll — I'll reconsider
5 that. I'm never one that won't reconsider anything if I see something that
6 changes my mind. I've always got an open mind.

7 I'm leaning towards letting them in. Therefore, which means you
8 should be in place to be able to do it. And I'll talk to the children and — but
9 we've just got to decide on when we're going to do that.

10 Now, we're having the jury come in at 930. We'll bring them in. We
11 have to put them under oath. We'll — I'll give them a preliminary instruction,
12 which will take probably about fifteen (15) minutes.

13 **(Off-the-Record Discussion)**

14 **THE COURT:** So I'll — I'll give them about a 15 – 20 minute
15 instruction about General Sessions trials and — and all that. And, then, we'll
16 get started — we can do that with opening — get started with opening
17 statements. But, then, you'll have to leave out anything about closed circuit
18 television if we're going to do that before we do that.

19 We could get them to do that — send them back to the jury room and,
20 then, we can try to go ahead and do — and take — talk with the children at
21 that point briefly.

22 And I — I guess the best way to do that is bring them in here and put
23 them on — I don't know, we'll probably — either put them on the stand and
24 let me stand down and talk to them or we could put them in a chair down
25 there and let me sit down there and talk with them. But whichever.

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1 chosen, and we had to excuse that juror, you would automatically fill in for the
2 missing juror.

3 You could not do that, if you haven't listened carefully to the testimony
4 and evidence and were in a position to deliberate and help reach a verdict in
5 this case. And I thank you for your kind attention, ladies and gentlemen.

6 Now, once you elect a foreperson when we take a break, if that person
7 will write their name and juror number down on a -- on a piece of paper
8 provided in the jury room, and give that to the bailiff. And the bailiff will bring
9 it to me once you've done that. Again, thank you for your kind attention.

10 We're actually ready now to get started with the trial. And we're to that
11 part of the trial where Counsel will make their opening statements to you.
12 And I ask that you listen attentively now as Counsel address you in their
13 opening statements.

14 **(Brief Pause)**

15 **OPENING STATEMENTS**

16 **(Ms. Hall's opening statement began at 10:11 a.m.)**

17 **MS. HALL:** She gently took each parents' precious child with
18 a smile on her face. And, after those parents left their children in her care,
19 instead of allowing them to take their naps, read their books, and play, she
20 sought her own gratification by sexually violating their tiny bodies. Today we
21 begin the process of holding Ronasha Taylor accountable for her actions.

22 My name is Kelly Hall. And I, along with Bethany Miles, represent the
23 State of South Carolina. We are both assistant attorney generals with the
24 South Carolina Attorney General's office.

25 We appreciate you being here today even though we know you have

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1 many other responsibilities and other things you would rather be doing with
2 your time. This case is important to each child and to each parent here
3 today. It is also important to the Defendant Ronasha Taylor.

4 Ms. Taylor is indicted for six (6) counts of a lewd act upon a child
5 under 16 and for five (5) counts of criminal sexual conduct with a minor in the
6 first degree.

7 A lewd act is when a person over 14 years of age willfully and lewdly
8 commits or attempts a lewd or lascivious act on a child under 16.

9 The judge will instruct you later about the law and what it all means,
10 but essentially a lewd or lascivious act is an improper touch by the Defendant
11 upon the body of a child or by a child who is made to do it upon the body of
12 the Defendant.

13 I also told you she's indicted with five (5) counts of criminal sexual
14 conduct with a minor in the first degree. Criminal sexual conduct with a minor
15 is when a person commits a sexual battery with a child who is less than 11
16 years of age.

17 Now you may be asking yourself, "What is a sexual battery?" And a
18 sexually battery is actually a lot of different things under the law in South
19 Carolina, but the main types of batteries you're going to be listening for in this
20 trial include oral or digital by either the Defendant to the child's genital area or
21 by the children to the Defendant's genital area.

22 As the judge told you earlier, the State's burden in a criminal trial is
23 beyond a reasonable doubt. That means that we have to establish the
24 elements of the crimes that we believe she has committed. And we must
25 establish them to you beyond a reasonable doubt.

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1 That's a high burden, but it is a burden that is met every day in courts
2 in South Carolina. It is not proof beyond any doubt or proof beyond a
3 shadow of a doubt. What it means is that we must prove the case to you so
4 that you are firmly convinced of her guilt.

5 How do we do that? First, nothing I say or Ms. Miles says from the
6 podium, or when were talking to the witnesses, is evidence. Nothing Mr.
7 Henry says is evidence.

8 The only things that you may consider as evidence is what comes from
9 this witness stand (indicating) and any items that we may enter into evidence
10 and send back with you when you go to deliberate.

11 The most important evidence that you will hear in this trial will be from
12 the only ones who know what happened. And that is the six children who
13 were there alone with the Defendant.

14 Please pay special attention when you hear from Child 1 a five
15 year old who is the child of Kevin and Zhling Spicer; also Child 2 a six
16 year old who is the daughter of Anderson and Demie Garcia.

17 Child 3 a six year old, the daughter of James and Lynette Stein;
18 Child 4 a five year old, the son of Ivonne and Diego Bermudez;
19 Child 5 age six, son of Jose and Andrea Salazar; and Child 6
20 , age six, son of Pamela Davis.

21 Remember you will hear about the Ronasha the parents saw every
22 single day when they dropped off or picked up their children. And, then, you
23 will hear about the Ronasha who stripped off her sheep's clothing behind
24 closed doors and violated the children who trusted her and needed her most.

25 And I submit to you that, when you retire to deliberate at the end of this

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1 trial, you will know, beyond a reasonable doubt, that this Defendant is guilty.

2 Thank you.

3 **MR. HENRY:** Your Honor?

4 **THE COURT:** Counsel?

5 **MR. HENRY:** Counsel?

6 **(Mr. Henry's opening statement began at 10:15 a.m.)**

7 **MR. HENRY:** Good morning. I'm Steve Henry. And it's my
8 privilege to represent Ronasha Taylor. Ronasha, would you stand up just for
9 a second, please?

10 **(Ms. Taylor complied with the request.)**

11 **MR. HENRY:** Thank you very much. When you got qualified to
12 be jurors in this case, you were asked questions about this type of case. And
13 everyone here said they could be fair and impartial in spite of the nature of
14 the case. I'm going to ask you to uphold, as that judge will, because,
15 although this trial is sensitive, because of the reasons that Ms. Hall just gave
16 you, and the parents and the children are young, the same rules apply with
17 respect to evidence and proof. So I'm going ask — ask you to be patient,
18 listen to all of the case first before you make a ruling.

19 Apparently — apparently, the basic idea here is that the State intends
20 to prove that my client is a pedophile and child rapist; serious, very, very
21 serious.

22 This happened — the evidence will show that it happened at a daycare
23 center. The — the daycare center is called Kids "R" Kids; you'll hear some
24 testimony about that — that location.

25 The cases came through a process. There were some cases early,

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1 some cases later. I think it's real important that you pay attention to that.

2 But it's important for you to pay attention to how these cases started and how
3 they progressed.

4 The questions that you decide to consider are totally up to you. But
5 there are some I want you to consider for my client as you look at this case:
6 How the case started, but where this occurred.

7 The evidence will show you that at Kids "R" Kids all the classrooms
8 have glass walls. All the classrooms are clear so that whatever happens in a
9 classroom over here can be seen by the classrooms over here (indicating);
10 very important.

11 I want you to consider, when there is testimony from any of the
12 teachers, if they saw, not just the claims of these awful sex acts, but anything
13 suspicious involving sexual abuse and my client; anything at all.

14 There will be evidence in this case also that at Kids "R" Kids, one —
15 one of their special features is they have a program called Watch Me Grow.
16 Watch Me Grow is a special video program where parents, when they drop
17 their kids off at daycare, can watch their kids by video on the computer at
18 home or work all day long.

19 So, if something suspicious happens, the parent can say to the
20 director, "Look at this. What's happening here? Why is this teacher going to
21 the bathroom with my child who goes to the bathroom by himself?" I want
22 you to ask whether that happened in this case or not.

23 Like most daycare centers there are lots of teachers around. Some
24 kids like certain teachers, some kids like certain other teachers. I want you to
25 ask whether any of these children told any of the other teachers, "I'm having

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1 a problem here with Ronasha."

2 Did any — any of these children tell any other children that they were
3 having a problem with Ronasha or Ronasha did something to them? No.

4 I want you to also ask, with respect to the — what I'm calling rape
5 charges, the criminal sexual conduct involving sex abuse, on a person. What
6 the medical evidence is. Is there medical evidence to support a claim of
7 penetration?

8 In the end, I think this case will be about two things; facts, not opinion,
9 and character. So the last question I want you to ask is who is Ronasha
10 Taylor? Who is my client? What's her criminal history? What's her family
11 history? What's her mental health history? What's her character.

12 Does she have a history, for example, of working with children for
13 many, many years without any complaints or problems? Did she have a
14 history of working at Kids "R" Kids for the year and a half she was there
15 without any complaints or problems or disciplinary action?

16 If the State's case is right, they should look under every rock and
17 determine that — that their facts are correct. It should fit; it should all fit.
18 That's how a reasonable doubt is found. It's their burden.

19 And you'll hear "beyond a reasonable doubt" talked about a lot. And
20 the judge will give you the — the exact charge and what it means. And one of
21 the instructions on that is that, if — if the evidence makes you hesitate to act,
22 there's a doubt for which you may have a reason.

23 We believe there will be doubt. And we're going to come back — or
24 I'm going to come back again and ask you to return a verdict that speaks the
25 truth. And we believe that will be not guilty in this case.

1 There are eleven (11) cases in one as the judge pointed out. And
2 there are six children involved. But be patient; please, be patient.

3 The -- the tendency in any criminal trial, since the State goes first, is
4 the say, "Ah-huh, that's a pretty strong case. When it's involving children, it's
5 probably even stronger than most, but please be patient.

6 Don't deliberate, don't consider it until all the evidence and all the
7 testimony is in. And you hear the full story of who Ronasha Taylor is. Thank
8 you very much.

9 **(Opening statements concluded at 10:22 a.m.)**

10 **(Whereupon, a bench conference was had with all attorneys**
11 **present.)**

12 **THE COURT:** Ladies and gentlemen of the jury panel there is a
13 matter that we're going to up out of your presence briefly before we start
14 taking testimony and so it's probably going to be 20 or 30 minutes so I want
15 you to be aware of that when you back in the jury room.

16 This will be a good opportunity for you to go ahead and elect a
17 foreperson while you're back there. If that person will right there name down
18 and again it's got to come from the first twelve (12) not from the alternates.
19 Only the first 12 should participate in electing a foreperson.

20 All right. Thank you. And please retire to the jury room.

21 **(The jury exited at 10:24 a.m.)**

22 **THE COURT:** All right. Counsel, we will clear the courtroom of
23 everybody except Defense counsel, the State's counsel, parents of a
24 particular child who is questioned -- the Court is going to talk to can -- can
25 remain in the courtroom while we ----

1 **MS. MILES:** I'm not sure if the parents are going to remain.

2 They — they may not want to remain in the courtroom, but they're
3 comfortable with leaving their children with us, so...

4 **THE COURT:** Okay. Well, whichever way you want to proceed.
5 I don't — it — it does not matter to the Court. But we'll do that. We'll do that
6 one at a time.

7 While the courtroom being cleared, I'm going to take a very quick
8 break, about five minutes, if you need to take a break. And, then, we'll come
9 back and get started with that.

10 **(Whereupon, a brief recess was taken from 10:25 a.m. until 10:32**
11 **a.m.)**

12 **(Whereupon, a bench conference was had with all attorneys**
13 **present.)**

14 **MS. MILES:** The State calls Child 3

15 **(Off-The-Record Comments)**

16 **(The witness stepped forward to be sworn.)**

17 (Whereupon,

18 **MISS Child 3**

19 having been first duly sworn, testified as follows:)

20 **(Off-The-Record Comments)**

21 **MADAM CLERK:** Do you know the difference between telling the
22 truth and telling a lie?

23 **A.** Yes.

24 **MADAM CLERK:** Can you show the difference between telling a
25 truth and telling a lie?

MISS Child 3

- EXAMINATION by THE COURT

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1 A. (No Response)

2 MADAM CLERK: Can you tell a lie?

3 A. Yes.

4 MADAM CLERK: What happens if you tell a lie at home?

5 A. You get in trouble with your dad and your mom.

6 MADAM CLERK: What happens if you tell a lie at school?

7 A. You will go to the principal.

8 MADAM CLERK: What happens if you tell a lie in court?

9 A. You go to jail.

10 MADAM CLERK: Do you understand that you have to tell the truth in
11 court today?

12 A. Yes.

13 MADAM CLERK: Do you promise to tell the truth?

14 A. Yes.

15 (Brief Pause)

16 EXAMINATION by THE COURT:

17 Q. Child 3 my name is Judge Alford. And I'm presiding over this case in
18 court. Do you know what my role is in the case?

19 A. (Shakes head negatively.)

20 Q. No? You understand I'm just presiding over the case? Do you
21 understand that?

22 A. Yes.

23 Q. Let me ask you this, Child 3 Do — how do you feel about Ms.
24 Ronasha?

25 (Brief Pause)

1 A. I don't know.

2 Q. You don't know?

3 A. No.

4 Q. Are you afraid of Ms. Ronasha?

5 A. (Shakes head negatively.)

6 Q. And you have to talk to me, okay, instead of nodding your head.

7 A. No.

8 Q. You're not afraid of her? Okay. If you were going to testify about

9 what happened at your school and Ms. Ronasha, if Ms. Ronasha was sitting right

10 there at this table right here next to this gentlemen here, who represents her, she —

11 he is her lawyer -- would you be able to tell what happened if Ms. Ronasha was

12 here?

13 A. Yes.

14 Q. You could?

15 A. Yes.

16 Q. Okay. It would not affect you that Ms. Ronasha was sitting right there

17 where you could see her?

18 A. No.

19 Q. Okay. All right. Now, let me explain further to you that, once we start,

20 we would have these jurors sitting here in those seats to your right. Do you — do

21 you know that?

22 A. No.

23 Q. You don't know that? If I — the jurors will be sitting in these seats over

24 there, okay? And Ms. Ronasha would be sitting there next to her attorney. Would

25 you be able to answer questions that were asked of you if Ms. Ronasha was sitting

1 there?

2 A. Yes.

3 MS. HALL: Your Honor, may I — may we approach briefly?

4 THE COURT: You may approach, yes, ma'am.

5 (Whereupon, a bench conference was had with all attorneys

6 present.)

7 THE COURT: Okay. Thank you, Child 3 You can stand down.

8 (Witness complied with the Court's request.)

9 (Off-The-Record Comments)

10 (Brief Pause)

11 MS. HALL: The State calls Child 4

12 (The witness stepped forward to be sworn.)

13 (Off-The-Record Comments)

14 (Whereupon,

15 Child 4

16 having been duly sworn, testified as follows:)

17 (Off-The-Record Comments)

18 MADAM CLERK: Do you know the difference between telling the
19 truth and telling a lie?

20 A. Yes..

21 MADAM CLERK: Can you show the difference — can you show me
22 the difference between telling the truth and telling a lie? Can you tell me lie?

23 A. (No Response)

24 MADAM CLERK: Can you tell me the truth?

25 A. (No Response)

1 **THE COURT:** I'm not sure that I understand that — would
2 understand that question either.

3 **MS. HALL:** May I — may I — may I try, Your Honor?

4 **THE COURT:** (Nods affirmatively.)

5 **MS. HALL:** Child 4 can you tell me the difference between
6 truth and lie? What color of shirt am I wearing? Tell me the truth.

7 **A.** White.

8 **Q.** All right. Tell me a lie about my shirt.

9 **A.** It's blue.

10 **MS. HALL:** It's blue. That's a lie. My shirt is white is the truth,
11 right? Can you tell me a lie about something you've got on?

12 **A.** (No Response)

13 **MS. HALL:** What about your pants?

14 **A.** My pants are brown.

15 **MS. HALL:** Your pants are brown. What's the truth about
16 your pants?

17 **A.** It's dark blue.

18 **MS. HALL:** They're dark blue. That's right. Good job.

19 **MADAM CLERK:** What happens if you tell a lie at home?

20 **A.** I get in trouble.

21 **MADAM CLERK:** What happens if you tell a lie at school?

22 **A.** I go to the principal.

23 **MADAM CLERK:** What happens if you tell a lie in court?

24 **A.** I go to jail.

25 **MADAM CLERK:** Okay. Do you understand that you have to tell the

MASTER Child 4**- EXAM by THE COURT****Page 215**

1 truth in court today?

2 A. Yes.

3 **MADAM CLERK:** Do you promise to tell the truth?

4 A. Yes.

5 **MADAM CLERK:** Okay.

6 **EXAMINATION by THE COURT:**

7 **Q.** Good morning, Child 4 My name is Judge Alford. And I'm presiding
8 over this trial. Do -- do you understand that?

9 **A.** (No Response)

10 **Q.** Do you understand that?

11 **A.** Yes.

12 **Q.** Okay. Let me ask you, Child 4 Do you -- how -- how do you feel
13 about Ms. Ronasha?

14 **A.** Mad.

15 **Q.** Mad? Okay. If you were to testify in this -- in this trial, and Ms.
16 Ronasha was sitting there in this chair beside this gentlemen -- this gentlemen is
17 her attorney, her lawyer.

18 If she were sitting right there beside him, would you be able to testify in
19 this case from where you are or not?

20 **A.** (No Response)

21 **Q.** Would you be able to tell what you know about your old school and
22 Ms. Ronasha or not?

23 **A.** No.

24 **Q.** You would not be able to do that?

25 **A.** (Shakes head negatively.)

1 Q. Are you afraid of Ms. Ronasha?

2 A. Yes.

3 Q. Sir?

4 A. Yes.

5 THE COURT: Okay. All right. Thank you, Child 4

6 (The witness stepped down from the witness stand and exited the
7 courtroom.)

8 MS. HALL: Are you going to make a finding for that?

9 THE COURT: Well, I -- I can. We can do it as we go along. I'll
10 find that he is not able to testify in court. And -- and that just confirms my
11 tentative ruling yesterday when we had the testimony witness.

12 And I -- I think he would not be able to testify if the Defendant
13 Ronasha Taylor was present in the courtroom in there. And so -- as I stated.

14 And based on all the other information that I put on the record
15 yesterday, when I made a tentative finding that he would not be able to testify
16 and should be allowed to testify by closed circuit, I have reaffirm that by his
17 testimony today.

18 MR. HENRY: I just want to note my objections, Judge.

19 THE COURT: Of course.

20 MR. HENRY: Thank you.

21 MS. HALL: Your Honor, do you want to also make a finding at
22 this time that the child is competent to testify?

23 THE COURT: Well, let me hear you. Do you -- do you ----

24 MR. HENRY: I'm -- I don't -- I've watched the video tapes. I've
25 listened to the -- to this child and the last one. I don't have an issue of

1 competency, Judge.

2 **THE COURT:** All right. And — thank you. And I would agree. I
3 think they're both competent to testify. And that's been established to my
4 satisfaction, both on the tape and also in the courtroom today.

5 **MS. HALL:** So both Child 3 and Child 4 are
6 competent?

7 **THE COURT:** Correct.

8 **MS. HALL:** Thank you, Your Honor.

9 **MR. HENRY:** Without objection. And, Judge, just — just to
10 make the record clear on — on Child 4 my — my objection is that I think we
11 should try it first.

12 I think you know my objection, but I — I understand your ruling.

13 **THE COURT:** I understand that, Counsel. And my concern is
14 based on what — as I stated yesterday — and I'll make it clearer again since
15 you've stated your objection again — is that, if these children get on that
16 stand and they get traumatized because of problems that they've got with it,
17 we're not going to be able to change it.

18 And the testimony of the expert — and I agree that based on their age,
19 based on what I saw on the video tapes — they're a little bit older now; they
20 were four at that time — how easily they are distracted and try to — try to
21 avoid talking about it.

22 But, if they get traumatized by that, I'm concerned that they'll be
23 traumatized number one. And that there would be a good probability that
24 they're going to regress in their treatment and counseling.

25 And also that, once they — if they are traumatized here in the

1 courtroom, that's not going to change 15 or 30 minutes later if they're put on
2 the video camera.

3 So not only are we not going to be able to get their testimony in the
4 courtroom I fear, but we also won't get it at all. And -- because we also won't
5 get it on closed circuit television.

6 Now I know there's no absolutes. And the only way to know that
7 absolutely for sure is to do it, but I have to base it on all the information I
8 have, based on all the factual information I have and the expert testimony.
9 And that's my finding.

10 Now your objection is noted for the record, but I want to make it clear
11 that I'm basing it on all of that and not just one thing.

12 **MR. HENRY:** Yes, sir. And I — I want to also say I appreciate
13 you interviewing each of the children because I think — I think your
14 questioning of the children is the best indication of whether or not they can
15 testify live or not. So I appreciate that.

16 **THE COURT:** All right. And I — as I say, normally I would try to
17 get down on the same level with the child to talk to them. But in this case I
18 think, since they're being asked to testify in court with her present, we need
19 to make it realistic as possible even — even without her present.

20 All right. And I've — and I considered doing it both ways, but I think
21 this is the right way to do it. Okay. Next child.

22 **MS. HALL:** This is Child 5

23 **(Brief Pause)**

24 **MS. HALL:** The State calls Child 5

25 **(The witness stepped forward to be sworn.)**

1 (Off-The-Record Comments)

2 (Whereupon,

3 Child 5

4 having been first duly sworn, testified as follows:)

5 (Off-The-Record Comments)

6 MADAM CLERK: Do you know the difference between telling the
7 truth and telling a lie?

8 A. Yes.

9 MADAM CLERK: Can you show me the difference between telling
10 the truth and telling a lie?

11 A. The truth is my shirt has colored stripes. The lie is my shirt doesn't
12 have stripes.

13 MADAM CLERK: Right. What happens if you tell a lie at home?

14 (Brief Pause)

15 A. I get grounded.

16 MADAM CLERK: Good. What happens if you tell a lie at school?

17 A. I flip my card.

18 (Off-The-Record Comments)

19 MADAM CLERK: What happens if you tell a lie in court?

20 A. I get in trouble.

21 MADAM CLERK: Do you understand you have to tell the truth in
22 court today?

23 A. Yes, ma'am.

24 MADAM CLERK: Do you promise to tell the truth?

25 A. Yes, ma'am.

1 **MADAM CLERK:** Good job.

2 **EXAMINATION by THE COURT:**

3 **Q.** Child 5 my — my name is Judge Alford. And I'm presiding over the
4 trial today. Do you understand that?

5 **A.** Yes, sir.

6 **Q.** Okay. Child 5 how do you feel about Ms. Ronasha?

7 **A.** Sad.

8 **Q.** Sad? If we were in trial with people in the courtroom here, including
9 the jury over there (indicating), if Ms. Ronasha was sitting right there in a chair in
10 front of you next to the gentlemen here who is her attorney — he's her lawyer.

11 If she was sitting right there, when you were testifying, would — would
12 you be able to testify with her there looking at you?

13 **A.** Yes, sir.

14 **Q.** Okay. And, if — if she were sitting there in that chair looking at you,
15 would you be afraid of her while she was sitting there?

16 **A.** No, sir.

17 **Q.** Okay. And would you be able to tell the Court and the jury what
18 happened at your school and what happened with regard to Ms. Ronasha? Would
19 you be able to do that if she was in here looking at you or not?

20 **(Brief Pause)**

21 **A.** I don't know.

22 **Q.** Okay. Let me -- let me ask it to you a little bit different way. If Ms.
23 Ronasha was sitting there next to her attorney in that chair, while you were
24 testifying, would you be able to testify as to what -- what you know about Ms.
25 Ronasha and your school and what happened there?

1 A. Yes, sir.

2 Q. Could you tell -- would -- would you be able to do that?

3 A. Yes, sir.

4 (Brief Pause)

5 MS. HALL: Judge, may I ask for another question to be ----

6 THE COURT: Yes, ma'am.

7 MS. HALL: --- asked?

8 (Whereupon, a bench conference was had with all attorneys
9 present.)

10 Q. (By The Court) Child 5 I'm going to ask you one more question,
11 okay?

12 If -- if we were -- if other people were in the courtroom, including a
13 jury sitting over there in those chairs right over there is where the jury sits
14 (indicating), and Ms. Ronasha is sitting right here next to her attorney, and the
15 attorney is asking you some questions about what happened at your school, and
16 what happened with Ms. Ronasha, would you be able to tell what happened with
17 everybody present including Ms. Ronasha? Would you be able to tell what
18 happened?

19 A. Yes, sir.

20 Q. All right. Thank you, Child 5

21 (Off-The-Record Comments)

22 (The witness stepped down from the witness stand and exited the
23 courtroom.)

24 THE COURT: All right. Any questions about competency at all?

25 MR. HENRY: None.

1 **MADAM CLERK:** Do you understand that you have to tell the truth in
2 court today?

3 **A.** Yes, ma'am.

4 **MADAM CLERK:** Do you promise to tell the truth?

5 **A.** Yes.

6 **MADAM CLERK:** Good job.

7 **THE COURT:** You didn't tell me which child we have.

8 **MS. MILES:** Your Honor, I beg your pardon?

9 **THE COURT:** You didn't tell me which child we have.

10 **MS. MILES:** This is Child 6

11 **THE COURT:** Okay.

12 **EXAMINATION by THE COURT:**

13 **Q.** Okay. Child 6 can you look at me, okay? My name is Judge Alford.
14 I'm presiding over the trial in this case. Do — do you understand my role in this
15 case?

16 **A.** Yes.

17 **Q.** Okay. Now, Child 6 tell me how you feel about Ms. Ronasha?

18 **A.** Bad.

19 **Q.** Okay. What do you mean by bad?

20 **A.** I don't want her to get sent to jail, but because she did the wrong thing
21 she should.

22 **Q.** Okay. All right. Let me ask you this: If we — if you were in the same
23 seat you're in now and were going to testify in the case, and we had the jurors sitting
24 over in those chairs against that wall, the jurors will be there, if Ms. Ronasha and
25 other people are in the courtroom and Ms. Ronasha was sitting right there in the

MASTER Child 6

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1 chair next to her attorney -- this is Ms. Ronasha's attorney sitting there, Mr. Henry.

2 If -- if she was sitting right next to him looking at you, while you were
3 testifying, would you be able to testify as to what happened at your school and with
4 what happened with regard with Ms. Ronasha? Could you do that or not do that?

5 A. Do it.

6 Q. You can do it? You understand that you're -- you're moving around
7 now, you realize that you would have to be seated there and have to answer the
8 questions?

9 Could you answer the questions that when asked about your school
10 and what happened with regard with Ms. Ronasha if she was sitting there in that
11 chair while you were testifying? Could you do that?

12 A. (No Response)

13 Q. Can you answer questions about what happened at the school and
14 what happened with regard with Ms. Ronasha? Could you do that or not do that?

15 A. Do it.

16 Q. Okay. And are you afraid of Ms. Ronasha?

17 A. Huh?

18 Q. Are you afraid of Ms. Ronasha?

19 A. No.

20 Q. Okay.

21 (Brief Pause)

22 Q. All right. Thank you, Child 6

23 (Off-The-Record Comments)

24 (The witness stepped down from the witness stand and exited the
25 courtroom.)

1 **THE COURT:** Any question about Child 6 competency?

2 **MR. HENRY:** Not from the Defense.

3 **THE COURT:** All right. I -- the Court finds him competent to
4 testify in the case. Counsel, I'm going to have to let him try it. I -- I have
5 some great concerns about it, particularly with his ADDH or whatever the
6 initials are. I have -- I have some concerns about it.

7 He obviously is having trouble sitting still up there in the chair. And I'm
8 concerned that's what we're going to get, is his movement and avoidance,
9 but we can -- we'll just have to try and see.

10 And he says he's not afraid of Ms. Ronasha. And so, if he starts
11 acting out or will not answer any questions or avoids answering any
12 questions, we'll just have to try then on closed circuit tv.

13 But I think -- he says he will be able to testify in front of her. So we'll
14 see. Okay.

15 **MS. MILES:** Your Honor, we have two other children that are
16 here. I don't know if it would be appropriate at this time to just have them
17 come in and let you go ahead and make a ruling on competency for them as
18 well. We're obviously not seeking CCTV on them, but I ----

19 **THE COURT:** Well, is there's any question about competency?
20 If you want us to do that, Mr. Henry, we'll do that. I -- I think they're
21 competent, but, if you want more questioning, they'll bring them in and do
22 that. I don't know. I'll listen to you on that too.

23 **MR. HENRY:** No, sir.

24 **MS. HALL:** Your Honor, I would ask that we at least put it on
25 the record. And it may not be a bad idea for the children to come in and meet

1 you. And we don't have to, but it ---

2 THE COURT: All right. Well, I -- I don't have any problem doing
3 that. I'm just trying to save some time. But let's just go through the same
4 process.

5 MS. MILES: You can just do an oath with them. I mean, I
6 can ----

7 THE COURT: Let's -- let's just go the same process with them.

8 MS. MILES: All right. This is Child 1

9 (Brief Pause)

10 (Off-The-Record Comments)

11 (The witness stepped forward to be sworn.)

12 (Whereupon,

13 Child 1 (Child 1

14 having been first duly sworn, testified as follows:)

15 (Off-The-Record Comments)

16 MADAM CLERK: Do you know the difference between telling the
17 truth and telling a lie?

18 A. Yes.

19 MADAM CLERK: Can you show me the difference between telling
20 the truth and telling a lie?

21 A. Yes. If you tell a lie you're going to get in troube -- in trouble if you do it
22 in front of the judge.

23 MADAM CLERK: What happens if you tell a lie at home?

24 A. They'll give you a punishment.

25 MADAM CLERK: What happens if you tell a lie at school?

MISS Child 1

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1 A. If they have a camera, they'll look on the camera and see who did it
2 and who did not.

3 MADAM CLERK: What happens if you tell a lie in court?

4 A. You'll be in big trouble.

5 MADAM CLERK: Do you understand that you have to tell the truth in
6 court today?

7 A. Yes.

8 MADAM CLERK: Do you promise to tell the truth?

9 A. Yes.

10 MADAM CLERK: Good job.

11 EXAMINATION by THE COURT:

12 Q. Let me go ahead and ask her a question. Child 1 my name is
13 Judge Alford. I'm presiding over the trial today. Do you understand what my —
14 what my job is here? What I do?

15 A. (No Response)

16 Q. I'm going to preside over the trial. And if -- let me ask you this
17 question: If the jurors are sitting in those chairs right over there (indicating) and, if
18 Ms. Ronasha is sitting next to her attorney out there (indicating), would you -- right
19 next -- looking at you while you're testifying, could you tell what happened at school
20 and what happened with regard to Ms. Ronasha?

21 A. Yes.

22 Q. And will you do that?

23 A. Yes.

24 Q. Okay. Thank you. You may stand down.

25 (Off-The-Record Comments)

1 (Brief Pause)

2 MS. MILES: Your honor, this is Child 2 And it's

3
4 (The witness stepped forward to be sworn.)

5 (Off-The-Record Comments)

6 (Whereupon,

7 Child 2

8 having been duly sworn, testified as follows:

9 (Off-The-Record Comments)

10 MADAM CLERK: Do you know the difference between telling the
11 truth and telling a lie?

12 A. Yes.

13 MADAM CLERK: Can you show me the difference in telling the truth
14 and telling a lie?

15 A. (No Response)

16 MADAM CLERK: What color is your shirt?

17 A. White.

18 MADAM CLERK: Okay. Tell me a lie about your shirt.

19 A. Red.

20 (Off-The-Record Comments)

21 MADAM CLERK: What happens if you tell a lie at home?

22 A. You're going to bed.

23 MADAM CLERK: What happens if you tell a lie at school?

24 A. You're going to the principal.

25 MADAM CLERK: What happens if you tell a lie in court?

1 A. You'll go to jail.

2 MADAM CLERK: Do you understand that you have to tell the truth in
3 court today?

4 A. Yes.

5 MADAM CLERK: Do you promise to tell the truth?

6 A. Yes.

7 EXAMINATION by THE COURT:

8 Q. Child 2 my name is Judge Alford. And I'm presiding over the trial today
9 here in the courtroom. And I want to ask you a question.

10 If we go into the trial and there are other people in the courtroom,
11 including a jury sitting in those chairs over there (indicating), if Ms. Ronasha is sitting
12 there in that chair next to her attorney -- this is her -- her lawyer, Mr. Henry,.

13 If she would be sitting right there in that chair while you were testifying
14 or telling what happened, would you be able to tell what happened at your school
15 and what happened with regard with Ms. Ronasha?

16 A. Yes.

17 Q. And would you do that?

18 A. Yes.

19 Q. Okay. All right. Thank you, ma'am.

20 (Off-The-Record Comments)

21 (The witness stepped down from the witness stand and exited the
22 courtroom.)

23 (Brief Pause)

24 THE COURT: Any question concerning her competency?

25 MR. HENRY: Not as to Child 1 or to Child 2 Judge.

1 **THE COURT:** Okay.

2 **MS. HALL:** Your Honor, at this time, I just want to review,
3 Your Honor. You found all six children competent to testify with no objection
4 from the Defense after reviewing the video tapes ----

5 **THE COURT:** That's correct.

6 **MS. HALL:** ---- and speaking the children? And as to the
7 CCTV, you have ruled that Child 4 will be allowed to testify via closed circuit
8 television, that's Child 4

9 The other children you will -- as -- as to Child 3 Child 5
10 Salazar, Child 6 you will allow them to take the stand. And, then, if
11 they freeze up or something happens to them, obviously, you'll allow the
12 State to renew their motion for closed circuit television?

13 **THE COURT:** Right.

14 **MS. HALL:** Is that correct?

15 **THE COURT:** Yeah, if they totally avoid answering any questions
16 in trying to answer any questions that are asked of them. At that point, we
17 will -- we will try them by closed circuit television based on the information I
18 had before, except for -- now that would be as to Child 6 Child 5
19 Salazar, and Child 3

20 **MS. HALL:** Correct.

21 **THE COURT:** And the others will ----

22 **MS. HALL:** And if it happened to Child 2 and Child 1
23 Spicer, we understand we'd have to make a separate motion in that
24 testimony.

25 **THE COURT:** That's correct. And so -- and Child 4

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1 Spicer.

2 (The witness stepped forward to be sworn.)

3 (Whereupon,

4 ZHLING SPICER

5 selling Spicer first being duly sworn, testified as follows:)

6 DIRECT EXAMINATION by MS. MILES:

11:22 A.M.

7 Q. Ms. Spicer, would you, please, state your full name for the record?

8 A. I'm Zhling Spicer.

9 Q. Okay. And how old are you, Zhling?

10 A. I'm 42.

11 Q. Okay. And where do you work?

12 A. I work for United Health School.

13 Q. Okay. And what do you do there?

14 A. I'm software engineer.

15 Q. Okay. Who do you live with?

16 A. I live with my husband, Kevin Spicer, and -- and my child, Child 1

17

18 Q. How old is Child 1

19 A. Child 1 is five and a half (5 ½).

20 Q. What is her date of birth?

21 A. October the 9th, 2006.

22 Q. Okay. What school does Child 1 go to?

23 A. Right now she's going to Legacy Academy.

24 Q. Okay. What grade is she in?

25 A. First grade.

- 1 Q. Okay. How do you know the Defendant Ronasha Taylor?
- 2 A. She's her teacher in Kids "R" Kids.
- 3 Q. Okay. And where -- what is Kids "R" Kids?
- 4 A. Kids "R" Kids is the daycare that Child 1 used to go to.
- 5 Q. Okay. How old was Child 1 when she began at Kids "R" Kids?
- 6 A. She was almost three (3) years old.
- 7 Q. Okay. What year was that?
- 8 A. That was 2010, around March.
- 9 Q. Okay. And when did you first meet the Defendant at Kids "R" Kids?
- 10 A. I drop off Child 1 or pick up Child 1 And I'll see her ----
- 11 Q. Okay.
- 12 A. --- at Kids "R" Kids.
- 13 Q. What time of -- when was that in 2010 that you met her about?
- 14 A. Probably start April --- March/ April.
- 15 Q. Okay. And when does Child 1 began in the four-year-old class at Kids
- 16 "R" Kids?
- 17 A. I think around -- along the summer ---
- 18 Q. Okay.
- 19 A. --- the end of July -- July when it began.
- 20 Q. Okay. And who was her teacher then?
- 21 A. I think it was a lady named Phillips.
- 22 Q. Okay. And what about after that, who was her teacher?
- 23 (Brief Pause)
- 24 A. I don't remember who it was.
- 25 Q. Okay. And who -- who all were her teachers at Kids "R" Kids?

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1 A. Ms. Phillips, Ms. Ronasha, and Ms. Laurie because they float all the
2 teachers around some time. So ---

3 Q. Okay. In the fall of 2010, we did you think that Ronasha would be
4 around Child 1

5 A. When Child 1 start the 4-K class and Ms. Ronasha is her full-time 4-K
6 teacher.

7 Q. Okay. Zhling, without going into what anyone else said to you, was
8 there a period in time where you became aware that something inappropriate may
9 have happened to Child 1

10 A. Yes.

11 Q. Okay. When did you learn about this?

12 A. It's October the 6th. It was a Wednesday night.

13 Q. Okay. What year was that?

14 A. Twenty-ten (2010).

15 Q. Okay. And who did you learn that information from?

16 A. From Child 1

17 Q. Okay. What happened that led to you learning of -- of the allegations?

18 A. Child 1 went to bed like she normally would around 9:00 p.m. that night.

19 Then she woke up around 11:00, 11:30. She wouldn't go back to sleep. And she
20 asked me to lay next to her.

21 At --- at the time, Child 1 is four years old. She -- she's old enough to
22 go to bed by herself. And, then, I laid next to her. Then she started asking me
23 questions. And that's how I learned.

24 Q. Okay. And what did you say to Child 1

25 A. I just -- because it was so late at the time, and I was shocked, I didn't

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1 know really what she -- what was all about. So all I told her is, "Don't do that, Child 1
2 That was yuck."

3 Q. Okay. Without going into what Child 1 said, can you tell us whether or
4 not an allegation of abuse was made at that time?

5 A. At that time, that's the only --- that's the first time Child 1 brought it up.
6 I never heard any other kids.

7 Q. Okay. What about the next day? Can you tell us what happened?

8 A. The next day, that was a Thursday. Thursday morning we got up and I
9 said, "Child 1 you remember what you told mommy last night?" And she said, "Yes,
10 mom." And, then, she repeated her story consistently.

11 And, then, I called my husband during the day. And so we decided
12 "that night we're going to talk to Child 1 that night when we came home. So which we
13 did.

14 Q. Okay. And what behavior did you observe from Child 1 at that time?

15 A. There is nothing --- nothing really extraordinary. She just -- that night,
16 Thursday night, so she repeat of what she had told us the -- the night before and
17 that morning.

18 And, then, I ask her, because she keeps saying, telling me, "Lick my --
19 lick -- lick her tummy." I didn't realize that -- she was four at the time; she didn't
20 even turn four. She didn't -- she didn't know her body parts, so -- so she lift my shirt
21 and then points to where she licked.

22 Q. Okay. And what body part did she point to on your body?

23 A. At my chest.

24 Q. Your chest?

25 A. Yes.

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1 Q. Okay. To your knowledge, what exposure had Child 1 had at that point
2 to adult breasts?

3 A. Nothing at all. We don't change our clothes in front of her, so nothing
4 at all.

5 Q. Okay. Can you tell us where Child 1 said this abuse -- abuse took
6 place?

7 MR. HENRY: Object to the form, Your Honor.

8 THE COURT: Please -- you can rephrase. Sustain the
9 objection. Ma'am -- Ms. Spicer, I'm going to get you, if you can -- can you
10 slide just a little bit closer to the mic and so ----

11 (Witness complied with the Court's request.)

12 THE COURT: That's -- that's good. Thank you.

13 Q. (By Ms. Miles) Okay. Can you tell us whether or not Child 1 made an
14 allegation of abuse?

15 A. Yes.

16 Q. Okay. Can you tell us where she said the abuse took place?

17 A. She said in the bathroom.

18 Q. And what bathroom?

19 A. In her classroom bathroom.

20 Q. Okay. And what classroom are you -- where is the classroom you're
21 referring to?

22 A. Ummm ----

23 Q. What facility?

24 A. At -- in Kids "R" Kids classroom.

25 Q. Okay. Thank you. What happened next, Ms. Spicer?

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1 A. The next -- the next -- Thursday night, we -- she disclosed the whole
2 thing on Thursday night. So Friday, there was a field trip at -- when -- in between
3 she mentioned other kids' name, Child 2 name.

4 So Friday, it was a field trip day. I didn't know Child 2 mom or her
5 family, so, I -- because Child 1 didn't turn four at the time, so they wouldn't let her to
6 riding the school bus. I have to drop -- drop her off at -- at a destination.

7 Where I pick -- when pick her up, I happen to see Child 2 mom there.
8 So I walk up to her and ask her if she's Child 2 mom. And, then, I told her what
9 happened to Child 1

10 Q. Okay. Let me stop you there about the field trip. What day was the
11 field trip? Did you say Friday?

12 A. Yes.

13 Q. Okay. And why did you let Child 1 go on that field trip after she had
14 spoken to you earlier in the week on Wednesday night?

15 A. Because I didn't know. I didn't know it was going to be like this. When
16 she first discloses, you know, I have to -- I have to validate. I have to exhaust our
17 options, just see what the story is. So I didn't know.

18 Q. Okay. And you mentioned speaking to Demie. How did you know
19 Demie Garcia?

20 A. I see her from time-to-time drop off. And now I'll pick up her. So I -- I
21 wasn't really sure that was her. So I walk up to her and I said, "Are you Child 2
22 mom? I need to talk to you about what..." -- and she -- she didn't know me either.

23 So I told her what Child 1 had said to me. And, then, I -- all I -- I said,
24 "All I want to know is if Child 2 come home and told you anything like this and where
25 this come from?"

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1 Q. Okay. How often had you spoken to Demie before that conversation?

2 A. Never ever talked to her.

3 Q. Okay. How about your children, how often would they spend time
4 together?

5 A. Since they went to same school, so, they may have interaction at the
6 school. That's pretty much it.

7 Q. Okay. And what did you tell Demie to do, if anything?

8 A. I asked her to ask her daughter if -- where this come from.

9 Q. Okay. At what point in time did you speak to someone else about the
10 allegations of abuse?

11 A. Then, I -- I pick up Child 1 And that was about 2 o'clock. I pick up
12 Child 1 from the field trip destination. And, when we come home -- come back to the
13 daycare, I took Child 1 back to daycare. And I speak to daycare's director, Ms. Sally.

14 Q. Okay. And what about the Defendant, Ronasha Taylor? Did you
15 speak with her at that time?

16 (Brief Pause)

17 A. No.

18 Q. Okay. And how did you contact Sally to speak with her?

19 A. I drop off Child 1 Ms. Sally's standing at the front desk. So -- and,
20 then, I said, "Oh, Ms. Sally, I need to talk to you for ten (10) minutes." And then I
21 asked her to go into the cafeteria, just me and her. And I told her what Child 1 told
22 me.

23 Q. Okay. What did Sally say that she would do?

24 A. I ---

25 MR. HENRY: Judge, objection to hearsay.

1 THE COURT: I'm going to sustain the objection as to hearsay.

2 MS. MILES: Your Honor, may I respond?

3 THE COURT: Yes, ma'am.

4 MS. MILES: We're not offering it for the truth of the matter
5 asserted, but for the impact on the witness and what action she took next.

6 (Brief Pause)

7 THE COURT: All right. I'll allow it. I'll see what the response is.

8 Q. (By Ms. Miles) Okay. What did Sally say she would do next?

9 A. She didn't really know what to do. I didn't -- then, I said, "How about
10 this? You have that camera in classroom. Can you go get a video so that at least
11 we can check, review it for -- if Ronasha followed my kid going into the bathroom," if
12 we have some collaborating evidence.

13 Q. Okay. And what did you believe would happen next?

14 A. That was -- that was a Friday afternoon around 2 o'clock. I just -- I
15 don't think she asked for video tape or....

16 Q. Okay. What about law enforcement? Did you contact them at this
17 time?

18 A. No.

19 Q. Why not?

20 (Brief Pause)

21 A. I thought -- I just didn't ----

22 COURT REPORTER: I'm sorry, I can't hear.

23 A. I -- I just ---

24 MS. MILES: Speak into the microphone a little bit.

25 A. I didn't know. I didn't know it was going to be like this.

1 Q. Okay. When did you speak to Sally again?

2 A. The next week I come to -- I think it was a Tuesday -- either Tuesday
3 morning or Monday morning that next week. She's sitting in front of --- of front desk
4 for Kids "R" Kids. So I asked her if she had a -- a chance to get video for me. I
5 asked her what she going to do about Ms. Ronasha.

6 Q. Okay. What about the meeting with Sally?

7 A. That was a Tuesday. Tuesday, then, she said, "Oh" -- she said, "I
8 talked to Ronasha and..." ---

9 MR. HENRY: Objection, Your Honor, to the hearsay again. This
10 is Sally talking.

11 MS. MILES: Miss Spicer, only respond to what -- to what I
12 asked you.

13 A. Ms. Sally says, "How about this? How about...." -- oh I'm sorry. So
14 Tuesday we all -- all four of us get into a room.

15 Q. Okay.

16 A. Me, Ms. Sally, Child 1 and the Defendant Ms. Ronasha.

17 Q. Okay. What did you say to Sally at this meeting?

18 A. I just -- I just -- I just let Child 1 speak.

19 Q. Okay.

20 A. Let Child 1 talk.

21 Q. Whose idea was it to have Child 1 and Ronasha present?

22 A. That's Ms. Sally's idea.

23 Q. Okay. Who questioned your child at that meeting?

24 A. Ms. Sally.

25 Q. Okay. And, without telling us what Child 1 said, can you tell us whether

1 or not a disclosure was made in that -- at that time in front of you, Sally, and
2 Ronasha?

3 A. Yes.

4 Q. Okay. And can you tell us whether or not that was consistent or
5 inconsistent with what her earlier disclosure had been?

6 A. It's very consistent.

7 Q. Okay. What, if anything, did you say to the Defendant Ronasha
8 Taylor?

9 A. I did ask her -- I said, "Why -- why did you go into bathroom with my
10 child?"

11 Q. Okay. And what did she say back?

12 A. She said Child 1 play --- play with toilet paper.

13 Q. Okay. What, if anything else, did Ms. Ronasha say?

14 A. She didn't say much.

15 Q. Okay. How old was your child at this period in time?

16 A. She's four.

17 Q. She's four? What, if anything, had changed about your child's
18 bathroom tendencies around this period of time?

19 A. She was fully potty trained when she first attended Kids "R" Kids.

20 Q. Uh-huh (affirmative).

21 A. When she first started potty training, she -- children have stages that
22 they play with toilet paper a little bit. And, at that time, she did play with toilet paper.

23 Q. How long had Child 1 been potty trained?

24 A. That would be two (2) years ago.

25 Q. Okay. How often did Child 1 play in the bathroom at that age of four?

1 A. Not much.

2 Q. Okay. And what type of assistance did Child 1 require in the bathroom?
3 How much did she require from you in the bathroom?

4 A. Not much assistance.

5 Q. Okay. What about other people? To your knowledge, what assistance
6 did she require from other people?

7 A. Not much.

8 Q. Okay. What was your impression regarding how often Ms. Laurie or
9 other teachers had to help Child 1 in the bathroom?

10 A. I don't -- I don't think they help her a -- a lot.

11 Q. And how many times before that day in that meeting had Ronasha told
12 you she had to help Child 1

13 A. She told me once.

14 Q. Okay. And how many times had she told you she had to stop Child 1
15 from playing in the bathroom?

16 A. Only once.

17 Q. Okay. Getting back to the meeting with Sally and the Defendant, what
18 -- what was -- what was Sally going to do next?

19 A. She said -- she said she had to ---

20 MR. HENRY: Objection to hearsay.

21 THE COURT: Ms. Spicer, you can't say what somebody else
22 said to you. But you -- you can tell what -- what was done, but you can't
23 testify as to what somebody else said.

24 Q. What was your impression regarding what would -- what would be
25 done next by Kids "R" Kids or Ms. Sally?

1 A. Nothing.

2 Q. Okay. And when did you meet with them again, Ms. Sally?

3 A. That was Thurs --- a Thursday.

4 Q. Okay.

5 A. And this was a meeting with Ms. Sally and her assistant, Ms. Anita.

6 Q. Okay. What did you say at that time at that meeting?

7 A. Again, I asked them if they are going to take any action. Again, I
8 asked them to separate my child with the Defendant. I said -- because they float
9 teachers around, I said, "I don't want my child to see the teacher on that side of the
10 building." She said Ms. Ronasha was -- was her best teacher. And she hadn't
11 seen a problem.

12 Q. What did you believe about who would -- who they would contact; who
13 Kids "R" Kids would contact?

14 A. I -- I made a comment when I was in the meeting with them. I said,
15 "You -- you didn't leave me with any choice. I'm going to report."

16 Q. Okay. When was Child 1 last day at Kids "R" Kids?

17 A. Friday.

18 Q. And why did you remove her?

19 A. Because I felt that Kids "R" Kids did not protect my child nor protect
20 their employee.

21 Q. Okay. Who did you contact next?

22 A. I contact the state, she's at social services.

23 Q. Okay. And do you remember who specifically you contacted?

24 A. I called the -- I went on their website and found their number. And I
25 called the number. It was a lady from social services.

1 Q. Okay. And who is Bobby Seepersaud?

2 A. He come from the LOHAN [sic], the children -- abused children outside
3 of home. He come from the state service.

4 Q. Okay. And what interaction did you have with Bobby?

5 A. Bobby wanted to come to our house and talk to Child 1

6 Q. Okay. Who contacted law enforcement?

7 A. I think Bobby did.

8 Q. Bobby?

9 A. After Bobby talked to Child 1

10 Q. Okay. And do you know when that was that law enforcement became
11 involved in this case?

12 A. Probably just a couple of days after Bobby evaluated Child 1
13 statement.

14 Q. And what belief did you have, at this period of time, regarding whether
15 anyone from the daycare would be contacting other parents?

16 (Brief Pause)

17 A. Just we --- we did not have much contact with other parents. And we
18 -- the reason -- the reason I contacted Child 2 mom because Child 1 -- Child 1 said
19 Child 2 name.

20 Q. Okay. What did you believe about whether the daycare would contact
21 other parents?

22 A. I don't think they contact ---

23 Q. Okay.

24 A. --- Child 2 mom at that time.

25 Q. Okay. What other parents did you contact in this case?

- 1 A. I contact Ivonne, which is Child 4 mom.
- 2 Q. Okay. And why did you contact Ivonne?
- 3 A. Because I felt that it's -- it's my responsibility to let other parents know
- 4 that -- in case their child is also in some kind of abuse situation.
- 5 Q. Okay. And when did you call Ivonne?
- 6 A. It was after I pulled Child 1 out of the daycare that Friday. I think I -- I
- 7 didn't know Ivonne's telephone number. I got that telephone number from Child 2
- 8 mom. So I called Ivonne maybe Sunday, Sunday night.
- 9 Q. Okay. And how much information to give Ivonne about Child 1
- 10 disclosure?
- 11 A. I just told her what Child 1 told me.
- 12 Q. Okay. And what did you tell Ivonne to do, if anything?
- 13 A. Again, question her child.
- 14 Q. Okay. What about the Steins? Did you contact them?
- 15 A. No.
- 16 Q. Okay. What about the Davis family or the Salazar family?
- 17 A. No.
- 18 Q. Okay. Where did Child 1 go to speak to someone about these
- 19 allegations?
- 20 A. State service then referred us to Child -- Child Advocacy Center, CAC.
- 21 Q. Okay. The CAC?
- 22 A. Uh-huh (affirmative).
- 23 Q. And when did you take your child to the CAC?
- 24 A. Probably a week or two after I discussed with to the state.
- 25 Q. Okay. And who set up the meeting with the CAC?

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1 A. I think the state did, but about all the detail, probably CAC contact me
2 to scheduled that, the date to be there.

3 Q. Okay. What did you tell Child 1 regarding the reason why she was
4 going to the CAC?

5 A. At the time Child 1 was four (4). She doesn't understand what's Child
6 Advocacy Center is. All I said was that there is a -- "There's a lady there who wants
7 to talk about school. And you just talk to her about it."

8 Q. Okay. What about the Defendant, did you mention her at that time?

9 A. No.

10 Q. Okay. What did you tell Child 1 regarding what she should or shouldn't
11 say at the forensic interview?

12 A. The last time Child 1 talked to me about this -- this whole thing is the
13 meeting with Ms. Sally and the Defendant. So the whole time I just tell her to just
14 tell the truth.

15 Q. Okay. The truth?

16 A. Uh-huh (affirmative).

17 Q. Okay. What about the CAC? What information did you provide to the
18 CAC about the allegations?

19 A. When we went to CAC, they first talk to parents while Child 1 is not
20 there. So I tell them what Child 1 told me. And, then, I said "I just leave it up to you
21 to find out what this really is." And, then, they took Child 1 to a room. And they don't
22 tell what Child 1 says.

23 Q. Okay. And why did you provide that information to the CAC?

24 A. To give a little background to learn exactly why or where this is coming
25 from.

1 Q. Okay. And what information did you provide to the CAC regarding
2 Child 1 exposure to things of a sexual nature?

3 A. I just told the CAC what Child 1 told me that night. And, I mean, that's
4 — that's pretty much it. And, then, I said — I did mention that I — I said, "You
5 probably can get more information out of her. You're professionals and maybe she'll
6 talk more."

7 Q. Okay. What access did Child 1 have to the internet at that period of
8 time?

9 A. No internet access.

10 Q. No internet? Okay. What about now?

11 A. Now she — because her school and her goes to like ABCmouse.com.
12 So that's — that's it.

13 Q. Okay. And what — what monitoring is done on that internet access?

14 A. She only can get onto ABCmouse.com.

15 Q. Okay. What about movies or shows of a sexual nature?

16 A. No, not at all.

17 Q. Okay. What information were you given regarding what took place
18 during that forensic interview?

19 (Brief Pause)

20 A. What information was given to...?

21 Q. What information did the people at the CAC give you after the
22 interview?

23 MR. HENRY: I'm going to object to hearsay again, Judge.

24 THE COURT: Sustained.

25 Q. (By Ms. miles) What, if anything, were you advised to discuss with

1 your child?

2 A. Oh, they — they said — no advice. I was not to talk about it. They
3 — they advised as that even if the child has a — really want to talk to you, you can
4 talk about it, but they really recommend — ask you not to talk about it.

5 Q. Okay. How many times did Child 1 go in for a forensic interview?

6 A. I think three (3) times.

7 Q. Okay. And what was your impression regarding why multiple visits
8 was necessary?

9 A. Young children, sometimes they can't talk because they couldn't focus.
10 And, then, maybe talk a little more next time.

11 Q. Okay. Where — and where did you take Child 1 to be medically
12 examined?

13 A. We took her to the Spartanburg — Spartanburg Pediatric Associates.

14 Q. Okay. And who was the doctor that you took your child to?

15 A. Her name is Dr. Jennifer Coburn (phonetic).

16 Q. Okay. What information did you provide the doctor?

17 A. Again, I told the doctor we suspect there is — there was abuse. And
18 we want her to check.

19 Q. Okay. And what were the medical results of that visit?

20 A. And she — she checked. And, again, she said she wasn't an expert
21 on the sexual abuse, but she checked for what she —

22 MR. HENRY: Objection to hearsay.

23 THE COURT: Sustained as to hearsay, Counsel.

24 MS. MILES: Yes, sir.

25 Q. (By Ms. Miles) Can you tell us whether or not the exam was normal

1 that you were aware of to your knowledge?

2 A. The — the — the exam was normal.

3 Q. Okay. Where else have you taken Child 1 to speak with regarding this
4 case?

5 A. (No Response)

6 Q. To speak with someone?

7 A. Ms. Meredith.

8 Q. Ms. Meredith?

9 A. Uh-huh (affirmative).

10 Q. And who is this Meredith?

11 A. Ms. Meredith is the child's counseling that -- referred by Child
12 Advocacy Center.

13 Q. Okay. How much information did you provide Meredith about Child 1
14 disclosure?

15 A. Again, I told Meredith what Child 1 told me.

16 Q. Okay. And why did you provide her that information?

17 A. Just to give her background to where this come from.

18 Q. Okay. Zhling, what are some of the reasons why you chose Kids "R"
19 Kids in the beginning?

20 A. The main reason for us to chose Kids "R" Kids was the real closeness
21 to our house. It's walking distance.

22 Q. Okay. What about any features of the daycare itself?

23 A. If you referring to that — the Watch Me Grow, it — it sounds really
24 nice. You — you can — you can check out your child. But, when they go take nap,
25 they — they turn off the light. You — you couldn't really see what is -- who is who,

1 what is what.

2 Q. Okay. You will mentioned Watch Me Grow. What is Watch Me Grow?

3 A. It's an internet — it's a feature that they — they have a camera in
4 classroom. And they let you get online anywhere that has the internet to watch that
5 video feed.

6 Q. Okay. And would you use that video feed?

7 A. At the beginning, yes, I did. It was such a new thing to me, I did.

8 Q. Okay. And what about later on after Child 1 had been there a while?

9 A. I — I mean, you got — you got to work. You don't.

10 Q. How are you able to access Child 1 class? How were you able to see
11 her?

12 A. Well, if — if they moved into other zone, you could request. And, you
13 know, they grant you that access.

14 Q. Okay. And what did you watch Child 1 on?

15 A. (No Response)

16 Q. Could you — where — where did you watch her?

17 A. In her classroom.

18 Q. Okay. And what are you using to watch her? Were you watching her
19 over a — a computer?

20 A. Yes.

21 Q. Is that what you were — okay. And you mentioned nap time. If the
22 classes combined, would you be able to see in the classroom where Child 1 was?

23 A. If class rooms are combined during nap time, you kind of — you kind
24 of check around to each classroom Child 1 could possibly be.

25 And it's so dark and so grainy it — you couldn't really tell where Child 1

1 at. And, then, I would log in and go, "Oh well, she'll -- she'll show up in an hour or
2 so and..."

3 Q. Okay. What parts of the room could you see on the video feed?

4 A. I mean, not a bathroom, only the classroom.

5 Q. Okay. What parts of the classroom could you see?

6 A. You see floors. You see some tables and ---

7 Q. Okay. What about the door to the bathroom? Could you see the
8 door?

9 (Brief Pause)

10 A. I don't remember.

11 Q. Okay. What about inside the bathroom?

12 A. No, only the classroom.

13 Q. Okay. What were your feelings toward Ronasha prior to these
14 allegations coming out?

15 A. She's really, really nice. She seems very caring, loving. Child 1 loved
16 her. Because of that, I loved her. So -- and Child 1 any time Child 1 see her, Child 1
17 would run to her. So, if somebody to take good care of your child, you love her too.

18 Q. Okay. Who have you spoken to regarding you and your family's legal
19 rights in this case?

20 A. We spoke to -- I've forgotten his name. I forgot.

21 Q. Okay. What -- what is he? What is his job?

22 A. He's -- he's attorney.

23 Q. Okay. And for what purpose have you retained him if you have?

24 A. I just want ----

25 MR. HENRY: I object to relevance, Judge, and leading.

1 **THE COURT:** What is relevance to this, Counsel?

2 **MS. MILES:** We just want to show all the people that she's talk
3 to in this case and what — any possible motives that may be elicited later
4 through other parties.

5 **(Brief Pause)**

6 **THE COURT:** All right. I'll allow it with regard to motive.

7 **MS. MILES:** Okay.

8 **Q.** (By Ms. Miles). For what purpose have you retained the attorney?

9 **A.** It is our first, you know, legal case. I've never had this kind of
10 experience. We just want to consult with someone who had experience and
11 knowledge of what's our legal rights..

12 **Q.** Okay. What actions do you currently have pending if any?

13 **A.** I don't.

14 **Q.** Okay. Who encouraged you to seek the advice of an attorney?

15 **A.** No one.

16 **Q.** Okay. Who first contacted the attorney if you know?

17 **A.** I think the first contact probably done by Child 2 mom.

18 **Q.** Okay. What's your relationship like -- speaking of Child 2 mom, what's
19 your relationship like with the other families in this case?

20 **A.** There's not much of a relationship really. We don't talk. We see each
21 other in kids' birthday parties and just that's pretty much it.

22 **Q.** Okay. And how often would you say you get together socially or any
23 time?

24 **A.** We don't.

25 **Q.** Okay. How close are your children and how often do they get

1 together?

2 A. If they got to school, they have interaction during the day. They don't
3 get together.

4 Q. Okay. What other kids does Child 1 currently go to school with if any of
5 them?

6 A. They go to — Child 1 is still going to school at Legacy with Child 2 And,
7 then, I think Child 3 is an after-schooler.

8 Q. Okay. What behaviors, if any, has Child 1 exhibited since beginning in
9 the 4-K class that were unusual?

10 A. Not nothing really.

11 Q. Okay.

12 MS. MILES: Thank you. Please answer any questions that Mr.
13 Henry may have for you, okay?

14 THE WITNESS: Okay.

15 CROSS EXAMINATION by MR. HENRY:

11:52 A.M.

16 Q. Hi, Ms. Spicer.

17 A. Hi.

18 Q. Ms. Spicer, what happened — this happened in October of 2010 that
19 you're talking about?

20 A. Uh-huh (affirmative), right.

21 Q. It's your testimony that Child 1 didn't know what her tummy was?

22 A. No.

23 (Brief Pause)

24 Q. Did Child 1 give Ronasha a — a present, a necklace?

25 A. Yes.

- 1 Q. Was that bought on a trip to China?
- 2 A. Yes, correct.
- 3 Q. Do you remember when that was in relation to this October of 2010
- 4 date?
- 5 A. No. That will be before that, before October.
- 6 Q. Okay. Well how --- how long before if you remember?
- 7 A. Probably at least three months before.
- 8 Q. Was Ms. Ronasha your daughter's favorite teacher?
- 9 A. Correct, yes.
- 10 Q. Now after this --- the incident at night that you talked about, when ---
- 11 when Child 1 woke and came to your room.
- 12 A. No.
- 13 Q. Is that -- is that what happened?
- 14 A. She didn't come --- she just woke up. And we have a monitor in our
- 15 room.
- 16 Q. Okay.
- 17 Q. We can hear her get up and crying or "Mommy, mommy," and that
- 18 kind of thing.
- 19 Q. Okay. And was that about --- that was late at night though, right?
- 20 A. Yes, very late. I would say around 11:00 or 11:30.
- 21 Q. Okay. The Watch Me Grow program you mentioned earlier ---
- 22 A. Uh-huh (affirmative)..
- 23 Q. --- that -- did that allow parents to --- to watch what's going on within
- 24 the school during the day?
- 25 A. Correct.

1 Q. All right. Can you — can you also go back and — and check a couple
2 days before that?

3 A. I don't think we have that access.

4 Q. Okay.

5 A. I think — I mean, parents you may can watch that day.

6 Q. Okay. Until what time? Do you know how late you could watch? Til
7 the end of the school day?

8 A. Huh-uh (negative), no.

9 Q. Okay. You're not sure?

10 A. I don't know.

11 Q. Okay. Do you don't know if you can go back late — later in the day,
12 say before midnight, and check what happened during that previous day?

13 A. (Shakes head negatively.)

14 Q. Okay.

15 A. I'm not sure.

16 Q. That's okay.

17 A. Sorry.

18 Q. Now — and after, whatever ^{Child 1} told you about Ms. Ronasha doing
19 something to her, on that Wednesday —

20 A. Uh-huh (affirmative).

21 Q. — you sent her to Kids "R" Kids on Thursday?

22 A. Correct.

23 Q. And you sent her and there was no incident, right?

24 A. No.

25 Q. And did you use the Watch Me Grow program on that Thursday, the

1 day after Child 1 told you this, to check on her?

2 A. Yes.

3 Q. Okay. And did anything happened?

4 A. You — you couldn't — I mean, to my knowledge, nothing happened
5 because you couldn't really see, especially at nap time.

6 Q. Okay. But at nap time you can see when the light goes on in the
7 bathroom though of course?

8 A. At nap time, if you — if you check on that video, you couldn't. Now it's
9 all dark and you see some of the — you see some tables and you saw kids laying
10 on the floor and you couldn't tell what is what.

11 Q. Okay. So, when the — when the bathroom — do you know how the
12 bathrooms are set up there? To know whether or not the light switch is on the
13 outside or the inside?

14 A. I don't remember. I really don't remember.

15 Q. Okay. All right. So you're saying that you did — you didn't see, when
16 you watched it, whether the light in the bathroom went on and off, right?

17 A. I wasn't really looking for — for that.

18 Q. Had you — did you think that you knew where this incident happened
19 on Wednesday at the school, which part of the school?

20 A. Okay. Child 1 had told me, when she talked to me, she was four (4).

21 Q. Okay.

22 A. She don't have no time concept. She did not have time concept.

23 Q. Well, I understand that. What about place concept?

24 A. She would tell me where this happened. And she didn't know if it was
25 on Wednesday, Tuesday or yesterday. I mean, she's —

- 1 Q. She couldn't get the times?
- 2 A. No.
- 3 Q. I got you. Okay.
- 4 A. Right.
- 5 Q. So Thursday you did check Watch Me Grow and you sent her to
- 6 school?
- 7 A. Uh-huh (affirmative).
- 8 Q. And she was — was she in Ms. Ronasha's class on Thursday?
- 9 (Brief Pause)
- 10 A. I don't remember exactly —
- 11 Q. Okay.
- 12 A. — Thursday which room she was in.
- 13 Q. All right. How about Wednesday, the night that she told you this?
- 14 Was she in Ms. Ronasha's class on Wednesday?
- 15 A. Yes.
- 16 Q. Okay. And — and, on Friday, you sent her back to Kids "R" Kids for
- 17 the field trip?
- 18 A. Right.
- 19 Q. Did that start in the morning or the afternoon? Or do you remember?
- 20 A. I sent her to Kids "R" Kids in the morning. And, then, I had to go back
- 21 to Kids "R" Kids and pick her up to go to the field trip because she didn't turn four at
- 22 the time.
- 23 Q. Because she couldn't ride in the bus; is that what happened?
- 24 A. Correct.
- 25 Q. Because of her age?

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1 A. Right.

2 Q. Okay. So do you know whether or not Ms. Ronasha was on that field
3 trip?

4 A. Yes, she was.

5 Q. Did you and Child 2 mom go to together to see the lawyer?

6 (Brief Pause)

7 A. I don't remember the — the — how that — the lawyer was — I don't
8 remember how they — how we got there or if we see together because I just
9 remember the schedule, the time and day they ask us to be there. So...

10 Q. Okay. But did you go together? Or did you — did you go — did you
11 meet with a lawyer together? How about that?

12 A. (No Response)

13 Q. Do you remember that?

14 (Brief Pause)

15 A. We — yes.

16 Q. Okay. Just — just you — you, her mom, and a lawyer?

17 A. Right.

18 Q. Was any — anybody else there?

19 A. It was me and my husband and Child 2 mom and at least — I don't
20 remember detail.

21 Q. Okay.

22 A. But I remember Child 2 mom.

23 Q. That's fine. Thank you. As far as the parents you called and told what
24 Child 1 had told you, you talk to two parents; is that right?

25 A. Ummm —

- 1 Q. You called Child 4 mom?
- 2 A. Yes, I did.
- 3 Q. And you called Child 2 mom?
- 4 A. Well —
- 5 Q. Or talked to Child 2 mom?
- 6 A. Yes.
- 7 Q. You talked to her in person?
- 8 A. Correct.
- 9 Q. Okay. And was that on the Friday of the field trip but was it at another
- 10 time?
- 11 A. On the Friday of the field trip.
- 12 Q. And you told both of those parents what Child 1 had told you
- 13 happened?
- 14 A. Yes.
- 15 Q. And you told Bobby Seepersaud, the guy from the state, what
- 16 happened?
- 17 A. Yes.
- 18 Q. You told what we call the CAC, the Child Advocacy Center ----
- 19 A. Yes.
- 20 Q. ---- you told them what happened?
- 21 A. Right.
- 22 Q. And you told — did you tell law enforcement what happened too?
- 23 A. Correct.
- 24 Q. Okay. Based on the information that you received from your daughter,
- 25 was this a one-time incident?

1 A. At the time she was four, she can count, but one, two, three really
2 don't mean —

3 Q. Okay.

4 A. — like it's twice or third time.

5 Q. I see.

6 A. So I — and I didn't — after I — the last time I talked to her about this
7 incident was while I was with Ms. Sally and with Ms. Ronasha.

8 Q. Right.

9 A. And that's it. I haven't talked to her since.

10 Q. I understand. So you can't say, from the information you got from your
11 daughter, whether it was a one-time incident or it happened more than one time?

12 A. I'm — I'm not sure.

13 Q. Okay. How about — your daughter apparently confides in you a lot. I
14 mean, she talks to you a lot?

15 A. Correct.

16 Q. And she told you about this incident on that Wednesday night?

17 A. Correct.

18 Q. And, then, she told you — or repeated it again the next day?

19 A. Correct.

20 Q. Okay. You said she doesn't know time at age four (4). I understand
21 that. Did you get any impression about whether it happened that week or not?

22 A. We couldn't ----

23 Q. Couldn't tell?

24 A. We couldn't tell.

25 Q. Okay. It could have happened a year before?

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1 **A.** That's impossible because she would have been Goddard School.

2 **Q.** Okay. A different school?

3 **A.** Yes.

4 **Q.** How long had she been at Kids "R" Kids at that point? Do you have
5 any idea?

6 **A.** She started Kids "R" Kids in early 2010. So probably she'd been there
7 for about six (6) — six (6), five (5) months or so.

8 **Q.** Okay. So maybe March to — well, maybe February/March,
9 something like that? Is that when she started?

10 **A.** Yes.

11 **Q.** Okay. So that — that would be the period of time we're talking about?

12 **A.** Correct. But I would think — I would think that Child 1 would have
13 come and tell me if it happened that early.

14 **Q.** If it happened ----

15 **A.** If it had been going on that long a time.

16 **Q.** I got you. Okay.

17 **MR. HENRY:** Can I have just a second, Your Honor?

18 **THE COURT:** Yes, sir.

19 **(Brief Pause)**

20 **MR. HENRY:** Thank you, Ms. Spicer.

21 **THE COURT:** Redirect?

22 **MS. MILES:** Just briefly, Your Honor.

23 **REDIRECT EXAMINATION by MS. MILES:** **12:03 P.M.**

24 **Q.** Ms. Spicer, why did you take Child 1 to daycare on that Thursday?

25 **A.** Because we didn't know. We didn't just have a time like this. I don't

1 know all the facts. If you -- if you hear a child talk about something so serious and
2 you've got to -- you've got to validate. You have to go through all the channels and
3 validate to see if there are some other explanation for it.

4 Q. Okay. And why didn't you call law enforcement on that Thursday?

5 A. Again, that's way too early to call law enforcement to me -- in my
6 opinion. I have to validate. I have to go through because we didn't -- we didn't
7 know other child saying. I have to see if there's any collaborating evidence.

8 You couldn't not just -- just, when your child tell you something and go
9 out and -- you have to exhaust your options.

10 Q. Okay. And could you identify who Ronasha is in the courtroom,
11 please?

12 A. Yes. She is behind that ----

13 Q. Okay. Can you point to her, please?

14 A. Yes.

15 (Witness complied with the request.)

16 Q. Okay.

17 MS. MILES: May the record reflects that Ms. Spicer pointed out
18 the Defendant.

19 Q. (By Ms. miles) Mr. Henry mentioned that Child 1 did not know where
20 her tummy is. Did Child 1 identify her tummy? What area did Child 1 identify on the
21 body?

22 A. She lift my shirt and points to the area, points to my chest.

23 Q. Okay.

24 A. It's not the tummy that you would think.

25 Q. Okay. So she pointed to her breast?

1 A. Yes.

2 MS. MILES: Okay. Thank you. Number questions, Your
3 Honor.

4 MR. HENRY: I have one if I could, Judge.

5 THE COURT: Yes, sir.

6 RECROSS EXAMINATION by MR. HENRY:

12:05 P.M.

7 Q. Ms. Spicer, when you say ^{Child 1} lifted your shirt and pointed to your
8 chest ----

9 A. Correct.

10 Q. ---- did you get the impression that she was talking about a bare
11 chest?

12 A. (No Response)

13 Q. Or do you know?

14 A. I would think so.

15 Q. Okay.

16 A. Because she's — the word she was saying is lick — lick. I wouldn't
17 think she — she — if I — like I say, she would say, "I lick her sweater." So...

18 Q. Okay. So — so you assume that it was licking bare skin?

19 A. Correct.

20 Q. And, then, was the shirt up? Was that what you understood her to
21 say?

22 A. I don't know how's that positioned.

23 Q. Okay.

24 A. I just ask her where is her tummy, "Where is your tummy you're talking
25 about?" Because at first I — I assumed it was a tummy until she — she said "Oh."

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She lift my shirt and then point to my chest area.

Q. Okay.

MR. HENRY: All right. Thank you, ma'am.

THE COURT: Thank you, ma'am. You may stand down, ma'am.

THE WITNESS: Thank you.

(Witness complied with the Court's request.)

THE COURT: Unless you have a short witness, I may be ready to just go ahead and get some lunch, Counsel.

MS. HALL: I — I think he's pretty short, but when we could go ahead and get lunch. It's totally up to you. I don't think it'll be too long.

THE COURT: Well, go ahead. If it's something — if it's testimony you think we can complete in 15 or 20 minutes, we'll go ahead. Otherwise, we'll take a break.

MS. HALL: I think it will, Your Honor.

THE COURT: Okay. Go ahead.

MS. HALL: The State calls Bobby Seepersaud.

(The witness stepped forward to be sworn.)

(Whereupon,

BOBBY SEEPERSAUD

having been previously sworn, testified as follows:)

DIRECT EXAMINATION by MS. HALL:

12:06 P.M.

Q. Would you state your name?

A. My name is Bobby Seepersaud.

Q. Bobby, where do you work?

A. I work for the Department of Social Services.

1 Q. What division?

2 A. The division is Child Protective Services, OHAN (phonetic) Division.

3 Q. What does OHAN stand for?

4 A. Out-of-Home And Neglect Unit.

5 Q. And what does that unit do?

6 A. We investigate allegations of abuse in daycares, group homes, foster

7 homes. And, when it began, it was limited to just daycares and group homes.

8 Q. You mentioned you also work with the Department of Social — Social
9 Services. Is OHAN a part of the Department?

10 A. Yes. It's a — it's a special division that is scheduled -- that is set up to
11 just investigate allegations that are outside of the home set — setting.

12 Q. How long have you worked for OHAN?

13 A. More than fifteen (15) years.

14 Q. And what do you do there? Or what did you do for OHAN?

15 A. I did intakes. I did the intakes when people call reports in to DSS. I
16 did investigations, went out and talked to folks.

17 Q. How does OHAN get an intake?

18 A. People call in reports or they could write in or they could fax in a
19 report, depending on -- on an allegation of abuse and neglect.

20 Q. What kinds of people call in to make a report?

21 A. We have all kinds of people. We've got doctors, lawyers, teachers,
22 just common ordinary people who suspect a -- a child is being abused.

23 Q. And what happens once you get a call and you have an intake report?
24 What happens next?

25 A. What we try to do is to make sure if -- and it depends on the setting

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1 how we try -- we make the initial contact; if we are asked to make initial contact.

2 The policy is for DSS per law to make the initial contact with the children, the alleged
3 victims, within 24 hours.

4 **Q.** Okay. And what do you do after you've made initial contact?

5 **A.** Depending on what that is, you assess the information that you have.
6 You may make some referrals. You may talk to some other witnesses, collateral, et
7 cetera. And then you make a decision based on the information you have gathered.

8 **Q.** At what point do you decide whether you need to conduct an
9 investigation?

10 **A.** An investigation is based upon the criteria. There's a certain criteria
11 whether the allegation meets the definition of child abuse and neglect per law.

12 There's certain criteria, whether there -- depending on the age of the
13 child, the severity of the abuse, when it happened, how it happened, and who are
14 the perpetrators or alleged perpetrators.

15 **Q.** Thank you. How did you come to be involved in this particular case?

16 **A.** The case was assigned to me. It came into the office, I think it was
17 10/18/2010.

18 And that report was taken by another worker in the division. And then
19 it was accepted by the -- by the OHAN supervisor, who is Donna Oakman
20 (phonetic). And then it was assigned to me for investigation.

21 **Q.** So Donna assigned the case to you?

22 **A.** Yes.

23 **Q.** How did Donna get the referral?

24 **A.** Donna got the referral because the call -- because there was a call
25 made into the OHAN division. And a worker by the name of Cookie Grant (phonetic)

1 took that report.

2 Q. A woman by the name of Cookie Grant? So Cookie was at DSS ---

3 A. DSS. She's one of the line workers, yes.

4 Q. All right. Who did Cookie take the report from?

5 A. The call came in from a Sally -- I've forgotten. I'm sorry.

6 Q. That's okay.

7 A. One -- one second, please.

8 (Brief Pause)

9 Q. Take your time.

10 A. I think her name is Sutherland if I'm not mistaken -- I think it's

11 Strickland. I

12 Q. Strickland? Who is Sally? Who is ---

13 A. Sally is the daycare director for Kids "R" Kids Daycare in Spartanburg.

14 Q. And what date did Cookie take the report from Sally?

15 A. That was on 10/18.

16 Q. October 18th?

17 A. Yes, 2010.

18 Q. What was the nature of the report in this case?

19 A. Sexual abuse on -- on three children.

20 Q. And where were you told the abuse took place?

21 A. At the daycare.

22 Q. What daycare?

23 A. Kids "R" Kids Daycare.

24 Q. And where is that daycare located?

25 A. I have an address for it. Hang on one second.

(Brief Pause)

A. That daycare is located at 390 Westmoreland Road in Greer, South Carolina.

Q. Okay. And so what do you normally do at this point. You've gotten the report. What do you normally do next?

A. Once you get a report -- in -- in -- in this particular case, I made initial -- I made contact, telephone contact with the parents, because we had some information on -- on the parents.

Q. Okay.

A. Letting them know that I am -- I have a time frame in which to respond to the children or to see the children.

Q. What is that time frame?

A. Within 24 hours.

Q. Within 24 hours? Okay.

A. And so I would schedule with the parents to see their children. I didn't want to go and alert the children and talk with the children without their parents' knowing what is going on. So that's what I did.

Q. Okay. And why is the rule -- well, what is the reason with the 24 hours?

A. One, you want to make sure that the children are safe. The safety of the children comes first to make sure that, if -- that the abuse does not continue. And, if there is a needed plan, that there's a safety plan or some other alternative means of protection for the children.

Q. And, in this case, you -- you mentioned you made contact with several of the parents to schedule meetings?

1 A. Yes.

2 Q. Who was the first parent you contacted?

3 A. I contacted Ms. Spicer, I think is her name, the mother of Child 1

4 Q. And what did you set up with Ms. Spicer?

5 A. I set up a face-to-face contact with her and her daughter at her home.

6 Q. At her home? Who was present?

7 A. She and her daughter.

8 Q. Her daughter Child 1

9 A. Child 1 yes.

10 Q. And did their child make a disclosure?

11 A. I did not interview the child.

12 MR. HENRY: Objection -- withdrawn. He didn't talk to her.

13 Q. (By Ms. Hall) Did their child make a disclosure?

14 A. No, ma'am.

15 Q. Why not?

16 A. Because I did not -- because of the age of the child, I did not want to
17 interview the child and have the child being interviewed several times. So I decided
18 to make a referral to the CAC, which is a Child Advocacy Center.

19 They specialize in making those assessments and do some forensic
20 interviews with the children of that age.

21 Q. So, instead of interviewing the child, you referred her for an interview
22 with the CAC?

23 A. Correct.

24 Q. Who -- where else did you make a referral?

25 A. I've made a referral also to law enforcement, the Spartanburg Police

Department, Law Enforcement Division.

Q. Okay. And how -- how does that referral process work with the CAC first? What do you tell the CAC?

A. What I do, I -- basically law enforcement makes a referral to CAC. And so I -- I wanted to make sure that the children are interviewed very quickly and in a timely manner before memories or other things are missing.

So I will make that referral to law enforcement. They will be in touch with the CAC, get it coordinated for the parents.

Q. So you kind of call everybody?

A. Pretty much, yes. That very -- that very day I did call those persons.

Q. All right. Who was the next parent you contacted?

A. Mr. Anderson Garcia.

Q. Who is his child?

A. Child 2

Q. Child 2 When did you meet him?

A. I met him the very day, on the 19th. The -- the following day after the intake, which was the 18th. I went on the 19th and saw him at the daycare with his daughter.

Q. And who -- who did you meet? You said you met him at the daycare?

A. Yes.

Q. Who was present?

A. He and his daughter.

Q. And where did you meet with them?

A. In one of the classrooms by himself and his daughter.

Q. Okay. And who was next? Who was the next parent you contacted?

1 A. Lynette Stein and her daughter Child 3

2 Q. And where did you meet them?

3 A. This was at another daycare. This child had already been moved from
4 -- from Kids "R" Kids Daycare. So I met them at the other daycare.

5 Q. Okay. And, with both the Garcias and the Steins, was the process the
6 same as it was with the Spicers?

7 A. Yes, in terms of making -- I did not -- I just wanted to make sure that I
8 saw the children face-to-face, and then make the referral to -- and let them know
9 that there is a referral to the CAC, as well as to law enforcement, since there's a
10 sexual abuse allegation.

11 Q. Okay. Who was next?

12 A. Then I spoke -- I went back to the office. There was another allegation
13 on the same daycare with another child by the name of Child 4

14 Q. Child 4 All right. So what did you do about the new allegation with
15 Child 4

16 A. We take that matter as a new report. We take it as additional
17 information since I was already investigating the same institution with the same staff.
18 And I followed up on that one.

19 I also called Ms. -- Child 4 mom, Yvonne I think is her name. And I
20 scheduled a meeting with her.

21 Q. And where did you meet her?

22 A. I think we met at McDonald's if I'm not mistaken because -- I don't
23 remember the time of the day that I met with her, she and her husband and child.

24 Q. What did you say to them?

25 A. Pretty much the same thing. That, again, I'm not going to interview the

1 child because I don't want the child to be re-interviewed several times.

2 And I will just -- that the referral would be made -- or is being made wt
3 -- to law enforcement and the CAC for interviews.

4 Q. And what day was that meeting with the Bermudas family?

5 A. I think that was on the 20 -- the 20th or the 21st.

6 (Brief Pause)

7 A. Yes. Can you give me one second? I can just check my ---

8 Q. Okay.

9 (Brief Pause)

10 A. I think that was on the 20th if I'm not mistaken.

11 Q. Okay. When did you contact Spartanburg County Sheriff's Office?

12 You said that was the 19th?

13 A. The 19th, yeah.

14 Q. How did you contact them?

15 A. I called on the phone.

16 Q. What did you send them?

17 A. Usually I send them a referral sheet that has the names of the children
18 and the parents' contact numbers; how they can get in touch with the parents.

19 Q. What is OHAN policy regarding what you can reveal to other people
20 about these types of cases?

21 A. The policy is I don't discuss the case with other people. And I take
22 each case by itself and make those -- make the assessment as necessary.

23 Q. What about the daycare? Did the daycare ask you or did you tell the
24 daycare what to do if other parents contacted them?

25 A. Yeah. They were concerned about the -- several parents asking about

MR. BOBBY SEEPERSAUD - DIRECT by MS. HALL **Page 276**

1 what was happening to their kids, what's happening at the daycare. And I told them

2 I couldn't share the information about what I had or anything that I had;

3 If they had concerns -- if they suspect that their child is abused, then,
4 they need to make sure that we can refer them to the CAC to get an assessment.

5 And, if there's a credible disclosure, we will follow up on that. They will
6 make a report to us and so forth. And the same thing with law enforcement.

7 **Q.** So you told them to contact the sheriff's office or the CAC if they had
8 concerns?

9 **A.** Correct.

10 **Q.** Were you given additional names of children in this case?

11 **A.** I think there were two additional names that were given to me. And
12 they were already seen at the CAC.

13 **Q.** And what about children who were referred to the CAC who did not
14 make disclosures?

15 **A.** There were -- there were at least one or two of them like that, yes.

16 **Q.** So there were lots of children, in other words, whose names were
17 coming in and out of this case?

18 **A.** Right.

19 **MR. HENRY:** Objection, Your Honor.

20 **THE COURT:** Sus -- sustained.

21 **Q.** (Ms. Hall) What did you do with those names?

22 **A.** Again ---

23 **MR. HENRY:** Same objection. We're talking about the same
24 list.

25 **THE COURT:** Counsel approach just a minute.

1 (Whereupon a bench conference was had with all attorneys
2 present.)

3 Q. (By Ms. Hall) Mr. Seepersaud, other than those four families that you
4 initially met with, did you meet with any other families?

5 A. No, I did not.

6 Q. Okay. What about the October 19th on-site visit to Kids "R" Kids?

7 A. I made that on-site visit and I interviewed the director and talked with
8 the director and did a walk through, pretty much, of the facility.

9 Q. And what did you learn of when the abuse first occurred?

10 A. My understanding is that there was some discussion about Child 1 a
11 disclosure. Some concerns about -- about ten (10) -- October the 8th.

12 Q. The 8th?

13 A. Yeah.

14 Q. And what was the result of your on-site visit?

15 A. Well, again, I collected some information from the director. And I
16 asked about if there's a video system because that's also part of the evidence.

17 I -- we would usually look for that. There are several facilities that
18 have that kind of monitoring system.

19 Q. And what did you find out about the video monitoring system?

20 A. That it was not working and that she was going to try and see if she
21 can get her tech person to get me a copy of whatever is available, but then that was
22 -- that never came through because apparently the system was not working.

23 Q. Okay. So were you able to view any video feed?

24 A. None at all.

25 Q. None? What was the next step in the process?

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1 **A.** The decision would be made based upon the -- the statements or the
2 assessments that were made by forensic law enforcement, and any additional
3 information that I would gather concerning medical or whatever the case -- the case
4 might be.

5 **Q.** What about forensics?

6 **A.** The forensics I got the results a little later than my forty-five (45) days.
7 I have forty-five (45) days in which to make that decision.

8 My decision was due about January -- December the 3rd. And, since I
9 didn't have all the information from -- from the forensic, I asked for a fifteen (15) day
10 extension, which is granted in cases like this.

11 **Q.** And what happened after you obtained the forensic results?

12 **A.** I plan to indicate the case was sexual abuse based on the credible
13 disclosure made to the CAC.

14 **Q.** What happened next? You said you planned to indicate the case. So
15 what happened next?

16 **A.** I usually notify the -- it's our policy to notify the alleged perpetrator that
17 we have enough evidence to substantiate that case for abuse. And, if they have
18 any additional information that can counteract that, then, that would be fine.

19 **Q.** And were you contacted by the Defendant in this case?

20 **A.** No.

21 **Q.** What about any statements from the Defendant?

22 **A.** She did write me a long statement. In fact, I saw her face-to-face as
23 well and she talked about her time at the daycare and how long she had worked
24 there and what kind of good feedback she had from parents and stuff like that.

25 **Q.** I want to ask you first about the conversation you had with her. Was --

1 that was the conversation on October 21st?

2 A. Yes.

3 (Brief Pause)

4 A. Yes. I interviewed her on the 21st.

5 Q. And -- and what did she tell you about taking certain children to the
6 bathroom?

7 A. Uh ---

8 Q. Let me ask you first about Child 1. What did she say about taking Child 1
9 to the bathroom?

10 A. She stated she only -- she assisted Child 1 on cleaning her on one
11 occasion while Child 1 was playing in the toilet bowl, singing and tearing -- tearing up
12 paper.

13 Q. So she said she cleaned her ---

14 A. Yes.

15 Q. --- on one occasion while she was playing and singing?

16 A. While the child was playing and singing in the bathroom.

17 Q. Okay. And what did -- what did she say about Child 4

18 A. She said Child 4 who belonged to another class, that she was -- she
19 monitored him in the -- in the restroom and once assisted with his zipper that was
20 stuck.

21 Q. And what about Child 3

22 A. She had to wipe Child 3 on one occasion in Laurie's classroom, which
23 is another teacher's classroom, because she said I have done -- "I'm done, Ms.
24 Ronasha, will you wipe me?"

25 Q. And what about Child 2

1 A. She said Child 2 is not in her classroom but she wiped her once
2 because the child could not clean herself.

3 Q. So she spoke about all four children?

4 A. Pretty much, yes.

5 Q. And she indicated she had wiped all of them one time?

6 A. Yes.

7 Q. Okay. What about any other children? Did she mention any other
8 children?

9 A. No, ma'am.

10 Q. Okay. And you said she also submitted a statement to you?

11 A. Yes, she did.

12 Q. What was -- what did she say in her statement? I mean, I don't want
13 the whole thing, obviously, but what -- what did she generally say?

14 A. It's a very long statement, ma'am.

15 Q. Yes.

16 A. And I'm trying to figure out ---

17 Q. What did she say about what kind of teacher she was?

18 A. She was a good teacher and that some parents asked for their
19 children to be in her classroom and stuff like that, so...

20 Q. What about her responsibilities? Did she indicate that she had a lot of
21 responsibility at the daycare?

22 A. Based upon what she said, yes.

23 Q. What did she say about the allegations?

24 A. She denied the allegations. She didn't think they were credible
25 allegations.

1 Q. And when, if ever, did you ask co-workers to write letters in support for
2 her?

3 A. I asked her that, if she has any personal reference or people that know
4 her, that very day when I interviewed her on the 19th -- if she has any additional
5 information or people I can talk with, then, please do so. Or, if she has character
6 reference, please send them to me.

7 MS. HALL: Okay. I don't have any other questions for you,
8 but Mr. Henry may wish to ask you some.

9 CROSS-EXAMINATION by MR. HENRY:

12:26 P.M.

10 Q. Mr. Seepersaud, do you pronounce the "D"?

11 A. That's correct, yes, sir.

12 Q. Okay. I noticed that DSS is still doing reverse dictation; is that right?

13 A. I don't know what you mean by reverse dictation.

14 Q. The dictation is the most recent one. You have to go backwards to ---

15 A. Yes, and that's kind of funny sometimes. You have to start from the
16 back and go up.

17 Q. Is that part of why you were checking back ---

18 A. Yes, sir.

19 Q. --- to see how to find this stuff in your own dictation?

20 Now, in this case, what you're saying is that -- that the first three
21 allegations involving kids at Kids "R" Kids, that report was made by the Kids "R" Kids
22 director Sally?

23 A. Yes. She is my written report.

24 Q. Okay. And that was before any complaint was made about Child 4 ---

25 A. Correct.

- 1 Q. — the first three, and that was for the three girls, basically ---
- 2 A. Yes.
- 3 Q. — that you talked about before which would be Child 1 Child 2 and
- 4 Child 3
- 5 A. Correct.
- 6 Q. Now, in the report that you have and the information you gathered, I
- 7 noticed there was nothing in there at all about any claim of any penetration or sexual
- 8 battery; nothing like that?
- 9 A. No, sir.
- 10 Q. And that included Child 4 as well; no claim of sexual battery,
- 11 penetration, oral sex by any of those four kids, right?
- 12 A. Correct.
- 13 Q. Okay. Now the forensic interview video -- they videotape these things,
- 14 don't they?
- 15 A. They do I think -- I think so. I don't have a copy of it, no.
- 16 Q. I was going to ask you if you watched it before you made your
- 17 decision?
- 18 A. No. We usually request that on some -- that's confidential
- 19 information. Sometimes it's shared, sometimes it's not shared. Generally that is --
- 20 that is confidential information.
- 21 Q. Okay. But even for DSS investigators?
- 22 A. That's right.
- 23 Q. Okay.
- 24 A. I've had problems like that.
- 25 Q. Did you ask to see it in this case?

1 A. I didn't ask to see it, no.

2 Q. Okay. So, when you'd make your decision to what they call, find the
3 case or indicate the case ---

4 A. Correct.

5 Q. Is that the correct language?

6 A. Indicate the case, yeah.

7 Q. Indicate the case? All right. You base that really on the forensic
8 interviews?

9 A. Correct.

10 Q. The ones you didn't see?

11 A. The ones I didn't see, yes.

12 Q. Now, with respect to -- well, let me ask you this: You didn't base it on
13 anything else?

14 A. No. Those are the professional assessment persons who make the --
15 they're trained ---

16 Q. Sure.

17 A. --- to talk to these folks and trained -- trained to talk to -- to these
18 children and gather the information that they -- they have seen these kids for maybe
19 two (2) or three times (3) a session at the time.

20 Q. Sure.

21 A. So based upon their professional expert opinion, it's -- that's what I
22 use.

23 Q. Okay.

24 A. Rather than me making that determination based on what -- my
25 interviews.

1 Q. So you, as the DSS investigator, with respect to this issue of your
2 register which we'll come back to in a minute, you defer to -- to the CAC people?

3 A. Correct.

4 Q. But you also had in your possession an interview with my client face-
5 to-face?

6 A. Yes.

7 Q. Didn't she meet you at the library with her mom?

8 A. She met me there, yes.

9 Q. Was her mom there too? Do you remember?

10 A. Yeah, but I didn't have a -- I didn't -- I didn't interview the mom. I did
11 talk with the mom but I -- I don't -- the mom is peripheral in terms of ---

12 Q. Oh, I understand. I understand. Now, before you met with Ronasha,
13 did you give her an idea of why you were meeting with her?

14 A. I -- I think I did talk with her about ---

15 Q. Okay.

16 A. --- basically that I investigate child abuse and I needed to talk with
17 her, yes.

18 Q. All right. So you told her you were there to talk to her about child
19 abuse and she just came by -- by herself or with her mom without a lawyer?

20 A. Yes.

21 Q. And she fully cooperated with you?

22 A. Yes, she did.

23 Q. Answered all your questions?

24 A. Yeah.

25 Q. Did she ----

1 A. But before you do that, I want you to know that I always advise ---

2 Q. I'm going to get to that.

3 A. --- clients that they have the right to get an attorney and they don't
4 have to talk to me. But go ahead.

5 Q. Because you want to make sure that -- that no one talks to you without
6 having their rights read to them, correct?

7 A. That's right.

8 Q. And you didn't ---

9 A. But I don't read rights, but go ahead.

10 Q. You tell them about it though?

11 A. Yes.

12 Q. You tell them -- I believe you told her on the phone. You said, "You
13 have a right to bring a lawyer if you want to," something like that?

14 A. Not on the phone. I did talk to her face-to-face about that.

15 Q. And you told -- you told her she could have brought somebody to help
16 her if she wanted to?

17 A. Sure.

18 Q. And -- and she chose not to?

19 A. No.

20 Q. And she just talked to you by herself?

21 A. Yes.

22 Q. And the statement that she gave to you, you said it was a long one. In
23 the statement, did she say -- and you can skip to the bottom to make it easier -- that
24 she would never abuse a child in any way?

25 (Brief Pause)

1 A. Yeah, she did say that.

2 Q. And the statement that she made, did she make it at the library or did
3 you ask her to send it to you?

4 A. I asked her to send it to me because I -- I hadn't spoken to her. I told
5 her, if she wouldn't mind, put her thoughts on what happened, what the allegations
6 are and the concerns that were expressed to her over the discussion that she had
7 were directed or I could have them contact if she had any witness.

8 Q. Okay. Can you tell -- and, again, I'm going to have ask you to check
9 your dictation for this one. And I might be able to guide you a little bit, but can you
10 tell, when you were first notified, that the law enforcement people intended to arrest
11 her?

12 And I'm going to give you a date ---

13 A. If I tell her -- go ahead. Repeat the question. I'm sorry.

14 Q. Sure. When were you first made aware that a decision had been
15 made to arrest Ronasha?

16 A. I don't recall the date, but I know it was ---

17 Q. Take a look at December 13th.

18 A. Okay.

19 (Brief Pause)

20 Q. It might be Page 2.

21 A. Yes, I got it. I got it on Page 2, yes.

22 Q. All right. And there's some -- there's some code language here which
23 you maybe use to do shorthand I think.

24 A. Go ahead.

25 Q. For example, "TC", I assume means "telephone call"?

MR. BOBBY SEEPERSAUD - REDIRECT by MS. HALL**Page 287**

1 A. Telephone call, oh, yes.

2 Q. And "LE" means law enforcement officer?

3 A. Yes.

4 Q. Okay. Is that when you -- is that the correct date, December the 13th,
5 when you were first notified that -- that there was a -- a warrant will be issued?

6 A. That's -- yes.

7 Q. And the -- the arrest was going to be made that day or as soon as
8 possible?

9 A. Yes.

10 Q. And that was December the 13th, 2010?

11 A. December 13th, yeah.

12 Q. December the 13th, 2010?

13 A. Yes.

14 Q. And who -- who was the law enforcement contact?

15 A. There were two law enforcement officers. There was an Officer Burrell
16 and an officer Bobo.

17 Q. Okay. And -- and who was the contact on this December 13th entry?

18 A. Ms. Burrell, Officer Burrell.

19 **MR. HENRY:** That's all I have. Thank you.

20 **MS. HALL:** Very, very brief.

21 **THE COURT:** Yes, ma'am.

22 **REDIRECT EXAMINATION by MS. HALL:**

12:33 P.M.

23 Q. Mr. Seepersaud, how did you know what was in the forensic
24 interviews?

25 A. They were faxed to me by -- by the CAC.

1 Q. What do they fax to you?

2 A. The -- the results. Just the summary of the -- of their interviews with
3 the children, whether there was a positive disclosure or not and some of the specific
4 statements as to why -- you know, what the children said with regards to being
5 touched and what -- what their language meant.

6 Q. And that's where you made your finding?

7 A. That's correct.

8 MS. HALL: No further questions.

9 THE COURT: All right. Thank you, sir. You may stand down,
10 sir.

11 THE WITNESS: Thank you.

12 (The witness complied with the request.)

13 THE COURT: Any reason why this witness couldn't be excused?

14 MS. HALL: We would ask that he be excused, Your Honor.

15 THE COURT: Thank you for coming. You may be excused at
16 this time if you wish.

17 (Whereupon, the witness was excused at 12:34 p.m.)

18 THE COURT: Mr. Foreman, ladies and gentlemen of the jury
19 panel, it's by the courtroom clock about 12:35. We're going to go ahead and
20 break for lunch at this time.

21 I want to remind you again during lunch please don't discuss the case
22 among yourselves or with anyone you might see during the lunch break.

23 I'm going to ask you to get some lunch and be back in the jury room
24 ready to go at 1:35. It's 12:35; at 1:35. Thank you.

25 Everyone else keep seated please.

1 **(The jury exited the courtroom at 12:35 p.m.)**

2 **THE COURT:** I ask everybody, when the jury is going out or
3 coming in, please, to remain seated, not get up and move around or talk
4 while the jury is doing that if you would.

5 All right. We'll adjourn for lunch and be back at – in one hour. That'll
6 be 1:35. Thank you.

7 **(Whereupon, a lunch recess was taken from 12:35 p.m. till 1:35**
8 **p.m.)**

9 **(Whereupon, a bench conference was had with all attorneys**
10 **present.)**

11 **(Off-the-Record Comments)**

12 **(Brief Pause)**

13 **THE COURT:** All right, sir. Please bring the jury in. Well, wait
14 just a minute. Wait just a minute. Do you all need — are you going getting
15 the families in now?

16 **MS. HALL:** We're going to bring them right now.

17 **THE COURT:** Yeah. Well, okay. If you all can go ahead and get
18 them in. You don't have to just bring them in when we get ready to bring the
19 jury in.

20 **(Brief pause while victims' family members are brought into**
21 **courtroom.)**

22 **(Brief Pause)**

23 **THE COURT:** All right. Bring the jury in, please, sir.

24 **(The jury was summoned and entered the courtroom at 1:36 p.m.)**

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

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1 panel, I hope you enjoyed — excuse me (turns on PA) — Mr. Foreman, ladies
2 and gentlemen of the jury, I hope you enjoyed your lunch today.

3 I have your note before you went to lunch in which you say, "Can we
4 see the statement made by Ronasha given to Bobby."

5 Let me explain to you that only those documents or statements or
6 whatever that are admitted into evidence will be made available to you to
7 read. There are rules which govern the admissibility of certain documents, et
8 cetera. There are rules which govern that.

9 So there may be some things that are referred to that are not actually
10 admitted into evidence. If they're actually admitted into evidence as an
11 exhibit, they'll be made available to you at the end of the trial for you to
12 review. But that statement was not admitted into evidence, and therefore, not
13 available to be given to you.

14 Just keep that in mind if you have some question about some video or
15 something. Thank you. Are we ready to proceed?

16 **MS. HALL:** The State is ready, Your Honor.

17 **THE COURT:** Please, call your next witness.

18 **MS. HALL:** The State calls Deputy Megan Burrell.

19 **(The witness stepped forward to be sworn.)**

20 **(Whereupon,**

21 **DEPUTY MEGAN BURRELL**

22 **having been first duly sworn, testified as follows:)**

23 **DIRECT EXAMINATION by MS. HALL:**

1:38 P.M.

24 **Q.** What's your name?

25 **A.** Megan Burrell.

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1 Q. And where do you work?

2 A. In the Spartanburg County Sheriff's Office.

3 Q. What do you do there?

4 A. I'm currently assigned as a deputy to the Uniformed Patrol Division.

5 Q. What did you do prior to being in road patrol?

6 A. I've been with the sheriff's office for a little over twenty (20) years. For
7 six of those years, I was a — a detective assigned to the Criminal Investigative
8 Division.

9 Q. And I'm going to need for you to scoot up a little bit closer to the
10 microphone so she can hear you. So you worked for Spartanburg County for ten
11 years?

12 A. Yes, ma'am.

13 Q. When did you go into investigations?

14 A. I began in investigations in 2005.

15 Q. And when did you leave investigations and go back in road patrol?

16 A. In May of 2011.

17 Q. So were you working in investigations when this case began?

18 A. I was.

19 Q. What department specifically?

20 A. In the special victim's unit specifically dealing with sex crimes.

21 Q. And so what does the special victim's unit do?

22 A. We're a group of detectives that investigate sexual offenses, child
23 crimes, crimes against persons, usually being children.

24 Q. How many of those types of cases, as an investigator, have you
25 worked on?

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1 A. Hundreds.

2 Q. And you said you're now doing road patrol?

3 A. That's correct.

4 Q. Do you still see sex -- sexual abuse cases as well?

5 A. I may be the deputy that initially responds when a call is -- is given, but
6 I do not investigate them.

7 Q. And why did you switch from investigations back to road patrol?

8 A. At the time -- or currently I'm a single mother of a young son. It was a
9 lot of responsibility to -- to work those cases which are very time consuming.

10 But, after working this case and several others of this magnitude, it just
11 began to affect me a way I wasn't prepared to handle. So I decided to throw out a
12 stressful job.

13 Q. And how did you come to be involved in this particular case?

14 A. I received a referral or was assigned the case from my sergeant at the
15 time, which was Kevin Bobo.

16 Q. And how does that process normally work as far as your office getting
17 the case?

18 A. This particular case was referred by OHAN, which you heard earlier.
19 He sent a referral or contacted Sergeant Bobo who was the sergeant with respect to
20 the Special Victim's Unit at the time.

21 And then out of the investigators that are working the Special Victim's
22 Unit, I just happened to be the one that got assigned this particular case.

23 Q. Okay. And what was the --the referral about from Bobby that you
24 received?

25 A. The referral is that there had been allegu -- allegations of sexual

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abuse made by four separate children regarding a daycare worker at Kids "R" Kids

Daycare in Greer.

Q. And do you know specifically the address of that daycare?

A. I believe it's 390 Westmoreland Road, Greer, South Carolina in Spartanburg County.

Q. Okay. And you said it involved a daycare worker?

A. That's correct.

Q. Do you know which daycare worker?

A. Yes, Ronasha Taylor.

Q. And is she in this courtroom today?

A. She is. She's the Defendant sitting beside Mr. Henry.

MS. HALL: Please let the record reflect Deputy Burrell has identified the Defendant.

Q. (By Ms. Hall) When did you get assigned this case?

A. I believe I actually spoke to Sergeant Bobo about it on I believe it was the 18th of October of 2010.

Q. And what was the first thing you did?

A. I contacted -- we received basic information, but I contacted Bobby Seepersaud who spoke earlier regarding the allegations just get as much information as he had at the time.

And then I continued on and initiated contact with each of the parents of the four initial victims.

Q. And you said there were four initial victims. Who -- who were they or what were the family names of those four initial victims?

A. The initial victims were Child 1 Child 3 Child 4

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and Child 2

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Q. And at that point, you said you contacted the parents?

A. Yes. I'm — I'm not sure if it was exactly that day. I'd have to look back in my notes, but I believe it was the same day we -- I contacted them to let them know that there would be a criminal investigation that would continue.

Q. And what was the next step in the process?

A. After contacting the parents we decided that based, on the number of victims at the time, having to repeat the same information over and over again, it might be in our best interest to schedule a joint meeting with all the parents to give them basic information on the case.

Q. And when was that meeting?

A. That meeting was scheduled on October 26th ---

Q. And — excuse me.

A. — 2010

Q. Were you at that meeting?

A. I was not.

Q. Why not?

A. I believe there was a scheduling conflict with my work. I was on call that week. I'm — I'm not certain the exact reason, but Sergeant Bobo handled the initial meeting.

Q. And what was done at the initial meeting?

A. I believe he provided them information.

MR. HENRY: Objection to hearsay.

A. But I wasn't there so I'm not sure.

Q. (Ms. Hall) Okay. What is sort of the next step after an initial meeting?

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1 **A.** At that point, the children had already been referred to the Advocacy
2 Center by Mr. Seepersaud. Usually that would be my next step based on these
3 allegations.

4 But because he'd already done that, I just made contact with the
5 Advocacy Center, letting them know that I was the investigator assigned to the case
6 and that I would be their contact person for law enforcement.

7 **Q.** What is the Advocacy Center?

8 **A.** The Advocacy Center is a nonprofit organization that has certified
9 therapists and forensic interviewers that are specifically trained to deal with children
10 who have been sexually abused, physically abused, or been the witness to a
11 traumatic crime.

12 **Q.** All right. And this -- this particular Advocacy Center, what is the name
13 of this particular Advocacy Center?

14 **A.** The Spartanburg Children's Advocacy Center.

15 **Q.** Is it commonly called the CAC?

16 **A.** Yes.

17 **Q.** Okay. And you said they do forensic interviews for children?

18 **A.** That's correct.

19 **Q.** How did they get involved?

20 **A.** They were involved because, when Mr. Seepersaud got the initial
21 referral, he referred them to the Advocacy Center for forensic interviews.

22 **Q.** Okay. And -- but then you said you contacted them as well?

23 **A.** I did.

24 **Q.** Who did you speak with?

25 **A.** I probably spoke to Kerry Rothschild (phonetic) who at the time was

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1 the -- I don't remember her exact title -- title, but she basically did the scheduling for
2 forensic interviews.

3 **Q.** And what was the purpose of contacting her other than letting -- letting
4 her know?

5 **A.** Just to let her know, basically, that I was the contact with the sheriff's
6 office. That I would be, you know, pursuing the criminal investigation side of it.

7 That Mr. Seepersaud would do the OHAN side or the DSS side of
8 things, but it would be a -- not necessarily a joint investigation but obviously we
9 would both need the information that -- that came from the forensics.

10 **Q.** And, at this point, how many children were involved?

11 **A.** At this point, there were just four initial victims.

12 **Q.** How many forensic interviewers were used?

13 **A.** There were two forensic interviewers that were used. That was a
14 decision made by the Advocacy Center not really -- I guess, at the time, not realizing
15 the totality of this case. But assuming that the potential could be further ---

16 **MR. HENRY:** Objection, Your Honor. It's hearsay and it's ---

17 **THE COURT:** I'll sustain.

18 **MR. HENRY:** --- beyond the scope.

19 **THE COURT:** Speculation. All right.

20 **Q.** (By Ms. Hall) Who were the two forensic interviewers they decided to
21 use?

22 **A.** Lynn McMillan and Tabitha Weber.

23 **Q.** And you -- you touched on this briefly -- briefly, but what is a forensic
24 interview?

25 **A.** In my laymen's terms, a forensic interview is a multi-session interview

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1 conducted as a fact-finding mission. It's an interview conducted by the forensic
2 interviewer with these children to discover what actually happened or what the
3 allegations were.

4 **Q.** Do you do forensic interviews?

5 **A.** I do not.

6 **Q.** Why not?

7 **A.** I'm not trained or certified to do that.

8 **Q.** Okay. And is -- is this referral to the Children's Advocacy Center for
9 interviews, is this the normal practice in these types of cases?

10 **A.** Yes. For the sheriff's office, with any child that comes forth with sexual
11 abuse allegations, they are always referred to the Advocacy Center for forensic
12 interviews.

13 **Q.** What about other -- you said, at that point, there were four children
14 involved. What about other children that contacted you?

15 **A.** There were several other families, children that -- not the children, but
16 the families that contacted me in different ways. And they were all referred to the
17 Advocacy Center.

18 **Q.** How many total children did you refer to the Advocacy Center?

19 **MR. HENRY:** Objection, Your Honor.

20 **THE COURT:** Clarify it, please, the question.

21 **Q.** (By Ms. Hall) How many children did you refer to the Advocacy
22 Center?

23 **MR. HENRY:** Same question, same objection.

24 **MS. HALL:** Well, what is the ---

25 **THE COURT:** Counsel approach just a minute.

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(Whereupon, a bench conference was had with all attorneys

present.)

Q. (By Ms. Hall) Earlier you mentioned there were four victims that you were dealing with. How did the Salazars come forward?

A. Jose Salazar, the father of Child 5 called me at the sheriff's office.

Q. Who is Jose Salazar?

A. He's Child 5 father. And he also works -- at the time he was a Greenville County Sheriff's Deputy.

Q. Okay. And how did the Davis family come forward?

A. I actually contacted Ms. Davis because her son, Child 6 was named by Child 5 during his forensic interview.

Q. And what did you tell Pam when you called her?

A. I explained to her the initial basis of the case and what was going on; that there had been allegations made at the daycare where Child 5 was attending -- I mean, Child 6 -- I'm sorry -- was attending and that we had referred several of the children to the Advocacy Center for interviews;

That, during one of these interviews, a child that was in Child 6 class named Child 5 actually named Child 6 as a victim. And that I would like to proceed with that and follow up and send him to the Advocacy Center as well.

Q. How did you find Child 6

A. I contacted Kids "R" Kids, explained -- of course, we had been working closely with them throughout the whole process. And I believe I spoke to Anita, who was the assistant director or manager -- I'm not sure what her title is -- and advised her that I had a Child 6 that I was looking for.

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1 Of course I didn't have a last name. Fortunately, in the four year old
2 class, there was only one Child 6

3 Q. What was the Spartanburg County Sheriff's Office policy regarding
4 notification of parents about these allegations at the daycare, daycare-wide
5 allegations?

6 A. In this specific case, we at a sheriff's office did not make any general
7 notification to parents. It -- basically they either contacted us or they were named ---

8 Q. How ---

9 A. --- their children were named.

10 Q. Excuse me. How many other children besides Child 6 were named in a
11 forensic interview?

12 A. I believe there were three additional children.

13 Q. And what did you do with those?

14 A. They were all referred to the Advocacy Center.

15 Q. Is it unusual for you to refer children if they're named by another child?

16 A. No. A -- a forensic interview, you're not necessarily going to get a
17 disclosure out of it. It's not a -- a foolproof thing.

18 We send them to the Advocacy Center to determine if a crime has
19 been committed and if they are, indeed, a victim.

20 Q. And the first four children's forensic interviews, were you present for
21 any of those interviews?

22 A. I was present for several -- several of them.

23 Q. Which ones?

24 A. I'm not sure. They -- they have multi-part interviews. And we were
25 dealing -- again, it was four children. So you're talking about 12 -- I believe it was up

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1 to 12 interviews.

2 Probably, I — if I recall correctly, I was there for the initial forensic of —
3 of all the first four children. But I can't be fore sure.

4 **Q.** Where were you while the forensic interview was going on? Were you
5 in the room with the interviewer?

6 **A.** Oh, no. There's an observation room outside the forensic interview,
7 which we'll get into later, but it was vid — forensic interviews are videotaped. And
8 there's an observation room that is beside that interview room where I was basically
9 watching it on -- on television.

10 **Q.** Well, were the -- was the child aware that you were watching the
11 video?

12 **A.** Typically -- I can't say for sure in this case, but typically, if there is
13 someone in the observation room, the forensic interview — interviewer introduces
14 that person. Not necessarily that I was introduced as law enforcement, but her
15 friend, Megan; that kind that of thing.

16 **Q.** Okay.

17 **A.** So that they do know that someone is actually watching them.

18 **Q.** And are you able to interact with the interviewer during the interview?

19 **A.** There are moments that she may take a break and step out and make
20 sure there are no other questions that I believe she should follow up with, things like
21 that. Typically with children this young, it's not long enough for that to happen.

22 **Q.** Okay. Switching gears a little bit, who is Meredith Loftis?

23 **A.** Meredith Loftis is a cert — certified therapist that operates a private
24 practice in Greenville.

25 **Q.** And what was her involvement in this case?

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1 **A.** She is the therapist that all the children were referred to by the
2 Advocacy Center, after their initial forensic interviews were completed, to continue in
3 therapy.

4 **Q.** How often do you have cases with Meredith?

5 **A.** Not very often. I only -- the only time I've dealt with her is when the
6 Advocacy Center has referred victims to her ---

7 **Q.** Okay.

8 **A.** --- for follow-up therapy.

9 **Q.** And what correspondence did you receive from her during the course
10 of this case?

11 **A.** After she began therapy with these children, obviously, we
12 communicate via phone, voice mail, things like that. But, as far as what I would call
13 official documentation, she would fax memos of the children's disclosures to me.

14 **Q.** And what was the purpose of her faxing those memos with disclosures
15 on them to you?

16 **A.** That would be so that I would have pertinent information from the
17 disclosures since obviously I was not present during these follow-up therapy
18 sessions. So that I could pursue criminal charges if necessary.

19 **Q.** And what -- what did you do when you received those memos?

20 **A.** From -- from her I actually signed the arrest warrants on Ms. Taylor.

21 **Q.** And what types of warrants did you sign?

22 **A.** I believe, from the information that Meredith provided, most of those
23 charges were criminal sexual conduct in the first degree with a minor.

24 **Q.** Okay. And what about medical referrals?

25 **A.** That's typically -- although they confer with me, that's typically done --

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1 a decision made by either the forensic interviewers or the therapist if that's where
2 the disclosure happens to be made.

3 **Q.** What were the parents told at the initial meeting?

4 **A.** I — I don't know exactly because Sergeant Bobo handled that.

5 **Q.** Okay. What about at other meetings?

6 **A.** Most of the other meetings that occurred would just be to kind of give
7 them a status update on the case. Again, the totality of this case was huge.

8 You're dealing with multiple families, multiple victims. So a lot of times
9 it was easier to do, you know, larger meetings with everybody instead of having to
10 make, you know, six or eight phone calls a day.

11 There were status updates, when there would be bond hearings,
12 preliminary hearings, basically court -- court proceedings, things like that.

13 **Q.** What about the Defendant, Ronasha Taylor? Did you have an
14 opportunity to speak with her?

15 **A.** I did.

16 **Q.** When was that?

17 **A.** December 15th, 2010, around -- beginning maybe around 9:00 a.m.

18 **Q.** And what was the purpose of that meeting on December 15th at 9:00
19 a.m.?

20 **A.** Basically to get her version of the story.

21 **Q.** And what did she say?

22 **A.** She denied all the allegations that I had at the time that I presented to
23 her.

24 **Q.** What did she tell you about Child 1

25 **A.** Obviously the allegation at the time was that she'd gone into the

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1 bathroom with Child 1 and there was sexual abuse that occurred.

2 Basically she indicated that she went into the bathroom with Child 1
3 because Child 1 was playing with the toilet paper in the toilet.

4 Q. Okay. What did she tell you about Child 2

5 (Brief Pause)

6 A. I don't believe we specifically got into -- Child 1 seemed to be the one
7 that she, at the time, was concerned about that we discussed at great length. I don't
8 recall.

9 Q. What about Child 3

10 A. She denied any -- any allegations that I presented to her on the other
11 three children.

12 Q. Okay.

13 A. She basically adamantly denied.

14 Q. And the fourth child was Child 4 ?

15 A. That's correct.

16 Q. So was this interview with the Defendant, on December 15th at 9:00
17 a.m., prior to Child 5 or Child 6 coming forward?

18 A. That is correct. When I initially interviewed her, I only knew about the
19 four victims.

20 Q. When did the -- Mr. Salazar call you?

21 (Brief Pause)

22 A. January 4th of 2011.

23 Q. Okay. And when did you call Pam Davis?

24 (Brief Pause)

25 A. Looks like January 19th of 2011.

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1 **Q.** What -- what did Ms. Taylor say about the bathroom in general, if
2 anything?

3 **A.** That she did not -- if I recall correctly, that she did not go into the
4 bathroom with these children. That the only time she had any interaction with them
5 was in the instance with Child 1 playing in the bathroom.

6 And, then, I believe she stated that she put a door in -- in -- a chair in
7 the doorway to fill out her daily reports while Child 1 was in the bathroom.

8 **Q.** Okay. And -- and what was her belief about the four kids generally?

9 **A.** That they had hall been coached. That these allegations were,
10 quote/unquote, "a conspiracy."

11 **Q.** And is she here today?

12 **A.** Yes.

13 **Q.** Excuse me. Excuse me. Withdraw the question.

14 **(Brief Pause)**

15 **Q.** When did you go to Kids "R" Kids to photograph that daycare?

16 **A.** It was during the initial forensic interviews of the first four children. I
17 believe it was November the 4th.

18 **(Brief Pause)**

19 **A.** Yes.

20 **MS. HALL:** Permission -- permission to approach, Your
21 Honor?

22 **THE COURT:** Yes, please.

23 **Q.** (By Ms. Hall) I'm going to show you what's been previously marked
24 the State's Exhibit 3. Would you take a look at those for me?

25 **(Brief pause while witness reviews exhibit.)**

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1 Q. Deputy Burrell, do you recognize these photos?

2 A. I do.

3 Q. Are these photos a fair and accurate representation of the daycare,
4 Kids "R" Kids, as it appeared on November 4th, 2010?

5 MR. HENRY: I've got no objection to the pictures coming into
6 evidence.

7 MS. HALL: Your Honor, the State requests permission to
8 enter State's Exhibit 3 into evidence, and we also ask permission to publish to
9 the jury at the appropriate time.

10 THE COURT: And it's submitted without objection. You may
11 publish, Counsel.

12 (Whereupon, State's Exhibit 3 was admitted into evidence and
13 published to the jury.)

14 Q. (Ms. Hall) Deputy Burrell, it's going to take me just a minute to get this
15 pulled up.

16 (Brief pause while projector readied.)

17 Q. All right. Deputy Burrell, what is this a photograph of?

18 (Photograph shown on overhead.)

19 A. That was a daycare room at Kids "R" Kids.

20 Q. Okay. And where is it your understanding that the children did their
21 center playtime activities?

22 A. I believe either at the tables or where the carpeted area ---

23 Q. Back here?

24 A. --- is. Yeah.

25 MR. HENRY: I'm going to object to that, Your Honor. I think it's

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1 beyond her scope. She took photographs. How does she know where they
2 played?

3 **THE COURT:** Well, you can -- you can ask her that question,
4 how and if she know, Counsel.

5 **Q.** (By Ms. Hall) Deputy Burrell, what do you know about what sorts of
6 things went on in this room and where they went on?

7 **A.** From speaking to the daycare workers and -- and the director of the
8 daycare when I was there photographing.

9 **Q.** Okay. And who's room is this that you photographed?

10 **A.** This would have been -- I believe they called it the 4K room. I think
11 they're actually were two rooms, but this was the one where the allegations were
12 alleged to have occurred.

13 **Q.** Okay. And where is the bathroom in this picture?

14 **A.** There are actually two bathrooms in that classroom. The photograph
15 only indicates one which is on the other side of the sink.

16 **Q.** Right there (indicating)?

17 **A.** Yeah. Yes, that's -- that's an open -- that's an open door.

18 **Q.** Okay. All right. I'm going to show you the next photo. This is a little
19 bit different angle.

20 **(Photograph shown on overhead.)**

21 **A.** That's the second bathroom beside the -- the sink and the paper towel
22 holder.

23 **Q.** All right. And what is this right here (indicating)?

24 **A.** That is a door that goes out into, like, a -- I would call it a courtyard,
25 like a play area.

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1 Q. Okay. And what is that window?

2 A. The same thing. You can see -- It looks out to like a yard.

3 Q. All right. What is this right here, this wall (indicating)?

4 A. Just a wall in -- in the room itself.

5 Q. Okay.

6 A. I'm not sure what you're asking me.

7 Q. I just wondered if you knew what that wall -- where that led to.

8 A. I think that's -- the wall that comes off the door there I think just
9 connects to that little area. I think there's a -- a small area to the -- to the right
10 there, but it's not very large.

11 Q. Okay. And what over here (indicating)? What's it like, this
12 perspective, from where you're taking the picture?

13 A. That's walking into the doorway of the classroom.

14 Q. Okay.

15 A. Obviously outside of the picture that -- that you don't see is a -- a
16 bathroom that's identical to that, only it's ---

17 Q. And where -- where would the doorway be in this picture if we could
18 see it?

19 A. From -- to the classroom?

20 Q. Uh-huh (affirmative).

21 A. Basically where I'm standing taking the picture.

22 Q. Okay. All right. This is a closeup of one of the bathrooms.

23 **(Photograph shown on overhead.)**

24 A. Yes.

25 Q. Which bathroom is this, Detective Burrell?

1 A. The boy's bathroom.

2 Q. And where is it located in reference to the sink and to the other
3 bathroom?

4 A. If you were looking at the sink, it's to the -- to the right.

5 Q. Okay. And this one (indicating)?

6 A. That would be the girl's bathroom.

7 Q. Right. So the boy's bathroom ---

8 A. Is right there (indicating).

9 Q. Okay. All right. That's kind of dark. I'm not sure if you can see it.

10 **(Photograph shown on overhead.)**

11 A. That's the girl's bathroom. So, if you're looking at the sink, it would be
12 to the left.

13 Q. Okay. What about this?

14 **(Photograph shown on overhead.)**

15 A. That is a picture of one of the bathrooms. There were -- both
16 bathrooms are identical.

17 Q. Okay. What is in the bathroom?

18 A. Just what you see. Just the -- the toilet and the little bars.

19 Q. Okay.

20 A. There may be some bars on the other wall. I'm not sure, but they're --
21 they're there.

22 Q. All right. Do you know where the door to the bathroom opens?

23 A. It would be like at the corner of the picture there.

24 Q. Okay.

25 A. And it would open outward.

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1 Q. Are you standing facing straight on into the bathroom or are you
2 standing at an angle?

3 A. I'm actually -- I'm in the bathroom.

4 Q. In the bathroom?

5 A. Yes.

6 Q. Okay.

7 (Photograph shown on overhead.)

8 Q. Is that the girl's bathroom?

9 A. Yes.

10 Q. All right. And these are just a few more pictures of the general layout
11 of the classroom.

12 (Photograph shown on overhead.)

13 Q. Is there anything in particular in this picture that you photographed?

14 A. I was just showing that there are doors and windows that, you know,
15 go -- lead to the outside. And obviously, on the side there, you can see glass which
16 goes into the other -- a next door classroom.

17 Q. All right. And where would the bathrooms be in this photo?

18 A. Kind of actually behind me to the right if I'm facing that way.

19 Q. Out here (indicating)?

20 A. Uh-huh (affirmative).

21 (Photograph shown on overhead.)

22 Q. And this one, I think, is just a little bit further back?

23 A. I had just taken a few steps back.

24 Q. Okay.

25 (Photo shown on overhead.)

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1 A. Again, just a different angle from about the same position.

2 Q. Okay.

3 **(Photograph shown on overhead.)**

4 Q. And how about this one?

5 A. That would just be from the opposite angle, showing the door to the
6 classroom.

7 Q. Okay. So the bathrooms are where in this picture?

8 A. To the left of the sink.

9 Q. All right. And what is this door right here (indicating)?

10 A. If I'm not mistaken, I believe that goes into another classroom or some
11 other area.

12 Q. Okay. And who is in that other classroom?

13 A. I'm not sure exactly whose room that was.

14 Q. Okay. All right. Deputy Burrell, who is Suzanne Mays (phonetic)?

15 A. She was the initial prosecutor assigned to the case.

16 Q. And when did she become involved?

17 A. Pretty immediate after I got the case, but after the — the solicitor's
18 office conflicted -- conflicted the case out, she became the prosecutor that was
19 assigned to it.

20 Q. And what about the Attorney General's Office? When did they get
21 involved?

22 A. After Suzanne Mays -- I believe she was leaving her position where
23 she was, and so that was next in line.

24 Q. And at what point did SLED became involved?

25 A. SLED became involved, actually, right after I went back to uniform

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1 patrol when I realized that the magnitude of this case was beyond the scope of what
2 I could perform while working the road.

3 **Q.** And were there any protocols in this case that were not followed by the
4 Spartanburg County Sheriff's Office?

5 **A.** No. Obviously, with this number of victims and things, we learned a
6 great deal about how we investigate things, but everything was followed.

7 **MS HALL:** Just a moment; the Court's indulgence.

8 **(Brief Pause)**

9 **MS. HALL:** No further questions at this time. Please answer
10 any questions Mr. Henry may wish to ask you.

11 **CROSS EXAMINATION by MR. HENRY:**

2:07 P.M.

12 **Q.** Deputy Burrell, hello.

13 **A.** Hi.

14 **Q.** Just a couple things. The pictures that you just showed don't show the
15 pictures from the hallway where all the -- all the glass is, do they?

16 **A.** They do not.

17 **Q.** Okay. And you can -- when you're there, because you were there, you
18 can see from one room to the other room because they're glass walls?

19 **A.** To the best of my knowledge, yes.

20 **Q.** Okay. Well, you -- you don't remember that for sure?

21 **A.** It was two years ago.

22 **Q.** Okay.

23 **A.** I remember that there's a lot of glass. I -- I assume that, yes, you can
24 see from one class to the next, but I don't want to confirm that for sure.

25 **Q.** A couple of your classroom pictures seem much darker than the

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1 others. Is that -- that -- is that basically because of skill of photography or ---

2 **A.** I'm sure that it is. I'm sure that it's lack of equipment and my skill.

3 **Q.** Okay. Those rooms are fairly bright because of all the light coming in
4 from all the glass, aren't they?

5 **A.** Yes. And, of course, the bright fluorescent lights in the classrooms.

6 **Q.** Right. In the -- in the bathroom pictures, there didn't seem to be a
7 photograph of the toilet paper dispenser. Was that on purpose?

8 **A.** Absolutely not.

9 **Q.** There -- there is one in there, right?

10 **A.** I'm sure that there is.

11 **Q.** Okay.

12 **A.** That -- that was not on purpose.

13 **Q.** All right. Now, you've talked about my client interview -- her interview
14 with you. And you said you wanted her in there to get her version of things.

15 **A.** That's correct.

16 **Q.** So it's not true that you'd already made a decision to issue arrest
17 warrants as Bobby Seepersaud said?

18 **A.** That is not true.

19 **Q.** So what he said you told him on -- on December 13th, you made a
20 decision to -- to issue arrest warrants, that was false?

21 **A.** That was false.

22 **MS. HALL:** Objection, Your Honor. He's pitting the State's
23 witnesses against one another.

24 **MR. HENRY:** I can do that.

25 **THE COURT:** Well, you can ask her what she did or didn't do,

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1 Counsel, not what one did or didn't do.

2 Q. (By Mr. Henry) All right. So December 13th would have been two days
3 before you met with my client?

4 A. That is correct.

5 Q. Okay. When you got -- when my client came in to see you, did she
6 come in under arrest?

7 A. She did not.

8 Q. Did she come in from a phone call?

9 A. Yes.

10 Q. You called her up and she came in voluntarily to see you?

11 A. That is correct.

12 Q. At that point in time, you knew that she'd already been interviewed by
13 Bobby Seepersaud from DSS?

14 A. That is correct.

15 Q. And that she -- she would have know, wouldn't she, that she was
16 coming to see you about these abuse allegations?

17 A. Right, yes.

18 Q. Okay. So she came in on her own, no lawyer, right?

19 A. That's correct.

20 Q. Did you do the -- the standard *Miranda* warnings and have her -- have
21 her waive her rights or ask her to?

22 A. I did.

23 Q. And did she sign that waiver form and waive all her rights?

24 A. She did.

25 Q. And did you read them to her as well?

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1 A. Yes, that's what I do.

2 Q. Okay. So her -- her discussion with you and her talks to you on that
3 day were voluntary?

4 A. That's correct.

5 Q. And all the standard Constitutional Rights were followed?

6 A. To the best of my ability.

7 Q. And you know how to do that?

8 A. I do.

9 Q. After ten years, you know how to do that, right?

10 A. I would assume.

11 Q. Did she fully cooperate with you as far as that interview is concerned?

12 A. To the best of my recollection, she did.

13 Q. Okay. Tell me what she failed to do besides confess.

14 A. That would be about it.

15 Q. All right. And, then, you -- didn't you hand her off to another deputy to
16 talk to her after that?

17 A. I did.

18 Q. You don't consider that double-teaming?

19 A. A tactic.

20 Q. A tactic? Okay. So it was tactical?

21 A. Sometimes, when a separate investigator comes in, they can give a
22 new perspective on something that maybe I'm missing.

23 Q. I see. When you talked to my client on December 15th, 2010, do you
24 know who came with her that day if anyone?

25 A. I'm not sure.

1 Q. Okay.

2 A. I don't recall if anyone did or not.

3 Q. You didn't talk to anybody else that you recall?

4 A. Not at all, no. Not that I remember.

5 Q. When you talked to my client, did you have the -- had you seen the
6 forensic interview videos at that point?

7 A. Yes. Like I said, at the -- I -- I saw the initial four interviews.

8 Q. Right.

9 A. I may have -- at that point, I had not seen all of them, but I had spoken
10 with both forensic interviewers.

11 Q. Okay. But you probably hadn't watched the videos themselves at that
12 point?

13 A. Probably not.

14 Q. And you signed some warrants against her about a week later. Does
15 that sound about right?

16 A. I believe it was.

17 Q. And, when you signed those warrants, those were all for lewd act on a
18 minor charges?

19 A. That is correct.

20 Q. And, when you did that, you signed what we call an affidavit or a
21 warrant affidavit?

22 A. Yes.

23 Q. And those four cases were all -- all cases against the four children you
24 mentioned before?

25 A. The initial four.

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1 **Q.** Child 1 Child 2 Child 3 and Child 4

2 **A.** That's correct.

3 **Q.** Do I have that right? Okay. And all of the warrant affidavits allege the
4 exact same offense, didn't they?

5 **A.** Generic offense, yes.

6 **Q.** Okay. Did they allege the exact same actions on the part of the
7 Defendant?

8 **A.** Without looking at the arrest warrants, I -- I can't answer that.

9 **Q.** I'm just going to show you these and ask if you can identify them first
10 of all.

11 **(Documents handed to the witness.)**

12 **A.** These are the initial four arrest warrants that I signed.

13 **Q.** So the ones we just talked about?

14 **A.** That's correct.

15 **Q.** Okay. In the -- in the affidavit part, can you read the part ---

16 **MS. HALL:** Objection, Your Honor. These warrants have not
17 been admitted into evidence. She can't read something that's not in
18 evidence.

19 **THE COURT:** Sustained, Counsel.

20 **Q.** (By Mr. Henry) Do you not remember what you wrote in the affidavits?

21 **A.** Now that I look at them I do.

22 **Q.** Okay. I'm going to ask you to look at those and refresh your
23 recollection about what you wrote.

24 **A.** Okay.

25 **Q.** And then I'll ask you a question about it.

1 A. Okay.

2 Q. Okay. Do you need to take a minute to look at them? You do
3 remember them?

4 A. I do.

5 Q. Okay. So do you remember whether in those warrants, those four
6 warrants, the exact same acts were listed in the affidavits?

7 A. That is correct.

8 (Brief Pause)

9 Q. Okay. How did you -- how did you -- after you gave my client her
10 *Miranda* warnings, how did you go about taking her written statement?

11 A. I'm not sure I understand the question.

12 Q. Did you ask her questions and did you write it down? Or did you leave
13 it to her to write down the statement or ---

14 A. She wrote her own statement.

15 Q. Did you ask her to cover certain things or just leave her to write a
16 statement of any kind?

17 A. I'm sure I, you know, indicated that she needed to write about what we
18 had discussed, the allegations that I was questioning her about.

19 Q. Okay. And so she did that?

20 A. Yes, she did.

21 Q. And were you in the room when she wrote it?

22 A. I may have come in and out. I usually don't typically sit with them
23 while they write.

24 Q. Okay. Now, as of that date, with respect to those four children who
25 we've named, is it correct to say that there were no allegations from any source as

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1 to any criminal sexual conduct for those kids?

2 A. I want to make sure I understand your question.

3 Q. Sure. As of December the 15th ---

4 A. Yes.

5 Q. And I'm going to ask you about the others in a minute ---

6 A. Okay.

7 Q. --- but as of December the 15th, is it correct to say that as far as the
8 information you have ---

9 A. Yes.

10 Q. --- from whatever source, that there were no allegations with regard to
11 those four kids of criminal sexual conduct; is that correct?

12 A. Yes, that is correct.

13 Q. And does that -- is it also correct that, as of the date you signed those
14 four arrest warrants, December 22nd, 2010, that there were no allegations with
15 respect to those four kids as to any criminal sexual conduct?

16 A. That is correct.

17 Q. Okay. Did you conduct individual interviews yourself with any of those
18 four children?

19 A. No.

20 Q. How about the other two children? Did you do them?

21 A. No.

22 Q. Either then or later you didn't interview any of them?

23 A. No.

24 Q. Did you talk to -- you said you talked to some teachers, I guess, at the
25 Kids "R" Kids school?

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- 1 A. Briefly, yes.
- 2 Q. Okay. Do you remember who you talked to?
- 3 A. I -- I don't.
- 4 Q. Okay. Did you talk to the parents or -- scratch that. Did you find out
5 about the Watch Me Grow Program while you did your investigation?
- 6 A. I did.
- 7 Q. Did you find out whether any parents used that program?
- 8 A. I -- I mean, I can't say specifically which ones did, but obviously
9 several of the parents brought that up to me ---
- 10 Q. Okay.
- 11 A. ---- and explained to me what it was.
- 12 Q. At any time during your investigation, did you issue a search warrant
13 for my client's home?
- 14 A. I did not.
- 15 Q. Did you issue or ask for a search warrant to -- to search my client's
16 computer?
- 17 A. I did not.
- 18 Q. Do you know if anyone did?
- 19 A. Not to my knowledge.
- 20 Q. Okay. Because you were out of the investigation at some point.
- 21 A. That's correct.
- 22 Q. Had you kept in touch though pretty much?
- 23 A. To the best of my ability.
- 24 Q. All right. So, as far as you know, law enforcement has not issued any
25 search warrants for my client's home or her computer?

1 **A.** If they have, I do not know about them.

2 **Q.** All right. Do you have a copy of my client's statement with you?

3 **A.** It's in my case file back there.

4 **MR. HENRY:** I'm going to offer that into evidence, Your Honor.

5 **MS. HALL:** Is there a foundation for the statement?

6 **MR. HENRY:** Mirandized, gave the statement, wrote it
7 voluntarily. I think that's a foundation; gave it to her.

8 **THE COURT:** A self-serving statements, Counsel, what – what
9 purpose and under what Rule, evidentiary rule, does it come in?

10 **MR. HENRY:** The voluntary statement of my client which shows
11 her denial of the offense.

12 **THE COURT:** You know it doesn't come in under that Rule.

13 **MR. HENRY:** Well, it ---

14 **THE COURT:** Mr. Foreman, ladies and gentlemen of the jury
15 panel, if you would retire to the jury room for a brief time, I'll take up a matter
16 with Counsel.

17 **(Whereupon, the jury panel exited the courtroom at 2:20 p.m.)**

18 **MS. HALL:** The Defense can't put in a statement where the
19 Defendant is denying the allegations, and then deny the State the opportunity
20 to cross-examine her, thereby avoiding putting her on the stand.

21 **MR. HENRY:** Here's my foundation for this, Judge, which I can
22 ask with one question. She has ans — testified by reference to that
23 statement on direct. And, if I ask her the question, provided she tells ---

24 **THE COURT:** Well, what? What? Why — how did you do that?
25 What questions were asked about the statement on the record?

1 **MS. HALL:** I asked if she spoke to the Defendant. I didn't ask
2 about any written statement at all.

3 **THE COURT:** No, you're the one that brought up the statement
4 and asked her about the statement. She gave a written statement and if she
5 was given *Miranda* warnings and all that.

6 **MR. HENRY:** I brought that up, but ---

7 **THE COURT:** Yeah, you brought that up. But it wasn't brought
8 up before that. She just asked her if she talked to her.

9 **MR. HENRY:** Can I ---

10 **MS. HALL:** I didn't ask about *Miranda* or any other written
11 statement.

12 **THE COURT:** Counsel, yeah, you can say whatever you want to
13 but you won't interrupt me, okay, to say it.

14 **MR. HENRY:** I'm not interrupting ---

15 **THE COURT:** So let me finish whatever I say. And, then, I'll give
16 you plenty of opportunity to talk. But, please, don't interrupt me when --- and
17 --- while I'm trying to make a point or ask a question.

18 That --- I do not recall them asking her about a written statement she
19 gave to the police. The first time I heard that is when you brought up the
20 subject to --- to this witness.

21 And, so, it's you who asked her if she gave a statement, if she'd been
22 Mirandized, how the statement was given, where it was given; she came in
23 voluntarily.

24 All of that came from you. It didn't come from the State. And, so, how
25 does this come in? How does this statement come in, a self-serving, hearsay

1 statement that your client made, and she hasn't taken the stand, hadn't
2 testified, and it's self-serving?

3 It tends to just corroborate whatever her testimony — how does it
4 come in? Under what evidentiary Rule does it come in?

5 **MR. HENRY:** Can I reply now?

6 **THE COURT:** Yes, sir.

7 **MR. HENRY:** I didn't interrupt you before. The — the ---

8 **THE COURT:** Wait a minute. You say you didn't interrupt me?

9 **MR. HENRY:** I don't believe I did. And if I did, I apologize, but I
10 think you're jumping on me over nothing.

11 **THE COURT:** Well, Counsel, you're arguing with me now about
12 that. And I say you did interrupt me because I was in the middle of a
13 statement when you interrupted me.

14 And so --- but I'm not going to stand here and argue with you about it.
15 I just wanted to finish my statement before you cut me off and tell me what
16 your point was.

17 And I'll be glad to hear your point, but I want you to allow me to finish
18 whatever I'm saying at the time.

19 And the court reporter can't take us both at once for one reason. And
20 the other reason is I don't like being interrupted when I'm trying to say
21 something. And I'll try not to interrupt you when you're saying something.

22 Now, how does it come in?

23 **MR. HENRY:** What I was saying was, when she testified on
24 direct, she was asked questions about what was said about that statement.
25 There — there was no reference to the statement itself, but she was referring

1 to that statement when she was testifying.

2 That's my understanding. And I was going to ask her — the next
3 question was whether she referred to that statement in answering questions
4 on direct. I think if she does that, then, that allows me to bring it in.

5 **MS. HALL:** Your Honor, again, I — I did not ask the witness
6 about interviewing the Defendant; I didn't ask about any written statement. I
7 didn't ask about *Miranda* warnings.

8 I just asked her if she spoke with the Defendant and what the
9 Defendant said. I didn't ask about the statement because I didn't believe the
10 statement was admissible.

11 Additionally, Mr. Henry trying to put the statement in through this
12 witness would deprive the State of the opportunity to cross-examine the
13 Defendant.

14 He's trying to put in a statement that all it says is she denies the
15 allegations through this witness. This --- he's trying to avoid his client having
16 to take the stand.

17 **MR. HENRY:** If I can reply to that?

18 **THE COURT:** Yes, sir.

19 **MR. HENRY:** This witness was asked, I believe, what did she
20 say --- talking about my client --- about Child 1 What did she say about
21 another child.

22 My — my belief is, based on what the witness testified to, that her
23 answers were --- to answer that question, she referred to the statement that
24 I'm trying to get into evidence.

25 **MS. HALL:** She can refer —

1 **THE COURT:** She didn't have it up there with her. She said she
2 had it in her briefcase, Counsel, when you asked her about it. So how was
3 she referring to that statement?

4 **MR. HENRY:** And, if I'm wrong about that, I'm wrong about that.
5 I thought that's what she was referring to.

6 **MS. HALL:** Your Honor, even if she had notes up there that
7 she was referring to, she's not reading from them or reading them into
8 evidence.

9 I know there are many things she mentioned having back here and not
10 having up there. I think all she has up there are her case notes. I might be
11 wrong about that.

12 **THE COURT:** If you'll tell me what Rule it comes in under, I'll —
13 I'll consider letting it in. But my understanding of the Rule is she can't get in a
14 self-serving, hearsay statement, when she has not yet testified, without her
15 testifying concerning the statement.

16 And she doesn't get it in, period, just to collaborate her testimony. It's
17 a prior consistent statement. It only comes in to rebut any allegations of a
18 prior inconsistent statement.

19 So how does it come in under the Rules? That's what I'm asking you.
20 I don't think it comes in at all unless you can tell me how it comes in.

21 **MR. HENRY:** I understand your ruling. I'm fine with that.

22 **THE COURT:** And I think you understood that before you started
23 this. That's why I'm saying, when I said it in the beginning, you knew better
24 than that under the Rules.

25 You know a self-serving, hearsay statement doesn't come into

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1 evidence unless your client testifies perhaps and it's offered in to — to rebut
2 an allegation of a prior inconsistent statement or an introduction of a prior ---
3 you know it doesn't come in. And so, you know, I don't where — why we're
4 even here.

5 All right. Thank you. Please bring the jury back.

6 **(The jury was summoned.)**

7 **THE COURT:** Again, the jury's left to believe we're trying to hide
8 something from them based on that. And that — that's not the proper way to
9 conduct a case in my opinion; to let the jury believe that stuff's being withheld
10 from them because you make a motion to put it in when you know it can't
11 come in.

12 **(Whereupon, the jury panel entered the courtroom at 2:25 p.m.)**

13 **THE COURT:** All right. The Court rules the statement
14 inadmissible. Please proceed, Counsel.

15 **MR. HENRY:** Yes, sir.

16 **CONTINUED CROSS EXAMINATION by MR. HENRY:**

2:25 P.M.

17 **Q.** (By Mr. Henry) Other than the interview you had with my client on
18 December 15th, did you talk to her again at all?

19 **A.** I did not.

20 **MR. HENRY:** That's all I have. Thank you.

21 **MS. HALL:** Two brief questions.

22 **THE COURT:** Okay.

23 **REDIRECT EXAMINATION by MS. HALL:**

2:27 P.M.

24 **Q.** Deputy Burrell, earlier you were asked about the walls in the
25 classroom.

DEPUTY BURRELL - REDIRECT by MS. HALL

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1 **MS. HALL:** Permission to approach, Your Honor?

2 **THE COURT:** Yes, sir -- yes, ma'am.

3 **(Photograph shown on overhead.)**

4 **Q.** (By Ms. Hall) Deputy Burrell, in this particular photo, where are the
5 clear walls?

6 **A.** I believe they're out -- out of the photo, potentially back here
7 (indicating).

8 **Q.** Okay.

9 **A.** If there are any. I'm not sure.

10 **Q.** But this wall ---

11 **A.** Obviously is not clear.

12 **Q.** Okay. And then ---

13 **A.** And then there's the doors.

14 **Q.** Okay. All right. And just one other question, Deputy Burrell. When
15 you obtained the first set of warrants, had you watched the videos?

16 **A.** Of the forensic interviews?

17 **Q.** Uh-huh (affirmative).

18 **A.** No.

19 **Q.** What had -- what had you observed?

20 **A.** As I said before, I had observed the four -- each child having the first
21 interview. And, then, I'd spoken with both forensic interviewers regarding the
22 disclosures that were made by each child.

23 **MS. HALL:** No further questions. Permission to recall if
24 necessary.

25 **THE COURT:** Any further questions?

MR. KEVIN SPICER - DIRECT by MS. MILES

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1 **MR. HENRY:** No, sir.

2 **THE COURT:** Thank you, ma'am. You may stand down.

3 **(The witness complied with the request.)**

4 **MS. MILES:** Your Honor, the State calls Kevin Spicer to the
5 stand.

6 **(The witness stepped forward to be sworn.)**

7 **(Whereupon;**

8 **KEVIN SPICER**

9 having been first duly sworn, testified as follows:)

10 **DIRECT EXAMINATION by MS. MILES:**

2:28 P.M.

11 **Q.** Good morning.

12 **A.** Good morning.

13 **Q.** Can you state your name for the record, please?

14 **A.** Kevin Spicer.

15 **Q.** Okay. Mr. Spicer, how old are you?

16 **A.** I'm 42.

17 **Q.** And where do you work?

18 **A.** I work at QS/1.

19 **Q.** And what do you do there?

20 **A.** I am a software engineer.

21 **Q.** Okay. Who do you live with?

22 **A.** My wife, Zhling Spicer, and my daughter, Child 1

23 **Q.** Okay. How old is Child 1

24 **A.** She is five and-a-half.

25 **Q.** Okay. When is her birthday?

MR. KEVIN SPICER - DIRECT by MS. MILES**Page 328**

1 A. October the 10th.

2 Q. And how do you ---

3 A. Ninth, sorry, October the 9th.

4 Q. Okay. And how do you know the Defendant, Ronasha Taylor, in this
5 case?

6 A. She was a teacher at Kids "R" Kids.

7 Q. Okay. When did you first meet her?

8 A. When I went to pick up Child 1 one day after coming home from work.

9 Q. Okay. Approximately what year was that?

10 A. It would have been 2010.

11 Q. Okay. When did Child 1 begin at Kids "R" Kids?

12 A. Somewhere around March 2010.

13 Q. Okay. And who were some of Child 1 teachers?

14 A. Ms. Phillip -- Ms. Phyllis, of course, Ronasha. I -- I can't remember
15 the other ones.

16 Q. Okay. And, when you say Ronasha, is she in the courtroom today?

17 A. Yes, she is.

18 Q. Okay. Can you please point her out to the court?

19 A. Yes. She is the Defendant over there.

20 Q. Okay. And what is she wearing for the record? What color?

21 A. A red ---

22 Q. Okay.

23 A. --- shirt.

24 **MS. MILES:** Let the record reflect that Mr. Spicer has pointed
25 out the Defendant.

MR. KEVIN SPICER - DIRECT by MS. MILES

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1 Q. (By Ms. Miles) Mr. Spicer, what was your impression regarding when
2 the Defendant would be around Child 1 in the fall of 2010?

3 A. Well, she was her teacher so she would be around her a lot during
4 that time.

5 Q. Okay. What about earlier in 2010?

6 A. Earlier she was like a -- a floater kind of teacher I think. And, like,
7 when one of the teachers wasn't there, she would take over the classroom.

8 Q. Okay. Without going into what anyone said, was there a period in time
9 where you became aware that something inappropriate may have happened to
10 Child 1

11 A. Yes.

12 Q. Okay. And when was that?

13 A. That would have been Wednesday, October the 6th, around -- it was
14 like 11:00, 11:30, in that time range.

15 Q. Okay. Who did you learn that information from?

16 A. My -- my daughter.

17 Q. Okay. What happened to you -- what happened to lead you to learn of
18 this abuse?

19 A. That night I went to sleep. And we had like a baby monitor still there.
20 And I was kind of asleep, but my wife was still I think working.

21 And Child 1 had made some noise; I guess called for her mommy. And
22 she -- my wife, Zhling, went in there and was speaking to her. And I could hear that
23 through the baby monitor.

24 Q. Okay. What did you ask your child if anything?

25 A. That night I didn't ask her anything.

MR. KEVIN SPICER - DIRECT by MS. MILES

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1 Q. Okay. What about the next day?

2 A. Yeah. The next day, when I got home from work, we went -- we asked
3 her to repeat the story that she had told the night before. And she repeated it
4 almost exactly the same.

5 Q. Okay. What behavior, if any, did you observe from Child 1 at this time?

6 A. Well, that night she had trouble sleeping until Zhling had went in there
7 and -- and comforted her and everything. Then, once she done that, she went back
8 to sleep.

9 Q. Okay. What did you learn from Child 1 as far as where the allegations
10 of abuse took place?

11 A. It was in the -- the bathroom.

12 Q. Okay. And you mentioned that you spoke with Child 1 again on that
13 Thursday.

14 A. Yes.

15 Q. Can you tell us whether or not -- and, again, without going into what
16 Child 1 said -- can you tell us whether or not her allegations remained consistent?

17 A. Yes, they did.

18 Q. Okay. What behavior did you observe from Child 1 on that Thursday, if
19 anything?

20 A. She would just -- it wasn't -- there wasn't much of a change in her
21 behavior, but she -- but she just told us that story.

22 Q. Okay. How old was Child 1 at that period in time?

23 A. She -- she was three years old at the time.

24 Q. Okay. And when's her birthday?

25 A. Her birthday is -- is October the 9th, which would have been that

1 Saturday.

2 Q. Okay. How long had Child 1 been potty trained at that period in time?

3 A. Oh, a couple years.

4 Q. Okay. And how often did Child 1 play in the bathroom?

5 A. At that time she didn't.

6 Q. Okay. What assistance did Child 1 require from you personally in the
7 bathroom, if any?

8 A. Sometimes, you know, she would ask us to wipe her.

9 Q. Okay. What about others? To your knowledge, what assistance did
10 she need from others in the bathroom?

11 A. I mean, at school -- at her -- at her school, she -- she didn't require any
12 assistance.

13 Q. Okay. What was your impression regarding how often Ms. Laurie, or
14 Ms. Ronasha, or Ms. Phyllis, or any other teachers had to help her?

15 A. I did not know of any.

16 Q. Okay. What, if anything, had changed about Child 1 bathroom
17 tendencies?

18 A. I -- I can't think of anything.

19 Q. Okay. When was Child 1 last day at Kids "R" Kids?

20 A. It was the following Friday.

21 Q. Okay. Do you know approximately what date that was?

22 A. Let's see, if Wednesday was the 6th, it was not that -- it was not the
23 Friday after the 6th, but it was the Friday ---

24 Q. Okay.

25 A. The next Friday.

MR. KEVIN SPICER - DIRECT by MS. MILES**Page 332**

1 **Q.** Okay. And why did you remove ^{Child 1} from Kids "R" Kids?

2 **A.** We just didn't feel that they were doing anything at all to look into this
3 case.

4 **Q.** Okay. What interaction have you had with law enforcement in this
5 case?

6 **A.** Not much. My wife went to the -- is the one who has spoken with DSS.

7 **Q.** Okay. And what about OHAN and Bobby? What interaction have you
8 had?

9 **A.** I think I may have spoken to him over the phone. But I -- I don't recall.

10 **Q.** Okay. Do you recall what you spoke to him about?

11 **A.** I don't remember.

12 **Q.** Okay. Who have you personally spoken to about this case?

13 **A.** Well, I've talked to Megan and Sergeant Bobo about this case.

14 **Q.** Okay. When you say Megan, are you referring to Detective Megan
15 Burrell?

16 **A.** Yes.

17 **Q.** Okay. Mr. Spicer, what access would ^{Child 1} have had to the internet at
18 the age of four?

19 **A.** At that time, she had no access to the internet.

20 **Q.** Okay. What about now?

21 **A.** Now she does. We do have a computer that she can get on the
22 internet with.

23 **Q.** Okay. And, to your knowledge, what about any movies or shows of a
24 sexual nature has ^{Child 1} been exposed to?

25 **A.** She did not watch, you know, any -- any kind of movie like that. The

MR. KEVIN SPICER - DIRECT by MS. MILES

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1 only thing she's ever watched would have been something like Mickey Mouse Club
2 House or Thomas the Tank Engine.

3 Q. Okay. What are some of the reasons why you and your wife chose to
4 send Child 1 to Kids "R" Kids?

5 A. Well, we used to go to another daycare called Goddard School
6 (phonetic), but it was kind of a long -- it was a -- it took a little time to get there.
7 Sometime there -- there was traffic, so my wife and I decided that this school was
8 just really close to us. I mean, it's really close to our house.

9 And also, too, they had -- they had, you know, these video cameras
10 was one of the things they talked about when we went there. And those were the
11 two reasons.

12 Q. Okay. You mentioned the video feature. Would you use the video
13 feature?

14 A. Initially, when she went there, you know, we would -- you know, at
15 work I'd, you know, for a few minutes I would jump on and I would see her, you
16 know, and maybe in the classroom, sitting at a table and maybe they would draw.

17 But after -- you know, after a couple weeks of doing that, I mean, you
18 just -- it was the same thing over and over. So I really didn't do it much after the first
19 maybe month or so.

20 Q. Okay. And how were you able to access Child 1 classroom?

21 A. You would go to the website, Watch Me Grow, and you would type in
22 your user name and password. And, then, it would allow you to go to whatever
23 rooms you had access to.

24 Q. Okay. And what rooms were you able to see that you had access to?

25 A. The classroom that Child 1 was in. And also I think the cafeteria. And I

MR. KEVIN SPICER - DIRECT by MS. MILES**Page 334**

1 think there was a camera -- yeah, there was a camera outside where you could see
2 the playground.

3 Q. Okay. And what, if classes combined for some reason for nap time,
4 playtime, or something? Would you have access to that classroom?

5 A. You wouldn't unless you asked for access to that room.

6 Q. Okay. Who would you have to ask for -- for access from?

7 A. Someone at Kids "R" Kids.

8 Q. Okay. What parts of the room could you see on the video feed?

9 A. I believe there were two cameras. There was one in the front of the
10 room and one in the back of the room. So you kind of see kind of up and down the
11 room a little bit.

12 Q. Okay. And what all could you see in that classroom?

13 A. Well mainly just the -- the tables and the carpeted area.

14 Q. Okay. What about the door to the bathroom?

15 A. I don't know if you could see that with the camera or not. I -- I -- I
16 don't remember.

17 Q. Okay. What about inside the bathroom?

18 A. No, you definitely couldn't see inside the bathroom.

19 Q. Okay. You mentioned that you would occasionally watch the video
20 feed. What about nap time?

21 A. I mean, yeah. At lunch time, you know, sometimes I'll when eat lunch
22 I'll eat at my desk. I would flip it on but usually the kids were all -- they were laying
23 on, like, mats or something and you really couldn't see a whole lot.

24 Q. Okay. What was the lighting like?

25 A. At nap time it was -- it was darker. The lights weren't on.

MR. KEVIN SPICER - DIRECT by MS. MILES**Page 335**

1 **Q.** What were your feelings toward Ronasha Taylor before these
2 allegations came out?

3 **A.** I mean, she seemed like a great teacher. My daughter loved her.
4 She'd run up to her sometimes when I would pick her up and say bye to her. She
5 did seem like a great teacher.

6 **Q.** Okay. And what was your impression regarding how Ronasha felt
7 about your child?

8 **A.** She — she seemed to really love kids.

9 **Q.** Okay. What is your relationship like and your family's relationship like
10 with the other families in this case?

11 **A.** I had never really met the other families in this case until after some of
12 these allegations started coming out.

13 **Q.** Okay. How close are you all now?

14 **A.** We're still not really that close. But at least I know who they are
15 because we've been to meetings together and stuff.

16 **Q.** How often do you get together would you say?

17 **A.** We really don't. I mean, unless it's maybe like a birthday or
18 something. We don't get together.

19 **Q.** Okay. And how close are your children? You mentioned birthday
20 parties.

21 **A.** Well, I mean, they -- they -- you know, some of the children are in
22 school together and we can go to, like, birthday parties to, like, Gatti Town
23 (phonetic), or wherever they have their birthday party at.

24 **Q.** Okay. What kids are you aware of that Child 1 is in school with
25 currently?

MR. KEVIN SPICER - CROSS by MR. HENRY

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1 **A.** I think just maybe Child 2 and maybe Child 3

2 **Q.** Okay. And what behaviors, if any, has Child 1 exhibited since the
3 beginning in the K-4 class?

4 **A.** She -- she still seems normal to me. I haven't seen anything unusual.

5 **Q.** Okay. Thank you. Please answer any questions that Mr. Henry may
6 have.

7 **A.** All right.

8 **MR. HENRY:** I think I only have one or two, Mr. Spicer.

9 **CROSS EXAMINATION by MR. HENRY:**

2:37 P.M.

10 **Q.** After you found out on Wednesday night about the incident ---

11 **A.** Yes.

12 **Q.** --- was Child 1 then, sent back to school at Kids "R" Kids on Thursday?

13 **A.** Yes, because it was -- it was real late at night when she -- she made
14 that statement. And we -- we didn't know what to think about it because it was kind
15 of unusual.

16 And we thought well, we'll let -- you know, we're not going to wake her
17 up at that time of night and question her more. So we let her go to school that day
18 and we asked her the next day.

19 **Q.** Okay. So you asked her the next day on Thursday?

20 **A.** Yes, sir.

21 **Q.** When you got back from work?

22 **A.** Yes.

23 **Q.** After she was back from daycare?

24 **A.** Yes.

25 **Q.** And, then, after that session, you sent her back to school on Friday?

MR. KEVIN SPICER - CROSS by MR. HENRY**Page 337**

1 **A.** Yeah. Yeah, because, you know, she was only three at the time and
2 she had mentioned Child 2 And we were wanting -- you know, we were, like, you
3 know, nobody else had made these allegations.

4 And we were trying to, you know, get -- get some, like, collaborating
5 stories or something. We wanted to know if it was -- you know, if it would happen --
6 if anybody else was -- was saying anything like that.

7 **MR. HENRY:** Got you. Thanks. That's all I have.

8 **MS. MILES:** No further questions.

9 **THE COURT:** Thank you, sir. You may stand down, sir.

10 **(The witness complied with the request.)**

11 **MS. MILES:** Your Honor, may -- may we approach for a
12 moment?

13 **THE COURT:** You may.

14 **MS. MILES:** Thank you.

15 **(Whereupon, a bench conference was had with all attorneys**
16 **present.)**

17 **THE COURT:** All right. Mr. Foreman, ladies and gentlemen of
18 the jury panel, we're going to take a -- a short recess at -- at this time. It'll be
19 fairly short to have time -- you'll have time to refresh yourselves. It'll be a
20 very short recess. And you'll be back in. Thank you.

21 Please retire to the jury room.

22 **(The jury exited the courtroom at 2:40 p.m.)**

23 **THE COURT:** All right. Counsel, if you'll prepare the courtroom
24 for Child 1 Spicer's testimony.

25 **MS. MILES:** Okay.

Child 1

- Special Oath

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(Brief pause while courtroom readied.)

THE COURT: All right. Have we've got everybody we need?

(Counsel nod in the affirmative.)

THE COURT: All right. Let's — let's proceed then.

MS. MILES: Your Honor, what — briefly; real quick. should we maybe switch this chair back here, so, the legs on the children aren't dangling?

THE COURT: Okay. That's — that's fine.

(Brief pause while chairs are switched.)

(Off-The-Record Comments)

THE COURT: All right. Are we ready to proceed?

MS. HALL: We're ready, Your Honor.

MS. MILES: Yes, sir, Your Honor.

(Off-the-Record Comments)

(The jury was summoned and entered the courtroom at 2:48 p.m.)

MS. MILES: Are you ready to proceed, Your Honor?

THE COURT: Yes. Yes, ma'am.

MS. MILES: The State calls Child 1 to the stand.

(The witness stepped forward to be sworn.)

(Off-The-Record Comments)

(Whereupon,

Child 1 (Child 1
first being duly sworn, testified as follows:)

(Off-The-Record Comments)

MADAM CLERK: Do you promise to tell the truth and the whole

MISS Child 1

- DIRECT by MS. MILES

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1 truth?

2 THE WITNESS: Yes.

3 MADAM CLERK: Thank you. Just have a seat over here on this
4 chair.

5 (Witness complied with the request.)

6 MADAM CLERK: Make sure you speak real loud into this
7 microphone, okay? Do you know the difference between telling the truth and
8 telling a lie?

9 THE WITNESS: Yes.

10 MADAM CLERK: What happens if you tell a lie at home?

11 THE WITNESS: You'll get in troub – trouble. They'll give you a
12 punishment.

13 MADAM CLERK: What happens if you tell a lie at school?

14 THE WITNESS: If they have a camera they'll look at it and see who
15 did it and who did not.

16 MADAM CLERK: What happens if you tell a lie in court?

17 THE WITNESS: You'll get in big trouble.

18 MADAM CLERK: Do you understand that you have to tell the truth
19 today in court?

20 THE WITNESS: Yes.

21 MADAM CLERK: Do you promise to tell the truth?

22 THE WITNESS: Yes.

23 DIRECT EXAMINATION by MS. MILES:

2:49 P.M.

24 Q. Child 1 can you state your name for all of us, please? What is your
25 name?

MISS Child 1

- DIRECT by MS. MILES

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A. (No Response)

Q. What name did you go by? Can you speak into the microphone?

What is your first name?

A. Child 1

Q. Okay. And what name do you go by? What do you like to be called?

A. Child 1

Q. Okay. What's your last name?

A.

Q. And how old are you?

A. Five a half (5 ½).

Q. Five and a half? When is your birthday?

A. October 9th.

Q. October 9th? Child 1 who do you live with?

A. My mom and my daddy.

Q. What about any pets? You have any pets?

A. (No Response)

Q. Talk into the microphone. You can say "yes" or "no." Just say "yes" or "no" baby, either one.

A. (No Response)

Q. Child 1 what do you do for fun?

A. Play.

Q. What do you like to do?

A. Play.

Q. Play? What do you like to play?

A. I like to play with my toys.

MISS Child 1

- DIRECT by MS. MILES

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- 1 Q. You do? Okay. What is your favorite food, Child 1
- 2 (Brief Pause)
- 3 A. Chicken noodle soup.
- 4 Q. Okay. What grade are you in, Child 1
- 5 A. First grade.
- 6 Q. What school do you go to?
- 7 A. Legacy Academy.
- 8 Q. Who is your teacher at Legacy?
- 9 A. Ms. Amy.
- 10 Q. Ms. Amy? Child 1 what school did you go to before Legacy Academy?
- 11 A. Goddard school.
- 12 Q. The Goddard school? How old were you when you went to the
- 13 Goddard school?
- 14 A. Four (4).
- 15 Q. Okay. What about before the Goddard School? what school did you
- 16 go to?
- 17 A. Kids "R" Kids.
- 18 Q. Kids "R" Kids? How old were you when you went to Kids "R" Kids?
- 19 A. (No Response)
- 20 Q. What age were you? How old were you before you went to Goddard
- 21 school?
- 22 (Brief Pause)
- 23 A. I had just turned four (4).
- 24 Q. Okay. Child 1 what teachers do you remember at Kids "R" Kids?
- 25 A. (No Response)

MISS Child 1

- DIRECT by MS. MILES

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1 Q. Just answer anything you think.

2 A. I don't remember any of the teachers.

3 Q. Okay. I'll name some names for you, okay? What about Ms. Laurie?

4 Do you remember Ms. Laurie?

5 A. Yes.

6 Q. Okay. What about Ms. Kori? Do you remember Ms. Kori?

7 A. No.

8 Q. Okay. What about Ms. Ronasha? Do you remember Ms. Ronasha?

9 A. Yes.

10 Q. Okay. Child 1 how do you feel about Ms. Ronasha?

11 A. I don't really know.

12 Q. Okay. Child 1 can you tell me what happened at Kids "R" Kids that

13 made you feel bad or sad?

14 (Brief Pause)

15 A. I don't really know.

16 Q. Can you tell me what happened with Ms. Ronasha at Kids "R" Kids?

17 A. She told me to lick her tummy.

18 Q. Okay. I'm going to ask you some questions about that, okay, Child 1

19 I'm going to show you what's been -- what's been marked as States's Exhibit

20 Number 5. If this is a grown-up woman, where is her tummy? Can you point to it

21 for me?

22 A. (Witness indicating.)

23 Q. Right there? Okay. I'm going to write that on there so I don't forget,

24 okay?

25 (Ms. Miles writes on diagram.)

MISS Child 1

- DIRECT by MS. MILES

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1 Q. And where did you point? Can you show me — can you show me and
2 make sure I get the places right?

3 A. (Witness indicating.)

4 Q. Okay. Child 1 where is the woman's hair at?

5 A. (Witness indicating.)

6 Q. Right there? Okay.

7 (Ms. Miles writes on diagram.)

8 Q. And where are her arms?

9 A. (Witness indicating.)

10 (Ms. Miles writes on diagram.)

11 Q. Okay. And what about her legs, Child 1 Where are her legs?

12 A. (Witness indicating.)

13 (Ms. Miles writes on diagram.)

14 Q. Okay. Child 1 what are these called (indicating)?

15 A. Feet.

16 Q. Feet? Okay.

17 (Ms. Miles writes on diagram.)

18 Q. And what are these called (indicating)?

19 A. Knees.

20 (Ms. Miles writes on diagram.)

21 Q. Knees. And what is this part here called (indicating)?

22 A. Private part.

23 (Ms. Miles writes on diagram.)

24 Q. Private part? Okay. What about on the back of this lady, what is this
25 (indicating)?

MISS Child 1

- DIRECT by MS. MILES

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1 A. Hair.

2 Q. Hair? Okay.

3 (Ms. Miles writes on diagram.)

4 Q. And what is this right here (indicating)?

5 A. (No Response)

6 Q. Do you know what this is?

7 A. The back of her --- the back of the tummy.

8 Q. The back of the tummy? Okay.

9 (Ms. Miles writes on diagram.)

10 Q. And what is this part right here called (indicating)?

11 A. Private part.

12 Q. Private part? Okay.

13 (Ms. Miles writes on diagram.)

14 Q. And what about these (indicating)? What are these?

15 A. (No Response)

16 Q. What --- what is this called right here (indicating)?

17 A. Legs.

18 (Ms. Miles writes on diagram.)

19 Q. Okay. Now, Child 1 you said that Ms. Ronasha asked you to lick her
20 tummy. Can you show everyone what part of the body you're referring to when you
21 say "tummy"?

22 A. (Witness indicating.)

23 Q. Okay.

24 (Ms. Miles writes on diagram.)

25 Q. Child 1 where were you when this happened?

MISS Child 1

- DIRECT by MS. MILES

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1 A. At Kids "R" Kids.

2 Q. Where at Kids "R" Kids? What room? You have to speak -- speak
3 into the microphone.

4 A. I don't remember.

5 Q. Okay. Were you in the classroom?

6 A. Yes.

7 Q. Okay. Child 1 where -- where did you go with Ms. Ronasha when this
8 happened?

9 A. In the bathroom in the classroom.

10 Q. Okay. In the bathroom in the classroom? Which bathroom did you go
11 into?

12 A. The girls bathroom.

13 Q. Okay. I'm going to show you a picture, okay, and ask you whether or
14 not you recognize it.

15 (Ms Miles retrieves exhibits.)

16 Q. Child 1 I'm going to show you what's been marked as State's Exhibit
17 3F.

18 (Exhibit shown to witness.)

19 Q. Can you tell me what you see in this picture?

20 A. Let me ----

21 Q. No, just this one. I'll show you the next one in a minute.

22 A. The girls bathroom door.

23 Q. Okay. Is that the bathroom you're talking about when you just told me
24 the bathroom?

25 A. (Nods affirmatively.)

MISS Child 1

- DIRECT by MS. MILES

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1 Q. Can you say "yes" or "no" to the microphone, please?

2 A. Yes.

3 Q. Thank you. I'm going to show you what's been marked as 3G. Can
4 you tell me what's in this picture?

5 (Exhibit shown to witness.)

6 A. A body (phonetic).

7 Q. Okay. And what room is that?

8 A. (No Response)

9 Q. Can you show me -- tell me into the microphone. What room -- what
10 room do you call this?

11 A. A bathroom.

12 Q. Okay. Thank you, Child 1. Is this the bathroom that you were talking
13 about where this happened with Ms. Ronasha?

14 A. Yes.

15 Q. Okay. Child 1, where were you before you went in the bathroom?

16 A. I was taking a nap.

17 Q. Okay. What room were you taking a nap in?

18 A. I don't -- I don't remember.

19 Q. Okay. Were you in -- where you outside in the hallway? Or were you
20 in a classroom?

21 A. I was in a classroom.

22 Q. Okay. How did you know to go into the bathroom with Ms. Ronasha?

23 A. She told me to.

24 Q. Okay. Where were you in the bathroom? Were you on the potty?

25 A. Ms. Ronasha got a seat and she told me to sit on there and she sat on

MISS Child 1

- DIRECT by MS. MILES

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1 the potty.

2 Q. Okay. You said that Ms. Ronasha got a seat. What kind a seat did
3 she get?

4 A. A chair.

5 Q. Okay. Where did she get the chair from?

6 A. A table.

7 Q. Okay. Where was the table? In the classroom?

8 A. Yes.

9 Q. Okay. You said Ms. Ronasha sat in the chair and where did you sit?

10 A. No, I sat on the chair.

11 Q. You sat in the chair? Okay. Thank you for letting me know. What
12 about Ms. Ronasha, where was she?

13 A. She sat on the toilet.

14 Q. Okay. Was she standing up or was she sitting down on the toilet?

15 A. Sitting down.

16 Q. Okay. Child 1 what were you wearing? Were you wearing clothes?

17 A. Yes.

18 Q. Okay. What about Ms. Ronasha, was she wearing clothes?

19 A. Yes.

20 Q. Was she wearing a shirt?

21 A. Yes.

22 Q. Was she wearing pants?

23 A. Yes.

24 Q. What about her shirt, was it up or was it down?

25 A. Up.

MISS Child 1

- DIRECT by MS. MILES

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1 Q. Up? What do you mean by up? Can you tell me how high it was up?

2 Can you point on your body how high?

3 A. (No Response)

4 Q. Let me show you on this body. Can you show me how high it was up?

5 A. Here (indicating).

6 (Ms. Miles writes on diagram.)

7 Q. Okay. Can you tell me what part of the body you saw under shirt?

8 A. (Witness indicating.)

9 Q. Okay. And what -- what is this called (indicating)?

10 A. A tummy.

11 Q. Okay. And what is this called (indicating)?

12 A. The -- the belly.

13 Q. Okay? The belly? Child 1 when Ms. Ronasha's shirt was up, what
14 color was her tummy?

15 A. Brown.

16 Q. Brown? Okay. What part of your body did she want you to use to lick
17 her tummy? Let me show you a little girl. It's -- this is what has been marked as
18 State's Exhibit Number 4.

19 I'm going to write your name on it, okay? We're going to say this is

20 Child 1

21 (Ms. miles writes on exhibit.)

22 Q. Did I get that right?

23 A. (Nods affirmatively.)

24 Q. Okay. Now, Child 1 what part of your body did Ms. Ronasha want you
25 to use to lick her tummy?

MISS Child 1

- DIRECT by MS. MILES

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1 A. I think she told me to lick — she told me to use my tongue and lick her
2 there (indicating).

3 Q. Okay. She wanted you to use your tongue? Okay. Can you point on
4 the drawing where a tongue is?

5 A. (Witness indicating.) Inside the lips.

6 Q. Inside the lips? Okay. What else did she want you to use to touch her
7 tummy if anything?

8 A. Nothing else.

9 Q. Nothing? Okay. What did her tummy feel like when you touched --
10 when you licked it?

11 MR. HENRY: Objection. Leading.

12 A. Soft.

13 THE COURT: Overruled. You may answer.

14 Q. (By Ms. miles) Okay. Child 1 what did her tummy feel like when you
15 licked it?

16 A. Soft.

17 Q. Soft? Okay. What about other parts of Ms. Ronasha's body? Can
18 you point if there any other parts of Ms. Ronasha's body you had to touch?

19 A. No.

20 Q. No? Okay. Child 1 what about your body? I'm going to show you
21 Child 1 again, okay?

22 (Diagram shown to witness.)

23 Q. Has anybody ever wanted to touch any parts of your body?

24 A. (No Response)

25 Q. Child 1 Can you point to any parts anybody ever wanted to touch your

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body?

A. (Shakes head negatively.)

Q. Okay. Child 1 what about your friends at Kids "R" Kids? Did you see anything happen to them?

A. I saw Child 2 go in the bathroom with Ms. Ronasha.

Q. Okay. You saw Child 2 go in the bathroom with Ms. Ronasha? Were you in the bathroom with Ms. Ronasha though?

A. I wasn't at the same time the bathroom while they were gone in there.

Q. You were or you weren't?

A. I was not.

Q. You were not? Okay. Who went into the bathroom first?

A. Me.

Q. And who went in after you did you say?

A. Child 2

Q. Okay. Who went in the bathroom with Child 2

A. (No Response)

Q. Who did you say took Child 2 in the bathroom?

A. Ms. Ronasha.

Q. Okay. Child 1 do you remember when you talked to your mom a long time ago about what happened with Ms. Ronasha?

A. Yes.

Q. Okay. What about Ms. Meredith? Do you remember talking to Ms. Meredith about what happened?

A. Yes.

Q. Okay. And what about another lady named Ms. Lynn? She worked at

MISS Child 1

- CROSS by MR. HENRY

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the Children's Advocacy Center. Do you remember talking to Ms. Lynn?

A. Yes.

Q. Okay. Child 1 one more question: Has anybody else ever made you touch their body?

A. No.

Q. Okay. Has anybody else ever wanted to touch your body?

A. No.

Q. Okay.

MS. MILES: Thank you, Child 1 Will you please answer any questions that Mr. Henry has for you, okay?

A. (Nods affirmatively.)

MS. MILES: Thank you.

THE COURT: Yes, sir.

MR. HENRY: Thank you, Judge.

CROSS EXAMINATION by MR. HENRY:

3:08 P.M.

Q. Hi, Child 1

A. (No Response)

Q. I'm going to stay right here, okay?

A. (Nods affirmatively.)

Q. If you can't hear me, you tell me. Have you — did you see these pictures before — before today? Or is this the first time?

A. Before today.

Q. Okay. Now you mentioned —

MR. HENRY: I may have to use the picture, Judge, if I could.

THE COURT: Yes, sir.

MISS Child 1

- CROSS by MR. HENRY

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(Brief pause while Mr. Henry retrieves exhibit and places on
overhead.)

Q. (By Mr. Henry) I'm going to put it over here so the jury can see it,
okay? And it's kind of hard for you to lean up against it, but that's what I'd like you to
do.

When you — you said Ms. Ronasha told you to lick her tummy, which
you said was this part of her body (indicating); Is that right?

A. (Nods affirmatively.)

Q. Can you say "yes" or "no"?

A. Yes.

Q. Okay. Good. Now — and you said she pulled her shirt up, correct?

A. (Nods affirmatively.)

Q. Yes?

A. Yes.

Q. So, when she pulled her shirt up, did she pull it up to her neck?

A. No.

Q. How far did she pull it up?

A. She pulled it up a little bit higher than her tummy.

Q. A little bit higher? Right in here maybe (indicating)?

A. Yes.

Q. Okay. So, when she did that, could you see her skin, her body, down
to her waist?

A. Yes.

Q. Any further than that, or is that where — how far you saw?

A. That's how far I saw.

MISS Child 1

- CROSS by MR. HENRY

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1 Q. So would you say it is from about her waist here to about here
2 (indicating)?

3 A. Yes.

4 Q. Okay. All right. Can you see this mark on my face (indicating)?

5 A. Yes.

6 Q. Okay. And I'm not going to tell you how I got it. So Child 2 — Child 2

7 was not in the bathroom with Ms. Ronasha when you were?

8 A. Yes.

9 Q. She was? Or she wasn't?

10 A. No.

11 Q. Okay. Good. I think I asked that wrong. When you were in the
12 bathroom, with Ms. Ronasha when this happened, were the lights on?

13 A. No.

14 Q. Was the door open?

15 A. A little bit.

16 Q. Okay. So you — there was light in the bathroom?

17 A. (No Response)

18 Q. Was there some light coming in?

19 A. Yeah.

20 Q. Okay. So the light came in so you could see Ms. Ronasha's body?

21 A. (No Response)

22 Q. Could you see her body?

23 A. Yes.

24 Q. Okay. Did you get into some trouble at Kids "R" Kids for playing with
25 toilet paper in the bathroom?

MISS Child 1

- CROSS by MR. HENRY

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- 1 A. (No Response)
- 2 Q. Or not?
- 3 A. No.
- 4 Q. You didn't do that?
- 5 A. (Shakes head negatively.)
- 6 Q. All right. Now did this happen one time?
- 7 A. Yes.
- 8 Q. And did you tell your mom and dad right away when it happened?
- 9 A. I told them the second day.
- 10 Q. The second day?
- 11 A. (Nods affirmatively.)
- 12 (Brief Pause)
- 13 Q. When you talked to Ms. Lynn, did you tell her what happened?
- 14 A. Yes.
- 15 Q. Did you talk to Child 2 about what happened?
- 16 A. What?
- 17 Q. Did you ever talk to Child 2 about what happened?
- 18 A. Child 2 knows what happened.
- 19 Q. Okay. But did you talk to her about it?
- 20 A. No.
- 21 Q. Did you talk to any of the other kids about it?
- 22 A. No.
- 23 Q. Just your — your parents and the other ladies we talked about?
- 24 A. Yes.
- 25 (Brief Pause)

MISS Child 1

- CROSS by MR. HENRY

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1 Q. You mentioned that you can see things from a --- could see things
2 from the cameras at Kids "R" Kids. Do you remember saying that?

3 A. Yeah.

4 Q. You knew about the cameras, right?

5 A. Yeah.

6 MS. MILES: Objection, Your Honor. She didn't say anything
7 about the cameras on direct.

8 THE COURT: She didn't say anything about the cameras on
9 direct. What — what are you talking about, Counsel?

10 MR. HENRY: When she was qualified she did.

11 THE COURT: She's talking about at school. She said at school.

12 MS. MILES: Her class now.

13 THE COURT: She said, if you get in trouble at school, she said
14 they look at the cameras and see who's telling the truth or not telling the truth
15 at school.

16 MR. HENRY: Right.

17 THE COURT: Her regular school where she's going now.

18 MR. HENRY: Okay.

19 Q. (By Mr. Henry) I'll ask her this way: Do you know whether there were
20 cameras at Kids "R" Kids?

21 A. I don't really know where they were.

22 Q. Do you know they had them?

23 A. Yeah.

24 Q. Okay.

25 (Brief Pause)

1 **MR. HENRY:** That's all I have. Thank you, Child 1

2 **MS. MILES:** No further questions from the State. We ask that
3 this witness be excused.

4 **THE COURT:** Thank you, Child 1 You may stand down. Thank
5 you.

6 **(Witness complied with the Court's request.)**

7 **MS. MILES:** Your Honor, may we approach?

8 **THE COURT:** Yes, ma'am.

9 **(Whereupon, a bench conference was had with all attorneys**
10 **present.)**

11 **THE COURT:** Mr. Foreman, ladies and gentlemen of the jury
12 panel, the — we'll make a change in the — a little change in the courtroom.
13 In the meantime, somebody on the jury panel had requested that they be
14 able to smoke.

15 And we wouldn't allow you to do that during the last break because it
16 was going to be short. But we'll go ahead and take a short break at this time.

17 Those who would like to smoke, the bailiff will take you to a proper
18 smoking area outside the courthouse. And we'll take about ten (10) minutes
19 or so. Thank you.

20 **(The jury exited to the courtroom at 3:11 PM)**

21 **THE COURT:** All right. I gave them ten (10). We're letting them
22 go smoke, which will take about ten (10) . So, if anybody needs a break, now
23 would be the time. And we can bring everybody else back in.

24 **MS. HALL:** Thank you, Your Honor.

25 **MS. MILES:** And, Your Honor, what — what my intention is, is

1 to go through most of the forensic interviewer's questions. And, then, ask if
2 we can approach to ask about covering *Jessie's Law* for that specific child at
3 that time. So I wasn't sure — because we need to go through parts of her
4 testimony to make sure that all the elements have been met for *Jessie's Law*.

5 **THE COURT:** I'm not — I'm not sure what you're asking me.
6 You want to ask her...

7 **MS. MILES:** I intended to go through all of her qualifications
8 and offer her as an expert. And, then, ask her about forensic evaluations in
9 general and, then, about Child 1 specific forensic evaluation.

10 And then —

11 **THE COURT:** Ask for admission?

12 **MS. MILES:** Ask for admission and make arguments about
13 *Jessie's Law*, to admit her pursuant to *Jessie's Law*. So I'm not sure how to
14 handle arguments since it's kind of the in the middle of a — a witness. I didn't
15 want to spring it on you.

16 **THE COURT:** Yeah. Well...

17 **(Brief Pause)**

18 **THE COURT:** Well, if I hear what you're saying, you need to
19 state why the testimony is sufficient to allow the videotaped interview to come
20 in by virtue of *Jessie's Law*. And why — why it is.

21 And, you know, maybe — it we need to go into any discussion about
22 that, we'll probably just have to send them out again.

23 **MS. MILES:** Okay. Well, Your Honor, if you — I can go ahead
24 and make the motion now and then renew it after which time that she's
25 testified —

1 **THE COURT:** Well, I'll — I'll have to hear for Mr. Henry if he
2 wants to make any objection to it at the appropriate time. So, you know, I
3 can't — and he's not ready to do that now I'm sure. So...

4 **MS. MILES:** Okay.

5 **THE COURT:** That's — we'll just have to do it when the time
6 comes.

7 **MS. MILES:** Okay. Thank you, Your Honor.

8 **THE COURT:** All right.

9 **MS. HALL:** It'll give me time to get the videos ready, so, that's
10 not a bad idea.

11 **MS. MILES:** Make sure it's set up?

12 **MS. HALL:** Yeah.

13 **(Whereupon, the recess was taken from 3:15 PM until 3:27 PM)**

14 **THE COURT:** Whenever you're ready, Counsel.

15 **MS. MILES:** We're ready for the jury to come back in, Your
16 Honor.

17 **THE COURT:** All right. Please bring the jury in.

18 **(The jury was summoned and entered the courtroom at 3:28 p.m..)**

19 **THE COURT:** All right. Please proceed.

20 **MS. MILES:** Your Honor, at this time, we call Lynn McMillan to
21 the stand.

22 **(The witness stepped forward to be sworn.)**

23 **(Whereupon,**

24 **LYNN MCMILLAN**

25 **having been duly sworn, testified as follows:)**

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(Off-The-Record Comments)

DIRECT EXAMINATION by MS. MILES:

3:28 P.M.

Q. Will you, please, state your name for the record?

A. My name is Lynn McMillan, —C-M-I-L-L-A-N.

Q. And you'll have to tilt the microphone up just a little bit.

A. Okay.

(Witness complied with the request.)

Q. Thank you. And, Lynn, where are you currently employed?

A. I am employed three different places. I am employed at the Children's Advocacy Center of Spartanburg.

I am also employed by the University of South Carolina, the College of Social Work. And I'm also employed at the University of South Carolina, Upstate Campus.

Q. Okay. And what do you do at the University of South Carolina Social Work?

A. For the College of Social Work at University of South Carolina, I am part of their adjunct faculty. And I teach graduate students in -- who participate in the program for the Greenville area.

And I also serve as a site coordinator for the Greenville part of the program.

Q. Okay. And what about at the USC Upstate?

A. At USC Upstate, I'm also adjunct faculty there, teaching in the child advocacy studies program, which is a — a interdisciplinary minor program for students who vary -- who — who major in various majors like criminal justice, psychology, et cetera.

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1 Q. Okay. And what about the Spartanburg Children's Advocacy Center?

2 What do you do there?

3 A. At the Children's Advocacy Center in Spartanburg, I am -- I primarily
4 conduct forensic evaluations of children who are referred to our agency. And I also
5 have some administrative responsibilities.

6 Q. Okay. And is the Spartanburg Children's Advocacy Center referred to
7 as CAC for short?

8 A. People do call it the C-A-C or CAC.

9 Q. Do you mind if I ---

10 A. No, that's fine.

11 Q. Okay. What about the CA -- the CAC, what services do they provide?

12 A. The Children's Advocacy Center, the CAC, you know, provides a
13 number of services for children who were referred to us. And we are not first
14 responders so we have services when somebody has referred a child to us.

15 We conduct forensic evaluations of children who are referred to us for
16 physical -- severe physical abuse, child sexual abuse, and also for children who may
17 be witnesses to violent crimes.

18 We have a child abuse pediatrician who conducts medical evaluations
19 of children. We also have a number of therapists on staff who provide therapy for
20 the children following the forensic evaluations.

21 And we also serve as a -- with a multi-disciplinary team of various
22 agencies in our area, to meet about cases and make decisions and
23 recommendations.

24 Q. Okay. And what's your educational background and training?

25 A. I've been a social worker for over thirty (30) years. I have an

MS. LYNN MCMILLAN - DIRECT by MS. MILES

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1 undergraduate degree in social work from East Carolina University in Greenville,
2 North Carolina.

3 I also have my master's degree in social work. And I'm currently a
4 Ph.D. candidate from the University of South Carolina College of Social Work.

5 **Q.** Okay. And what about training? What training have you received?

6 **A.** A lot of different trainings; both locally, regionally, and national
7 trainings. I'm also a licensed social worker, and as part of my license, for both
8 South Carolina and North Carolina, I have to have a certain amount of continuing
9 education requirements for the renewal of my license every two (2) years.

10 And so I have to go to trainings for that. And I also go to training to try
11 to stay abreast on — on the most recent things with trends and — and the research
12 on child abuse.

13 **Q.** Okay.

14 **A.** So trainings are various.

15 **Q.** Okay. What's your employment background?

16 **A.** Well, I have a number of years as a medical social worker. I have
17 worked in the psychiatric facility in community mental health and various clinical
18 administrative positions.

19 **Q.** Okay. And how long have you been with the CAC?

20 **A.** I started with them in 2001.

21 **Q.** Okay. Lynn, what is child abuse assessment?

22 **A.** Child abuse assessment is an opportunity to meet with children and try
23 to figure out what they're saying and make sense of what they're saying about what
24 may have happened to them.

25 **Q.** Okay. How are you personally involved in the field of child abuse

1 assessment?

2 A. Well professionally, through my work at the Children's Advocacy
3 Center, I'm involved in it by conducting the evaluations of children that are referred to
4 us and also involved through teaching.

5 Q. Okay. Have you attended courses, seminars, and other training in the
6 field of child abuse assessment?

7 A. Yes.

8 Q. Okay. Tell us about that.

9 A. Well, again, there are various national trainings. I usually attend at
10 least one national training every year that deals with lots of kinds of things around
11 child maltreatment.

12 Some of that is specific to forensic evaluations. I've had -- I attended, I
13 think, four (4) advanced training institutes specific to child forensic evaluations.

14 I've been to two (2) conferences that were multi-day conferences that
15 were -- again, were specific to child forensic interviewing. And I've been to other
16 kinds of children's conferences, child maltreatment conferences, around the country
17 that deal with a variety of things related to children.

18 Q. Okay. What about teaching experience in the area of child abuse?

19 A. Well, again -- well, I've -- I've taught in the past at Limestone as well,
20 in -- in their college social work department. And social work is a field that has
21 different components to it. And child abuse may be part of a particular course that
22 I'm teaching.

23 I'm teaching very specifically now, though, through USC Upstate in the
24 child advocacy studies program. And that deals more specifically with child
25 maltreatment issues.

MS. LYNN MCMILLAN - DIRECT by MS. MILES

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1 Q. Okay. What professional organizations or affiliations related to
2 children's issues are you a member of?

3 A. I am currently a member of the National Association of Social
4 Workers, both the National Organization and the South Carolina Chapter. And I am
5 also a member of what we say is APSAC, A-P-S-A-C. That's the American
6 Professional Society on the Abuse of Children.

7 Q. Okay. What method do you use when you assess children for abuse?

8 A. We follow guidelines that are specific to conducting forensic
9 evaluations.

10 Q. Okay. What amount of experience have you had conducting forensic
11 evaluations?

12 A. Well, I've been conducting forensic evaluations since 2001, for the
13 Children's Advocacy Center, that are specific to forensic evaluations. I've conducted
14 I'd guesstimate about nine hundred (900).

15 Q. Okay. Have you had the opportunity to review publications or literature
16 related to child abuse assessment?

17 A. Yes.

18 Q. Okay. How about publications in the area of forensic evaluations?

19 A. Yes.

20 Q. Okay. What about publications related to delayed disclosure?

21 A. Delayed disclosure would certainly be wrapped up within publications
22 that may be about a broader issue of child sexual abuse. And some that are
23 specific to delayed disclosure ---

24 Q. Okay.

25 A. --- so yes.

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1 Q. Would that be the same for partial or tentative disclosure? Have
2 you ---

3 A. Yes, it would be.

4 Q. Okay. Have -- have you attended trainings on assessing children's
5 ability to communicate effectively with you?

6 A. Well, again, that's usually a part of forensic evaluation training or
7 forensic interviewer training, either through advanced training or as part of, again, a
8 broader spectra.

9 Q. Okay. Referring to forensic evaluating, can you tell us whether or not
10 the literature indicates that forensic evaluation is a common method of assessing
11 child abuse?

12 A. Yes, it is.

13 Q. Okay. What format, specifically, do you use in conducting forensic
14 evaluations?

15 A. Well, there are a number of formats that are very similar. In our
16 Children's Advocacy Center, we primarily follow the -- the format and the guidelines
17 from the National Children's Advocacy Center, which is in Huntsville, Alabama. That
18 was the first advocacy center that was started in this country.

19 And also from APSAC, the American Professional Society on the
20 Abuse of Children.

21 Q. Okay. And what is that format?

22 A. The format it kind of outlines how you follow with the child and -- and
23 kind of the steps that you follow. It's not a strict protocol as in a check off sheet that
24 you do with each child, but it moves you through certain stages of the interview
25 process with the child.

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1 And it'll -- I think the thing that makes it make sense for us, at our
2 advocacy center, is it has flexible guidelines and that we can really adjust the
3 format; how it might be important for a particular child.

4 **Q.** Okay. And what -- you mentioned moving through the inter -- the
5 evaluation with the children. What are the different parts of moving through that
6 evaluation?

7 **A.** Well, generally, certainly we want to start with that child -- we see the
8 children more than one time. That is also part of the guidelines.

9 So I usually will conduct more than one interview session with the child
10 in order to complete the evaluation.

11 So, during the first time that they come, I'm going to want to meet with
12 a parent first, a parent or guardian, to get some background information. And then I
13 will meet with the child.

14 So I want to move the child -- first of all, I want to make sure that
15 they're comfortable. And we do it in a child-friendly environment at the Children's
16 Advocacy Center.

17 And I want to establish some rapport with the child. I want to
18 understand what they might know about their family and friends and just get an idea
19 to observe them and evaluate how they -- how they interact and how they
20 communicate about general things.

21 And, then, I will eventually move to asking more specifically about the
22 abuse allegations and getting more detail from the child from their own experience
23 and from their own words about what they say may have happened with them.

24 And part of that will include usually some kind of identification of the
25 body parts, and -- and then get more specific about what is with that and get ready

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1 then for the next interview, which I usually tell the child that there will be another
2 time.

3 **Q.** Okay. Have the — the forensic evaluating, in the National Children's
4 Advocacy Center format, been subjected to peer review?

5 **A.** Yes, it has.

6 **Q.** Okay. And how many years did you say you've been conducting;
7 since 2001?

8 **A.** Specifically, for the forensic evaluations, since 2001.

9 **Q.** Okay. And what was that estimated number?

10 **A.** I'd estimate around nine hundred (900).

11 **Q.** Okay. And how many of those forensic evaluations would you say you
12 conduct in a year?

13 **A.** I generally conduct probably ninety (90) to a hundred (100) a year.

14 **Q.** Okay. How many of those evaluations involved cases of child abuse?

15 **A.** Well most all of them would be cases of child abuse or child
16 maltreatment. Some of them, of course, would be children who may have
17 witnessed a violent crime.

18 **Q.** Okay. How many of those forensic evaluations would you estimate
19 involve the issue or delayed reporting?

20 **A.** I would say that -- over ninety (90) percent.

21 **Q.** Okay.

22 **A.** I mean, most of them involved delayed reporting.

23 **Q.** Okay. How many would you estimate involve the issue of partial or
24 tentative disclosure?

25 **A.** Well, I think that probably most of them would involve a partial

MS. LYNN MCMILLAN - DIRECT by MS. MILES

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1 disclosure, meaning that they only -- the child may only tell parts of what has
2 happened to them, at least in the first interview.

3 Generally, with subsequent interviews, a little more information may
4 come out and a little more detail.

5 **Q.** Okay. How many of the cases that involved delayed reporting was the
6 alleged perpetrator a -- someone close to the child?

7 **A.** I would say that most all of ours ---

8 **Q.** Okay.

9 **A.** --- it's somebody close to the child. A stranger perpetrators are pretty
10 rare. We see that pretty rarely.

11 **Q.** And how many of those cases of partial or tentative disclosure would
12 you say the alleged perpetrator was involved in the daily lives [sic] of the child or
13 close to the child?

14 **A.** I would say most all of them.

15 **Q.** What procedures or methods are undertaken to ensure reliability in
16 forensic evaluations?

17 **A.** Well, part of what we do is we do see children more than one time, as
18 I said, usually. And part of that is to check out the consistency of the child as far as
19 what they're telling between one interview and another.

20 Is there some core consistency, core similar comments that they're
21 making or details that they're giving us?

22 We also want to explore with the child some alternative explanation. Is
23 there something else that may explain these allegations that have referred the child
24 to us?

25 And -- and we want to look at the child on an developmental level as

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1 far as their language. Is it a child language or are they sounding more like an adult
2 and — and using adult language which would concern us.

3 So we want to make sure that what they're counter-conducting with us
4 and how they're talking is age appropriate and developmentally appropriate for that
5 age.

6 **Q.** Okay. Have you previously been qualified as an expert in the field of
7 child abuse assessment and provided testimony in court?

8 **A.** Yes, I have.

9 **Q.** On how many occasions?

10 **A.** I would estimate more than fifty (50) times.

11 **MS. MILES:** Okay. Your Honor, at this time, we would offer
12 Lynn McMillan as an expert in the field of child abuse assessment.

13 **THE COURT:** Voir dire, counsel?

14 **MR. HENRY:** Yeah, just a couple questions, Judge.

15 **VOIR DIRE EXAMINATION by MR. HENRY:**

16 **Q.** Hi, Ms. McMillan.

17 **A.** Hello.

18 **Q.** You're not doctor yet, but will be soon?

19 **A.** Oh, very soon I hope.

20 **Q.** A forensic assessment versus forensic interview — I know you've had
21 this question a hundred times — is what you do an assessment as opposed to an
22 interview or are they -- they related somehow?

23 **A.** We refer to them as a forensic assessment or a forensic evaluation
24 because it spreads the interview out over several sessions. I would refer to a
25 forensic interview to be that one time session or that one time interview.

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1 Q. Okay. So if I say -- if I slip up and say forensic interview, you'll know
2 what I'm talking about?

3 A. I will know what you're talking about. I may correct ---

4 Q. So forensic ---

5 A. --- just so we make sure we're talking about the same thing if that's
6 okay.

7 Q. Okay. Sure. Forensic assessment is the proper term then?

8 A. For us, yes, it is.

9 Q. Okay. Is -- is there a category within your social work degree for
10 forensic assessments?

11 A. No, there is not.

12 Q. Is there a forensic assessment degree?

13 A. There is no forensic assessment degree that I'm aware of.

14 Q. Is there a forensic assessment license in South Carolina?

15 A. No, there is not.

16 Q. So is your expertise in forensic assessment, then, from your
17 experience in forensic assessments?

18 A. Experience and education, and training. APSAC guidelines and also
19 the National Children's Advocacy Center support that. Their preference is that the
20 professionals who conduct forensic evaluations be licensed clinicians with at least a
21 master's degree in a human service or mental health field to do the evaluations.

22 That is the preference. That is not always the case with some
23 advocacy centers, but it is for ours.

24 Q. In order for someone who has a background in psychology, for
25 example, to become a forensic assessor, they have to do something special like go

1 to a special course?

2 A. There are special courses in the — that are involved by the different
3 formats or guidelines like APSAC, National Children's Advocacy Center, Finding
4 Words. All of those are different training methods.

5 Q. Okay. And, if I wanted to become a forensic assessor, and I had a
6 degree in psychology and had some background working with children, how long
7 would it take me, then, to -- to take this course to become a forensic assessor?

8 A. The courses, as I understand it, are use forty (40) hour courses. And
9 they're usually conducted over one -- one lump of time, like one week.

10 Q. Okay. So you could do it -- you could do it in a week? You could do
11 it?

12 A. You could, yes.

13 Q. And, then, you'd have to take a test of some kind or do they just hand
14 you your certificate and you're — you're ready to go?

15 A. They -- I think they're varied.

16 Q. It depends?

17 A. Uh-huh (affirmative).

18 Q. Are you involved in that kind of program yourself as far as a trainer?

19 A. Not specific to the -- no.

20 Q. No? And, at the Advocacy Center, the CAC, have you trained people
21 at CAC to do what you do?

22 A. Yes, I have. On an individual basis, correct.

23 Q. And is that, like, supplemental training to -- for them as well after they
24 get the certificate?

25 A. Correct and peer supervision. So we work with each other or we

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mentor or train somebody who's new who has come in and had the training, correct.

Q. And do you also monitor each other sometimes by watching how they do the interviews or watching the tapes afterwards, that kind of thing?

A. We do super — peer supervision with each other. We also have our clinical director, Tabitha Weber, who also does supervision with the forensic evaluators.

Q. And Tabitha Weber is one of the -- the forensic assessors in this case; is that right?

A. That's correct.

Q. And did someone at the CAC train her?

A. I am sure.

Q. Was it you?

A. No.

Q. Okay.

A. She was there before me.

Q. She got there before you? Okay. But there have been people there you've trained. Are there any there that you trained that are still there?

A. Actually, all of our interviewers there have been there for a number of years. I think our newest one has been there for five.

Q. Was Meredith Thompson-Loftis, was she -- I don't know if I got that right or not — but was she -- did she work with CAC when you were there too?

A. Yes. Meredith was a therapist with the advocacy center.

Q. She didn't do forensic interviews then?

A. She did not do forensic interviewing with us.

Q. How about Trisha Austin (phonetic)? Was she with — with you, your --

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1 your program?

2 **A.** Trisha Austin is a forensic evaluator, yes.

3 **Q.** Did you train her in any way?

4 **A.** I say training, meaning we mentor them and ---

5 **Q.** Okay.

6 **A.** --- give it -- you know, peer supervision and discuss them.. So, yes,
7 that's part of all that.

8 **Q.** Okay. So she'd be one of the people that you worked with there?

9 **A.** That I worked with. Tabitha Weber would probably be the primary
10 person who has done the training.

11 **MR. HENRY:** Okay. All right. I think that's all the questions I
12 have, Judge.

13 **THE COURT:** All right.

14 **MS. MILES:** Your Honor, at this time we would offer Ms. Lynn
15 McMillan as an expert in the field of child abuse assessment.

16 **MR. HENRY:** I do have a -- an objection, Judge. I don't want to
17 take the jury out. If I could put it on the record at a later time, I -- or I could
18 put it up at the bench to save time. I'll be glad to do that.

19 **THE COURT:** Why don't you approach just a minute then.

20 **MR. HENRY:** Yes, sir.

21 **(Whereupon, a bench conference was had with all attorneys**
22 **present on the record.)**

23 **MR. HENRY:** I'll wait for counsel.

24 **MS. MILES:** Okay.

25 **MR. HENRY:** This is an objection that's already been made and

1 — and been rejected by the State Supreme Court just so you know.

2 I don't think forensic interviewing assessment is a — is a valid specialty
3 or an expert field.

4 **MS. MILES:** It's child abuse assessment; it's not a forensic
5 assessment.

6 **MR. HENRY:** Okay. Well ---

7 **MS. MILES:** She's being offered as an expert in child abuse
8 assessment which is how -- she does clinic evaluations to conduct child
9 assessments.

10 **MR. HENRY:** Same objection. I don't think that -- I don't think
11 it's a specialty to make it an — an expertise. I mean, she's obviously an
12 expert in social work. But beyond that I would object.

13 **THE COURT:** All right.

14 **MR. HENRY:** No problem with the education.

15 **THE COURT:** All right. The Court finds -- of course, this witness
16 has been qualified on forty (40) or fifty (50) other different occasions in court
17 as an expert witness in child abuse assessment.

18 She's had extensive training, plus thirty (30) years in her field in
19 working extensively with the child abuse assessment, attending many
20 seminars, treat — peer assessment and all of that. And the Court will find her
21 qualified in the field of child abuse assessment. And she'll be allowed to
22 testify in that field.

23 Counsel, I'm going to give the jury this explanatory instruction with
24 regard to expert witnesses.

25 I charge you that although lay witnesses are limited to testifying about

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1 facts within their knowledge and not allowed to give opinions, certain
2 witnesses who by training, education, or experience, are considered as
3 experts in a particular field may give opinions in that field based upon the
4 facts of a matter and their conclusions.

5 And these opinions constitute evidence to be considered by you in
6 connection with all of the other evidence and testimony in the case. And it's
7 for you, the jury, to give it such weight as you, in your experience and
8 discretion, may determine.

9 By this, I mean that you must weigh such evidence and accept or
10 reject it in the same manner as you treat all of the evidence in the case.

11 The value of expert testimony does not depend upon the skill and
12 knowledge professed by experts, but upon the skill and knowledge they
13 actually possess. Expert testimony is given for the purpose of enlightening
14 you and not for the purpose of controlling your judgment.

15 This instruction will apply as to any other witness who may be qualified
16 as an expert in any field during the course of the trial; if you'll keep that in
17 mind.

18 You may proceed, Counsel.

19 **MS. MILES:** Thank you, Your Honor.

20 **DIRECT EXAMINATION CONTINUED by MS. MILES:**

21 **Q.** Now, you mentioned that forensic evaluations are the way that you
22 assess for child abuse. Can you describe what is a forensic evaluation?

23 **A.** A forensic evaluation is an opportunity for a child to tell us what
24 happened to them and for us to make some sense of what may have happened to
25 them and to form some opinion about what the child is saying may have happened

1 to them.

2 Q. Okay. And what is your goal during a forensic evaluation?

3 A. My goal is to get at the truth. And my goal is to understand as clearly
4 as I can from that child about what that child is trying to tell me has happened to
5 them and what their experience has been.

6 Q. Okay. What type of questioning format is used during forensic
7 evaluating?

8 A. We try to ask questions in a non-leading, non-suggestive manner,
9 meaning we are opening it up very broadly for the child to tell us in their own words
10 about what may have happened to them. And we don't want to lead them in any
11 particular direction that would suggest an answer to them.

12 Q. Okay. And why are these safeguards used?

13 A. Again, we really want to get at what that child is trying to tell us without
14 us being part of the influence on them and what they are saying.

15 Q. Okay. What are narrative invitations?

16 A. Narrative invitations are our attempt to give the child the opportunity to
17 tell us anything. Sometimes we like to practice sometimes about things that are
18 very common to the child, about asking about their family or something that
19 happened to them and for the child to be able to narratively give us information,
20 about a particular event or an experience, so that they can choose their own words
21 and use their own words rather than just asking a lot of questions that are yes/no
22 questions.

23 Q. Okay. And what about focused narrative invitations?

24 A. Focused narrative invitation may be just when I need to focus the child
25 more directly if they are having trouble attending with me or staying with me, staying

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1 on topic. I may need to focus them in a particular direction and, then, invite them to
2 tell me more about that.

3 Q. Okay. What about detailed questions or "W" questions?

4 A. "W" questions, detail questions, we generally — the "W" questions are
5 generally like who, what, when, and where. And it depends on the age of the child
6 what we can expect them to say.

7 So, for instance, a younger child I would expect them to tell me who or
8 what or where, but I really wouldn't expect a younger child to be able to tell me
9 when. Nor would I want to be asking them that because that really would not be
10 age appropriate.

11 Q. Okay. What about multiple choice questions or yes/no questions?

12 A. We want to avoid yes/no questions. And -- I'm sorry, what was the
13 other example you gave?

14 Q. Multiple choice.

15 A. Multiple choice, meaning I may want them to pick between the two
16 answers and I generally want to offer them a third answer which would be or
17 something else.

18 It still gives them the freedom to come back with their own answer, but
19 I may be giving them two answers to choose from.

20 Q. Okay. What guidelines are set forth when you conduct a forensic
21 evaluation?

22 A. The guidelines are that we want a child-friendly atmosphere to be able
23 to talk with the children. And we feel like the Children's Advocacy Center is a child-
24 friendly atmosphere.

25 We're a big old two-story house and the lobby area downstairs; but all

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1 of our — the interview rooms are upstairs. And our therapy rooms are upstairs. And
2 so we want first to have a child-friendly place that is welcoming for the children and
3 their families when they come to us.

4 Also, when we conduct the interview, it is one-on-one. It is only me
5 and the child in the room. And parents are not there. Parents do not observe. The
6 parents wait in the lobby. So in the room is just me and the child.

7 We also videotape our interviews. That is the best practice around the
8 country to videotape. It preserves the child's disclosure or what the child has to say
9 on video, but it also is a check on — on the way I do things as well.

10 **Q.** Okay. Who may be allowed to observe the interview? You mentioned
11 the parents, but who may be allowed to observe ---

12 **A.** The only people who are allowed to observe the interviews would be
13 somebody who's investigating, such as law enforcement or the Department of Social
14 Services, a Child Protective Services investigator, or perhaps a guardian ad litem
15 who might be appointed by the Court.

16 **Q.** Okay. And in what manner do they observe the interview or the ---

17 **A.** We have an ob -- I'm sorry.

18 **Q.** Go ahead.

19 **A.** We have an observation room that is separate from the interview
20 room. It is connected with video equipment.

21 And if somebody is observing, they would be in the observation area
22 and observing on a computer or television in there.

23 **Q.** Okay. What information is obtained from the child's -- about the child's
24 family or social history?

25 **A.** When I first meet with the parent or parents or the guardian who bring

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1 the child, I really want some background information like who's who in the family,
2 what do the children call different people in the family.

3 I want to know who they've been around, who spends the night, who
4 lives in the home, where that child spends the night. I just really want to get an idea
5 of that child's routine and -- and, again, the people that are around them and what
6 the child calls them because that's important in understanding that when I talk to the
7 child.

8 I want to understand about school or daycare, if they're too young for
9 school, and where did they go and how they're doing both academically and -- and
10 socially; who are their friends.

11 And so I just really want a nice picture from the parent's perspective of
12 that child but also of the family situation.

13 **Q.** Okay. Why would this be important during the forensic evaluation with
14 the child?

15 **A.** Well, for one thing, it just helps me kind of establish who's who and
16 gives me a way to start talking with the child about their family and friends and their
17 activities.

18 It's also kind of a check for me about what the child's reporting, if that
19 matches what the parent is reporting on certain things like where people sleep and
20 -- and who spends the night and things like that.

21 That also gives me an opportunity, if I have some concern about
22 something, about how a child is doing or who they may have been around. Or it
23 also helps me to, again, to think about alternative explanations for the allegations.

24 **Q.** Okay. What about a medical history?

25 **A.** I generally get very brief medical history. A lot of our children are

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1 examined by our -- our medical physician who's a child abuse pediatrician and -- not
2 all of them are, but many are.

3 And I generally just ask very briefly about medical history.

4 Q. Okay. And why would that be important?

5 A. Again, I just want to know if there have been, for instance, surgeries or
6 hospitalizations for the children or any kind of medical problems where their private
7 parts or other parts of their bodies may have been exposed or had something
8 happen to from a medical procedure.

9 I will want to know about that. I want to know if there's any medicines
10 or anything like that that they've been on.

11 Q. Okay. What information do you receive prior to conducting your
12 forensic evaluation?

13 A. It depends. As I said, we are not first responders so, you know
14 somewhere, somebody already has the allegation. The child has already reported
15 something to somebody before they come to us.

16 Most of our referrals come from law enforcement or the Department of
17 Social Services; sometimes from pediatricians. And so what information just kind of
18 depends on who has the first information that would come to us.

19 Generally, if it's from law enforcement, it would be like an incident
20 report that -- that was generated from -- from law enforcement. Or DSS may have
21 information. So it kind of depends on who's referring in.

22 Q. Okay. And for what purpose is that information obtained?

23 A. Obtained for us?

24 Q. Yes.

25 A. It's just some background information about what some initial

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1 allegations were and what may have been documented about how the original
2 complaint came into whichever agency received the information first.

3 Q. Okay. What do you take into a forensic evaluation with you?

4 A. I generally take a folder that looks like this (indicating). And I have
5 usually an ink pen. And I have a pad of paper inside the ink -- inside the folder.

6 Q. Okay. When assessing child physical or sexual abuse, how do you
7 determine the child's knowledge of his or her anatomy?

8 A. It -- it varies on the age of the child and the comfort level of the child.
9 Sometimes I will -- just in the course of talking with them, I may draw a gingerbread
10 drawing. And they may identify different parts of their body, or they may help me
11 with the drawing.

12 Sometimes in children just talking to me about a recent doctor visit, for
13 instance, they might point to different parts of their body.

14 I really try not to do a gingerbread drawing initially. I'd rather just have
15 it come from them verbally. Sometimes young children will point to their bodies.

16 Some people tell me what names they call different things. So it kind
17 of depends on the child and, again, their developmental level and their comfort in
18 talking about that.

19 Q. Okay. What, if any, measures are used to assess the child's
20 competency or their ability to communicate effectively with you during the forensic
21 evaluation?

22 A. Well, initially, I certainly want to know about some basic competency.
23 Meaning is this child able to even participate in a forensic evaluation. Some children
24 are not.

25 And so I will do that mostly through my interaction with the child. Of

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1 course, also with some background information from the parent, but also my initial
2 interaction with the child and observing the child and watching how they
3 communicate and -- and determining how they're interacting in that initial time is
4 kind of how I evaluate their initial competency about being there.

5 **Q.** Okay. And why is that important?

6 **A.** Well because, if they don't have the cognitive development to even
7 have a conversation with me, or they're not able to separate from a parent in the
8 lobby to come into the interview room with me, that's a child who's really not going to
9 be in a safe place or -- or have the cognitive or developmental ability to talk to me in
10 -- in the way that I can really understand their experience.

11 **Q.** Okay. Earlier I asked you about delayed reporting. What is meant by
12 the term "delayed reporting"?

13 **A.** Delayed reporting is -- well the term we often use is called "delayed
14 disclosure." Disclosure just means about telling about something. So telling or
15 actually reporting it to a parent or to someone in authority.

16 It means that the child just didn't tell right away after something
17 happened to them. They didn't tell somebody right away; there's a delay in telling.

18 **Q.** Okay. In your training and experience, how common is delayed
19 disclosure among victims of child sexual abuse?

20 **A.** Delayed disclosure is very common among victims of sexual abuse,
21 particularly when the alleged perpetrator is somebody close to that child.

22 **Q.** Okay. What other factors commonly play a role in a child's delayed
23 reporting?

24 **A.** Well, again, we know that the closeness of the alleged offender, the
25 alleged perpetrator, is the biggest factor, again, in delayed disclosure. And the

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1 closer -- the closer the relationship, usually the longer the delay.

2 Excuse me. Also some children just talk about embarrassment.

3 Young children sometimes think they're going to get in trouble if they tell. It doesn't
4 make sense to them that the other person might; and they might get in trouble
5 themselves.

6 Q. Okay. I also asked you about tentative or partial disclosure. What's
7 meant by those terms?

8 A. Tentative or partial disclosure refers to that children may tell only part
9 of something that has happened to them and explain only part of their experience to
10 you.

11 And they may do it -- tentative just means they do it in a more hesitant
12 manner. And -- and partial means they may only tell you part of what happened to
13 them.

14 Q. Okay. And, in your training or experience, how common is tentative or
15 partial disclosure in cases of child sexual abuse?

16 A. Well, tentative or partial disclosure is actually very common in -- in the
17 beginning. And, again, one reason we see the children more than once is because
18 we hope to be able to overcome that.

19 Q. Okay. What factors typically play a role in the tentative or partial
20 disclosure?

21 A. Well, part of it is -- is just the child themselves and their own little
22 personalities and how they tell about things. And -- and, if we can overcome about
23 they might be embarrassed or they might think they're getting in trouble.

24 The other is if they feel safe enough to be able to do so. I don't always
25 know what goes on at home between appointments. And so I don't know what's

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1 talked about at home, although I like to try and find out about that.

2 So I think it just depends on — on the child and their feelings of safety.
3 Sometimes children are very protective of the person who's the alleged perpetrator
4 and they may just want to protect that information and protect that person.

5 Sometimes the children want to protect their own parents from the
6 information. So it's — it's for various reasons and it's really specific to any particular
7 child.

8 **Q.** Okay. Based on your experience, can you tell us whether children —
9 children very — necessarily disclose all of the details of past abuse?

10 **A.** My experience is that they usually do not tell all of the details. I think
11 children are very capable of getting to a point where they can give you a pretty
12 strong narrative, first-person account of what has happened to them. But I'm never
13 surprised when additional details come out later.

14 **Q.** Okay. And why is that?

15 **A.** Well because I think children, just like grownups, need cuing for
16 certain memories about things. And there may be details about things that
17 happened to them or things they've experienced that they may not think to tell me
18 when I'm talking with them.

19 Sometimes I don't ask them the right question that will cue up a
20 memory about something. And they may -- they may see something on TV. They
21 may hear a conversation and something just may surprise them that they -- again,
22 that cuing about a memory that wasn't right at the surface earlier and that detail may
23 come out later with that cuing.

24 **Q.** Okay. What is your experience regarding a complete disclosure in the
25 instances of child sexual abuse during a forensic evaluation?

1 A. Well, I think -- and, again, I think because we see the children more
2 than one time, we frequently are able to get to a pretty strong first-person account of
3 what they've experienced. But, again, I -- I don't know that it's ever perfectly
4 complete.

5 Q. Okay. And what about the children's ability to recall the chronological
6 order of events in cases of child sexual abuse?

7 A. Recalling chronological events I think depends on a couple of things.
8 One is that the age of the child and, as when you asked me about you "W"
9 questions, I don't ask young children about when because I don't expect them to
10 know chronologically when things happen.

11 They might know something before or something after, but for
12 instance, frequently with young children, you know, tomorrow is later. You know,
13 everything yesterday was before.

14 So it's -- it's hard for them. And I don't expect that so I don't ask that
15 question to them.

16 Older children are much more able to give a chronological account of
17 events. What interferes with that sometimes with older children, however, is if it has
18 been chronic abuse; abuse that has happened over a longer period of time and
19 maybe multiple incidents. I don't think a child will always get everything in the right
20 chronological order when there's been chronic abuse.

21 Q. Okay. And what is your experience with children getting immediate
22 disclosures following the first instance of child sexual abuse?

23 A. It is very rare that a child would disclose after the first incident.

24 Q. All right. What about a child's willingness to talk about other children
25 who may have had to observe or participate in their sexual abuse?

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1 **A.** Again, I think that's specific to the child and what the situation was,
2 how embarrassed they were, if they're protecting somebody. I think it just depends
3 on a particular child.

4 **Q.** Okay. In your experience, what are their concerns or hesitations
5 regarding?

6 **A.** I think some of the same things we said earlier about getting
7 themselves in trouble or maybe getting a friend in trouble or getting somebody else
8 in trouble. Maybe embarrassment.

9 **Q.** Okay. And I believe Mr. Henry touched on this earlier a little bit, what
10 is the difference between a forensic evaluation and a forensic interview?

11 **A.** A forensic interview is often referred to for -- it's a one-time face-to-
12 face interview. And so a forensic interview may be conducted by somebody say
13 from Child Protective Services at DSS.

14 It may be conducted by a law enforcement officer or detective for
15 minimal facts just to understand something. And that may be considered a forensic
16 interview.

17 We consider that a forensic evaluation means to meet with the child
18 more than one time. And it's -- it's two or more interviews or two or more sessions to
19 com -- complete a full interview.

20 **Q.** Okay.

21 **A.** We call that an assessment.

22 **Q.** How many meetings do you typically have with children who come to
23 CAC?

24 **A.** Usually two (2) or three (3).

25 **Q.** Okay. And why do you have those multiple meetings?

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1 A. Again, I think that's part of looking at the reliability of the interview.

2 And I want a child to have more than one opportunity to tell me and help me
3 understand about what may have happened to them.

4 When we schedule the initial interview appointment, I mean, it's an
5 appointment that's, you know, convenient for us or the parents, and a — a child may
6 be tired or a child may be hungry or maybe busy with something else. Or maybe we
7 interrupted something, an activity that they were doing.

8 And also they haven't been there before. So it's a whole strange
9 situation for them to come and talk with us about something that happened to them.
10 So the subsequent interviews are really very important.

11 They have an opportunity to change what they told me, make any
12 corrections they need to with me, or it's also an opportunity for me to gather
13 additional information or additional detail.

14 Q. Okay. How common is the method of forensic evaluation?

15 A. How common?

16 Q. Yes.

17 A. Well I think very common.

18 Q. Okay. What are your practices as far as recording the forensic
19 evaluation?

20 A. We do video record all of our interviews. All of our evaluations with the
21 children are recorded from the forensic standpoint; not therapy sessions, but from
22 the forensic standpoint.

23 Q. Okay. And how -- how are they recorded?

24 A. We have a digital recorder, unless it's not working, and we have a
25 backup VHS recorder. And that — then it's all housed and kept at the advocacy

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center digitally.

Q. Okay. How are these videos preserved?

A. Within the computer system. That's beyond my techno on that.

They're all preserved in a video system through the iRecord (phonetic) system. And we can access that.

And it has a certain amount of memory in that. And then we have external drives that hold the ones, once we have filled the main drive.

Q. Okay. At this time, I'll start asking you about individual children. On what date did you conduct forensic interviews with Child 1

A. I saw Child 1 three times. I saw her on October 28th, 2010. I saw her on November 5th, 2010 and again on November 9th, 2010.

Q. What person or agency referred Child 1 for a forensic interview?

A. Child 1 was referred to the Children's Advocacy Center from Bobby Seepersaud of The South Carolina Department of Social Services, the OHAN division.

Q. Okay. And how common is a referral from OHAN?

A. Well it's not the primary referral source, but they certainly refer to us on any investigations that they have in our area.

Q. Okay. What age was Child 1 at the time of her forensic evaluation?

A. At the time I saw Child 1 she was four years old.

Q. Okay. In your opinion, did she appear to be competent?

A. Yes.

Q. How did you determine Child 1 -- Child 1 competency or her ability to -- to stay effectively with you in the forensic evaluation?

A. I got some information from her mother, certainly, about how she

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interacts at home and at school and also both from my own observation with Child 1 and interacting with her.

Q. Okay. Was Child 1 able to communicate personal info to you concerning ---

A. Yes. She ---

Q. Okay.

A. I'm sorry.

Q. Concerning her family members?

A. Yes, she was.

Q. Okay. And was that information that she gave independently verified through other sources?

A. Yes. It was consistent with what her mother had told me.

Q. Okay. What, if any, safeguards were used when interviewing Child 1 to prevent any type of influence?

A. The safeguards would be that she came up with me by herself, so her mother did not accompany her. Her mother stayed in the lobby.

And as far as influence goes, there's nobody in the room. It was just the two of us in there.

And -- and, then, at the end of that interview, as I would usually do, I had advised the mother that -- not to talk about it any more. To try and keep no conversation going about the allegations after she left with us.

Q. Okay. And without going into what Child 1 told you specifically, can you tell us whether or not Child 1 made a disclosure of sexual abuse to you?

A. Yes, she did.

Q. Okay. What, if anything, did Child 1 relate to you concerning the place

1 or places that sexual abuse occurred?

2 A. Child 1 told me that sexual abuse occurred in a bathroom at her
3 daycare center.

4 Q. Okay. Did you document Child 1 disclosure in any way?

5 A. We documented it through the video recording and also in my -- I did a
6 summary, a written report.

7 Q. Okay. So Child 1 evaluation were -- was recorded?

8 A. Yes, all three of her sessions were recorded.

9 Q. Okay.

10 MS. MILES: Just a moment. Your Honor, may we approach?

11 THE COURT: You may.

12 (Whereupon, a bench conference was had with all attorneys
13 present.)

14 THE COURT: Mr. Foreman, ladies and gentlemen of the jury
15 panel, there are matters, legal matters, I need to take up with Counsel out of
16 your presence at this time.

17 It's going to take a few minutes. So we're going to go ahead and take
18 a short recess. You may go to the jury room, refresh yourselves, for probably
19 about ten (10) to fifteen (15) minutes. Thank you.

20 (Whereupon, the jury exited the courtroom at 4:10 p.m.)

21 MS. MILES: If you're ---

22 THE COURT: Yes, ma'am.

23 MS. MILES: Okay. Your Honor, at this time, the State is
24 moving to admit the forensic interviews of -- of the six (6) minor children in
25 this case: Child 3 date of birth July 9th, 2006; Child 2 date of

1 birth July 24th, 2006;

2 Child 1 date of birth October 9th, 2006; Child 4 Bermudas, date of
3 birth, December 19th, 2006; Child 5 date of birth February 21st,
4 2006; and Child 6 date of birth March 12th, 2006.

5 We would move to admit these forensic interviews pursuant to 17-23-
6 175, *Jessie's Law*. Child 1 Child 3 and Child 2 all made statements during
7 recorded forensic evaluations to Lynn McMillan, who's already been qualified
8 as an expert in child abuse assessment.

9 Child 4 Child 5 and Child 6 all made statements during recorded
10 forensic evaluations to Tabitha Weber, who we will move tomorrow to qualify
11 as an expert in child abuse assessment.

12 All of the children in this case are currently five (5) or six (6) years old
13 and are all, there — therefore, under the age of twelve (12). All of the
14 statements were given in response to questioning conducted during an
15 investigative interview of the child.

16 An audio/visual recording of the statements were made. And they
17 have been preserved, absent one interview with Child 4 Bermudas when the
18 power went out. And at that time the interview was terminated.

19 So we don't have anything from then, but it wasn't continued. And no
20 information regarding any disclosure was made or will be presented.

21 The children are expected to testify. Child 1 has already
22 testified. She did testify regarding meeting with Lynn and talking with her
23 about the allegations.

24 They were all subjected --- well, she was subjected to cross-
25 examination. And I think -- I believe, Your Honor, we provided you with the

1 forensic interviews before. And we asked you to consider several factors in
2 support of admitting the evidence.

3 Those factors included whether the statement was elicited by leading
4 questions, whether the interview --- interviewers had been trained in
5 conducting investigative interviews of children, and whether the statements
6 contained a detailed account of the offense and whether the statement has
7 internal coherence.

8 Your Honor, you can weigh these factors after having watched the
9 forensic evaluations. And we've also put them forth through Ms. McMillan's
10 testimony.

11 South Carolina case law has upheld the admission of recorded victims'
12 forensic evaluations pursuant to *Jessie's Law*. The South Carolina Courts
13 have found that the child hearsay exception does not alter substantial
14 personal rights of the Defendant, but the children's videotaped interviews
15 were highly probative, and that any prejudicial effect was outweighed by their
16 probative nature.

17 For those reasons, the State moves to specifically admit Child 1

18 's interview at this time. And, then, we would ask permission to recall
19 Ms. McMillan, at the appropriate time, and enter those children at that time.
20 And, then, through Tabitha and those children after they all --- all have
21 testified.

22 **THE COURT:** All right. Let me hear from Counsel.

23 **MR. HENRY:** Are we just talking about Child 1 at this point,
24 Judge? Or are we talking about all of them?

25 **THE COURT:** Well, I'll hear arguments for all of them. What I

1 would like to do is, we can abbreviate it, I think, when we get to the others.

2 But let's take generally any objections you wish to make and then specific
3 objections can be reserved until we take up those particular ones.

4 **MR. HENRY:** Fair enough. Judge, the --- I guess the first thing
5 I need to do is --- is renew my Constitutional challenges to *Jessie's Law*. I
6 don't want to bore the Court with the history you already know, but *Jessie's*
7 *Law* really was a law to try to — to stop sex second offender and sex abuse
8 people from being on the streets.

9 And the — the part about the law that I really have a problem with is
10 the part we're getting to now, is — is to allow hearsay testimony and also the
11 videos.

12 And I do want to preserve my objection, as I made all along and up to
13 this time, which I think is the appropriate time to do that.

14 With respect to the individual cases — and you may be right, we can
15 probably shortcut some of this. I'm not trying to --- I want to preserve all my
16 client's protections here but, as you know, that your determination of the
17 trustworthiness issues is key to whether this --- these videos can be played.

18 I think that I would like to either --- to supplement the record or, at a
19 later time, offer the transcripts of those videos as well as part of the record.
20 I've got those. I've got them right — right here where I've got them close by.

21 I think the transcripts are important because they do give you a little
22 different view of the testimony on -- on — in black and white. Whether you
23 will agree to allow me to introduce that, that's up to you; of course.

24 With respect to all of the interviews that I've seen, the — the key points
25 that Counsel has made about the absence of leading questions, there are

1 many, many leading questions in these interviews. And — and they're key
2 questions.

3 The --- I think that, when you have so many leading questions,
4 including questions where the child gives an answer and the interviewer,
5 then, gives a multiple choice as if, "I didn't like that answer; I'm going to give
6 you two different choices or two --- this choice wasn't one of them." That
7 happens quite a lot in these interviews.

8 I also would say that, as far as the detailed accounts, there are very
9 few of those in these interviews. I don't think it's --- it's very --- that point
10 does not lend well to the trustworthiness determination.

11 Finally, on the point of internal coherence, there are --- for some of
12 these children, for example, you'll have an interview where there is
13 quote/unquote, "Some kind of disclosure."

14 The next interview they don't know anything about it. And the next
15 interview they may say there's some disclosure again.

16 I know in, at least one of the — the set of interviews, there was no
17 disclosure, a disclosure, and no disclosure again. How that can be internally
18 coherent, I don't know.

19 So I would object on those three bases to say that these — these
20 videos and these interviews are not trustworthy and that — that you should
21 not admit them into evidence.

22 **THE COURT:** All right, sir. You wish to be heard ---

23 **MR. HENRY:** And ---

24 **THE COURT:** Oh, I'm sorry?

25 **MR. HENRY:** I'm sorry, I didn't mean to cut you off. But is ---

1 would you --- can I introduce the transcripts at some point? Would that ---

2 **THE COURT:** I don't see why we need the transcripts unless you
3 tell me why. We've the video recordings of exactly what happened in there. I
4 don't know why we need more than that.

5 **MR. HENRY:** Well, that's fine.

6 **THE COURT:** I mean --- I mean, I don't see it. If you all make
7 them Court exhibits, I guess I'll let you do that as a proffer. But, frankly,
8 unless you can tell me how they differ, I don't know --- the transcript shouldn't
9 be any different than the recorded interviews;

10 That is to say, the questions and answers and what went on. I don't
11 see why they would make any difference, unless you want to try to separate
12 from what you can actually see is going on with --- with the child and the
13 interviewer from just black and white.

14 I --- I think the best evidence of what went on is the conduct, questions,
15 and --- and that not taken in isolation.

16 So, I mean, I don't see why that would add anything. If you want to
17 make them a Court exhibit, I'll let you make them a Court exhibit. But I'm not
18 going to just admit --- admit them into evidence unless you can tell me what's
19 different about it than what the test --- or what the audio would show on the
20 video because it is --- the audio is supplemented by what you can see in the
21 video with regard to the children and the interviewer.

22 And I think that's far more probative and informative than a black and
23 white question and answer assessment of a four-year old child.

24 **MR. HENRY:** Clearly the video is the best --- you can't see how
25 the kids respond on video. I just think, for ease of operation, that the

1 transcript is very helpful because then -- then you can go to exactly the page
2 and number where the leading questions or the --- what I'm calling non-
3 consistent answers are.

4 And that's --- it's a little harder to do that on the video. You kind of end
5 up with a situation where you get a general impression of how the video went,
6 but the transcripts to me make it easier to --- to follow. That was my purpose.

7 **THE COURT:** All right. Well I think you can isolate individual
8 portions of the transcript and give them undue emphasis. I think the best
9 evidence will be the video and --- and audio that was taken and not separate
10 the two out.

11 And I think that's particularly important, when you've got a small child,
12 because, as I told you earlier, in viewing it, the interviewer would go at great
13 lengths to talk about everything else but getting down to what happened with
14 the Defendant Ronasha Taylor.

15 But, once you got there, there was a whole different reaction from the
16 children as they try to avoid that question. And -- and I -- I think of anybody
17 who really wants to see what happened and conduct of the child, what was
18 going on with the child and the interviewer, the best evidence of that is the
19 video and audio taken together and seeing them together. And you get a
20 better idea of what was going on in the interview.

21 And so I think to separate it out in black and white where you can
22 highlight some individual question or answer is -- is not the best evidence of
23 what -- what went on in the interviews.

24 So, if you want to make it a proffer and make it a court exhibit, you can
25 do that. I'm not going to admit it into evidence. I'm not going to allow it to go

1 back to the jury so that you can picture and highlight certain portions of the
2 transcript.

3 I — the video will speak for itself. It will be in evidence. They can look
4 at it, listen to it, do whatever they want to, and you can argue based on that.
5 That's -- that's my ruling, all right, insofar as admitting transcripts.

6 Insofar as the interviews themselves are concerned, as I told you
7 earlier, I spent two weekends listening to these — and watching and listening
8 to these in my chambers when nobody else was even in the whole
9 courthouse except me.

10 And there were no interruptions or anything like there always is when
11 I'm in my office, people trying to see and get things done. So I gave it my
12 individual attention. And I spent I think maybe three and a half (3 ½) hours
13 the first time, four (4) hours the second time, listening to these and making
14 notes as to what was said.

15 And the -- and I listened very carefully for reliability. And I -- and I
16 must tell you, I was a Probate Judge for thirteen and a half years (13 ½) years
17 and — and was involved in a lot of things regarding mental health issues and
18 mental health hearings and that kind of thing.

19 I was a Family Court Judge for six (6) years and heard many cases as
20 a — as a Family Court Judge in dealing with it. And I've been a Circuit Court
21 Judge for almost fourteen (14) years and dealing with these kind of cases
22 over many years.

23 I've been to — to training themselves on interviews and what to look
24 for and — and that myself as far as a judge is concerned.

25 And I looked very carefully. I was looking for suggestiveness, leading

1 questions leading into that. And I looked — and I scrutinized in every way I
2 could to — to determine the reliability of the questions.

3 And, after listening to them -- and I'll hear you individually on each one
4 if you wish, but as to this one, this is as to Child 1 or Child 1 I -- she
5 testified, as I recall it -- and it's been a couple months since I listened to
6 these; I guess three (3) months, whatever it's been.

7 But as I recall it, she testified exactly in court today as she did on that
8 forensic interview or the -- and she -- she used -- she testified exactly the
9 same; very consistent with what she said on there.

10 And there's -- you know, they had to get in some question about
11 raising the top and what you could see when the top was raised and that kind
12 of thing. But she testified very consistently; exactly the same.

13 And I think we'll see that when it's played in court, as she did today in
14 court. And so that's very consistent.

15 I did not see any leading questions. Now you -- you might say it's
16 leading if you say "Well can you tell me about Ms. Ronasha," or "Can you tell
17 me what happened at the school?"

18 And you can say that's a leading question, but it's not. It's just you've
19 got to ask some question with a small child to at least have -- give them
20 something to respond to.

21 But I didn't see any significant leading at all whatsoever; anything other
22 than absolutely necessary. The interviewer is very patient. We had to wait a
23 long time in the interviews before they ever were -- got to the issue of whether
24 there was any kind of sexual abuse or not.

25 And — and so you -- you had to be patient through that and walk

1 through it. And looking at all of them, I — I didn't -- and I looked at it
2 particularly with regard to what the Court's required in -- to find in Section 17-
3 23-175 regarding the admissibility of the out-of-court statements of a child
4 under 12, determination of trustworthiness, and notice to adverse party.

5 And the -- what you're required to consider is, as a Circuit Court Judge,
6 in a General Session Court proceeding or a delinquency proceeding in Family
7 Court, "An out-of-court statement of a child is admissible if the statement was
8 given in response to questioning conducted during an investigative interview
9 of the child."

10 Well, obviously, that's present. "An audio and visual recording of the
11 statement is preserved on film, videotape, or other electronic means." And --
12 and — and it was.

13 So, I think there's -- there's compliance with that. "The child testifies at
14 the proceeding and is subjected to cross-examination on the elements of the
15 offense and the making of the out-of-court statement." And she was.

16 "The Court finds, in a hearing conducted outside the presence of the
17 jury, that the totality of the circumstances surrounding the making of the
18 statement provides particularized guarantees of trustworthiness." And I saw
19 absolutely nothing in those interviews that would concern the Court at all in
20 the way they were conducted and whether they were leading or suggestive in
21 any way whatsoever.

22 And I thought the interviewer did a very good job in that regard
23 avoiding getting caught up in that or suggesting any kind of answers.

24 And I wasn't concerned, you know, with clarification on a multiple
25 choice when the interviewer was trying to determine exactly what the child

1 was saying and — and gave them an alternative on that to make that
2 determination. So I was not concerned about that at all.

3 And -- and Part (b) of that section says: "In determining whether a
4 statement possesses particularized guarantees of trustworthiness, the Court
5 may consider, but is not limited to, the following factors:

6 "First whether the statement was elicited by leading questions." I do
7 not find the statement or — and -- and in particular, the — the information
8 provided by the child with regarding sexual abuse was a result elicited by
9 leading questions.

10 "Whether the interviewer had been trained in conducting investigative
11 interviews of children." I think this witness is probably about as well-qualified
12 as you're going to find in this area of the country and this region of the
13 country. She's very well-qualified I believe.

14 Three, "Whether the statement represents a detailed account of the
15 alleged offense." I don't know how much detail you're going to get with a
16 small child.

17 It's very hard to get them to sit still long enough and particularly, when
18 you get down to the question that — you know, you get down to — to getting
19 any detail about where it happened, what happened, and who was involved in
20 it, they became very restless, tried to change the subject, jumped and down.
21 Said, "Look at my picture, look at my picture," "I did that," or dropped
22 something on the floor and went over to pick it up, anything to try to distract
23 the interviewer from asking any more questions about that; trying to avoid
24 answering that for whatever reason.

25 And a — a lot of information has been provided that maybe the child

1 was afraid. The child's afraid of getting in trouble, afraid of — of involving the
2 parents or what the parents might do.

3 So I — I — I can't -- I just -- just pure speculation on that, but I would
4 say that, as much detail as you could get, you know, you got.

5 We got what we got. And I think that that, at least with regard to Child 1
6 Spicer, her testimony is exactly the same on — on — when you actually got to
7 the issue on the -- on — on — on the video recording of it as it was in court
8 today. I could see no difference.

9 Four, "Whether the statement has internal coherence." And, again, I
10 — I think there was internal coherence, not only in the statement but also in
11 her testimony today. She testified exactly the same as to the pertinent
12 information.

13 Five, "The sworn testimony of any participant which may be
14 determined as necessary by the Court." Well, of course, we've got the
15 interviewer. I — I wouldn't admit the tape without the interviewer being here
16 subject to examination and cross-examination by the Defense.

17 But she is here. I would not admit the videotape otherwise if she was
18 not here to vouch or verify and answer questions about it, particularly on
19 cross-examination. So -- and she is here and subject to that.

20 And — and let me say that -- and I listened to each child's testimony as
21 they can be, but insofar as at least Child 1 is concerned, Child 1

22 I think her testimony in court today was exactly the same as it was on
23 the video recording.

24 And I find that, insofar as reliability, I find it -- that there is
25 particularized guarantees of trustworthiness. I find it is reliable. The Court

1 will admit it as allowed by Section 17-23-175.

2 I understand the argument that, you know, basically this is an out-of-
3 court statement made for the truthfulness of — of the matter asserted. I
4 understand that and -- and I understand that.

5 And there's an argument that can be made. And Counsel has made
6 that argument. But I think the Appellate Courts have already ruled on that
7 and I'm bound by that. And so they've ruled that they come in if I find the
8 particularized guarantees of trustworthiness, which I do.

9 Other than that, the Constitutional grounds, whatever argument you
10 wish to make, but our Courts have already ruled on it and I'm bound by the
11 Appellate Court rulings on that issue. So that's that.

12 All right.

13 **MS. MILES:** Thank you, Your Honor.

14 **THE COURT:** So I — I will admit them, admit the tape and Ms.
15 Spicer's interview.

16 **MS. MILES:** Can the jury can come back in now?

17 **THE COURT:** Yes, ma'am.

18 **MS. MILES:** Okay.

19 **THE COURT:** I suspect they've had enough breaks for the day.

20 **(Whereupon, the jury entered the courtroom at 4:30 p.m.)**

21 **THE COURT:** Mr. Foreman, ladies and gentlemen of the jury,
22 while they're preparing to show a — a videotaped interview of Child 1
23 will tell you, you have to have some patience in that it is rather lengthy.

24 And — and, so, you just need to have patience with that. And realize
25 that we're going to be here a while with this. It's right — it's fairly lengthy,

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okay? But just, please, pay attention. Thank you.

MS. MILES: Thank you, Your Honor. If I may continue?

CONTINUED DIRECT EXAMINATION by MS. MILES:

4:30 P.M.

Q. Lynn, I'm going to hand you what's previously been marked as State's Exhibits 1 and 2. Can you tell me what these are?

A. These are the containers for the video tape we use at the Advocacy Center.

Q. Okay. And are they your video tapes of Child 1 your forensic evaluations with her?

A. Yes, they are. One is a one-day. And, then, it looks like there are two days on the other one.

Q. Okay. Do these videos fairly and accurately reflect the forensic evaluation between you and Child 1 on those dates?

A. Yes, they do.

Q. Okay. Have you had an opportunity to review those videos?

A. Yes, I have.

Q. Okay.

MS. MILES: Your Honor, at this time, the State would request permission to enter State's Exhibit 1 and 2 into evidence and request permission to publish to the jury.

THE COURT: They're admitted over objection. And you may publish, yes, ma'am.

MS. MILES: Thank you, Your Honor.

(Whereupon, State's Exhibit Number 1 and 2 were entered into evidence over objection.)

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(Child 1 Spicer's forensic interview played from 4:32 p.m. until 5:35

p.m.)

Q. (By Ms. Miles) Ms. McMillan, we saw Child 1 coloring. Why do the kids color during their forensic evaluation?

A. Why do they color during their forensic? Colors and papers are -- are just something that we keep in there because little children usually like that. Actually, sometimes the teenagers like to color.

But we're real clear that it's a talking room, not a playroom, and so the colors may be just a way for them to keep themselves busy while we're talking to them.

Q. Okay. How common, in your experience, is it for children to lose focus while talking during a forensic evaluation?

A. Well, again, I think it depends on the age of the child. It's certainly not uncommon for children to lose focus, even older children. It's particularly more common with younger children who have shorter attention spans.

Q. Okay. And what about avoiding a -- a specific subject or a specific person you're talk about?

A. That's actually quite common. The children will avoid -- and -- and not just young children, but older children as well. If there's something they don't want to talk about, they'd avoid. And they avoid in different ways.

Q. Okay. How common is it for them to change the subject when a specific location that may have been a place of abuse or a -- a supposed person or an alleged perpetrator discussion comes up?

A. Well I think, again, they will change the subject as part of avoidance.

Q. Okay. Why may children have different emotions during your forensic

1 evaluation?

2 A. Different emotions?

3 Q. Why do they portray different emotions?

4 A. Again, I just think it's unique to the children as far as how they -- how
5 they may express themselves during the interview. Some children display no
6 emotion at all during the interview; both young children and older children.

7 Some cry; some don't. Some laugh, some giggle. I just think it's just
8 different -- sometimes it's -- it's really anxiety and how they might display emotions.
9 Sometimes it's upsetting to them and they might just play as well.

10 Q. Okay. You --

11 A. It just depends.

12 Q. Okay. You mentioned laughing. Why do some children appear happy
13 during your forensic interview or evaluation?

14 A. Well I don't know that I'd classify it as happy, but I think sometimes
15 they -- whatever it is we might be doing or they're reacting with at the time is it's
16 okay thing. It's a safe thing like coloring or showing me a picture. They might be
17 laughing about something like that.

18 And they might be okay with that particular event that we're doing
19 together, but it's not abuse specific.

20 Q. Okay. Was there anything about Child 1 disclosure that would cause
21 you to believe it was the result of third-party influence?

22 MR. HENRY: Objection.

23 THE COURT: Counsel approach just a minute.

24 (Whereupon, a bench conference was had with all attorneys
25 present.)

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1 **Q.** (By Ms. Miles) What do you look for in a forensic interview as far as
2 whether or not anything that were the result of any third-party influence such as
3 suggestibility or coaching?

4 **MR. HENRY:** Same objection, Your Honor.

5 **THE COURT:** Overruled. You may -- may answer.

6 **A.** What do I look for? One thing that I particularly look for in young
7 children is their language. And if they use childlike language or if they're using
8 language that would be the way grownups would talk.

9 And it would concern me, if a child was using words that a grownup
10 would use, or words that actually match what I heard in a parent interview. That
11 would concern me that somebody might be talking to the child about things.

12 **Q.** Okay. What information do you provide to the parents after Child 1
13 interview? What information did you provide?

14 **A.** When I -- my contact with the parents is usually I interview them at the
15 beginning. And, then, I generally do not provide any specific information following
16 each interview. And I -- I tell that to the parents in the beginning.

17 That I'll give them some kind of cuing about how -- how the child did as
18 far as, if they seemed comfortable talking or if they were anxious or whatever. And
19 then, it's not until the final interview that I actually sit down with the parent again and
20 go over what the child said.

21 **Q.** Okay. What, if anything, do you tell the parents to do or not to do
22 before the next interview?

23 **A.** I want them not to talk about it. I will tell them not to talk about the
24 case and not to ask the child, "What did you and Miss Lynn talk about," or "What did
25 Miss Lynn ask you about?"

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1 I don't want any kind of suggestions to her that would prompt any kind
2 of discussion. I also ask the parents to please guard the children as far as anybody
3 else who might; grandparents, aunties, uncles, somebody else who might ask them
4 about what we talked about. And I ask them to protect from that so that doesn't
5 happen.

6 **Q.** Okay. What, if any, recommendation did you make following Child 1
7 disclosure of abuse?

8 **MR. HENRY:** Objection, Your Honor.

9 **THE COURT:** I don't know what -- what the answer is going to
10 yet, Counsel.

11 **MR. HENRY:** I know, but I — I have an idea what it is.

12 **THE COURT:** You all approach just a minute.

13 **(Whereupon, a bench conference was had with all attorneys**
14 **present.)**

15 **Q.** (By Ms. Miles) Ms. McMillan, let me ask you again. What, if any,
16 recommendation did you make following Child 1 disclosure of abuse?

17 **A.** I asked her parents to -- or her mother — or asked her parents to
18 continue to just observe and monitor her behavior. And I recommended that she
19 participate in therapy.

20 **Q.** Okay.

21 **MR. HENRY:** Objection.

22 **THE COURT:** Noted for the record and overruled.

23 **Q.** (By Ms. Miles) Who did you refer her to for therapy?

24 **A.** What I talked to the parents about was I wanted to make sure that it
25 was a licensed mental health clinician who had education, training, and experience

1 working with children that had been sexually abused. And if I recall correctly, we
2 discussed several options.

3 There's a therapist in — in Spartanburg. There's a therapist in
4 Greenville that both specialize in working with children who have been sexually
5 abused.

6 We certainly have services at our advocacy center and services at the
7 advocacy center in Greenville. So I — I think I gave a couple of names and some
8 agency names as well.

9 And also I had a discussion with the parents that -- about funding and
10 who pays for the therapy and that might make some difference in how they would
11 make some decisions. And, then, left that to the parents to make calls and make
12 decisions about that.

13 **MS. MILES:** Okay. Beg the Court's indulgence.

14 **(Off-the-Record Discussion)**

15 **MS. MILES:** That's all the questions that the State has for this
16 witness.

17 **THE COURT:** All right. All right. Thank you. Mr. Foreman,
18 ladies and gentlemen of the jury panel, it is now, by the courtroom clock,
19 almost fifteen till 6:00. So we're going to — this is a good time to quit for the
20 day.

21 And so I'm going to ask you, please, again — and I keep reminding
22 you because I think it's important to do that -- not to discuss the case among
23 yourselves or with anyone else you might see on a recess from court.

24 If anyone tries to discuss the case with you, do not discuss it with
25 them. Make note of that person, let the bailiff or the clerk of court know upon

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
SPARTANBURG COUNTY 2012-GS-42-02624 - 02634

THE STATE OF SOUTH CAROLINA,

-VS-

RONASHA TAYLOR,

Defendant.

TRANSCRIPT OF RECORD

September 12 & 13, 2012
Spartanburg, South Carolina

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B E F O R E:

THE HONORABLE LEE S. ALFORD, Presiding Judge.

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MS. BETHANY MILES, Esquire

Assistant Attorney Generals Appearing for the State

MR. STEPHEN HENRY, Esquire

Attorney Appearing for the Defendant

VOLUME II

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Pamela Faucette
Circuit Court Reporter

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17-(Diagram)	193	(ID Only)
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19-(DVD -Child 5)	193	863 (Over Obj.)
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1 September 12, 2012

9:32 A.M.

2 (The jury entered the courtroom at 9:32 a.m.)

3 THE COURT: Counsel, ready to proceed?

4 MR. HENRY: Thank you, Judge.

5 CROSS EXAMINATION by MR. HENRY:

9:32 A.M.

6 Q. Ms. McMillan, just a few questions, okay?

7 A. Okay.

8 Q. A couple of general questions about the process. The idea of your
9 forensic assessment interview is to get information that comes from the child, right?

10 A. Correct.

11 Q. And you — you don't want to end up with answers that the interviewer
12 suggests?

13 A. I would not want that.

14 Q. So you — you try to stay away from leading questions I understand; is
15 that right?

16 A. I do try to stay away from that.

17 Q. In this case involving Child 1 you knew what the complaint was before
18 you talked to her?

19 A. I knew the initial allegations, yes.

20 Q. Okay. And did — did that include a claim that she had licked my
21 client's breast?

22 A. Yes, I believe that was part of the initial allegation.

23 Q. All right. Is it fair to say that the details from the child are important?

24 A. I'm sorry, what?

25 Q. The details from the child are very important?

1 A. Yes, they are.

2 Q. And so you pay attention to inconsistencies when you talk to the child?

3 A. I do pay attention to inconsistencies.

4 Q. Are you trying to match up what the child says to what you were told
5 about the complaint?

6 A. No, I'm not.

7 Q. So, if a child gives an answer that is not matching up with the
8 complaint you received, you would go with that child's answer?

9 A. Well, it depends on what it is.

10 Q. Okay.

11 A. I mean, I would want to understand as fully as possible from the child.
12 If they are giving me something different, I would want to explore that, yes.

13 Q. And that's what you did in this case?

14 A. I believe that I did.

15 Q. All right. When you were asking Child 1 about where the tummy was
16 that she licked on Ronasha, you asked that, I think, in all your interviews. In your
17 first interview, she pointed to her waist area; do you remember that?

18 A. Yes.

19 Q. Okay. And you — you didn't follow up with that, did you?

20 A. Not -- I don't believe at that time. I did not.

21 Q. And that would be inconsistent with the allegation you were given?

22 A. At that point in time, it might be inconsistent. And to me it was her first
23 interview and it was just basic information from Child 1

24 Q. Well she — she said in the first interview she had licked my client's
25 tummy, correct?

- 1 A. Correct.
- 2 Q. Which was part of the allegation?
- 3 A. Correct.
- 4 Q. But she also pointed to her waist, not her chest or breast area?
- 5 A. That is correct.
- 6 Q. In terms of the details of where, according to Child 1 Ronasha was and
7 she was in the bathroom, would it be fair to say she gave inconsistent answers
8 about that?
- 9 A. I don't believe that she did.
- 10 Q. Okay.
- 11 A. If you got something specific, I'm happy to address it.
- 12 Q. Well, at one point, didn't Child 1 say that Ronasha was actually using
13 the bathroom when this happened?
- 14 A. I don't recall that she said that part.
- 15 Q. Okay. At one time, did Child 1 say that Ronasha was sitting on Child 1
- 16 A. Yes, I remember that part.
- 17 Q. And, at one time, Child 1 was on the chair when this happened?
- 18 A. Yes.
- 19 Q. And at one time, Child 1 was on the potty when this happened?
- 20 A. She said she was on the potty and I believe that she clarified for me
21 that was not a time that she sat on her, when she was sitting on the potty.
- 22 Q. And, again, the video would be the best evidence of that, correct?
- 23 A. Of course.
- 24 Q. At one point, did Child 1 tell you that nobody gave her anything after the
25 licking incident?

1 A. I believe she did.

2 Q. Okay. And later did you say to Child 1 that she had told you she'd
3 gotten a cookie?

4 A. I think I did.

5 Q. Was that a leading question?

6 A. I think actually it was an incorrect question that I -- that I -- I asked her
7 that and I don't recall that she had actually said that.

8 Q. So you introduced a fact in the -- in the interview that the child had not
9 actually told you?

10 A. Related to the cookie probably yes.

11 Q. I'm talking about the cookie.

12 A. Yes.

13 Q. Okay. So isn't that leading?

14 A. That may have been except that I think it was an incorrect statement
15 on my part, that I thought she had said cookie, and that's why I introduced it. I don't
16 believe that I introduced it as a point of trying to lead her somewhere.

17 Q. Child 1 never did tell you anything significant about what -- what
18 happened with Ronasha's clothing, did she?

19 A. She did not.

20 Q. You asked her what, say five (5) or six (6) times what happened to her
21 clothes?

22 A. I don't know how many times, but I did ask her repeatedly about that.

23 Q. Okay. And, to your recollection, was the only answer about Ronasha's
24 clothing she didn't bring her clothes and then she did; something like that?

25 A. Yes.

- 1 Q. Now the clothing is important in this case, isn't it?
- 2 A. Yes, because she said it was underneath.
- 3 Q. Right. And so she didn't demonstrate to you about the clothing?
- 4 A. She did not during the interviews, correct.
- 5 Q. Well that's the only time you talked to her, right?
- 6 A. That's correct.
- 7 Q. Okay. So she didn't talk about Ronasha's underwear for example?
- 8 A. She did not.
- 9 Q. Having seen her underwear?
- 10 A. She did not.
- 11 Q. Didn't talk about Ronasha's skin?
- 12 A. She did not.
- 13 Q. Didn't even say she saw her skin?
- 14 A. I think I asked her what it looked like and she did not respond.
- 15 MR. HENRY: Thank you very much.
- 16 MS. MILES: Just briefly, Your Honor.
- 17 THE COURT: Yes, ma'am.
- 18 REDIRECT EXAMINATION by MS. MILES: 9:41 A.M.
- 19 Q. Lynn, what answers are you looking for when you interview a child?
- 20 A. I am not looking for specific answers. I am looking to understand what
- 21 that child has experienced in her own words.
- 22 Q. Okay. And what if the child doesn't give you the answers that you
- 23 expect them to give based on the initial information you have?
- 24 A. I am going to try and go with what that child is telling me about and —
- 25 and explore that further. If there is very strong information that she has already

1 shared other information such as the allegations with somebody else, I probably will
2 pursue that because I know she's already reported it elsewhere.

3 Q. Okay. And how common is it for a child of Child 1 age, when she saw
4 you, to be able to account every single detail of the instance of abuse?

5 A. It would be very uncommon.

6 MS. MILES: Okay. Thank you. No further questions.

7 Permission to recall this witness as necessary throughout the trial, Your
8 Honor.

9 THE COURT: You may recall. Any other questions, counsel?

10 MR. HENRY: No, sir. Thank you.

11 THE COURT: Thank you, ma'am. You may stand down.

12 (Witness complied with the Court's request.)

13 MS. HALL: The State calls Demie Garcia.

14 (The witness stepped forward to be sworn.)

15 (Whereupon,

16 DEMIE GARCIA

17 having been duly sworn, testified as follows:)

18 DIRECT EXAMINATION by MS. HALL:

9:39 A.M.

19 Q. Where do you work?

20 A. I work at Woodward Incorporated (phonetic).

21 Q. What do you do there?

22 A. I'm a human resource manager.

23 Q. Who lives with you?

24 A. My husband, Anderson; my daughter, Child 2 my son, N .. And

25 we're currently living in my mother's house because we sold our house.

1 Q. How old is your daughter Child 2

2 A. She is six (6).

3 Q. And when is her birthday?

4 A. July 24th, 2006.

5 Q. And how old is your son N ?

6 A. He is three (3). And his birthday is February 2, 2009.

7 Q. Where does Child 2 go to school?

8 A. Legacy Academy.

9 Q. What grade?

10 A. She's in first grade.

11 Q. Okay. How do you know the Defendant Ronasha Taylor?

12 A. She was a teacher at Kids "R" Kids where Child 2 went to school there.

13 Q. And is she in this courtroom today?

14 A. She is.

15 Q. Would you please identify her?

16 A. She's the Defendant right there (indicating).

17 MS. HALL: Let the record reflect the witness has identified the
18 Defendant, Ronasha Taylor, in the courtroom today.

19 Q. (By Ms. Hall) When did you first meet her?

20 A. I think it was the springtime of 2009, right around April.

21 Q. And when did your child begin at Kids "R" Kids?

22 A. She began a couple of months before that right before we had our
23 son.

24 Q. Where is Kids "R" Kids?

25 A. It's in Greer.

1 Q. In Greer?

2 A. Uh-huh (affirmative).

3 Q. And where do you work? You said you worked for Woodward
4 Corporation?

5 A. It's in the Mauldin Township.

6 Q. When did your child begin the four-year old classroom at Kids "R"
7 Kids?

8 A. August of 2010, late August.

9 Q. Who was her teacher?

10 A. Ms. Laurie.

11 Q. Would you spell that for me?

12 A. I think it's L-a-d-u-r-l-e.

13 Q. Who were some of her other teachers?

14 A. Well, Child 2 had a bunch of teachers there. She started with Ms.

15 Vanessa -- and I don't know any of their last names. She had Ms. Phyllis. She had
16 Ms. Bridget.

17 She had Ms. Laurie, Ms. Kori, Ms. Ronasha. And Ms. Phyllis taught at
18 the same time at one point. And, then, there were a couple of other teachers, but --
19 but they didn't last so I can't remember their names.

20 Q. Okay. What was your impression -- when your child was in the four (4)
21 year old class that is ---

22 A. Uh-huh (affirmative).

23 Q. — what was your impression regarding when the Defendant,
24 Ronasha Taylor, would be around your child?

25 A. Well, they have two four (4) year old classes. And during nap time

1 they would combine. When they would have, I think, play time they would combine.
2 And, then, possibly in the morning or the afternoon because one teacher would
3 come in early; one teacher would stay later.

4 And so, I mean, she was there sometimes in the morning when I -- we
5 dropped her off or in the afternoon so

6 Q. So some of the reasons for combining, you said were to -- for nap time
7 and for rest time, do you know why they were combined?

8 A. Because they had to take a break and go to lunch. And so I think nap
9 was usually two (2) hours maybe a little longer. And so they'd both take an hour
10 lunch break.

11 Q. Okay. And you said your child was in Ms. Laurie's class?

12 A. Yes.

13 Q. But Ms. Laurie's and Ms. Ronasha's class combined?

14 A. Right, for certain activities.

15 Q. Okay. What times of day was Child 2 at Kids "R" Kids?

16 A. Typically, my husband would drop her off around 7:30ish. And I would
17 pick her up between 5:30 and 6:30. They closed at 6:30.

18 Q. Where would Child 2 typically be when you came to pick her up?

19 A. If it was around the 5:30 time frame, she was typically in a classroom.
20 And they would combine the kids that were left over, you know, that were staying
21 late, I guess.

22 And a -- a teacher would be with them. If it was really after six o'clock
23 or later they were not a lot of children still there. So a lot of times she would be up
24 front or in the back, you know, with one of the teachers walking around doing
25 things...

1 Q. Who was she typically with if it was after six o'clock?

2 A. Typically the only -- the people that were usually there later it was Ms.
3 Ronasha and then one of the assist directors.

4 Q. When you arrived and Child 2 was sitting up front, who was usually
5 there?

6 A. She was either on the lap of Ms. Ronasha or one of the -- the assist
7 directors.

8 Q. And what was your impression of what the defendant thought about
9 your child?

10 A. To my knowledge, she really liked Child 2. The last encounter I did
11 have with Ms. Ronasha I actually went up to her because I had -- had reports from
12 Ms. Laurie saying that Child 2 wasn't behaving in class.

13 And so it was a field trip and I went to her and ask her how she was.
14 And Ms. Ronasha said she was one of her, you know, best kids. And she did
15 awesome and she loved her.

16 Q. Was that the same field trip when you spoke to Zhling Spicer?

17 A. Yes, ma'am.

18 Q. How did the Defendant seem around the children generally?

19 A. In general she seem very loving; you know, seemed to have control
20 over the kids. There were some kids that had -- you know, they were four (4) year
21 olds so they were rambunctious and loud. And she seem to be able to, you know,
22 gain control of the group. And she seemed to love them.

23 Q. Without going into what anybody said, was there a period in time when
24 you became aware that something inappropriate may have happened to your child?

25 A. Yes.

1 Q. And when was that?

2 A. October the 8th at Midlands Farm (phonetic). I think that was the name
3 of the place.

4 Q. Was that the field trip?

5 A. Yes.

6 Q. Without going into what anyone said, who did you learn that
7 information from?

8 A. Zhling Spicer.

9 Q. Who is Ms. Spicer?

10 A. She is Child 1 mother.

11 Q. What class was Child 1 in?

12 A. Child 1 was in Ms. Ronasha's class but, like I said, they combined them
13 so all the kids were together.

14 Q. How often had you spoken to Ms. Spicer prior to the conversation that
15 day?

16 A. I'd never had a conversation with her.

17 Q. What was your initial impression, after having the conversation with
18 Ms. Spicer, that day?

19 A. Honestly, I – I didn't know what to think. I actually thought she was
20 crazy.

21 Q. What did you do next?

22 A. After when?

23 Q. After the field trip?

24 A. Oh, after the field trip, I told my husband of what Ms. Spicer had told
25 me.

1 Q. And so what did you decide to do next?

2 A. That evening I decided -- Child 2 was taking a -- I was giving her a bath
3 and I would just ask her the phrase that Ms. Zhling or Ms. Spicer gave me to see if
4 that resonated at all to Child 2 because I thought it was bazaar.

5 Q. What did you ask your child?

6 A. I said, "Has anyone ever asked you to lick their tummy?"

7 Q. And what else did you ask her?

8 A. Who?

9 Q. Can you tell us whether a disclosure was made at that time?

10 A. Yes.

11 Q. What behavior, if any, did you observe from your child at that time?

12 A. At that time, none.

13 Q. What did you do next?

14 A. Nothing. We actually were going on vacation. And that was Friday
15 evening so we were leaving for vacation that weekend. And my husband and I
16 decided, okay, let's --let's go on vacation and let's see if we observe anything else.
17 We're both HR professionals and we know how damaging that type of
18 information may be. So we were not going to, you know, come to any quick
19 conclusion because, again, it seemed very bazaar.

20 Q. What happened after vacation?

21 A. We were actually on our way home that Thursday evening and Ms.
22 Spicer called on my cell phone. And she basically asked me if I had talked to
23 Child 2 And I told I had that one time and that basically she said, yes, to my
24 questions.

25 And -- but we haven't -- you -- you know, nothing else really had

1 transpired as far as a conversation where Child 2 had brought anything up so... And
2 she told me that ---

3 MR. HENRY: I object to hearsay, Your Honor.

4 THE COURT: Sustained as to what she may have told.

5 MS. HALL: We'll move on.

6 Q. (By Ms. Hall) What happened next? What happened that evening?

7 A. After talking to Ms. Spicer, I told my husband — we were in the car, so
8 I told him about the conversation. And we decided to call Kids "R" Kids and
9 schedule a meeting for the next day because we were off work for the whole week.

10 And Child 2 wasn't going back to school because it was our free week
11 so she couldn't go back on Friday. And we had already made arrangements for my
12 mom to keep her. So we scheduled a meeting to go meet with Ms. Sally.

13 Q. What date did you schedule that meeting for?

14 A. The next day, which was the 15th.

15 Q. When did you speak to your child again about her disclosure?

16 A. That evening I — I actually spoke to her two different times. We had a
17 carnival for church that night and I talked to her before and, then, after the carnival.

18 Q. Without going into what Child 2 said, can you tell me whether the
19 allegation were made consistent between both the first time you asked her and the
20 next two?

21 A. Yes.

22 MR. HENRY: Object to hearsay.

23 THE COURT: Overruled.

24 Q. (By Ms. Hall) What behaviors did you notice at — at this time, if
25 anything?

1 A. Ah ---

2 Q. Let me ask you, the first discussion you said there was a carnival that
3 night?

4 A. There was a carnival.

5 Q. Okay.

6 A. And also ---

7 Q. In the first discussion ---

8 A. In the first discussion, I just asked her where the incident had
9 happened.

10 Q. Okay. And what location did she provide to you as to where the abuse
11 took place?

12 A. The bathroom at Kids "R" Kids.

13 Q. And you said you did not observe any behaviors?

14 A. Not at that point.

15 Q. Okay. What happened at the carnival?

16 A. Oh, nothing. She was a kid. She was just playing.

17 Q. And what about after the carnival?

18 A. After the carnival, we came home. She had a bath. And she ran
19 downstairs without her clothes on. She's never done that before.

20 She ran to the kitchen table and she starting coloring with no clothes
21 on. So I went down there and got her and I said, "You have to put your clothes on."
22 And I'm like, "What are you doing?" And — and that's when she told me, "That's
23 what Ms. Ronasha did."

24 Q. Okay. What — what did she do or what did you ask her next?

25 A. I asked her -- well first I said, "Child 2 you're not suppose to do that."

1 And I said, "Now where did she touch you? On top or underneath your clothes?"

2 Q. And what did she do in response?

3 A. She actually didn't answer. She touched her bare chest.

4 Q. Okay. And that was in response to you asking about Ms. Ronasha
5 touching her or her touching Ms. Ronasha?

6 A. Sorry, her touching -- you mean, Child 2

7 Q. Yes.

8 A. Sorry. Child 2 touching Ms. Ronasha.

9 Q. Okay. So what happened on October 15th?

10 A. That was the day we met with Ms. Sally and Anita at Kids "R" Kids.

11 Q. And what did you say to Sally?

12 A. Basically, we told Ms. Sally that -- about what Child 2 -- you know, we
13 had discovered having, you know, three brief conversations with Child 2

14 Q. And what did Anita do?

15 A. Anita sat there.

16 Q. What was your impression of what Ms. Sally or Ms. Anita would do at
17 that point?

18 A. I wasn't quite sure because, again, as an HR person the whole thing
19 was very odd. The comments that were made, it didn't seem like anyone was going
20 to do anything at that point.

21 We were told that she -- because we weren't there all week remember;
22 we were on vacation. And we were told that they contacted -- Ms. Sally had
23 contacted her person from DSS. And that Ms. Ronasha had been moved to the
24 other side of the building, which is where the two (2) years old are. And she was in
25 one of those classes.

- 1 Q. What about law enforcement? Did you contact them at this point?
- 2 A. No, I didn't because she told us that she had contacted DSS.
- 3 Q. Who is "she"?
- 4 A. Ms. Sally.
- 5 Q. Ms. Sally? Okay.
- 6 A. She had contacted April — I don't remember her last name. But that
- 7 was her contact.
- 8 Q. How old was your child at this time?
- 9 A. At this time, Child 2 would — would have been a little over four (4).
- 10 Q. How often did Child 2 play in the bathroom?
- 11 A. She didn't play in the bathroom to my knowledge.
- 12 Q. What about in the bathtub?
- 13 A. Yeah, she would play in the bathtub, but not in the bathroom.
- 14 Q. How long had Child 2 been potty trained?
- 15 A. Probably about a year and half at that point.
- 16 Q. What type of assistance did Child 2 require in the bathroom from you?
- 17 A. From me, the only time she required assistance if she did number two
- 18 and she needed up wiping sometimes.
- 19 Q. What about others? To your knowledge what assistance, if any, did
- 20 Child 2 require from others in the bathroom?
- 21 A. The same type of assistance.
- 22 Q. What was your impression regarding how often Ms. Laurie or other
- 23 teachers at Kids "R" Kids had to help your child in the bathroom?
- 24 A. Actually rarely. I told them, you know, that, if that was the case, that
- 25 was fine. But she would come home and her panties, quite obviously, would show

1 that no one helped her.

2 Q. Who did you speak to next about this case?

3 A. After we spoke to Ms. Sally?

4 Q. Yes.

5 A. Sunday night I had a conversations with Lynette Stein.

6 Q. That was October 17th?

7 A. Yes, ma'am.

8 Q. Who is Lynette Stein?

9 A. She is Child 3 mother.

10 Q. How do you know Lynette?

11 A. Just from school. Child 3 and Child 2 had been going to school for
12 probably about fifteen (15) months at that point together.

13 Q. So they were -- they were friends at school?

14 A. Yes.

15 Q. Okay. And how long had you known Lynette Stein?

16 A. Probably less than that because I didn't know at first when Child 2 when
17 started.

18 Q. How often would you speak with Lynette prior to these allegations
19 coming out?

20 A. I think I spoke to her at a carnival that they had and maybe in passing
21 at school. But I didn't know her email or her telephone number. I had never talked
22 to outside of -- of the facility.

23 Q. Okay. How often did your children, Child 3 and Child 2 spend time
24 together?

25 A. They went to birthday parties together; you know, for kids in the class;

1 but they never did anything outside of that.

2 Q. Why did you speak to Lynette?

3 A. Before that we -- the kids had been asking to do something together.

4 And, you know, this was my first kid. I didn't know when you start doing that stuff.

5 And we finally had a conversation one day when I picked Child 2 up that

6 there was Disney on Ice coming. I think it was in December at the Bi-Lo Center.

7 And so we thought that might be a good idea to get them together and to go do

8 something like that.

9 Q. Okay. So, when you called her on Sunday evening, what was the
10 purpose of that phone call?

11 A. To talk about ordering tickets.

12 Q. Okay. How many details did you provide her regarding what your
13 child, Child 2 told you?

14 A. Well it didn't come up until the very end of the conversation. And I just
15 said, "By the way, I thought I would let you know that we're in the process of dealing
16 with something through the school. I don't think anything has happened to anybody
17 else, but I thought you might want to be aware. "

18 And I just told her what been disclosed to me by Child 2 And she
19 seemed to, you know, not think that anything had happened either. And I just
20 suggested, "If you say anything only say something to the phrase of 'licking your
21 tummy' because that's how I got Child 2 to say something."

22 But other than that I said, "Don't -- I wouldn't use any other words
23 because I don't know any other."

24 Q. Okay. Who else did you call from the day care to discuss these
25 allegations at that time?

1 A. Nobody.

2 Q. And what belief did you have at this point in time regarding whether
3 anyone from the day care had or would be contacting other parents regarding these
4 allegations?

5 A. I had no belief they would.

6 Q. What correspondence from Kids "R" Kids did you receive on October
7 18th?

8 A. Ms. Laurie, Child 2 teacher, sent a note home with her asking me to
9 call her specifically

10 Q. And did you call Ms. Laurie?

11 A. I did. I was actually out of town for work. And I called her the very
12 next morning when she got to work.

13 Q. And, without telling me what Ms. Laurie told you, what was the call
14 generally about?

15 A. It was about referring to Child 2 that day and her at nap time and some
16 usual behaviors that she witnessed.

17 Q. Okay. When was your child's last day at Kids "R" Kids?

18 A. I think the date was the 19th. I wasn't actually the one that pulled her
19 out because I was out of town.

20 Q. Why did you remove your child?

21 A. We took her out because we weren't comfortable with the situation.

22 Q. Even though Ronasha wasn't in the classroom anymore?

23 A. Yes.

24 Q. Who was present on your child's last day?

25 A. It wasn't me. It was my husband.

1 Q. When did law enforcement become involved in this case?

2 A. To my knowledge, once the DSS chain started. that's how they got
3 informed.

4 Q. And what interaction did you have with anyone from DSS or OHAN?

5 A. I got a call from Bobby Seep — Seep — Seepersaud?

6 Q. Uh-huh (affirmative). And what did he speak with you about or what
7 did you speak with him about?

8 A. What Child 2 told me.

9 Q. And was that statement that you gave him memorialized in writing?

10 A. Yes.

11 Q. Why did you prepare a statement?

12 A. He had asked for one. And actually I didn't meet with him because I
13 was in — out of town for work. And so we had a call that evening at 9:00 at night
14 when I was in — out of town.

15 Q. Where did law enforcement or DSS OHAN refer your child?

16 A. To the Children's Advocacy Center.

17 Q. And when did you first take your child to the Children's Advocacy
18 Center?

19 A. I think it was October -- it was the very end. I think it was around the
20 29th.

21 Q. What did you tell Child 2 regarding the reason why she was going to the
22 CAC?

23 A. I just told her she was going to see one of mommy's and daddy's
24 friends and that she should feel comfortable telling them whatever she wanted to tell
25 them.

1 Q. What did you tell your child regarding what she should or should not
2 say during her forensic assessments?

3 A. Oh, I never said a word.

4 Q. What about Ronasha, did you mention her?

5 A. No.

6 Q. What about Kids "R" Kids?

7 A. No.

8 Q. What information did you provide to the CAC about these allegations?

9 A. The only thing I provided them was what I knew at that point. And I ---

10 Q. How much detail?

11 A. Not a lot. I — I just told them about the three (3) brief conversations
12 that I had with Child 2 because there was no other detail that I was aware of.

13 Q. Okay. And why did you provide that information?

14 A. Because Ms. Lynn asked.

15 Q. Were you by yourself or was your husband with you as well?

16 A. My husband was there.

17 Q. What information did you provide the CAC regarding your child's
18 exposure to things of a sexual nature?

19 A. What was that again?

20 Q. What information did you give the CAC about any exposure Child 2 has
21 had to anything of a sexual nature?

22 A. Oh, I'm sorry, none.

23 Q. What access has Child 2 had to the internet both prior to these
24 allegations and since?

25 A. Prior none. Since very little unless my husband was with her.

1 Q. What about movies or shows, et cetera, of the sexual nature?

2 A. None. The only shows or movies she usually watches are Disney so
3 they maybe a kiss, you know, in a Disney fairy tale movie.

4 Q. What exposure has your child had to adult breasts?

5 A. If any, it would be occasionally maybe if I was getting dressed. But
6 typically she would sleep in the morning and I would get dressed before she got up.

7 Q. Demie, what information were you given regarding what took place
8 during the forensic interview?

9 A. None. Just that she did well.

10 Q. How many times did Child 2 go in for a forensic interview?

11 A. Three (3) times.

12 Q. And what was your impression regarding why multiple visits were
13 necessary?

14 A. Because it takes awhile to -- for the child to be comfortable in that type
15 of setting especially to talk about certain things.

16 Q. What, if anything, were you advised to discuss with your child prior to
17 her next forensic interview?

18 A. Nothing.

19 Q. What, if anything, happened while you were at the CAC that was
20 unusual?

21 A. The first two (2) visits, nothing. It was the last visit. The way the CAC
22 is we would sit downstairs and Ms. Lynn would take Child 2 up the stairs to a room.

23 And I was sitting downstairs. And all of a sudden I heard her feet
24 coming down the stairs. And it wasn't even three (3) or four (4) minutes. And I was
25 like, "Oh, they're already done; we drove all the way here."

1 And she said, "No, she needs to go to the potty," and I said, "Okay, I'll
2 take her."

3 I took her into the potty. And typically in a public bathroom she would
4 sit on the potty and I tell her to keep her hands on her knees and not touch anything.

5 Q. Uh-huh (affirmative).

6 A. And, when she went to do that, I was leaning in front of her so she
7 wouldn't fall. And so I was just holding her to keep her balanced and she went to
8 grab my breast.

9 And I'm like, "What are you doing?", and she said, "That's what Ms.
10 Ronasha..." And I'm like, "No, stop. You need to use the bathroom and let's go."

11 So she used the bathroom. Ms. Lynn was right outside the door and I
12 said, "Ms. Lynn, you need to take her upstairs."

13 Q. Did you tell Ms. Lynn what Child 2 said?

14 A. I don't know if I told her what she said. But I did tell her that she went
15 to grab me and I stopped her.

16 Q. And that was while Child 2 was sitting on the potty?

17 A. Yes, Child 2 was on the potty.

18 Q. Where, if anywhere, did you take your child to be medically examined?

19 A. Eastside Pediatrics.

20 Q. Who was the doctor your child was taken to see?

21 A. Dr. Few (phonetic), but I was not present. My husband was.

22 Q. What information did you provide when you set up the appointment?

23 A. I actually called to make the appointment. And I told the -- because
24 they weren't going to see her. And I told them I needed to talk to his nurse
25 immediately.

1 And I just told the nurse that there was potential abuse and that we
2 needed Dr. Few to see Child 2

3 Q. And what — what — what were the results of that exam to your
4 knowledge?

5 A. To my knowledge there were -- there were no findings because of the
6 time passed. And he -- he said that in a child that age it's ---

7 MR. HENRY: I'm going to object to that too.

8 THE COURT: Sustain as to anything he said.

9 Q. (By Ms. Hall) Where else have you taken your child regarding this
10 case?

11 A. She sees Meredith Loftis.

12 Q. Who is Meredith Loftis?

13 A. She's a licensed counselor.

14 Q. How did you find Meredith?

15 A. I met -- the CAC referred her.

16 Q. How much information did you provide Meredith regarding these
17 allegations?

18 A. I -- I gave her the same information from the three (3) times I had
19 spoken to Child 2

20 Q. What are some of the reasons why you chose Kids "R" Kids?

21 A. Well, it was close to our house, but it was brand new facility. It had
22 monitors. And the initial director, when they opened, was just wonderful. So it
23 seemed like an awesome setting.

24 Q. Would you use the camera feature?

25 A. Yeah, you know, at times.

1 Q. How were you able to access those cameras?

2 A. The internet.

3 Q. What rooms were you able to see?

4 A. Typically you were given access to the room that your child was in and
5 the cafeteria and the play area.

6 Q. Were you able to see the Defendant Ms. Ronasha's classroom?

7 A. I don't know because I never tried. You'd have to go and ask for a
8 certain room, like the number of that room. And I never tried for that room because
9 she wasn't in there; Child 2 wasn't in there to my knowledge.

10 Q. What if the classes combined for nap time or for some other activity in
11 another room, would you be able to see into that room?

12 A. You could, but it was dark.

13 Q. How often would you watch the video feed?

14 A. At that point very rarely. I mean, at that point, the only reason we
15 would use it is if there was an issue. And, you know, Child 2 might say, you know,
16 "Somebody hit me," or something like that. Which I don't even -- it may have
17 happened once.

18 Q. So you could look back on the video feed?

19 A. That day.

20 Q. Okay. How far back would it go?

21 A. Just that day. I mean, you could only look from -- from when that day
22 started. So, if you -- if she told me the next day, I couldn't see it.

23 Q. Okay. What parts of the room could you see on the website?

24 A. You could see the tables and the chairs, the centers. I think you could
25 see out towards the -- the lobby area -- or not the lobby but the central area where

1 the door is.

2 Q. What about the doors to the bathroom?

3 A. I think you could, you know, see where the door was. Again I didn't
4 ever really looked at the bathroom.

5 Q. What about inside the bathroom ---

6 A. Oh no ---

7 Q. --- could you see anything?

8 A. --- there were no cameras in the bathroom.

9 Q. What was the lighting like at nap time?

10 A. Well, the lights were off, so it was dark.

11 Q. What would you see?

12 A. Shadows. I mean, you could see bodies moving around. You -- really,
13 I mean, you couldn't see if they were talking or if their eyes were open. You couldn't
14 see any of that.

15 Q. Okay. Were you able to identify ^{Child 2} during nap time?

16 A. Honestly, I -- I never really looked at nap time because she should
17 have been sleeping.

18 Q. What were your feeling towards the Defendant prior to these
19 allegations coming out?

20 A. Prior to?

21 Q. Prior to, yes.

22 A. Oh, we liked Ronasha. I mean, she was always very cooperative
23 when we asked her questions, seemed to love our child. And, you know, we were
24 working. And, as a working mother, I wanted somebody to love and take care of my
25 child if I wasn't able to be there.

1 Q. Who have you spoken to regarding you and your family's legal rights in
2 this case?

3 A. The Thompson Law Firm.

4 Q. And have you retained an attorney?

5 A. Yes.

6 Q. For what purpose?

7 A. To know what our rights were at that point. And, you know, we didn't --
8 I've never been through this before and my husband never had..

9 Q. What actions are currently pending regarding this case?

10 A. Oh, none.

11 Q. Who encouraged you to seek the advice of an attorney?

12 A. Nobody, but, you know, some of the parents had talked at one of the
13 meetings. And I told them I had a cousin by marriage that was an attorney. And I
14 had already talked to him when I first found something out about Child 2 And
15 nobody else really knew of one, you know, to just pick up the phone and call and
16 ask questions.

17 Q. So you had already called your cousin ---

18 A. Uh-huh (affirmative).

19 Q. --- about this? Okay. So you were the first person to contact the
20 attorney?

21 A. Yes.

22 Q. What is your relationship like with the other families in this case?

23 A. Child 1 and Child 2 go to school together currently so they've been at
24 school together. And we see Zhling and Kevin in passing.

25 Child 3 goes to after school at that school with the two of them. And so

1 we may see the parents in passing. I think they have had -- they have gone to the
2 pool a couple -- twice together and maybe seen each other two (2) more times. But
3 it's been supervised.

4 And then Child 4 and Child 5 have attended a couple of birthday
5 parties with us. And that would be it.

6 Q. What about you and your husband's relationship with other parents in
7 this case?

8 A. Socially we don't interact with each other if that's what you're asking.

9 Q. Yes. What about prior to the allegations?

10 A. We didn't even know their names.

11 Q. What general behaviors, if any, has your child exhibited since
12 beginning in the K-4 class at Kids "R" Kids?

13 A. It was weird. All of sudden she didn't like to take a nap. And Child 2
14 would sleep for a couple of hours. I mean, she still takes a nap. But all of sudden
15 she didn't want to take naps.

16 She was having nightmares. She was very clingy to me. And, if I
17 would drop her off at school, it would take me a very long time to get out the door
18 because she would just start crying.

19 Q. And that was when she -- since she started in the K-4 class?

20 A. Uh-huh (affirmative). And either -- when I would leave, either Laurie
21 or Ms. Ronasha, whoever was there, would get her from me and hold her in their
22 arms to calm her down.

23 Q. What about sexualized behavior?

24 A. Child 2 we caught her a couple of times in pinching her nipples,
25 pinching her brother's. She was also caught in the bathroom panting like, "ah, ah,

1 ah," in the bathroom and touching herself.

2 Q. What behaviors, if any, does your child still exhibit?

3 A. She has nightmares at night. And she wakes up, in the middle of the
4 night, and she'll come to our room. She doesn't like to go to sleep and so, for the
5 last year and half, we've been giving her melatonin at night.

6 MS. HALL: Court's indulgence for just a moment.

7 (Brief Pause)

8 MS. HALL: I don't have any other questions for this witness.

9 Please answer any questions the defense may have.

10 MR. HENRY: Thank you, Judge.

11 CROSS EXAMINATION by MR. HENRY:

10:12 A.M.

12 Q. I'm Steve Henry. I have a few questions for you.

13 Is it true that the -- until you got the -- the -- had the conversation with
14 Child 1 mom, that there were no -- no symptoms of any kind in your daughter?

15 A. Not at that point that I was aware of.

16 Q. Uh-huh (affirmative). Go ahead.

17 A. But, then, when we looked back at it there were. But we thought it was
18 just a normal kid. She -- in the bathroom did pinch her nipples like a couple of
19 months before ---

20 Q. Right.

21 A. --- and I told her to stop. And I said, "Who told you -- why are you
22 doing that?" "Well, Ms. Ronasha." And it's a four-year old. I didn't think anything of
23 it.

24 Q. So that happened before you got the call -- or before you had the
25 conversation, but you didn't do anything about it? You didn't think anything of it?

1 A. No.

2 Q. Okay. All right. Had — had your daughter got in trouble at school all
3 or did they mention to you that she had been lifting her skirt or playing doctor or
4 anything like that at school?

5 A. Not my daughter. Not -- not that they told me.

6 Q. Not that they told you about? All right. And — and, when you got the
7 call or had the conversation with Child 1 mom, that was in October of 2010?

8 A. Yes.

9 Q. And, at that point, your daughter had said nothing about any problems
10 at school?

11 A. Correct.

12 Q. And you had no problems with Ronasha?

13 A. Correct.

14 Q. And you hadn't seen --- seen anything unusual on Watch Me Grow?

15 A. Correct.

16 Q. And you knew you could use that every day if you wanted to?

17 A. Yeah, but I didn't because I had no time.

18 Q. And — and what you're saying, though, is that, that in looking back
19 your child said that, was it -- was it -- you said caught pinching her nipples and said
20 "Ms. Ronasha told her to do it," but you didn't look at Watching Me Grow to find out
21 if that had happened?

22 A. No, because she — she didn't know when.

23 Q. Okay.

24 A. She was three (3) at that time.

25 Q. Sure. But it could've happened every day, right?

1 A. Yeah, it could've of. But, again, I thought she was a kid. And, I mean,
2 kids have imaginations. That's why we didn't go running straight to the school.

3 Q. Sure. And -- and -- and that's why you didn't do anything until you got
4 the -- had the conversation with Child 1 mom?

5 A. Right, because I only saw that once. It wasn't like she did that every
6 day in the bathtub.

7 Q. Okay. All right. Did your daughter like and get along with Ms. Lynn
8 when she talked to her?

9 A. Uh-huh (affirmative).

10 Q. In 2010, your daughter knew what breasts were, didn't she?

11 A. Probably not.

12 Q. Did not know? She didn't know her body parts?

13 A. No. Actually to this day, she still calls them hips because that's what
14 she was told.

15 Q. Okay. Your daughter didn't make any allegation back in October of
16 2010 about oral sex or penetration or criminal sexual conduct, did she?

17 A. Not to me.

18 Q. And -- and not to Lynn either; do you know?

19 A. I don't know what she told Lynn.

20 Q. Okay. You didn't get a -- like a summary of what happened with the
21 children or anything like that?

22 A. No, huh-uh (negative).

23 Q. Do you know these -- any of these names, Eli, James, Julia, Michael,
24 or Autumn?

25 A. I know there was a little boy named Eli in her class, but I don't know

1 his last name.

2 Q. Was that at Kids "R" Kids or at Legacy?

3 A. It was.

4 Q. Okay.

5 A. But he was gone before we found out about all of this.

6 Q. How about the other names: James, Julia, Michael, Autumn?

7 A. I don't remember any of those names.

8 Q. Between the second and third interview with — with Lynn McMillan, did
9 you tell your daughter to do specific things to help out Lynn in her process?

10 A. We -- we have never spoken about it.

11 Q. Okay.

12 (Brief Pause)

13 Q. You don't know whether or when Sally Strickland at — at Kids "R" Kids
14 contacted DSS, do you?

15 A. No. She just told me that she did. So I don't have any proof.

16 Q. You don't know exactly how that process worked, though, from Kids
17 "R" Kids to DSS and who — who told whom something when?

18 A. All I know is that she told me she spoke to April.

19 Q. And that's a DSS person?

20 A. Correct. That was supposedly her contact person.

21 Q. I got you. Okay.

22 (Brief Pause)

23 Q. You had your daughter checked apparently through your own
24 physician to see if there had been any other types of sexual contact -- contact?

25 A. Correct.

1 Q. That's what your purpose of that doctor's visit was?

2 A. Yeah. And I guess for him to talk to her. Again, I wasn't there. My
3 husband was.

4 Q. Right. Okay.

5 A. So I wasn't in the room. I don't know really what happened.

6 Q. And — and all you know there were no findings of any kind of violation
7 of your daughter?

8 A. Right. I read his report.

9 MR. HENRY: Okay. Thank you very much.

10 THE WITNESS: Thank you.

11 MS. HALL: No further questions but permission to recall the
12 witness if necessary.

13 THE COURT: Okay. Thank you, ma'am. You may stand down
14 at this time.

15 (Witness complied with the Court's request.)

16 THE COURT: Yes, ma'am?

17 MS. HALL: The State calls Anderson Garcia.

18 (The witness stepped forward to be sworn.)

19 (Whereupon,

20 ANDERSON GARCIA

21 having been duly sworn, testified as follows:)

22 DIRECT EXAMINATION by MS. HALL:

10:18 A.M.

23 Q. What is your name?

24 A. Anderson Garcia.

25 Q. How old are you?

1 A. Thirty eight (38).

2 Q. Where do you work?

3 A. General Electric.

4 Q. And what do you do there?

5 A. I'm a global human resource manager.

6 Q. Who lives in your home, Anderson?

7 A. I currently live with my mother-in-law. But it's my daughter, my son,
8 my wife, and myself with her.

9 Q. Your wife spoke earlier about that. When did you move in with your
10 mother-in-law?

11 A. The end of July of this year.

12 Q. And why was that?

13 A. We sold our house faster than we expected to and we have not found
14 a — a new home yet.

15 Q. How do you know the Defendant Ronasha Taylor?

16 A. Ms. Ronasha was a — one of the teachers at the Kids "R" Kids where
17 our daughter was attending.

18 Q. Okay. And when did you first met her?

19 A. I don't know the exact date, but it was roughly right around the same
20 time she started; a month or two, April of 2010.

21 Q. Two thousand, ten (2010) or 2009?

22 A. Nine (9), I'm sorry, 2009.

23 Q. Okay. What was your impression regarding when the Defendant
24 would be around your child?

25 A. Throughout the day. I mean, it just depended on what shift she had. I

1 I mean, the teachers kind of varied what time they came in and what time they
2 would go.

3 They had early and late starts. So sometimes she would be there in
4 the morning. And I typically dropped my daughter off.

5 So sometimes I'd see her in the morning and sometimes I wouldn't.
6 And, then, if she had late — my wife and I would switch depending on what was
7 going on at work.

8 She'd be there late in the evening, so... And, then, I think also she
9 was one of the teachers that would swap with the other teacher for — during nap
10 time.

11 Q. Okay. So she was not Child 2 primary teacher?

12 A. Correct.

13 Q. Without going into what anyone else said, was there a period in time
14 when you became aware that something inappropriate may have happened to your
15 child?

16 A. Yes.

17 Q. When did you learn this?

18 A. October 8th, that evening when I came home from work. My wife had
19 just gotten back from a field trip at the school and she informed me of what she had
20 learned that day.

21 Q. And what did you ask your child?

22 A. I did not ask her anything.

23 Q. Who did?

24 A. My wife did.

25 Q. How old was Child 2 at that point in time?

1 A. Just a little bit over four (4).

2 Q. How often did Child 2 play in the bathroom that you were aware of?

3 A. The only time I recall she played in the bathroom is when she was in
4 the bathtub. She had some toys and we gave her baths.

5 And one other time she did play with the toilet paper roll. And, you
6 know, did the — where you roll all the paper out. And, of course, I got upset. But
7 that was the only — the only time I can think of besides the bathtub.

8 Q. When did that happen?

9 A. I mean, I — I don't know. Sometime before all — you know, all — all of
10 this was discovered.

11 Q. You said she got in trouble for that?

12 A. Oh, yeah. I mean, it was just, "Child 2 don't do that anymore." I
13 mean, I got upset. It's toilet paper.

14 Q. And had she done it after that?

15 A. No.

16 Q. How long had Child 2 been potty trained?

17 A. I guess a little under two (2) years. I'm — I'm not sure about the exact
18 time. My wife would probably be better answering that.

19 Q. What type of assistance did Child 2 require in the bathroom from you?

20 A. Very little assistance from me except when she did number two. She
21 needed help with wiping. Typically, my wife did the heavy burden on that. except
22 when she wasn't around and she had to travel and whatnot.

23 Q. What about others? To your knowledge, what assistance, if any, did
24 your child require from others in the bathroom?

25 A. Same thing. She — she used the bathroom at school or — or

1 wherever she was. We -- we entrusted the adults to help her with wiping, so....

2 Q. How often were you made aware that your child was assisted in the
3 bathroom?

4 A. I wasn't made aware of it that often. I mean, just as needed I think.

5 Q. What, if anything, had changed about Child 2 bathroom tendencies
6 while she was in the K-4 class at Kids "R" Kids?

7 A. I'm not aware of any.

8 Q. What about at
9 home?

10 A. I can't think of any.

11 Q. And what about at night?

12 A. No, nothing. A couple of times that we saw her playing in the bathtub;
13 you know, her touching herself, pinching herself.

14 Q. Okay. What happened next after your child's disclosure to your wife?

15 A. That -- that -- that Friday night after we -- when she found out, she
16 talked to our daughter. We were leaving for vacation that weekend. And we -- my
17 wife come and talked to me about it. And I just was stunned a little bit, but we were
18 going on vacation and we're going to be gone -- gone for the majority of the week.

19 And so we just kind of said, "Let's just go on vacation." And, I mean,
20 that's what we did.

21 Q. And what about after you returned from vacation?

22 A. My wife talked to her again when we returned home before we -- as we
23 were getting ready to go to the Halloween party at church. And I guess got some
24 confirmation of some of the things that she had said the -- the Friday night before.

25 And, then, we went to the party, came home. And, then, I -- I was

MR. ANDERSON GARCIA - DIRECT by MS. HALL**Page 455**

1 actually in the office catching up on email or whatever —

2 Q. Work office or home office?

3 A. Home office. I'm sorry.

4 Q. Okay.

5 A. My home office. And I — I heard Demie saying something to Child 2

6 and I could overhear her. And I walk out into the living room and Child 2 is without

7 any clothes on sitting at the kitchen table.

8 And my wife, you know, kind of just kind of looked stunned. And I

9 turned about around and went back into the office as my wife was addressing it.

10 Q. Okay. What belief did you have at this point regarding whether
11 anyone from the day care had or would be contacting other parents regarding these
12 allegations?

13 A. I had no -- I had no awareness of anybody having those intentions.

14 Q. When did your child first disclose to you?

15 A. That Thursday -- that Friday morning after we got back from our
16 vacation, my wife had to -- I think she had to go into the office to get something or
17 she had to run an errand.

18 I was home with Child 2. And we -- before we went to go meet with Ms.

19 Sally, she brought it up to me, she -- very briefly. It was very quick. And, then I

20 said something like, you know, "You don't ever let anybody touch you."

21 And she just got real -- she kind of shut down at that moment.

22 Q. What do you mean she shut down?

23 A. Meaning she just quit talking to me. And she just kind of froze and -- I
24 got a little -- I guess I got a little bit angry saying, "You don't let anybody touch you."

25 And she just kind of shut down.

1 And, at that point, I recognized kind of the -- a sense that she was
2 uncomfortable talking about it. So I kind of backed off.

3 Q. When was Child 2 last day at Kids "R" Kids?

4 A. Tuesday, I think it was the 19th, October 19th, 2010.

5 Q. And who -- who removed Child 2 from Kids "R" Kids?

6 A. I did.

7 Q. Why did you do that?

8 A. I had just met with Bobby in the parking lot of OHAN. And he
9 requested we go inside to talk to Child 2 so he could meet her.

10 And just -- we actually just met outside, literally in the parking lot in --
11 in -- in the front of the building. It's all glass and I could see the -- the staff just
12 staring at us.

13 It just got to the point where it just got very uncomfortable. I did not
14 feel comfortable that my daughter needed to be in that facility any longer.

15 Q. What further interaction did you have with Bobby Seepersaud from
16 OHAN?

17 A. None -- none after that. I -- I believe he did send us a letter to the
18 house. That was about it.

19 Q. Did he interview your child?

20 A. Yes.

21 Q. What did he ask her about?

22 A. You know it was nothing -- nothing specific about what actually had
23 happened. It was more about competency. Stuff like, "What's your name?" "How
24 old are you?" Just to see if she could answer the questions that -- you know, what
25 level she -- she would answer a question.

1 Q. And you were present for all that?

2 A. Yes.

3 Q. Okay. What about law enforcement? Who, if anyone, did you speak
4 with at this point?

5 A. I didn't speak with law enforcement. I — I got contacted. And I don't
6 know the exact day. It — it was a week or two later after that saying that we needed
7 to be present for a meeting with --I forget the officer's name; I think it was Megan —
8 at -- at a local facility. I think it was the hosp — hospital right beside Kids "R" Kids,
9 Spartanburg Regional Hospital.

10 And I — and I — I informed her I was not going to be available to join.
11 My wife would go because I was going out of town.

12 Q. What about the doctor? When did you take Child 2 to the doctor?

13 A. That same afternoon that I removed Child 2 from the school. I took her
14 to see her pediatrician.

15 Q. And what, if anything, do you believe the result of the exam to be?

16 A. I didn't believe anything. You know, it's more of a peace of mind, you
17 know, taking her to her doctor. At that point, she had been out of, I guess, the
18 Defendant's way for over week, ten days almost; you know vacation, the fact that
19 she had — the Defendant had already been terminated.

20 So it been over ten (10) days. I didn't expect to see anything. But, you
21 know, it was kind of peace of mind. I did call my wife and say, "Hey, this is what I'm
22 doing." And she concurred that, that was probably a good idea.

23 Q. So your understanding was that everything was physically normal at
24 that point?

25 A. At that point, yes.

1 Q. Okay. What about the CAC, the Children's Advocacy Center, when
2 did you first interact with them?

3 A. It was later in the month, October 29th I believe. They had contacted
4 us for her first appointment and we kind of worked it out with our schedules. And we
5 took our daughter together.

6 Q. You and...?

7 A. My wife.

8 Q. Okay. What information, if any, did you provide to the CAC?

9 A. Just that -- again, it -- it was mostly my wife talking because it was --
10 she was the one that kind of directly interacted with our daughter mostly to that
11 point. It was just what little bit of information that I had to add to it.

12 Q. Why did you provide the information?

13 A. Ms. Lynn was asking.

14 Q. What exposure, if any, has your child had to adult breasts?

15 A. None other than, again, occasionally walking into the bathroom in the
16 morning when she wakes up early and my wife is getting changed.

17 Q. What access may Child 2 have had to the internet prior to the incident?

18 A. None, none whatsoever.

19 Q. What about since?

20 A. Occasionally we'll let her play on my tablet. And, if -- if I forget to turn
21 on airport -- airplane mode, then, she -- obviously, she'll still have access to it, but
22 she goes directly to games anyway.

23 And, then, recently her grandmother has been playing some
24 Nickelodeon games online with her; very, very few times though.

25 Q. What about unlimited access to the internet? Does she have --

1 A. Oh, no, actually — I mean, she doesn't even know how to use a
2 mouse.

3 Q. Okay. What about any movies or shows of a sexual nature?

4 A. None.

5 Q. What are some of the reasons why you and your wife chose Kids "R"
6 Kids in the beginning?

7 A. We chose Kids "R" Kids for the — I guess the ease or convenience. It
8 was really close to our house. It was a brand new school. Video camera novelty
9 was pretty neat.

10 I'm a techy kind of guy so, I thought that was really neat, you know, to
11 have access to the internet — I mean, the — the video. And, then, the -- the initial
12 director there was just fantastic. And she just -- we felt at home there.

13 Q. Was that Ms. Sally?

14 A. No, it was Ms. Donna. She was only there a few months after Child 2
15 started there.

16 Q. You mentioned the — the camera feature. Would you use that video
17 feed feature?

18 A. You know, I -- I did a couple of times early on. I — I'm — I'll be honest
19 with you, it just wasn't one of those things where I feel like I need to. Occasionally, I
20 would get on there within the few — the first few months of her starting just to feel
21 like I was a good dad, saying I'm, "Checking on my daughter."

22 But, quite frankly, at that point in time it seemed a waste. It wasn't — it
23 wasn't an easy tool to use anyway.

24 It was one of those time lapse things where you'd sit there and you like
25 — you know, kind of people kind of walking kind of funny because it's skipping

1 seconds and whatnot.

2 Q. How were you able to access Child 2 classroom?

3 A. Through the internet.

4 Q. Okay.

5 A. I think it was Watch Me Grow.

6 Q. And were you able to see the same rooms your wife mentioned being
7 able to see?

8 A. Yes. We — both parents would get the same access.

9 Q. Okay. What, if the classes combined for nap time or activity in another
10 room, would you be able to see into that room?

11 A. I -- we never did just because we never requested it. But I believe, if
12 you asked, they would give you that.

13 Q. How often did you watch the video feed when Child 2 was in the K-4
14 class with Ms. Laurie?

15 A. Probably once.

16 Q. Okay. And what parts of the room could you see; do you recall?

17 A. It's just a -- there was a couple of angles I guess. One was coming in
18 from the front, when you walked into the door coming down, so you kind of see
19 tables. And you can kind of see the back of the room. But it's not real clear.

20 Then there's another one from kind of the back of the room that way.
21 So you kind of see the tables and the play area and the carpet where they do the
22 reading and whatnot.

23 Q. What about the bathroom? What parts of the bathroom could you
24 see?

25 A. You could see the — the door, the doors, I guess, and the little sink

1 area.

2 Q. Could you see inside the bathroom?

3 A. Absolutely not.

4 Q. What was the lighting like at nap time? Did you ever watch during nap
5 time?

6 A. I can't recall if I ever watched it in that classroom particular but I did,
7 you know, in her first couple of classes. And it was dark.

8 You could only see kind of silhouettes of people. The only light was
9 really coming from the — what could get in through the glass windows from the
10 outside.

11 Q. What were your feelings towards the Defendant prior to these
12 allegations coming out?

13 A. They were -- they were great. She was fantastic with our daughter.
14 Our daughter seemed to really be attached to her. She was one of the few
15 consistent teachers there.

16 They had a lot of turnover. So Ms. Ronasha was a familiar party to
17 her. And so she we — we always felt comfortable. And she was always very nice to
18 my wife and myself.

19 Q. What is your relationship like; your relationship with other families in
20 this case?

21 A. See, prior to us finding out about any of this, I'll have to be honest with
22 you, I probably talked to one or two people in that group maybe at a carnival or
23 something, some school event.

24 I was not very engaging parent as far as, you know, who are my kids
25 friends and who are their parents kind of thing. That's just not my style.

1 Q. You mentioned you talked to a couple of them. Who -- who would you
2 talk to?

3 A. I recall one evening talking to Lynette's husband. I think it was a
4 Halloween carnival.

5 Q. And that was a school event?

6 A. Yes.

7 Q. Okay. What about the other parents in this case?

8 A. Other than the "hello" and, you know, nodding, I mean, I didn't know
9 their names, but I was -- you know, normal pleasantries.

10 Q. What about after the allegations came out, who did you speak with
11 then?

12 A. I did not speak to anybody initially. I did I guess a week or two after all
13 this came out, I did reach out to Jose.

14 Q. Jose...?

15 A. Salazar.

16 Q. Okay. And who's his child?

17 A. Child 5

18 Q. And why did you reach out to Jose?

19 A. Jose -- Child 5 had come to one -- a birthday party. I can't
20 remember if it was our kid's birthday party or one of the other kid's birthday party.
21 And -- and -- it had to be our kid's because my brother was there.

22 Q. Okay.

23 A. So it was my -- one of my kid's birthday party. And my brother was
24 there. And I recognized that they knew each other. You know, my -- Jose at the
25 time was an officer patrolling Greenville County.

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1 My brother runs a business in Greer and I think he patrolled that area.
2 So my brother recognized him. And that's the only connection I had with him other
3 than his son. All right. So, when ---

4 Q. Was that prior to the allegations, the birthday party?

5 A. Yes.

6 Q. Okay.

7 A. Yes. And so, when all this came about -- and I believe Child 5 had
8 already been removed from the -- the -- the parents had already removed Child 5
9 from the school for some other reason; I don't know what the reason was, but he
10 was no longer at Kids "R" Kids at that time.

11 And so when were discussing -- you know, my wife and I were
12 discussing, you know, what had happen, and, "You know, God, this could happen to
13 any of the other kids," that was the only kind of other kid we could think of.

14 And so I asked my brother to try to track him down. And -- and he
15 gave me the number and I reach out to Jose.

16 Q. And what did you and Jose talk about?

17 A. I gave Jose just a -- I said, "Look, I -- we just -- here's what we're
18 experiencing and, you know, I thought we'd reach out to people that we knew that
19 might be unaware," because we didn't feel like the school was doing anything about
20 it.

21 Q. And what was Jose's response without going into what he said? What
22 was his general response?

23 A. To be honest, he blew me off and kind of like said, "This is..." -- you
24 know -- he was acting like it couldn't have possibly have happened to his kid.

25 Q. And how much detail did you give him?

1 A. Not a lot. I mean, I was a little embarrassed to kind of go into what
2 happened with my daughter. So I was just more or less saying to him inappropriate
3 stuff had happened with our daughter and, you know, you just might want to look
4 into it.

5 Q. And what -- was it your impression that he was going look into it?

6 A. No. Again, he blew me off. And the -- the way -- his reaction was
7 very, you know, just, "That's your problem and not -- you know, I don't want to have
8 anything worry about with mine."

9 Q. What behaviors, if any, has Child 2 exhibited since the beginning in the
10 K-4 class at Kids "R" Kids?

11 A. You know, she -- she has -- she's had a lot of trouble sleeping at night.
12 It was something she didn't have prior to that. I mean, she slept like most kids. But
13 she -- she did struggle after that.

14 And I can't tell you exactly when it started, but it was around the time
15 she started K-4; just having kind of screaming, shouting things at night when she's
16 sleeping, almost like nightmare, almost like sleep terrors I think is what the actual --
17 or her doctor actually referred to them as.

18 And -- and just -- just irrational behavior. I mean, she just kind of --
19 just kind of acted out sometimes. Now, as a parent, you don't know if it's because of
20 what happened or because she's four (4) years old.

21 Q. And that behavior started around the time you think she was in the K-4
22 class?

23 A. Yeah. And it got intense. I mean, there probably -- I mean, I think
24 every kids has trouble sleeping at times but it -- it became where she was coming to
25 our room a lot or screaming for her mother to come into her room a lot.

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1 Q. What about any behaviors of a sexualized nature? What have you
2 observed?

3 A. Well, other than her pinching herself and pinching her little brother in
4 the bathtub a couple of times, where we had to tell her she's, you know, not to do
5 that, I've not observed anything else.

6 Q. And what behaviors, if any, does Child 2 still exhibit?

7 A. She still has trouble sleeping at night. You know, we spoke to our
8 doctor and he recommended we that we give her melatonin which, you know, as a
9 father that's tough to swallow that; we have to give her chemically induced to help
10 her sleep.

11 You know, you hear about older people having to do that, but not a
12 four — you know, a four-year old at the time. You know, she still at times just acts
13 up. And, again we don't know if it's because she's a kid or because of what
14 happened to her.

15 Q. What about the sexualized behaviors; have they continued or have
16 they gotten better or worse?

17 A. They've gotten better. She's been getting treatment so it's definitely
18 gotten better.

19 Q. You think that, that's the therapy working?

20 A. Therapy, yes, ma'am.

21 Q. What about day care? What behaviors has she exhibited at other day
22 cares or in her current school?

23 A. She's been at Legacy Academy ever since we pulled her out. I can't
24 recall if any -- anything that may be that has come about in there. I just -- I don't -- I
25 can't think of anything.

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1 **MS. HALL:** Beg the Court's indulgence for just a moment.

2 **(Brief Pause)**

3 **MS. HALL:** I have no further questions for this witness.

4 Please answer any questions Mr. Henry may have.

5 **CROSS EXAMINATION by MR. HENRY:**

10:39 A.M.

6 **Q.** Mr. Garcia, when you took your daughter to the doctor to get peace of
7 mind, you got that, right?

8 **A.** No, I did not.

9 **Q.** So was there a finding of some kind of ---

10 **A.** Nope.

11 **Q.** --- of pene — penetration?

12 **A.** No.

13 **Q.** No? Okay. With respect to any sexual acts, were they confirmed or
14 rejected?

15 **A.** By the doctor?

16 **Q.** Yes, from a report or --

17 **A.** By -- well, neither.

18 **Q.** Okay.

19 **A.** I mean, basically the doctor told us that at this point there is no way of
20 telling if there actually any physical penetration that happened at that point.

21 Because too much time had passed.

22 **Q.** Too much time had passed?

23 **A.** Uh-huh (affirmative).

24 **A.** Did -- did your daughter tell you that she had been penetrated?

25 **A.** At that moment, no.

1 Q. So, going back to October of 2010, was -- had there been any
2 complaint made by your daughter before you were contacted by another parent?

3 A. No, sir.

4 Q. And your daughter's complaint was that she was made to lick my
5 client's hips which she calls breasts; is that right?

6 A. That's what I heard, yes.

7 Q. Did you daughter ever make that complaint to you?

8 A. No.

9 Q. Do you have any indication of -- as to how many times this supposed
10 to have happened?

11 A. No, sir.

12 Q. Or when it happened?

13 A. No, sir. My -- my daughter to this day does know time. So, I mean ---

14 Q. Okay.

15 A. --- she wouldn't be able to tell me that.

16 Q. There more ways to tell when things happened than just with times.
17 How about as far as the class she was in?

18 A. Oh, well, she -- she's a pretty bright girl. She can tell which class it
19 was in.

20 Q. All right. And -- and it was in K-4; is that what you're telling me?

21 A. Well, she was saying Ms. Laurie class. Same thing.

22 Q. And Ms. Laurie was her teacher during that time?

23 A. Yes, sir.

24 Q. Not Ms. Ronasha?

25 A. That's correct.

1 (Brief Pause)

2 Q. Do you remember when it was you talked to Mr. Salazar when he blew
3 you off as you said? Do you remember the time period ---

4 A. Yeah. As I said to Ms. Kelly, basically I gave them the — just the initial
5 stuff that we had heard.

6 Q. Sure.

7 A. And that we were dealing with this ourselves and that we wanted to
8 make sure that the parents were aware of this because we didn't feel like the school
9 had done anything to inform other parents that where Ms. Ronasha had — you
10 know, had exposure to.

11 Q. Okay. That's why you told her. Do you know when it was?

12 A. I don't know the exact date. It was -- it was I'm — I'm guessing within a
13 week or two of -- of us initially pulling them out.

14 Q. And that would have been also in October?

15 A. I — I — if I had to guess, yes, sir.

16 Q. Okay. And the Watch Me Grow Program was one of the reason you
17 went to Kids "R" Kids so you could keep an eye on your daughter?

18 A. It was one of the reasons, yes, sir.

19 Q. All right. And -- but you didn't -- you didn't check it very much?

20 A. No. I have — I have a pretty busy schedule; a busy schedule and, you
21 know, we had a newborn at home and...

22 Q. Did you -- was your daughter in school at any time after she made a
23 complaint to you or your wife?

24 (Brief Pause)

25 A. I feel like — I'm not sure you're — I'm following your question.

MR. ANDERSON GARCIA - REDIRECT by MS. HALL**Page 469**

1 Q. Well, she ---

2 A. She -- she never complained to us.

3 Q. Okay.

4 A. She -- she made what's been called a disclosure.

5 Q. A disclosure?

6 A. Yes, sir.

7 Q. All right. And, after she made that to you, she never returned to Kids

8 "R" Kids?

9 A. Yeah, she did return to Kids "R" Kids.

10 Q. Okay. So how long was she at Kids "R" Kids? How many days would
11 you say she was after that disclosure?

12 A. A day and half.

13 Q. Okay. During that time she went back to Kids "R" Kids, did you or
14 your wife look at Watch Me Grow?

15 A. No, sir.

16 MR. HENRY: That's all I have. Thanks.

17 MS. HALL: Briefly, Your Honor.

18 THE COURT: Yes, ma'am.

19 **REDIRECT EXAMINATION by MS. HALL:**

10:42 A.M.

20 Q. Anderson, you've mentioned being on vacation that week after Child 2
21 first disclosed. When did Child 2 go back to Kids "R" Kids?

22 A. The eighteenth (18th).

23 Q. And that was a ---

24 A. Monday.

25 Q. A Monday? And when did you pull her out?

1 A. Tuesday the 19th.

2 Q. Okay. So she was there one day?

3 A. A day and half.

4 Q. A day and a half? And you've mentioned Ronasha had already been
5 moved or was not ---

6 A. Yeah, she had been moved that Sunday before terminated.

7 Q. So Child 2 did not return to a class with Ms. Ronasha?

8 A. Absolutely not.

9 MS. HALL: Okay. No further questions. Permission to call if
10 necessary.

11 THE COURT: Any other questions, Counsel?

12 MR. HENRY: No, sir. Thank you.

13 THE COURT: Thank you, sir. You may stand down, sir.

14 (Witness complied with the Court's request.)

15 MS. HALL: Permission to approach, Your Honor?

16 THE COURT: Yes, ma'am.

17 (Whereupon, a bench conference was had with all attorneys
18 present.)

19 THE COURT: Mr. Foreman, ladies and gentlemen of the jury
20 panel, we're going to a short recess at this time. You may refresh yourself
21 during the break. Thank you.

22 (The jury exited the courtroom at 10:44 a.m.)

23 THE COURT: Okay. We'll take a short recess.

24 (Whereupon, a recess was taken from 10:44 a.m. til 10:58 a.m.)

25 (Off-the-Record Comments)

Child 2 - Special Oath

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1 THE COURT: All right. I think we're ready to proceed.

2 MS. HALL: We are, Your Honor.

3 THE COURT: Okay.

4 (Brief Pause)

5 (Off-the-Record Comments)

6 (The jury entered the courtroom at 11:04 a.m.)

7 THE COURT: Okay. Counsel, ready to proceed?

8 MS. HALL: The State calls Child 2

9 (The witness stepped forward to be sworn.)

10 (Off-The-Record Comments)

11 MADAM CLERK: If you'll put your --- raise your right hand. Very
12 good. And put your other hand right here. Do you promise to tell the truth
13 and the whole truth?

14 THE WITNESS: Yes.

15 MADAM CLERK: Thank you. Just have a seat in that seat there.

16 (Witness complied with the request.)

17 (Off-The-Record Comments)

18 MADAM CLERK: Do you know the difference between telling the
19 truth and telling a lie?

20 THE WITNESS: Yes.

21 MADAM CLERK: What happens if you tell a lie at home?

22 THE WITNESS: You go to bed.

23 MADAM CLERK: What happens if you tell a lie at school?

24 THE WITNESS: You go to the principal.

25 MADAM CLERK: What happens if you tell a lie in court?

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1 THE WITNESS: You go to jail.

2 MADAM CLERK: Do you understand that you have to tell the truth

3 today in court?

4 THE WITNESS: Yes.

5 MADAM CLERK: Do you promise to tell the truth?

6 THE WITNESS: Yes.

7 MADAM CLERK: Okay.

8 DIRECT EXAMINATION by MS. HALL:

11:05 A.M.

9 Q. What is your name?

10 A. Child 2

11 Q. What's your last name?

12 A. Garcia.

13 Q. How old are you, Child 2

14 A. Six (6).

15 Q. When is your birthday?

16 A. July 24th.

17 Q. What do you like to do for fun?

18 A. Ride the roller coaster and go on -- and go to the pool.

19 Q. What else?

20 A. Go play outside and play indoors and go on a --- go to the pool and

21 dive under.

22 Q. And dive under? Okay. Child 2 what do you like to eat?

23 A. Pizza.

24 Q. Pizza? Do you have any brothers or sisters?

25 A. I have one brother.

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- 1 Q. What's his name?
- 2 A. Nicholas.
- 3 Q. How old is Nicholas?
- 4 A. Three (3).
- 5 Q. Three? And who lives at your house?
- 6 A. Daddy and mommy -- daddy and Nicholas and me.
- 7 Q. And you? Do you have any pets?
- 8 A. No.
- 9 Q. Why not?
- 10 A. I'm allergic.
- 11 Q. You're allergic? Child 2 where do you go to school?
- 12 A. Kids — Kids "R" Kids.
- 13 Q. Where do you go to school now?
- 14 A. Legacy Academy.
- 15 Q. Legacy Academy? What grade are you in?
- 16 A. First.
- 17 Q. Who is your teacher?
- 18 A. Ms. Amy and Mr. Corey.
- 19 Q. Ms. Amy and Mr. Corey? Where did you used to go to school?
- 20 A. Kids "R" Kids.
- 21 Q. Kids "R" Kids? And who was your teacher there?
- 22 A. Ms. Ronasha and Miss ----
- 23 Q. Ms. Ronasha? And who else?
- 24 A. Ms. Laurie.
- 25 Q. Ms. Laurie? Who else?

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1 A. Ms. Kori.

2 Q. Ms. Kori? Do you remember anybody else?

3 A. (Shakes head negatively.)

4 Q. No? What kinds of things did you do for fun at Kids "R" Kids?

5 A. Go outside and play centers.

6 Q. Play centers?

7 A. (Nods affirmatively.)

8 Q. How do you feel about Ms. Ronasha?

9 A. (No Response)

10 Q. You don't know?

11 A. (Shakes head negatively.)

12 Q. Tell me what kinds of things you would do with Ms. Ronasha at your
13 old school.

14 A. Take naps.

15 Q. You would take naps?

16 A. And I think we would read books.

17 Q. You would read books sometimes? Where did you take a nap at Kids
18 "R" Kids?

19 A. On the floor beside the shelf.

20 Q. On the floor beside the shelf? Can I show you a picture where you
21 used to take a nap?

22 A. (Nods affirmatively.) Yes.

23 **(Exhibit retrieved and shown to the witness.)**

24 Q. Where did you used to take a nap?

25 A. I think right there (indicating), or maybe somewhere else.

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- 1 Q. Right back there on the carpet?
- 2 A. Yeah. I think it was right there behind the shelf (indicating).
- 3 Q. Behind the shelf? Okay. Child 2 what -- what kinds of things
- 4 happened during nap time?
- 5 A. Ms. Ronasha called me to the bathroom.
- 6 Q. Ms. Ronasha called you to the bathroom?
- 7 A. (Nods affirmatively.) Yes.
- 8 Q. Which bathroom was it?
- 9 A. The girls.
- 10 Q. Is it — is that the door to the bathroom (indicating)?
- 11 A. Yes — yeah.
- 12 Q. Yeah? And why did Ms. Ronasha call you to the bathroom?
- 13 A. She called me so we could -- because she wanted me to touch her
- 14 ribs and pooh pooh and her peepee (phonetic).
- 15 Q. All right. Let me pull up a picture so I can understand what you just
- 16 said, okay?
- 17 (Ms. Hall retrieves diagram.)
- 18 Q. This is a grown-up lady picture, okay?
- 19 A. (Nods affirmatively.)
- 20 Q. You said Ms. Ronasha wanted you to touch some things. Can you tell
- 21 me what you said she wanted you to touch?
- 22 A. (Indicating)
- 23 Q. What is that called?
- 24 A. Ribs.
- 25 Q. Ribs? What did she want you to touch her ribs with?

1 A. Hands and fingers.

2 Q. Hands and fingers?

3 (Ms. Hall writes on diagram.)

4 Q. What else?

5 (Brief Pause)

6 A. I can't think of nobody else.

7 Q. Nobody else you touched? All right. What other parts --- what are the
8 parts of a grown-up lady? Tell me what this part is called up here (indicating)?

9 A. Hair.

10 Q. Hair?

11 (Ms. Hall writes on diagram.)

12 Q. What are these (indicating)?

13 A. Eyes.

14 Q. Eyes?

15 (Ms. Hall writes on diagram.)

16 Q. What's that (indicating)?

17 A. The nose.

18 (Ms. Hall writes on diagram.)

19 Q. Nose.

20 A. And mouth.

21 Q. And mouth.

22 (Ms. Hall writes on diagram.)

23 Q. Okay. Now you already told me that this is called the ribs. Are both
24 of these ribs (indicating)?

25 A. (Nods affirmatively.)

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1 Q. Okay. What is this part (indicating)?

2 A. Bellybutton.

3 Q. Bellybutton?

4 (Ms. Hall writes on diagram.)

5 Q. And what are these (indicating)?

6 A. Feet.

7 Q. Feet?

8 (Ms. Hall writes on diagram.)

9 Q. What is this part called (indicating)?

10 A. Peepee.

11 Q. Peepee?

12 (Ms. Hall writes on diagram.)

13 Q. What about the backside of the grown-up woman? What is this
14 (indicating)?

15 A. The back of her head.

16 Q. The back of her head.

17 A. And her — her hair.

18 Q. And her hair? Okay.

19 (Ms. Hall writes on diagram.)

20 Q. What is this part called (indicating)?

21 A. Back.

22 Q. Back?

23 (Ms. Hall writes on diagram.)

24 Q. And what about this (indicating)?

25 A. Bottom.

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1 Q. A bottom.

2 (Ms. Hall writes on diagram.)

3 Q. Okay. Now earlier you were telling me that you went to the bathroom
4 to do some things. Can you tell me about that?

5 A. Took me —

6 MR. HENRY: Objection, asked and answered.

7 THE COURT: Overruled. You may -- you may answer.

8 Q. (By Ms. Hall) Can you tell me about that?

9 A. She made me touch her with ribs and her peepee.

10 Q. She made you touch her peepee?

11 A. (Nods affirmatively.)

12 Q. What did you touch her peepee with?

13 A. Hands.

14 Q. Hands?

15 (Ms. Hall writes on diagram.)

16 Q. Was it your whole hand, Child 2 or one finger or two or what was it?

17 A. One finger.

18 Q. One finger?

19 (Ms. Hall writes on diagram.)

20 Q. Okay. Now, when you touched her ribs and her peepee, you said you
21 touched both of them with your hands and your fingers; this you touched with one
22 finger?

23 A. (Nods affirmatively.)

24 Q. Okay. Was Ms. Ronasha wearing clothes when you did that?

25 A. I don't remember.

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1 Q. You don't remember? What about her shirt, do you know if she had a
2 shirt on?

3 A. (Shakes head negatively.)

4 Q. You don't know? When you touched her ribs, where they bare skin or
5 were they covered up?

6 A. (No Response)

7 Q. Could you see them?

8 A. Yeah.

9 Q. You could see them? What did they look like?

10 A. Brown.

11 Q. Brown? What shape were they?

12 A. (No Response)

13 Q. What shape are her ribs?

14 A. Circle.

15 Q. Circle?

16 (Ms. Hall writes on diagram.)

17 Q. What did they feel like when you touched them?

18 A. I don't remember.

19 Q. You don't know? Okay. What about when you touched her peepee
20 with one finger? Did Ms. Ronasha have her pants up or down?

21 A. I don't remember.

22 Q. You don't remember that? Okay. Let me ask you where you were
23 when that happened. Where were you when that happened?

24 A. The bathroom.

25 Q. The bathroom? All right. I'm going to give you the picture the

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1 bathroom again.

2 (Ms. Hall retrieves exhibit and handed it to the witness.)

3 (Off-the-Record Comments)

4 Q. All right. Child 2 you were in the bathroom when this happened?

5 A. Uh-huh (affirmative).

6 Q. Where was Child 2 sitting or was she standing?

7 A. Standing — standing in front.

8 Q. In front of the toilet?

9 A. I think so.

10 Q. Where was Ms. Ronasha?

11 A. On the toilet.

12 Q. On the toilet? Was she sitting down or was she standing up?

13 A. Sitting down.

14 Q. Sitting down? And where were you standing? Were you looking at
15 Ms. Ronasha or were you looking away?

16 A. I think I was looking at Ms. Ronasha.

17 Q. You were looking at Ms. Ronasha? And were you standing up or were
18 you sitting on her lap?

19 A. Standing up.

20 Q. Standing up? Okay.

21 A. When I did the rib thing, I landed on my knees and do it.

22 Q. When you did her knees, you landed on her knees? When you did
23 her ribs you landed on her knees?

24 A. (Nods affirmatively.) Yeah.

25 Q. Okay. What about when you did her peepee part, where were you

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1 then?

2 A. I don't know.

3 Q. You don't know? Okay. All right. You also talked about the pooh-
4 pooh part. Where is that on a grown-up woman?

5 A. (Indicating).

6 Q. Right there? Did you --- what did you do to the -- to the bottom or to
7 the pooh-pooh part?

8 A. I touched it with my finger.

9 Q. You touched it with your fingers? Where did you touch it? On the
10 outside, the middle, which part? Can you show me?

11 A. I -- I don't know.

12 Q. You don't know? Do you know whether you touched it with -- which
13 finger you touched it with?

14 A. (Demonstrates)

15 Q. Pointer finger? Okay. And you think you touched it on the inside or on
16 the outside?

17 A. I think I touched it on the outside.

18 Q. Okay. What about the peepee part? Was it on the outside or the
19 inside?

20 A. I think it was on the outside.

21 Q. The outside? And what did the peepee part feel like?

22 A. I don't know.

23 Q. You don't know? Okay. All right. Now I want to ask you about a little
24 girl.

25 (Ms. Hall retrieves and shows witness diagram.)

- 1 Q. Could this be you? Is that okay?
- 2 A. (Nods affirmatively.)
- 3 Q. All right. I'm going to write 'Child 2' at the top.
- 4 (Ms. Hall writes on diagram.)
- 5 Q. Child 2 tell me about the different body parts on you.
- 6 A. (No Response)
- 7 Q. You can tell me. What --- can you tell me what they are?
- 8 A. My hair.
- 9 Q. Your hair.
- 10 (Ms. Hall writes on diagram.)
- 11 Q. What else?
- 12 A. (No Response)
- 13 Q. What are these (indicating)?
- 14 A. Eyes.
- 15 Q. Your eyes.
- 16 A. And nose and mouth.
- 17 Q. Eyes, nose and mouth. All right. Let me write that down.
- 18 (Ms. Hall writes on diagram.)
- 19 A. And the hair bows.
- 20 Q. Oh, and hair bows.
- 21 (Ms. Hall writes on diagram.)
- 22 Q. All right. Show me where on Child 2 what did you use to touch Ms.
- 23 Ronasha's ribs?
- 24 A. (Indicating)
- 25 Q. Your fingers?

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1 A. (Nods affirmatively.)

2 Q. Was there any other part you used to touch Ms. Ronasha's ribs?

3 A. I think it was my hands.

4 Q. Your hands? Okay.

5 **(Ms. Hall writes on diagram.)**

6 Q. Was there any other part you used to touch Ms. Ronasha's ribs?

7 **MR. HENRY:** Objection to that one, Judge.

8 **MS. HALL:** She hasn't answered yet.

9 **THE COURT:** Overruled.

10 Q. (By Ms. Hall) Was there any other part you used to touch Ms.

11 Ronasha's ribs?

12 A. No.

13 Q. No? Okay. What about Child 2 Did anyone touch Child 2 body?

14 A. No.

15 Q. No? What about, when you were in the bathroom with Ms. Ronasha,

16 were you wearing clothes covered up, or were you like this (indicating)?

17 A. I was wearing clothes covered up.

18 Q. Covered up? Okay. Can you give me just a minute to go ask Ms.

19 Bethany a question?

20 A. Yes.

21 **MS. HALL:** Court's indulgence for just a moment?

22 **THE COURT:** Yes, ma'am.

23 **(Off-the-Record Discussion)**

24 Q. (By Ms. Hall) Child 2 how did that make you feel when you were in the

25 bathroom with Ms. Ronasha?

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1 A. I don't remember.

2 Q. How do you feel about Ms. Ronasha now?

3 A. (No Response)

4 Q. You can tell me. Sad?

5 A. (Nods affirmatively.)

6 MS. HALL: Okay. I don't have any more questions for you.

7 But Mr. Henry is going to ask you some questions, okay?

8 THE WITNESS: (Nods affirmatively.)

9 MS. HALL: Can you sit there and answer his questions?

10 THE WITNESS: (Nods affirmatively.)

11 MS. HALL: Okay.

12 CROSS EXAMINATION by MR. HENRY:

11:18 A.M.

13 Q. Hi, Child 2

14 A. Hi.

15 Q. I'm just going to ask you a couple of questions, okay?

16 A. Okay.

17 Q. When this happened, did you tell your mom?

18 A. Yes.

19 Q. Okay.

20 A. And my dad.

21 Q. And your dad too?

22 A. (Nods affirmatively.)

23 Q. You know, when something bad happens to you, you're supposed to
24 tell your parents, right?

25 A. (Nods affirmatively.)

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- 1 Q. Is that what you did?
- 2 A. Yes.
- 3 Q. How are you liking your new school now?
- 4 A. Good.
- 5 Q. Did you think Ms. Ronasha was a pretty good teacher when you had
- 6 her?
- 7 A. Yes.
- 8 Q. Did she do some fun things with you like reading and that kind of
- 9 thing?
- 10 A. Yeah.
- 11 Q. What kind of books did you read with her? Do you remember?
- 12 A. I don't know.
- 13 Q. You don't know?
- 14 (Brief Pause)
- 15 MR. HENRY: That's all I have, judge.
- 16 THE COURT: Okay.
- 17 MS. HALL: Briefly in follow-up.

REDIRECT EXAMINATION by MS. HALL:

11:20 A.M.

- 18
- 19 Q. Child 2 you said you talked to your mom and dad?
- 20 A. Yes.
- 21 Q. What about Ms. Lynn, did you talk to Ms. Lynn?
- 22 A. Yes.
- 23 MR. HENRY: I'll object to this.
- 24 Q. Yes?
- 25 MR. HENRY: I'll object. Not responsive.

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1 MS. HALL: She said yes.

2 THE COURT: I'll sustained the objection. That's not on — he
3 did not bring that up in —

4 MS. HALL: He asked who she talked with about this.

5 MR. HENRY: No, I didn't. I asked —

6 THE COURT: He asked about talking to her mother and father. I
7 sustain the objection. This is redirect. You — you go back into whatever he
8 went into on cross. Okay?

9 Q. (By Ms. Hall) Child 2 who — who did you talk with about this?

10 MR. HENRY: Same objection, Judge. I didn't ask — no other
11 question on purpose.

12 A. Ms. Lynn and Miss —

13 MS. HALL: Hang on, Sweet Pea.

14 TH COURT: All right. You can follow up. Anything he asked
15 on cross, you can ask on redirect. Anything he went into, you can go into.
16 But only the questions that — that he asked on —

17 MS. HALL: May I ask who she talked with about this?

18 (Brief Pause)

19 THE COURT: I will allow it. He — he did ask her if she talked to
20 her mother and father about it and she had talked about it. I'll let —

21 Q. (By Ms. Hall) Child 2 — excuse me.

22 THE COURT: — you. Go ahead.

23 Q. (By Ms. Hall) Child 2 who have you talked with about this?

24 A. Ms. Lynn and... I don't know. I don't remember her name.

25 Q. Okay. So you talked with Ms. Lynn and you don't remember anyone

1 else's name?

2 A. Yeah, Ms. Ro — Miss — she's — you know her.

3 Q. Okay. All right.

4 A. She lives in this — that has — you have to read books and wait. And
5 then you have to come to her. She calls my name.

6 Q. She calls your name and you go talk to her?

7 A. I think.

8 Q. Okay. You did good. That's good. That's good.

9 THE COURT: I'll let you follow-up if you want to, Mr. Henry.

10 MR. HENRY: (Shakes head negatively.)

11 THE COURT: Thank you. Thank you. You may stand down,

12 Child 2 Thank you.

13 (Witness complied with the Court's request.)

14 (Off-the-Record Comments)

15 THE COURT: All right. Mr. Foreman, ladies and gentlemen of
16 the jury, we'll have to reset the courtroom. So we'll just take a short break
17 and allow you to refresh yourselves during this short break.

18 (The jury exited the courtroom at 11:21 a.m.)

19 (Whereupon, a recess was taken from 11:21 a.m. until 11:27 a.m.)

20 (Whereupon, a bench conference was had with all attorneys
21 present.)

22 THE COURT: All right. Counsel, the record will reflect that Mr.
23 Henry's objection on behalf of the Defendant on Constitutional grounds as to
24 the showing of these taped video interviews with the children — there — there
25 are several — his objection on Constitutional grounds are protected — are —

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1 are recorded and he's protected on that all the way through the ----

2 MR. HENRY: Thank you.

3 THE COURT: He doesn't have to object to every — to every
4 single one on Constitutional grounds. The record will reflect he objects to all
5 of them on Constitutional grounds. Individually, however, of course, we —
6 we'll deal with any other objections briefly as we can on those. So...

7 All right. All right. Please, bring the jury in, sir.

8 (The jury entered the courtroom at 11:28 p.m.)

9 THE COURT: All right. Counsel, ready to proceed?

10 MS. HALL: Thank you, Your Honor. The State calls Lynn
11 McMillan.

12 (The witness stepped forward to be sworn.)

13 THE COURT: Ms. McMillan, you were previously sworn in this
14 case. You continue to be sworn and under oath for your testimony at this
15 time.

16 THE WITNESS: Yes, sir.

17 THE COURT: Please — please, take a seat.

18 THE WITNESS: Okay.

19 (Witness complied with the request.)

20 DIRECT EXAMINATION by MS. HALL:

11:29 A.M.

21 Q. Ms. McMillan, on what dates did you conduct a forensic evaluation of
22 Child 2

23 A. I conducted the evaluation of Child 2 on — across three (3) sessions; on
24 October the 29th, 2010; November 4th, 2010; and the third time was November 12th,
25 2010.

1 Q. What person and/or agency referred Child 2 for forensic evaluations?

2 A. Child 2 was referred to the Children's Advocacy Center by Bobby
3 Seepersaud of the South Carolina Department of Social Service, the OHAN division.

4 Q. What age was Child 2 at the time of her forensic evaluation?

5 A. Child 2 was four (4).

6 Q. In your opinion, did Child 2 appear to be competent?

7 A. Yes, she did.

8 Q. How did you go about determining her competency?

9 A. Well, basic competency would be determined — and I did so with
10 Child 2 — upon interaction with her, observing her behaviors, her interactions, her
11 communication, her language.

12 Q. What, if any, observations did you make concerning her ability to
13 comprehend truthfulness?

14 A. What I did with, again, was through observation and interaction with
15 her and addressed anything that came up regarding any kind of truthfulness issue.

16 I didn't do a specific truthful full competency with her; I did that more
17 through my basic competency of observing her ability to stay in the room and talk
18 with me.

19 Q. How does self correction apply to the ability to comprehend
20 truthfulness?

21 A. Self — self correction means actually a couple of things to me, not only
22 applying truthfulness, but also the assertiveness and the confidence of a young child
23 to — or any age child, but particularly a young child to self correct; meaning they tell
24 me one thing and, then, they correct themselves to make the clearer statement
25 about that.

1 Q. And did Child 2 do any self correction during her videos?

2 A. Yes, she did.

3 Q. Okay. Was Child 2 able to communicate personal information to you
4 concerning identities of family members and pets?

5 A. Yes, she did.

6 Q. Was any of the information she gave you independently verified
7 through other sources?

8 A. Yes. The information about her family and friends was verified through
9 my interview of her parents.

10 Q. How might her age have been a factor in her ability to communicate
11 concerning the — the forensic evaluation?

12 A. Well, she was young. She was four (4). And important at four (4)
13 years old is — is the skills of the children in being able to communicate; what kind of
14 language development, cognitive development, if there are any delays in — in their
15 behaviors or their communication skills.

16 So I know that, with a very young child, I would have a lesser
17 expectation of the details that they would be able to provide me.

18 Q. Based on your experience in the area of child abuse and forensic
19 evaluations, what is your opinion concerning Child 2 present ability to differentiate
20 between telling the truth and telling a lie?

21 A. Well, we did that, again, through observation and communication with
22 her. And based on being able to self correct, we addressed issues of pretend. I felt
23 like she knew the difference.

24 Q. Okay. What, if any, safeguards were used when interviewing Child 2 to
25 prevent any type of third-party influence?

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1 A. Well, at — at the Children's Advocacy Center, the waiting area is
2 downstairs and the interview rooms are upstairs so that there was nobody else
3 accompanying me with Child 2. I brought her upstairs by herself. And her parents
4 waited downstairs.

5 There's nobody else in the interview room, just me and the child alone.
6 And nobody from her family or relatives or friends were observing the interview.

7 So the other parties — at the end of each interview, I instruct the
8 parents not to discuss anything that we talk about, to not ask Child 2 what we said;
9 what she said or what I asked.

10 And I also ask the parents to, please, guard against anyone else who
11 might be curious about what the day was like and — and have questions of Child 2

12 Q. What types of procedures do you use in the evaluations to — to
13 prevent any type of influence or suggestibility?

14 A. We certainly try to ask questions that are non-leading and non-
15 suggestive; meaning that I want to be able to ask her questions that do not contain
16 the answer and — and invite her to be able to give me, in her own words, her
17 particular answer to a particular question.

18 Q. And were those the types of questions you used in your evaluations
19 with Child 2

20 A. Yes, I did.

21 Q. What, if anything, did Child 2 relay to you concerning the time or time
22 frame of the sexual assaults?

23 A. I would not have asked her about time frame on sexual assaults — I
24 mean, on the sexual assault. I wouldn't ask a time frame of a four (4) year old or
25 any other young child.

1 I would expect that somebody else would be able to corroborate a time
2 frame. That is just beyond her ability to narrow down a time frame for me.

3 Q. Was a disclosure of sexual abuse made during the forensic
4 interviews?

5 A. Yes, it was.

6 Q. Okay. And what, if anything, did Child 2 relay to you concerning the
7 place or places that the sexual assault occurred?

8 A. Child 2 shared that it occurred at the Kids "R" Kids Daycare in a
9 bathroom.

10 Q. Okay. And did you document Child 2 disclosure in any form?

11 A. Yes. All of my interview sessions with Child 2 were documented by
12 video recording. And also I wrote a summary so I have a written documentation, a
13 summary of my sessions with her.

14 Q. And you said those evaluations were recorded?

15 A. Yes, they're video recorded.

16 Q. Okay.

17 MS. HALL: Permission to approach, Your Honor?

18 THE COURT: You may.

19 (Whereupon, a bench conference was had with all attorneys
20 present.)

21 THE COURT: All right. Mr. Foreman, ladies and gentlemen of
22 the jury panel — excuse me — (turns on microphone) — there's a matter that
23 I'll need to take up with Counsel, a matter of law at this time, out of your
24 presence.

25 So, please, retire to the jury room. Again, this will be very brief. We'll

1 have you back in, in just a few minutes.

2 (The jury exited the courtroom at 11:33 a.m.)

3 THE COURT: All right. Counsel?

4 MS. MILES: Your Honor, at this time the State is making a
5 motion to move to admit the recorded forensic evaluation of Child 2
6 date of birth July 24, 2006, age six (6), at this time pursuant to *Jessie's Law*,
7 17-23-175.

8 Child 2 made statements during recorded forensic evaluations to Lynn
9 McMillan, who has already been qualified as an expert in child abuse
10 assessment.

11 She provided these statements in response to questioning conducted
12 during an investigative interview of Child 2. An audio/visual recording of the
13 statements were made and have been preserved.

14 Child 2 has testified and has been subjected to cross examination. She
15 did testify about sexual abuse committed by Ronasha Taylor, specifically to
16 touching Ronasha's hips, peepee, and pooh-poo. The hips she describes
17 as the breast area.

18 During Child 2 recorded forensic evaluation, she disclosed of touching
19 and licking Ronasha's hips.

20 The State submits the following in support -- the following factors in
21 support of admitting her recorded forensic evaluations, pursuant to *Jessie's*
22 *Law*.

23 These statements were -- were not elicited by leading questions. They
24 were elicited by the proper questioning techniques that the forensic evaluator
25 uses during her process.

1 The forensic evaluator has been qualified as an expert in child abuse
2 assessment and has been trained in conducting investigative interviews of
3 children.

4 The forensic evaluation contains an account of the offense as
5 described by Child 2 on the stand as to touching Ronasha's ribs. And the
6 statement has internal coherence.

7 The forensic evaluator did follow all the usual safeguards to prevent
8 suggestibility and coaching and all of that. And at this time we would move to
9 enter into evidence Child 2 forensic evaluation pursuant to *Jessie's Law*.

10 **THE COURT:** Thank you. Counsel?

11 **MR. HENRY:** Thanks, Judge. We would object, of course, to
12 the introduction of the statement under *Jessie's Law*. We just disagree about
13 whether they were leading questions, a detailed account, and internal
14 coherence.

15 As we've mentioned before, and you said before, the tapes do speak
16 for themselves. We disagree about the interpretation of that.

17 **THE COURT:** Thank you. And, as I stated earlier, I don't need to
18 restate all of that I don't think, but I spent about seven and a half (7 ½) hours
19 reviewing these tapes on the weekends in my chambers uninterrupted.

20 And I listened very carefully to them and -- and scrutinized them for
21 leading questions or suggestiveness or anything that I felt was inappropriate
22 insofar as an forensic interview is concerned. And I did not see anything
23 inappropriate in the interview methods that I become aware of over the many
24 years that I've been a judge in --- in these hearings.

25 But specifically --- and the Court needs to make specific findings

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1 pursuant to section 17-23-175, also called *Jessie's Law*, "The admissibility of
2 an out-of-court statement of a child under twelve (12) can be admitted if there
3 is a determination of trustworthiness and notice to the adverse party," which
4 has been made.

5 And what the Court has to consider and has considered in this case,
6 "In a General Sessions Court proceeding, that -- that the statement was given
7 in responses to questions conducted during an investigative interview of the
8 child," which was done.

9 "That an audio and visual recording of the statement was preserved on
10 film, videotape, or other electronic means." And that's been done.

11 "If the child testifies at the proceeding and is subject to cross
12 examination on the elements of the offense and the making of the out-of-
13 court statement," That's been done.

14 "The Court finds in a hearing conducted outside of the presence of the
15 jury that the totality of the circumstances surrounding the making of the
16 statement provides particularized guarantees of trustworthiness," and the
17 Court so finds.

18 And that --- that it was conducted outside the presence of the jury and
19 under the totality of the circumstances, that the making of the statement
20 provides a guarantees of trustworthiness.

21 And in subsection (b), "The Court has to --- in determining whether the
22 statement possess particularized guarantees of trustworthiness, the Court
23 may consider the following, but not limited to the following factors...." And I've
24 considered them all.

25 "Whether the statement was elicited by leading questions," and I do

1 not find that there was any significant leading in the questions, particularly
2 taking into consideration that the questions were of a four-year old child.

3 Two, "Whether the interviewer had been trained in conducting
4 investigative interviews of children." And she was.

5 "Whether the statement represents a detailed account of the alleged
6 offense to the best of -- or at least in the -- in the words of the child," and the
7 Court finds that they were.

8 Number four, "Whether the statement has internal coherence." And
9 there are some slight differences between the -- the child's testimony in court
10 today and what is shown on the video interview, taped video interview.

11 That is not altogether to be unexpected I don't think with a four-year
12 old child, but it does include the testimony that was given in -- in court today.

13 There were some additional statements made on there, some
14 additional information with regard to the conduct, but at least insofar as what
15 was testified in court today, it's there. And so there is internal --- and the
16 Court finds there is internal coherence.

17 For all of these reasons, the Court finds that the taped video
18 interviews, forensic interviews, should be admitted into evidence; meets the
19 test under this section. And the Court will admit them over objection of
20 Counsel.

21 **MS. MILES:** Okay.

22 **THE COURT:** You may proceed.

23 **MS. MILES:** Thank you.

24 **THE COURT:** Well, we'll have to bring the jury back now. And is
25 there anything else before I bring them back?

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1 MS. MILES: Nothing --- nothing from the State.

2 THE COURT: Please --- please, bring the jury back, sir.

3 (Ms. McMillan returns to the stand.)

4 (The jury entered the courtroom at 11:39 a.m.)

5 THE COURT: All right. Counsel, ready to proceed.

6 CONTINUED DIRECT EXAMINATION by MS. HALL:

11:40 A.M.

7 Q. Ms. McMillan, I'm handing you what has been previously marked as
8 State's Exhibit Number 6. Do you recognize this?

9 A. Yes, I do.

10 Q. What is it?

11 A. It is the DVD from the Children's Advocacy Center of the interviews
12 with Child 2 And it list specific dates that she was interviewed.

13 Q. And are these videos a fair and accurate representation of your
14 forensic evaluation between you and Child 2 on those dates?

15 A. Yes, they are.

16 Q. Have they been altered in any way?

17 A. No, they have not.

18 Q. Have you had an opportunity to review those videos?

19 A. Yes, I have.

20 MS. HALL: Your Honor, at this time the State requests
21 permission to enter State's Exhibit Number 6 into evidence.

22 MR. HENRY: Subject to my objection.

23 THE COURT: Subject to your objection, it's admitted over
24 objection. You may proceed

25 (Whereupon, State's Exhibit Number 6 was admitted into evidence

1 over objection.)

2 MS. HALL: We also request permission to publish this
3 forensic evaluation to the jury at this time.

4 THE COURT: You may publish, counsel.

5 MS. HALL: Thank you, Your Honor:

6 (Whereupon, State's Exhibit Number 6 was played for the jury
7 from 11:45 a.m. until 12:21 p.m.)

8 CONTINUED DIRECT EXAMINATION by MS. HALL

12:21 P.M.

9 Q. Ms. McMillan, what do you look for in an interview to see if it might be
10 the result of third-party influence?

11 A. The thing that I would look for would be -- particularly with young
12 children would be language and what kind of language they're using. And, if they're
13 using grown-up words and grown-up language, instead of what would be
14 appropriate for a child to say.

15 Q. And, in your opinion, was Child 2 disclosure affected in any way by
16 any type of third-party influence?

17 A. I do not believe it was.

18 Q. Why is that?

19 A. Because you could see in the three videos how hard it was for her to
20 talk about anything. And how avoidant she was and -- and it was very difficult just to
21 keep refocusing her and refocusing her.

22 And generally what I would see with a child who may have had third-
23 party influence is, they may tell me lots of things very quickly without much
24 explanation about them.

25 But her avoidance was -- was telling me that there was not somebody

1 pressuring her to tell me something.

2 **Q.** What were some examples of avoidance that you saw in those videos
3 or that you saw when you were performing those assessments?

4 **A.** They were multiple avoidances. You could see that verbally she would
5 say, "I want to go now." She would say things like she was done talking. She was
6 so tired.

7 She had to go potty, which, of course, at four (4) years old she really
8 may have had to go potty. Sometimes children use the potty as a way to be able to
9 leave the room for a few minutes. And, of course, that's my decision to make about
10 which it is.

11 She talked about having secrets. And, then, whenever we would go
12 back to that, about the secrets, she would have no further thing to say about that;
13 crawling under the table, turning the lights on and off, repeatedly asking me about
14 the closet.

15 There were just many things verbally and behaviorally that she did that
16 to me were clearly avoidant.

17 **Q.** And you mentioned refocusing yesterday and you mentioned it again
18 just now. What is refocusing again?

19 **A.** That means that, if a child has kind of pulled off of what we're talking
20 about, I mean verbally they pull away or behaviorally they've pulled away from what
21 the focus topic is that I'm talking with them about, I want to be very respectful for
22 why that child might be doing that.

23 So I generally will pull away with them a little bit to see where they're
24 going. But, then, I'm going to refocus them, meaning I want to bring them back to
25 the task at hand, to the topic that I'm trying to find out about, the topic we had been

1 at least attempting to talk about, to talk about it.

2 Q. What about the difference in the first, second, and third videos as far
3 as what she was willing to talk about?

4 A. Well, clearly avoidance was in all three of them; of wanting to end the
5 interview, wanting to stop, wanting to leave the room and her saying she wanted to
6 potty in two of them. I'm sorry, what was the question?

7 Q. You answered it.

8 A. Okay.

9 Q. What about Ms. Ronasha and not identifying Ms. Ronasha as a
10 person and then later on identifying her? How common is that in these types of
11 assessments?

12 A. Child 2 was clearly on the avoidant end. And -- and most children,
13 especially if I've known they've already told something about somebody, that name
14 is going to come up by the child and not by me.

15 In this case, I ended up bringing up Ms. Ronasha's name myself. And,
16 again, that wasn't introducing something new to her. I already knew from her
17 parents that she knew who Ms. Ronasha was. I already knew that Ms. Ronasha
18 was her teacher.

19 And, so, I eventually -- I think it was the third interview -- I brought up
20 the name at that point.

21 Q. What about wanting to only talk about her brother at the second
22 interview?

23 A. I just thought that was just avoidance. That might be more interesting
24 to her to talk about than what I wanted to talk about.

25 Q. How common is it for a child to make a disclosure within the first or

1 second forensic assessment?

2 A. How common is it...?

3 Q. For them to make a disclosure at the first forensic assessment?

4 A. Most children do make some type of closure in the first assessment, I
5 mean the first interview session. I'm saying most do in some way. It may be, as we
6 talked about yesterday, partial disclosure, meaning they've only shared some of the
7 information.

8 It may be tentative in that they're only -- they're hesitant to give out
9 additional details. But I think most children give some piece of a disclosure during
10 the first interview.

11 Q. What about the second interview?

12 A. I mean, usually I expect additional details throughout both. I thought
13 clearly Child 2 was very avoidant on this.

14 Q. Okay. What happened in that third video when she came back
15 upstairs after going to the bathroom?

16 A. I'm sorry. What you mean what happened?

17 Q. What happened? What -- what -- what was she showing you when
18 you were questioning her at the table?

19 A. She was pointing to just part of her body.

20 Q. When she was describing hips?

21 A. Hips, she was pointing to this part of the body (indicating).

22 Q. Okay. What information did you provide to Mr. and Ms. Garcia after
23 Child 2 session?

24 A. Well, I did not provide information about the individual sessions as far
25 as what was disclosed during them at the end of each session. Usually, at the

1 conclusion of the full forensic evaluation, I will share some information with the
2 parents.

3 I may share more specifically what's happened or what the child said.
4 Or I may share with them that I don't have anything new than what they already
5 know. And I don't remember exactly how I did that with them.

6 Q. Were you made aware by Ms. Garcia at the last interview what went
7 on with Child 2 in the bathroom?

8 A. I remember that. Of course, as you hear, I took her downstairs to go
9 to the restroom and let her mother assist her downstairs. And, while we do have a
10 restroom upstairs, because Child 2 was faster than I was to get to the steps;
11 otherwise, I could've called Ms. Garcia up to assist her upstairs. But I — I followed
12 Child 2 downstairs.

13 And, when she came out, she had kind of a startled look on her face.

14 Q. "She" being...?

15 A. I'm sorry, Ms. Garcia —

16 Q. Okay.

17 A. — had a startled look on her face when she came of the bathroom
18 from Child 2. And she shared — I can't remember exactly what her words were —
19 that something had happened in the bathroom that was concerning.

20 Q. Okay. And did you question Child 2 about what happened in the
21 bathroom with her mother?

22 A. Actually I don't remember if that was on there or not. I don't
23 remember.

24 Q. What — what, if anything, do you tell the parents to do prior to the
25 next session?

1 **A.** At the completion of any one session, knowing that I'm going to have
2 subsequent sessions, I will ask them, again, not to ask the children about what we
3 talked about.

4 Please -- and I usually will say, "Please, don't say, 'What did Ms. Lynn
5 talk to you about? What did Ms. Lynn ask you? What did you tell Ms. Lynn?'"

6 I really don't want to prompt anything that would give additional
7 disclosure at home and, then, have a parent possibly react to something that they
8 haven't heard before.

9 And I also ask the parents to please protect and guard the child from
10 anybody else, family, who may just be curious or be asking what happened. I want
11 them to really protect and preserve that whole process.

12 **Q.** What about self correction? You mentioned that Child 2 did some self
13 correction. What were some examples of that in the videos?

14 **A.** Well, I think in the beginning --

15 **Q.** In the first video.

16 **A.** The beginning one was -- that involved is that I asked about bath or
17 showers as part of finding about how she gets help with all of what she does. And
18 she told me she took bath and showers. And, then, I believe she self corrected to
19 say, "Well Nicholas takes baths and she takes showers."

20 **Q.** What, if any, recommendation did you make following Child 2
21 disclosure of abuse?

22 **MR. HENRY:** Objection, Your Honor. You know my position on
23 this and I'll be making the objection again.

24 **THE COURT:** I'm sorry. Repeat the question.

25 **MS. HALL:** I asked, "What, if any, recommendation did you

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1 make following Child 2 disclosure."

2 THE COURT: Oh, okay. I overrule the objection.

3 MR. HENRY: Yes sir.

4 A. I recommended that Child 2 participate in therapy with a licensed
5 mental health clinician.

6 MS. HALL: The Court's indulgence for just a moment.

7 (Brief Pause)

8 MS. HALL: I don't have any other questions for this witness.

9 But please answer any questions Mr. Henry may have.

10 MR. HENRY: Do you want me to go ahead now, judge?

11 THE COURT: Yes, sir.

12 MR. HENRY: Thank you.

13 CROSS EXAMINATION by MR. HENRY:

12:29 P.M.

14 Q. You've got a permanent seat there I think. You've been there for a
15 long time.

16 A. I have been.

17 Q. I'll try to be brief. In your questioning in this — in these interviews, in
18 the first two interviews there were no — there was no disclosure.

19 A. (No Response)

20 Q. In the first two interviews there was no disclosure by this child; is that
21 right?

22 A. That's correct.

23 Q. Okay. You — you said earlier you expected some kind of disclosure in
24 the first one and in the second one, but that didn't happen in this case?

25 A. I said generally I expect some kind a disclosure from children

1 generally.

2 Q. Okay. And in this case there was not even some kind of disclosure in
3 either of the first two interviews?

4 A. That is correct.

5 Q. And you — you brought up Ronasha's name in the third interview.
6 And your view of that is that's — that's not leading?

7 A. I made a very strategic decision. And I did not think it was leading. I
8 felt it was very focused.

9 Q. And, when you tell a child that — that — who has not made a
10 disclosure, that you already know some of the things that happened, that's not
11 leading either?

12 A. I don't believe that it is, no.

13 Q. You don't think that the child is trying to please you at that point?

14 A. No, I don't.

15 Q. Okay.

16 A. I think that asking her or letting her know that I already know things I
17 think sometimes that's reassurance to children; that — that I already have some
18 knowledge and so it may not be so scary for them to be able to tell me something.

19 Q. And you're not just trying to confirm the information you were given
20 before the interview?

21 A. No, I was not.

22 Q. Okay. And, when the child says something like, "Ms. Ronasha, what
23 are you talking about?" That doesn't mean that she has nothing to say about Ms.
24 Ronasha when you asked her about that?

25 A. I think that was clearly avoidance.

1 Q. I see.

2 A. On Child 2 part.

3 Q. And the avoidance could be avoidance of having to make a statement
4 that was not correct, couldn't it?

5 A. I don't know what the avoidance was for.

6 Q. Okay. Clearly she was moving around a lot, asked to go to the
7 bathroom, climbed on the table, all that kind of stuff. And that's what your talking
8 about when you're talking about avoidance, right?

9 A. I think it was some behavioral avoidance, yes.

10 Q. And — and she also was pretending a lot in this — in these
11 interviews?

12 A. She made a couple of statements about things and then we corrected
13 about pretend. I can't say that she was pretending a lot.

14 Q. Okay. Well did you think her friends were living in her — in her
15 bedroom?

16 A. No, I do not. And that's why — why we addressed that.

17 Q. Okay. Did you really address that and clear that up you think?

18 A. I don't think I needed to belabor where her friends were or to make her
19 explain that any more. I think it was avoidance. And — and we clarified it was
20 pretend. And I felt that was sufficient.

21 Q. All right. Is it correct to say that there was no disclosures until that
22 very long break that was taken?

23 A. That is correct, until the third interview.

24 Q. And where did she go on that long break? Did she stay upstairs or
25 did she go down to where her mom and dad was?

1 A. I don't have — I'm sorry.

2 Q. Did she go downstairs or did she stay upstairs?

3 A. First of all, I don't know how long the break was. She did go
4 downstairs as she did the first time in the first interview when she asked to go potty.
5 I took her downstairs and — and she used the same restroom with her mother's
6 assistance downstairs. And that was the same when she used it on the third
7 interview.

8 Q. Okay. And was it after that long break, if you remember, that she
9 came back and said that, "Her mommy told her to say what helps"?

10 A. I didn't hear that clearly in that.

11 Q. Okay. This — this hips equaling chest or breast area, that
12 identification was not on camera as I saw it. Is that how you saw it too?

13 A. Yes. Her pointing to herself was not on the camera, that's correct.
14 She was standing right front of me.

15 Q. So we don't know, except from what you've told us, what happened
16 there?

17 A. Except on my report, that's correct.

18 Q. And — and, when you did that with her off-camera, did you consider
19 trying to have her do it again on camera so that it would be picked up?

20 A. I — I didn't apparently.

21 Q. When she [sic] said, "Who taught you about the touching and the
22 licking," she said, "My mom."

23 A. She did.

24 Q. Okay. You didn't follow up with that either?

25 A. I did not. Well, I did ask her a follow-up question to it, but she didn't

1 respond to it.

2 Q. Okay.

3 (Brief Pause)

4 Q. She's older now and as a result she communicates better; is that a fair
5 statement?

6 A. I haven't seen ^{Child 2} since then. I would assume being two years
7 older she may have a different communication style now. And I don't know if it's
8 better. I just don't know.

9 Q. Okay.

10 A. I don't have any idea on that.

11 Q. I'm sorry. Now, not in her case necessarily, but in general, if we're
12 dealing with age four (4) versus age five (5) or six (6), they communicate normally
13 better, don't they?

14 A. I would — I would think that, yes.

15 (Brief Pause)

16 Q. And she said that the — the chest, the breast area, was hips in that
17 video, not ribs?

18 A. I heard her say "hips."

19 Q. Okay. No mention of any kind of criminal sexual conduct, penetration,
20 oral sex; nothing like that in this?

21 A. She did not disclose that, that's correct.

22 Q. Okay. And Ms. Laurie, who she mentioned, was her teacher at that
23 time; or do you know that?

24 A. I only know that from other information from parents.

25 Q. And I think you've already said this, but the — the incident in the

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1 bathroom that you mentioned between her and her mom, that was not something
2 you followed up with on camera in the interviews?

3 **A.** I think I asked her one question — well, no, I don't think it is
4 specifically, no.

5 **MR. HENRY:** Okay. Thanks a lot. That's all I have.

6 **MS. HALL:** Briefly?

7 **THE COURT:** Yes, ma'am.

8 **REDIRECT EXAMINATION by MS. HALL:**

12:35 P.M.

9 **Q.** Ms. McMillan, when you took Child 2 downstairs in the third video to go
10 to the bathroom, what did you say to Ms. Garcia?

11 **A.** I have no idea except I probably said she had a go potty. I — I don't
12 know.

13 **Q.** Do you recall if you gave her any updates on how the interview
14 process was going?

15 **A.** No, I would not have done that.

16 **Q.** Okay.

17 **A.** And I did not do that.

18 **Q.** Okay. When you first asked Child 2 about Ms. Ronasha, what was her
19 response?

20 **A.** Well, think back to — I don't think she knew who she was. I don't
21 remember exactly what she said.

22 **Q.** Okay.

23 **MS. HALL:** Court's indulgence for just one moment.

24 **(Brief Pause)**

25 **Q.** Okay. And briefly. I know you probably don't have this memorized

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1 detail per detail, immediately prior to Child 2 wanting to go to the bathroom in the third
2 interview, do you recall what you were talking about with her?

3 A. I don't recall.

4 Q. And what about after she came back up from the bathroom? What
5 was the next thing Child 2 did?

6 (Brief Pause)

7 A. I'm sorry, I — I just don't recall.

8 Q. That's okay.

9 MS. HALL: No further questions for this witness but
10 permission to recall.

11 MR. HENRY: No questions, Judge.

12 THE COURT: Thank you, ma'am. You may stand down, ma'am.

13 (Witness complied with the Court's request.)

14 MS. HALL: Your Honor, may this witness be excused the rest
15 of the day? I believe — we don't need her today, but I know she's —

16 MR. HENRY: No objection.

17 THE COURT: Okay. You're excused for the balance of the day.
18 Thank you for coming.

19 (Whereupon, the witness was excused and exited the courtroom
20 at 12:36 p.m.)

21 THE COURT: All right. Counsel, I think it's probably a good time
22 to break for lunch. Mr. Foreman, ladies and gentlemen of the jury panel, it's
23 by the courtroom clock about twenty-five (25) minutes to one (1:00).

24 I'm going to ask you, please, to be back in the jury room at twenty (20)
25 minutes till two (2:00) , at 1:40; twenty (20) minutes until two (2:00).

1 Please enjoy your lunch and be back at twenty (20) minutes till two
2 (2:00). Thank you.

3 (The jury exited the courtroom at 12:36 p.m.)

4 THE COURT: All right. Any matter we need to take up out of the
5 presence of the jury at this time from either side?

6 MS. HALL: Nothing from the State.

7 MR. HENRY: I don't think so.

8 THE COURT: Okay. Let's resume then at twenty (20) till two
9 (2:00).

10 (Whereupon, a lunch recess was taken from 12:36 PM until 1:40
11 p.m.)

12 (Off-The-Record Comments)

13 THE COURT: Please be seated. Thank you.

14 (Brief Pause)

15 THE COURT: All right. Are you ready to proceed, Counsel?

16 MS. MILES: Yes, sir, Your Honor.

17 MR. HENRY: Yes, sir.

18 THE COURT: All right. Please, bring the jury in, sir.

19 (The jury entered the courtroom at 1:46 p.m.)

20 THE COURT: All right. Counsel, you may proceed.

21 MS. MILES: Yes, sir, Your Honor. The State calls Lynette
22 Stein to the stand, please.

23 (The witness stepped forward to be sworn.)

24 (Whereupon,

25 LYNETTE STEIN

1 having been duly sworn, testified as follows:)

2 **DIRECT EXAMINATION by MS. MILES:**

1:46 P.M.

3 Q. Lynette, would you please state your full name for the record?

4 A. Lynette Stein.

5 Q. And how old are you, Lynette?

6 A. Forty (40).

7 Q. And where — where do you work?

8 A. St. John's Motor Interiors in Marietta, South Carolina (phonetic).

9 Q. Okay. And what do you do there?

10 A. I'm a developmental work and technical manager (phonetic).

11 Q. Okay. Who do you live with?

12 A. My husband, Jim; my daughter, Child 3 and our dog, Precious.

13 Q. Okay. How old is Child 3

14 A. She's six (6).

15 Q. And what's her date of birth?

16 A. Seven, nine, oh six (7/9/06).

17 Q. Okay. What school does Child 3 go to?

18 A. During the day she's go to Oakview Elementary (phonetic) and Legacy

19 comes and picks her up for after school.

20 Q. Okay. What grade is she in?

21 A. First.

22 Q. How do you know the Defendant Ronasha Taylor in this case?

23 A. She was a previous teacher at Kids "R" Kids.

24 Q. Okay. And how are you -- and how do you know about Kids "R" Kids?

25 A. We actually had Child 3 in daycare at ten (10) weeks old at the

1 Greenville location. And we got the referrals from neighbors, good referrals. We
2 also went and interviewed them.

3 We were impressed with the facility and staff members at the
4 Greenville location. So we enrolled her that I could go back to work after my
5 maternity leave.

6 Q. Okay. So Child 3 went to daycare there?

7 A. Yes, ma'am.

8 Q. Okay. When did you first meet Ronasha Taylor?

9 A. Well we ended up moving Child 3 to the Greer location in February of
10 2009. We found out about it because we had spoken to several staff members that
11 they were opening a location that was basically right around the corner from the
12 house.

13 Q. Okay.

14 A. And based on what we knew from the Greenville location, we decided
15 to move her to the Greer location. And Ms. Taylor ended up being employed there
16 a couple of months after they opened.

17 Q. Okay. And when did your child move to the Greer location?

18 A. It was February of 2006. We were one of the first students and
19 families there.

20 Q. At the Greer location?

21 A. Yes, ma'am.

22 Q. Okay. And — and Ms. Ronasha Taylor, you mentioned that she
23 started after your daughter?

24 A. Yes, ma'am.

25 Q. Okay. And approximately when do you remember meeting her?

1 A. It might have been a couple of months later.

2 Q. Okay.

3 A. It wasn't too long.

4 Q. All right. When did your child, Child 3 begin in the four (4) year old
5 class at Kids "R" Kids?

6 A. I believe it was the middle to late August 2010.

7 Q. Okay. Who was her teacher?

8 A. Ms. Laurie.

9 Q. Ms. Laurie?

10 A. Uh-huh (affirmative).

11 Q. Okay. What was your impression regarding when Ronasha Taylor
12 would be around Child 3

13 A. How often or...?

14 Q. When or how often, both.

15 A. Basically we had her in daycare Monday through Friday; usually
16 dropped her off about 7:30. And we'd pick her up about 5:30 or 6:00. So I would
17 say any time that my daughter was there she was possibly around her.

18 Q. Okay. Are there any specific times of the day where you believed she
19 may be around her?

20 A. Really at any point. They had floating teachers. If a teacher was out,
21 she would come in.

22 Q. Okay. For what other purposes would Child 3 have a different teacher
23 during the day, if any?

24 A. I think they consolidated the classes during nap time. And two (2) of
25 the classes that were around the same age would be grouped together.

1 In the evening, you know, if somebody would leave and they had a lot
2 less students, they would consolidate classes.

3 Q. Okay.

4 A. So possibly during those times.

5 Q. Okay. Without going into what anyone specifically told you, was there
6 a period in time where you became aware that something inappropriate may have
7 happened to Child 3

8 A. Yes, ma'am.

9 Q. Okay. And when did you learn this?

10 A. It was early evening Sunday, October 17th ---

11 Q. Okay.

12 A. --- 2010.

13 Q. Twenty-ten (2010)? And who did you learn this from?

14 A. Demie Garcia.

15 Q. Okay. How did you know Demie Garcia?

16 A. I knew her basically as Child 2 mom in school. The two girls had been
17 to school -- had been classmates since they both started and tended to play with
18 each other quite a bit. So I knew Demie and even her husband, Anderson, just from
19 causal pick ups and drop offs.

20 Q. Okay. And, when you mentioned they were in school together, are you
21 referring to Child 3 and Child 2 ---

22 A. Yes, ma'am.

23 Q. --- going to school? Okay. And how long had you known Demie?

24 A. Not very often -- I mean, we didn't know each other outside of school.
25 Like I mentioned, we just knew each other in passing.

1 Q. Okay.

2 A. We didn't know Demie for the longest time.

3 Q. And how often would you speak to her prior to that day, on October
4 17th, 2010?

5 A. Every once and a while whenever I would see her. Sometimes my
6 husband would pick up so I wouldn't even see her some days, maybe some weeks.

7 Q. Okay. And, again, without going into what anyone told you, how much
8 detail did Demie tell you in providing information? Just how much detail did she
9 provide you?

10 A. She had told me that there was something that had happened that her
11 daughter had mentioned. But to me it wasn't a lot of detail at all.

12 Q. Okay. What did you ask Child 3 after speaking with Demie, if
13 anything?

14 A. After that conversation, we both felt it was interesting that, you know,
15 maybe something had happened to Child 3 But we weren't sure.

16 Again, after talking to Demie, you know, I thought she was, you know,
17 like she mentioned crazy, you know, it was weird. It — it wasn't something that I
18 would have expected.

19 But I -- we were outside playing. And she was standing up by a sand
20 table and I was standing behind her. And I asked her, I said, "As anybody ever
21 touched you or have you ever touched anybody else?"

22 And rather than continuing to play, she stopped and she said, "No."
23 But she dropped her head immediately and starting kicking dust on the ground like
24 she was trying to not get me to continue asking questions or figuring out what she
25 was —

1 **Q.** Okay. And, without going into what Child 3 specifically said, can you
2 tell us whether or not your child made a disclosure at that time?

3 **A.** At that time, no. But based on her reaction, I — I felt it was not in her
4 character to — to act like that.

5 So I waited about fifteen (15) or twenty (20) minutes and began to
6 push her on the swing set. We have one in the backyard. And, prior to her
7 swinging, I — I sat down in front of her and squatted in front of her and looked up at
8 her and maybe thinking the way I was approaching her might be different.

9 And I basically looked up at her and asked her if anybody had touched
10 her or had if she had touched anybody else.

11 **Q.** Okay. And, without going into what your child said again, can you tell
12 us whether or not your child made a disclosure at that time?

13 **A.** Based on her actions, I would say yeah. She began to reach into my
14 shirt collar, pulled it out, and tried to reach into my bra.

15 I basically told her to stop; that wasn't something that we needed to be
16 doing. But I asked her to show — show me on her body. And at that time she
17 pulled up her dress up to her shoulders and began rubbing circles around her
18 nipples and then she was pinching her chest.

19 **Q.** Okay. To your knowledge, Lynette, what exposure had Child 3 had to
20 adult breasts at that time?

21 **A.** She knows her body parts. She knows her breast as boobies. She
22 knows where they're located. Her butt is her butt and her female parts are coochie
23 (phonetic). So she does know those female parts by those names.

24 **Q.** Okay. How often had seen adult breasts to your knowledge?

25 **A.** She walked in on me a couple of times while I was changing or even in

1 the shower. Relaxing at home, my husband might be sitting in a pair of shorts with
2 no top on.

3 And based on that, I mean, I would say, if we went to the pool or
4 beach, she saw any male that had their shirt off.

5 Q. Okay. What access may Child 3 have had to the internet at four (4)
6 years of age?

7 A. None.

8 Q. Okay. And what about now?

9 A. Very little.

10 Q. Okay.

11 A. There might some educational web sites that we go to for PL
12 (phonetic) Elementary, but that's about it.

13 Q. Okay. And what monitoring does she have during those times?

14 A. Myself or my husband sitting right there and she's on our lap or the
15 table next to us.

16 Q. Okay. What about movies and shows of a sexual nature?

17 A. No, none.

18 Q. Okay. At four (4) and at now?

19 A. Correct.

20 Q. Okay. Where did your child disclose to you that these allegations took
21 place?

22 A. She said it was in one of the classroom in the bathroom.

23 Q. Okay. At what location?

24 A. The Greer location of Kids "R" Kids.

25 Q. At Kids "R" Kids? Okay. What did you do next after speaking with

1 Child 3

2 A. I sort of had to take a minute because we were outside. And trying to
3 get a child that wants to play outside back inside, I basically told her mosquitoes
4 were biting me and I — we had to go inside.

5 So, when we walked in I looked at my husband. And I guess based on
6 my facial expressions he assumed something was wrong. And so I told Child 3 that
7 we were going to have to tell her dad what she had told me. And we began to tell
8 my husband what had happened.

9 Q. Okay. And what about after that? Who did you come speak to next?

10 A. I had thought about calling Sally Strickland, the daycare director, but I
11 didn't have her cell phone number.

12 So the only person I could think of next was the owner. And, since we
13 had been with Kids "R" Kids since she was ten (10) weeks old and we had
14 speaking -- had spoken to the owner, Michelle, on several occasions at the
15 Greenville location, I felt pretty comfortable for calling her on a Sunday night.

16 Q. Okay.

17 A. So I proceed to go on the internet. I found her phone number and I
18 called her directly at her house Sunday night.

19 Q. Okay. And you mentioned the owner. Who is the owner of Kids "R"
20 Kids Greer?

21 A. Michelle and Aaron Seckinger.

22 Q. Okay. What did you say to Michelle when you called her?

23 A. I basically told her that, that evening I had heard that there were
24 possible two (2) children that had been inappropriately touched by a teacher; had
25 done some touching. And that my daughter basically was the third child.

1 And I didn't know if she knew what was going on at the daycare or not,
2 but that we were planning on going in on Monday. And I had requested that the
3 teacher not be present when we went in.

4 Q. Okay. And what happened next after that phone call?

5 A. There was probably about forty-five (45) minute time break between
6 that and the next phone call that I received. I received a phone call from Sally
7 Strickland, the daycare director at that time.

8 Q. Okay. And, without going into what Sally said specifically, what was
9 the nature of that call?

10 A. Basically to comfort me and let me know that the — Ms. Ronasha
11 would not be there on Monday.

12 Q. Okay. What about any meetings?

13 A. Of course, being in the state of mind that we were at -- at the time, the
14 only thing we knew to do was to set up a meeting with Sally. We told her that we
15 would be in the daycare at 9:00 the next morning, which was Monday the 18th.

16 Q. Okay. Who was present at that meeting?

17 A. It was my husband, myself, my daughter; Anita, who was the assistant
18 director, and Sally Strickland.

19 Q. Okay. What did you say to Sally at this meeting?

20 A. We basically told her that we needed to speak to her in her office. So
21 she grabbed Anita and we went in there.

22 And we basically asked Child 3 to let her know what she told us the
23 night before.

24 Q. Okay. Was Child 3 present during this meeting?

25 A. Yes, ma'am.

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1 Q. Okay. Who questioned Child 3 at the meeting?

2 A. It was mostly Sally asking about, you know, who, what, where, and
3 when.

4 Q. Okay. And, without going into anything Child 3 specifically said, can
5 you tell us whether or not a -- a disclosure was made at that time by your child?

6 A. It was.

7 Q. Can you tell us whether or not that was consistent with what she had
8 told you earlier?

9 A. It was.

10 Q. Okay. How old was Child 3 at -- at that period of time when the
11 allegations came out?

12 A. She was about four (4) years, two (2) months.

13 Q. Okay. What, if anything, had changed about Child 3 bathroom
14 tendencies during that period of time?

15 A. Generally at the house she would leave the door open to the bathroom
16 in case she needed help; she would holler. But around that time she started
17 shutting the door, not wanting anybody in there.

18 You know, I would say, from what she was doing and what we had
19 noticed, we would've made a connection.

20 Q. Okay. How often -- okay. How often did Child 3 play in the bathroom?

21 A. Playing, hardly ever. If she had to go poop she would read a book.

22 Q. Okay. How long had Child 3 been potty trained?

23 A. Awhile. Before we moved to the Greer location, she was potty trained.

24 Q. Okay. About how long would you say?

25 A. Maybe a year and half before that.

1 Q. Okay. What assistance did Child 3 require from you in the bathroom?

2 A. Again, if she just urinated, she was fine on her own. But, whenever
3 she would poop, every once in a while she'd holler for us.

4 Q. Okay. And what about others? To your knowledge, what assistance
5 did Child 3 need from others?

6 A. I would assume the same as she needed from me.

7 Q. Okay. And what was your impression regarding how often Ms. Laurie
8 or another teacher would have to help Child 3 in the bathroom?

9 A. We -- I would assume not often at all because generally they'd have a
10 daily report where they'd write how their behavior was and if there were issues.

11 We never received any reports home that anything was out of the
12 ordinary or that she needed extra help.

13 Q. Okay. Going back to the meeting with Sally for a minute, what was
14 your impression leaving that meeting on what Sally would -- they would do next?

15 A. I don't know if there was a -- I don't -- didn't think she was going to do
16 much of anything.

17 Q. Okay. And what did you do next?

18 A. After that meeting, again, trying to formulate what was going on and
19 how quick it came up, I had a meeting at work that I needed to come up to
20 Spartanburg for. My husband had to go to work so we left her at Kids "R" Kids for
21 several hours.

22 And, of course, when I came up here for my meeting, I couldn't keep
23 focused on what was going on. So I started -- I began calling daycare providers
24 around there just trying to figure out what we were going to do next; if we were going
25 to keep her in that daycare or if we were going to move her somewhere else.

1 I also called her pediatrician and talked to the nurse there. And we got
2 an — an appointment with them that evening at 6:00.

3 Q. Okay. You mentioned that you left Child 3 at the daycare that day.
4 Whose care did you leave her in?

5 A. Ms. Laurie's.

6 Q. Okay. And what about the Defendant? Was she present in the
7 daycare that day?

8 A. We did not see her that day, no.

9 Q. Okay. And what was your impression regarding whether she would or
10 would not be at the daycare?

11 A. We really didn't have the impression that she was going to be there at
12 all.

13 Q. Okay. Who did you speak to next about this case?

14 A. Well Bobby Seepersaud from OHAN called and -- later on that
15 afternoon trying to set up an appointment for her I think the next day or Wednesday.

16 Then a couple of days later I'd spoken to a co-worker, who I had
17 referred her family while she was pregnant to Kids "R" Kids Greer, just to let her
18 know that there was some inappropriate touching going on between a staff member
19 and a student. And that her son might have come in contact with this teacher.

20 Q. Okay. And why did you speak to that co-worker?

21 A. Why?

22 Q. Why, uh-huh (affirmative).

23 A. Because I felt obligated that I needed to let her know what was going
24 on. I referred her family there and now we were pulling our daughter out of that
25 school.

1 Q. Okay. Can you tell us whether or not that co-worker was any of the
2 families involved in this case?

3 A. No, ma'am.

4 Q. She — she — she was not?

5 A. She was not.

6 Q. Okay. How much detail did you provide the co-worker regarding what
7 your child had told to you?

8 A. I didn't. I just mentioned that there was inappropriate touching by a
9 teacher ---

10 Q. Okay.

11 A. --- on some students.

12 Q. What about the name of the teacher?

13 A. No.

14 Q. Okay. What did you tell that co-worker to do, if anything?

15 A. I told her that her and husband could do whatever they wanted to.
16 And basically said after Monday our daughter was not going to be in the daycare.

17 Q. Okay. Who else did you call from the daycare to discuss the
18 allegations at this time?

19 A. It was probably a week or two after that I called three (3) other
20 families.

21 Q. Okay. And who were those family members? Who were those
22 families?

23 A. I can give you the students' names. I'm not sure of — of the parents'
24 names or their last names.

25 Q. Okay.

1 A. There was O'Reilly (phonetic) --

2 MR. HENRY: I'm -- I'm going to object to these, Judge.

3 MS. MILES: Let me -- let me ask it a different way.

4 Q. (By Ms. Hall) Are they families related to this case?

5 A. No, ma'am.

6 Q. Okay. And what belief did you have, during this period of time,
7 regarding whether anyone from the daycare would be contacting families?

8 A. Again, after the meeting with Sally, I really didn't get any -- anything.
9 We'd ask if they would be contacting and we did not get a response.

10 Q. Okay. And Lynette, you mentioned that Child 3 would no longer be at
11 Kids "R" Kids. What day was her last day at Kids "R" Kids?

12 A. After those couple of hours on that Monday.

13 Q. Okay. And why did you remove Child 3

14 A. After visiting with the pediatrician and just trying to keep my mind at
15 ease that nothing else was going to happen. We were recommended to probably
16 remove her from the situation so that memories wouldn't be brought up from the
17 location that it had happened.

18 Q. Okay. When did law enforcement become involved in this case?

19 A. Well, Bobby had -- I would consider him somewhat law enforcement.
20 He had called us on Tuesday. And, then, at our meeting -- at my meeting with him,
21 prior to leaving I did ask if I should be contacting law enforcement.

22 And he said he would be contacting them that afternoon. And
23 somebody would be in touch with me.

24 Q. Okay. And what day did you say you had your meeting with Bobby?

25 A. I believe it was on the Tuesday, the 19th.

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1 Q. Okay. And you said he's from DSS or OHAN?

2 A. Yes, ma'am.

3 Q. Okay. What did you speak to Bobby about on that Tuesday?

4 A. He -- I basically -- he came down from Columbia. And I basically told
5 him what my daughter had showed me and had mentioned to me.

6 And, then, we had a -- and then we bought Child 3 in. And he basically
7 asked her questions: How old are you? What's your name? What's the weather
8 like? What color is your shirt?

9 Q. Okay. What about the allegations, did he discuss those with Child 3 in
10 your presence?

11 A. No, ma'am.

12 Q. Okay. What did -- what did law enforcement or DSS, OHAN, tell you
13 about where Child 3 should go or where children usually go in these types of cases,
14 if anywhere?

15 A. He had mentioned that he would be referring us to Spartanburg Child
16 Advocacy Center in Spartanburg ---

17 Q. Okay.

18 A. --- for some forensic interviews.

19 Q. Okay. And when did you take Child 3 to the Children's Advocacy
20 Center?

21 A. I'm not sure of the exact date, but I think it was the end of October, first
22 part of November.

23 Q. Okay. What did you tell Child 3 regarding the reason why she was
24 going to the Children's Advocacy Center?

25 A. We basically told her that it was a good person. She'd be safe. It was

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1 one of our friends that wanted to talk to her about what had happened at Kids "R"
2 Kids.

3 Q. Okay. What, if anything, did you mentioned about Ronasha Taylor
4 specifically?

5 A. Nothing.

6 Q. Okay. What did you tell Child 3 regarding what she should or should
7 not say during the forensic evaluation?

8 A. We didn't say anything to her.

9 Q. Okay.

10 A. Except to tell the truth.

11 Q. Okay. And, when you arrived at the CAC for the forensic evaluation,
12 what information did you provide them?

13 A. Well we had to fill out multiple forms. I think it was a DSS form, a
14 SOBO (phonetic) form and a couple of other forms that gave basic personal
15 information about us and our daughter.

16 And then we had a meeting with Ms. Lynn. And basically felt like we
17 needed to tell her the disclosure that our daughter had told us.

18 Q. Okay. And how much detail did you provide to Ms. Lynn?

19 A. We told her what we knew.

20 Q. Okay. And why did you provide that information?

21 A. We felt we needed to.

22 Q. Okay. What information were you given after the forensic interview
23 was over, after the first session?

24 A. Not much. I mean, she said she would give us some indication of how
25 it was going. When ten or fifteen minutes came up, she would come down.

1 She came down because, I guess, Child 3 didn't want to talk to her any
2 more. And she said she did good but we would need to see her again so schedule
3 a second appointment.

4 Q. Okay. How many times did Child 3 go in for a forensic interview?

5 A. Three (3).

6 Q. Okay. What was your impression regarding why multiple visits was
7 necessary?

8 A. We just -- we didn't ask. We just felt it was, you know, for Child 3 to
9 get comfortable with a new person. That maybe she was -- you know, talk the more
10 times if she saw that person.

11 Q. Okay. What, if anything, were you advised to discuss with Child 3
12 before the next forensic interview?

13 A. Nothing.

14 Q. Okay. Where, if anywhere, did you take Child 3 to be medically
15 examined?

16 A. Well, that Monday the 19th, we had that appointment with her
17 pediatrician. And Dr. Mathias (phonetic) saw her then. And a couple of months
18 later I ended up taking her back to the CAC and she saw Dr. Henderson.

19 Q. Okay. What information did you provide to those doctors?

20 A. The same.

21 Q. Okay. Can you tell us whether or not the results of that visit was a
22 normal examine?

23 A. Both of the doctors confirmed that it was a normal examine for the
24 CSC (phonetic).

25 Q. Where else have you taken Child 3 to speak with someone about this.

1 case?

2 A. We — based on referrals from the CAC for additional therapy, we
3 ended up taking her to see Meredith Loftis-Thompson — sorry, Thompson-Loftis
4 because of trekking up here for weekly or bi-weekly therapy because it was more
5 convenient for us to have a therapist in Greenville than in Spartanburg.

6 Q. Okay. And who is Meredith?

7 A. She's an independent licensed therapist in Greenville.

8 Q. Okay. And how much information did you provide Meredith regarding
9 your child's disclosure?

10 A. Again, based on, you know, wanting her, Child 3 to have the best
11 therapy she could, we — we told her what we knew.

12 Q. Okay. Lynette, what are some of the reasons why you chose Kids "R"
13 Kids for Child 3 at the very beginning?

14 A. Again, based on neighbor referrals. We had several neighbors that
15 had gone to the Greenville location. Once we toured, again, the staff members
16 seemed great. The owner was there.

17 It was on — you know, very hands on. She seemed to be there
18 whenever we had questions for her. Yes, the video camera was a benefit.

19 Q. Okay. And you mentioned the video camera, would you use the video
20 camera feature?

21 A. Once — when we first put her in, we used it quite a bit. But, once we
22 moved to the Greer location, as she got older and she could talk about, if anything
23 would happen, we weren't on it as much.

24 Q. Okay. And how were you able to see your child's classroom?

25 A. You had to go to the Watch Me Grow Website. And, then, you had to

1 log in with your own password.

2 And, then, they initially set you up with the primary classroom, with the
3 cafeteria, and, then, I believe the outside.

4 Q. Okay. And what — what other rooms were you able to see if your child
5 had to move locations for some reason?

6 A. If you knew what room they were going to be in, you could request it
7 online. And, from my interactions with them, Child 3 moved from class to class.

8 I went on there — on the website, requested a new room location. And
9 then, they had to get with the director at the daycare for approval of what classes we
10 could get.

11 Q. Okay. And, if you were watching her classroom, what parts of the
12 room could you see?

13 A. Well most of the rooms were rectangular in shape.

14 Q. Uh-huh (affirmative).

15 A. And the cameras were facing in opposite corners. So there was some
16 limitations as to seeing the whole room or not.

17 Q. Okay. What about the door to the bathroom? Do you recall if you
18 could see that?

19 A. From one angle, if the door was open, you could see it. But, if it was
20 shut, no.

21 Q. Okay. What about inside the bathroom?

22 A. No, there wasn't any cameras in the bathroom.

23 Q. Okay. What about nap time, would you ever watch Child 3 at nap
24 time?

25 A. Again, in the beginning, yes. But as she got older, no.

1 Q. Okay. What were your feeling towards Ronasha Taylor prior to these
2 allegations coming out?

3 A. She seem very friendly, cordial. She always had something great to
4 say about my daughter. Other teachers would say she had a bad day. And,
5 whenever she was in Ronasha's care, she was always good.

6 Q. Okay. What were your -- and what was your impression regarding
7 how Child 3 felt about her?

8 A. Again, if she saw Ronasha, she would run up to her. And with that
9 comfort level, whenever we would leave, if Ronasha was up front, we would say,
10 "Give Ms. Ronasha a hug." So I don't think she was afraid of her.

11 Q. Okay. What was your impression regarding how Ronasha Taylor felt
12 about your daughter?

13 A. I would say she cared for her.

14 Q. Okay. Who have you spoken to regarding any of your family's legal
15 rights in this case?

16 A. The Tollison Law Firm (phonetic).

17 Q. Okay. And have you retained them?

18 A. Yes, ma'am.

19 Q. Okay. For what purpose?

20 A. Again, after everything that happened and how fast it came up, my
21 husband and I are not in law enforcement; we -- we don't know anything about the
22 whole legal system or anything. So we needed to be able to contact somebody to
23 ask questions ---

24 Q. Okay.

25 A. --- how the process was going to be and what rights we have.

1 Q. Okay. And what actions do you currently have pending in this case, if
2 any?

3 A. None.

4 Q. And who encouraged you to seek the advice of an attorney?

5 A. My husband and I.

6 Q. Okay. Who first contacted him?

7 A. Demie Garcia.

8 Q. Okay. What -- speaking of Demie, what's your relationship like with
9 the other families in this case currently?

10 A. Now?

11 Q. Uh-huh (affirmative).

12 A. Of course, it's a lot different that what it was before. You know, Child 2
13 and Child 3 are still friends. They get along great.

14 We've had maybe four (4) or five (5) play dates in the last year and
15 half. As far as Child 1 they play with Child 1 after school.

16 Zhling and Kevin, we don't talk to. We might say hi or bye in passing.
17 As far as the boys' families, we just -- we don't run across them.

18 Q. Okay. And -- and speaking of the boys, what about Child 3
19 relationships with them? Does she see them?

20 A. She does not see them now.

21 Q. Okay. Lynette, what behaviors, if any, has Child 3 exhibited since the
22 beginning in the K-4 class at Kids "R" Kids?

23 A. She's had problems sleeping. She will not go to bed by herself. I have
24 to lay in bed with her, even if it's two minutes before she's out, for fifteen minutes.

25 Some nights it's harder to get her to go sleep than others. We have a

1 two-story house. She will not go upstairs in the dark by herself. Even with the lights
2 on, she won't go upstairs by herself.

3 She's had some reprimands at school, wanting to hold friends' hands,
4 touch their hair, rub their backs.

5 Q. What about behaviors of a sexual nature, if any?

6 A. Since this has come up, we've -- we've notice some things. There was
7 one day we were watching a football game on Sunday and she jumped up on the
8 couch and straddled me and shook her butt and tried to kiss me.

9 And, when she did, she tried to slip me the tongue. Not too long after
10 she attempted to kiss my husband and slip him the tongue.

11 We don't kiss like that. She also dances provocatively. And she
12 doesn't see that at the house.

13 I caught her -- we were at a neighbor's house for a picnic and I -- I
14 tend to now keep a close eye on her, if she's around other friends keeping an eye
15 on her, making sure they're not away from my sight for a long period of time.

16 I walked in the house and she had a -- a younger child in the parents'
17 room and had taken his shirt off. And, when I called for her, he came out with his
18 shorts on. And I asked, "What were you doing?" And she said they were playing
19 pool.

20 Q. What other incidents have occurred, if any?

21 A. Well at Kids "R" Kids Greer, when we moved there, I think she was
22 three (3), three and half (3 ½). They had sent -- they had, had an "oh no" report
23 (phonetic). So, if something bad happened, they would fill out this little form and get
24 you to sign it and make a copy it for their records. It said that she was caught
25 playing doctor with a couple of her friends.

1 Q. Okay. And what was your impression regarding what playing doctor
2 meant?

3 A. I didn't know but, when I asked about it, they said her pants were at
4 her ankles and she was laying on the table ---

5 Q. Okay.

6 A. --- with the teacher in the room.

7 Q. What about any behaviors that you've observed --- observed with
8 Child 3 and her own body, if any?

9 A. After the first interview at the CAC, I didn't think anything of it. I drove
10 home like I normally would. But we happen to pass by the road that Kids "R" Kids
11 was on and she recognized it.

12 We went home, she asked for a drink. And, by the time I came back,
13 she was laying on the floor rubbing on herself.

14 Q. Okay. What about anything else?

15 (Brief Pause)

16 A. That's about it.

17 Q. Okay. And what behaviors does Child 3 still exhibit, if any?

18 A. She still tends to be clingy. When she gets in trouble, that's all she
19 wants is praise and reward and wants to love on me and give a bunch of kisses if
20 she knows she's done something wrong. She still has problems sleeping.

21 Q. Okay. How do you go about keeping up with the time frame with these
22 incidents with Child 3

23 A. After the incident, after the CAC visit, I called Lynn just to get her
24 phone number and just told her the concern that I had about what I was visually
25 watching. And, at that time, she had asked that we keep a journal for any incidents

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1 that we might have questions about.

2 And she'd also mentioned that anything could be a trigger. It could be
3 a voice that might have sounded like Ronasha's or words or sounds or music or
4 anything that could invoke an — an image or a thought that might have her act like
5 she might have done at that time.

6 So I started keeping a journal in my pocketbook so, if something were
7 to come up, I could write the date and what was going on around us at that time; the
8 time of day, the time of the incident, who we were around, where we were at, at that
9 particular time.

10 **Q.** Okay. And for what purpose did you keep that journal?

11 **A.** Just so I could keep track of anything that I thought was suspicious
12 behavior.

13 **MS. MILES:** Okay. That's all that I have for you. Please
14 answer any questions that Mr. Henry may have for you, okay?

15 **(Brief Pause)**

16 **CROSS EXAMINATION by MR. HENRY:**

2:19 P.M.

17 **Q.** Ms. Stein, I'm Steve Henry. I have just a few questions for you.

18 **A.** Uh-huh (affirmative).

19 **Q.** The playing doctor incident, that happened in 2009?

20 **A.** I believe it was. I'm not sure of the exact date.

21 **Q.** Okay. Is it -- after that incident, did you contact DSS or talk to the Kids
22 "R" Kids people about it?

23 **A.** I did. I talked to the director ---

24 **Q.** Okay.

25 **A.** --- that same day that I got it.

1 Q. So can you give me an idea of what month it was in 2009?

2 A. I'd have to look at the slip that I have.

3 Q. That's the, oh no slip, you're talking about?

4 A. Yes, sir.

5 Q. Okay. So they — they let you know that this had happened with —
6 with your daughter?

7 A. Correct.

8 Q. All right. And who was the other kid involved?

9 A. They --- they won't mention ---

10 Q. They won't mention names?

11 A. Correct.

12 Q. All right. How about the name of the teacher?

13 A. It was Ms. Bridget. I'm not sure of her last name.

14 Q. So it wasn't Ronasha?

15 A. No, sir.

16 Q. Okay. Did you contact law enforcement or — or DSS?

17 A. Not at that time.

18 Q. But you did later?

19 A. Not for that incident, no, sir.

20 Q. Okay. So you didn't do anything about the — the doctor playing
21 incident?

22 A. Besides talking to the director and asking — asking the director could
23 she rearrange the rooms ---

24 Q. Right.

25 A. --- so that the teacher would have better visibility around the whole

1 room.

2 Q. Okay. So -- your -- your daughter was -- was familiar with her body
3 parts, you said?

4 A. Uh-huh (affirmative).

5 Q. And that would include back then when the doctor incident happened?

6 A. I'm not sure.

7 Q. Did you talk to her about it?

8 A. Did I talked to my daughter ---

9 Q. Yes.

10 A. --- about the doctor incident?

11 Q. Yes.

12 A. Yes.

13 Q. Okay. So where did Child 3 do you think learned about playing doctor?

14 A. I don't know.

15 Q. And her teacher at that time was Bridget?

16 A. Yes, sir.

17 Q. Okay. You didn't have any issue except for that playing doctor
18 incident with Child 3 behavior until you talked to Child 2 mom; is that a fair
19 statement?

20 A. Correct.

21 Q. And, when you first found out what Child 2 mom was saying, did you --
22 did you say something to the effect you couldn't believe it?

23 A. No. I thought it was absurd.

24 Q. Okay. And your daughter at first said that nobody had touched her?

25 A. Correct. But, then, she changed her body -- her body language. And

1 it's not like Child 3 to just drop her head.

2 Q. Okay. When you took your -- you took your daughter to see two
3 doctors about possible evidence, physical evidence, of some kind of abuse like
4 penetration, something like that; is that ---

5 A. Yes, sir.

6 Q. And those came up negative?

7 A. Well they said at that time they -- it look like a normal physical.

8 Q. Okay. And, when was the last time you did that? Do you know when
9 that was?

10 A. Well the first time was on Monday the 19th, October 19th.

11 Q. Right.

12 A. And then Dr. Henderson was later.

13 Q. Okay. Now you said you met with Sally on October 18th. This -- we're
14 talking about 2010?

15 A. Correct.

16 Q. And you said that she didn't do anything?

17 A. It didn't seem like she did.

18 Q. Okay. And so you -- you got a contact from DSS, OHAN, I think -- was
19 it Bobby Seepersaud -- was that on October 19th?

20 A. I think it was late in the -- early evening -- maybe early evening of that
21 Monday.

22 Q. Okay.

23 A. And he had said he gotten a report about it and had gotten my name.

24 Q. Did the report come from you or do you know who the report came
25 from?

- 1 A. I did not call DSS.
- 2 Q. So it's possible that Sally had made the call?
- 3 A. Possibly. At that time, I did not know who made the report.
- 4 Q. And, when you met with Sally on October 18th, it was at Kids "R" Kids?
- 5 A. Correct.
- 6 Q. And Ronasha was not there?
- 7 A. Not that we saw, no.
- 8 Q. Do you know whether Sally had taken action to terminate her at that
- 9 point?
- 10 A. At that point, she had told us that she had relieved her from her duties.
- 11 Q. So she had taken -- Sally had taken some action already with respect
- 12 to that?
- 13 A. It sounded like it.
- 14 Q. The Watch Me Grow Program was -- was -- was attractive to you as a
- 15 parent so you could keep track of your daughter on t.v.?
- 16 A. The earlier she was, yes. As an infant, you know, they can't talk
- 17 and ---
- 18 Q. Sure.
- 19 A. --- you want to see what's going on.
- 20 Q. And, as she got older, you didn't watch it very much because she
- 21 could tell you what happened?
- 22 A. Correct.
- 23 Q. And was your daughter pretty good about telling you what -- what
- 24 went wrong at school?
- 25 A. If somebody hurt her, yes. There were a couple of times where

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1 somebody pushed her on the play ground and she'd come home with scabbed
2 knees. Yes, she would tell us about that.

3 Q. Okay. And -- and -- and did -- did you also have talks with her about
4 what they call "good touches and bad touches," that kind of thing?

5 A. No.

6 Q. She wasn't aware of that?

7 A. No.

8 Q. It -- would you have had expected her to tell you something that
9 happen bad with a teacher?

10 A. I would expected her to, yes.

11 Q. Okay.

12 A. If she knew it was wrong.

13 Q. All right. And -- and until you got that call from the other parent, your
14 daughter hadn't made any kind of complaint?

15 A. Did she mention anything? No.

16 Q. And, at the time of the meeting you had with Sally after you got the call
17 from the parent, had you noticed at that time any kind of specific behavior that
18 concerned you?

19 A. Not anything physically that she was doing, no, sir.

20 Q. Okay. But, by the time you met with Sally, Ronasha was gone as far
21 as you knew?

22 A. As far as I knew.

23 MR. HENRY: Thanks. That's all I have.

24 MS. MILES: Just -- just briefly, Your Honor.

25 REDIRECT EXAMINATION by MS. MILES:

2:25 P.M.

1 Q. Lynette, in the playing doctor, what year did you say that was?

2 A. It might have been late 2009.

3 Q. Okay. What location was Child 3 at when that happened?

4 A. The Greer location.

5 Q. Okay. And when did Child 3 moved to the Greer location?

6 A. February, 2009.

7 Q. In 2009? Okay. And Mr. Henry mentioned Bridget's class. What

8 teachers were floaters or subs in that classroom?

9 A. Ms. Ronasha was present in most of the classrooms she was in. The
10 first classroom she was in was Ms. Vanessa, but she was -- she became pregnant
11 and I believe Ms. Ronasha was her primary care giver after Vanessa went out.

12 Bridget was a primary care giver in the next class. And I believe
13 Ronasha and Ms. Phyllis came in to sub out if Ms. Bridget was not there.

14 Q. Okay. And Mr. Henry asked you about whether or not Child 3 would
15 talk to you if something bad happened. When Child 3 did disclose to you, what was
16 your impression regarding whether or not she knew good touch/bad touch?

17 A. I think she was more embarrassed. I mean, I don't think she really
18 knew what a bad touch or a good touch was. I mean, we didn't enforce -- I mean,
19 we didn't tel her all the time.

20 You don't think of it prior to, you know, an age where you need to
21 remind the child, "Don't let anybody touch you, don't..." -- I guess we just assumed
22 that she would know.

23 Q. Okay. Had you had that conversation with her prior to this?

24 A. No.

25 MS. MILES: Okay. No further questions. Thank you.

1 Q. Who do you live with?

2 A. My wife, Lynette Stein, and daughter Child 3

3 Q. Okay. How old is Child 3

4 A. She is now six (6) and two months.

5 Q. Okay. What's her date of birth?

6 A. July 9, 2006.

7 Q. How do you know the Defendant Ronasha Taylor in this case?

8 A. She was one of her teachers.

9 Q. One of her teachers? One of her teachers where?

10 A. At Kids "R" Kids located in Greer.

11 Q. Okay. When did you first met Ronasha Taylor?

12 A. Probably a few months after we began school there. I mean, she
13 came in; I can't remember the exact date when she came in, but it was about late
14 2009.

15 Q. Okay. What was our impression regarding when Ronasha would be
16 around Child 3

17 A. Actually, honestly, I loved it when she was around Ronasha. She
18 would confirm that herself. I mean, I thought she spoiled and gave more attention to
19 my daughter than any of the other kids in the school.

20 Q. Okay. Was she her teacher or ---

21 A. She was primary subbing, in and out. I mean, she would sit there and
22 go into her classes when other teachers would vacate. Like previously mentioned,
23 there was a turnover ratio.

24 And she would be in her classroom from -- I don't know exactly. I don't
25 remember how many there were, but they ranged I think from two, fifty (250), three

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1 hundred (300), three hundred and ten (310) or three fifty (350).

2 And she would sit there and just gradually kind of float in and out of
3 the classrooms. But she did come her permanent teacher in K-4, which was around
4 August of two thousand -- actually, I take that back.

5 They moved her -- and this is where it's going back to the question of
6 what's Ronasha, how much I appreciated her. Our daughter was actually scheduled
7 in K-4 for Ms. Laurie's class in August ---

8 **Q.** Okay.

9 **A.** --- and I had spoke with Ronasha pertaining that I wished she was
10 actually in Ms. Ronasha's class.

11 **Q.** Okay. So you mentioned Ms. Laurie. Was she Child 3 primary
12 teacher?

13 **A.** She was her primary teacher, yes, ma'am.

14 **Q.** Okay. And what periods of the day would Ronasha interact with
15 Child 3 to your knowledge?

16 **A.** To my knowledge usually, unless if something happened, say for
17 example, Ms. Laduarie was out, they may have Ms. Kori go in there or Ms.
18 Ronasha; combine the classrooms. It just matter what ratio they had I believe.

19 **Q.** Okay. And, without going into what anyone told you, was there a
20 period in time where you learn that something inappropriate happened to Child 3

21 **A.** Yes.

22 **Q.** Okay. And who did you learn that from?

23 **A.** I initially learned that from my wife, but the disclosure came from my
24 daughter.

25 **Q.** Okay. Who did you learn about the disclosure from?

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1 A. My daughter.

2 Q. Your daughter?

3 A. Yes.

4 Q. Okay. What happened to -- that led you to learning of the abuse?

5 A. She actually came in from outside and stated that something
6 happened and then went on forward to explain.

7 Q. Okay. What did you ask Child 3 at that time?

8 A. I didn't ask her anything. She came out and told us details herself.

9 Q. Okay. And what behavior did you observe from Child 3 if any?

10 A. She seemed kind of timid. I mean, she was kind of, I -- I don't know
11 because I don't if it was something where she thought she was going to hurt me, but
12 she kind seemed ashamed, almost kind of bowed her head down and then kind of --
13 you know, and I didn't know how to take it myself.

14 I -- you know, I said, "Thank you for telling me." And I had to walk
15 outside.

16 Q. Okay. And where did you learn that the abuse took place?

17 A. Kids "R" Kids located in Greer in the bathroom.

18 Q. Okay. What did you do after Child 3 disclosure?

19 A. What did I do?

20 Q. What did you do?

21 A. I had to collect my thoughts. And, at that time, unfortunately, I was a
22 smoker. And I had to go outside and smoke a few cigarettes.

23 Q. Okay.

24 A. And what I did was I discussed it with my wife. And, then, my wife
25 contacted the director of Kids "R" Kids.

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1 Q. Okay. And where did you go regarding this case?

2 A. Where did -- where ---

3 Q. Where did you go next after that?

4 A. The next -- we had a meeting with Kids "R" Kids with the director, who
5 was Sally Strickland I believe the last name was, the next morning, which was on
6 the 18th ---

7 Q. Okay. Who was ---

8 A. --- of October.

9 Q. I'm sorry.

10 A. Which was on the 18th of October, 2010.

11 Q. Okay. And who was present at that meeting?

12 A. That meeting was my wife, my daughter, Child 3 and Sally Strickland
13 and Ms. Anita. I'm sorry I don't know her last name.

14 Q. Okay. And who -- who questioned Child 3 during that period of time?

15 A. Actually, Ms. Sally did.

16 Q. Ms. Sally?

17 A. That's Correct.

18 Q. Okay. Can you tell us whether or not Child 3 made a disclosure at that
19 time?

20 A. She did.

21 Q. Can you tell whether or not it's consistent with her original disclosure?

22 A. It was consistent from what she told me, yes.

23 Q. Okay. What did you believe regarding what actions the daycare would
24 take at that period of time?

25 A. I wasn't too sure. I mean, because, when I left, I wasn't under the

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1 impression — I think they were in shock. And I was still in shock myself.

2 And I was hoping they would take the appropriate action. And, when
3 we left, I — I did not know what actions they were going to take at that time.

4 **Q.** Okay. Excuse me. What about the Defendant, was she present that
5 day?

6 **A.** No, she was not. The evening prior to that, after the discussion my
7 wife had, I was informed that she was not going to be there that day; that they -- I
8 don't know if it was administrative leave or if they had released her at that point, I
9 don't know which one it was.

10 But she was not present. And I did verify that; she wasn't present in
11 the classroom that morning when I went in.

12 **Q.** Okay. When was Child 3 last day at Kids "R" Kids?

13 **A.** Child 3 last day was actually that day that we had that meeting, which
14 was the 18th of October.

15 **Q.** Okay. And why did you remove her?

16 **A.** Honestly, I wanted to remove her that morning. But due to constraints
17 with work, my work through the government, I mean, there's a lot of political tape. It
18 was hard for me to adjust my schedule and to be able to take care of business.

19 And the same with my wife. And we were just in a state of shock not
20 knowing what to do.

21 And, once I was able to go to work and sit there and tell them I had
22 some personal stuff — and I think my wife did the same thing — we decided to
23 remove her from there. We contacted each other and said, "You know, let's get her
24 out of there asap."

25 **Q.** Okay. How old was Child 3 at this period of time?

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1 **A.** Child 3 was four (4) years of age.

2 **Q.** Four (4)? Okay. How often did Child 3 play in the bathroom to your
3 knowledge?

4 **A.** At Kids "R" Kids I would have no idea. I was never instructed if she
5 did play in the bathroom or not. But at home she did not play in our restrooms, no.

6 **Q.** Okay. How long had Child 3 been potty trained?

7 **A.** Child 3 -- Child 3 was potty trained I would say probably about a year
8 and half of age.

9 **Q.** Okay. What, if anything, had changed regarding Child 3 bathroom
10 tendencies at that period of time?

11 **A.** Bathroom tendencies what I observed, we always kind of had a open
12 bathroom policy; I mean as a toddler just in case if she had issues. But around that
13 time frame she started closing the door and actually she figured out how to lock the
14 door.

15 **Q.** Okay.

16 **A.** So she'd be in there with a locked door.

17 **Q.** What type of assistance did Child 3 need from you in the bathroom?

18 **A.** For wiping in front, if she would pee, she would not need assistance.
19 And — but occasionally, when she would sit there — and actually, I'm going to use
20 the word defecated, I mean, she may require assistance on wiping.

21 **Q.** Okay. What about others? To your knowledge what assistance did
22 Child 3 require from others with wiping?

23 **A.** None that I knew about. Nobody ever approached me if she did
24 require assistance.

25 **Q.** Okay. What was your impression regarding how often Ms. Laurie or

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1 Ms. Ronasha or Ms. Phyllis or anyone had to help Child 3

2 **A.** Again, nobody ever took it to my attention pertaining to if she required
3 it or not.

4 **Q.** Okay. What interaction have you had with law enforcement in this
5 case?

6 **A.** With law enforcement, I believe the one thing I was informed of is that
7 Bobby from OHAN sat there and contacted law enforcement.

8 And the next meeting we had I think we received a phone call. I
9 wouldn't be able to tell who it was from but pertaining to a meeting that they would
10 give us general information on how the case was going to proceed and what was
11 going to happen.

12 **Q.** Okay. And you mentioned Bobby from OHAN.

13 **A.** Yes.

14 **Q.** What did you speak to him about?

15 **A.** I personally called. And the reason I called because was because I
16 wanted to see what the procedure was.

17 And, of course, this had never happened to me and then hopefully it
18 will never happen again. But I just wanted to see what course of action would be
19 taken and mister -- I'm sorry I don't know his last name -- but Bobby with OHAN sat
20 there and told me that he did contact law enforcement and that he was going to do a
21 follow-up investigation. And that they would have reports later in the future. And
22 after that I had no contact with him.

23 **Q.** Okay. What access may Child 3 have had to the internet at the age of
24 four (4) years?

25 **A.** At the age of four (4) she had absolutely none.

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1 Q. Okay. What about now?

2 A. She has some. And it's monitored. And, of course, usually it's a case
3 when pertaining to school, Starfall (phonetic). It's an academic website that we
4 permit her to play on.

5 Q. Okay. And what about movies or shows of a sexual nature?

6 A. Movies and shows of a sexual nature never.

7 Q. Okay.

8 A. I mean, at four (4) and — and now, of course, you know, you still have
9 some shows such as *Shrek* or something that may have your hidden innuendoes
10 but it's not intended for a child to understand.

11 Q. Okay. What are some of the reason why you and your wife chose
12 Kids "R" Kids for Child 3

13 A. Well we actually had a neighbor that attended Kids "R" Kids in the
14 Mauldin location. And we had referrals.

15 So we met with the instructor, the director at that time. And I loved the
16 idea of having Watch Me Grow. And although there's an intermittent delay, it was
17 delayed every three (3) or four (4) seconds; I'm not too sure of the direct parameters
18 on how it was.

19 But I -- I loved the location and the staff at that time. And it was great.
20 And one of the instructors, Ms. Pat, we kind of fell in love with, who was then the
21 instructor.

22 Q. Okay. You mentioned Watch Me Grow, what's Watch Me Grow?

23 A. Watch Me Grow is an internet -- internet-based program. And you can
24 actually go online and actually monitor your child or the classroom.

25 And I believe you can only monitor up to a certain point in the day. So

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1 you couldn't go back. Say, for example, something happened yesterday; you
2 couldn't go back and actually see that.

3 You'd be able to see what pertains to that day. And, after a certain
4 time, it would cut off. I wouldn't know what time that was though.

5 **Q.** Okay. How often would you watch the video feed?

6 **A.** Initially, when we introduced her to the Kids "R" Kids location in
7 Mauldin, I mean, I watched it quite a bit because, I mean, it was kind of pertaining
8 and at that time I worked third shift with the post office for, I think, just a — a short
9 brief period.

10 And so out of curiosity I'd go on there. And it was for more just for to
11 be able to have some fun to see my child and just sit there and see her in the
12 playpen.

13 **Q.** Okay.

14 **A.** So ---

15 **Q.** I'm sorry. Go ahead.

16 **A.** But — and then, you know, progressively, the only time I'd watch it at
17 the Kids "R" Kids location in Mauldin is when something happened such as a biting;
18 I mean, a toddler's bite. And so I would see it occasionally.

19 But, once she moved to the new location, I would hardly do it because
20 I was on days at the post office at that point.

21 **Q.** Okay. When you did watch it, what rooms were you able to see?

22 **A.** The primary room that Child 3 was in is what I'd see. My wife said we
23 could have requested the other rooms, but I typically only got to go on there to
24 watch her room.

25 **Q.** Okay. And what if the classes combined for anything?

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1 **A.** And, if they were combined, you would be able to see from — and this
2 is my wife's perspective; I don't know if that's hearsay, but if it's ---

3 **Q.** No. If it's -- if you don't know ---

4 **A.** Okay.

5 **Q.** --- just say you don't know.

6 **A.** I don't know.

7 **Q.** Okay. When you did log on, what parts of the room could you see?

8 **A.** Her primary classroom.

9 **Q.** Okay.

10 **A.** That's what I would see.

11 **Q.** What could you see in her primary classroom?

12 **A.** You could actually see the desk area for the room that she was in for
13 Ms. Laurie's room. You'd be able to see where the desk were and also where the
14 play area was.

15 **Q.** Okay. What about the door to the bathroom?

16 **A.** You wouldn't be able to see unless if it was open.

17 **Q.** Okay. What about inside the bathroom?

18 **A.** Inside there's no cameras in there so there would be no way to see in.

19 **Q.** Okay. What were your feelings towards Ronasha Taylor prior to
20 these allegations coming out?

21 **A.** Again, prior to the allegations, I sat there and I actually appreciated her
22 as a teacher and I don't know based on the curriculum. And we spoke about the
23 curriculum. And I thought she had a better curriculum and understanding than what
24 Ms. Laurie did at that time through our conversations.

25 But she, again, treated my kid with respect. I felt that she cuddled my

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1 kid more than other kid and she spoiled her. And she always brought home
2 treasure box items.

3 **Q.** Okay. And, when you say Ms. Ronasha, would you please identify her
4 for the Court, please?

5 **A.** Ms. Ronasha is sitting there in the dress, the flowered dress, right next
6 to Mr. Henry.

7 **MS. MILES:** Okay. Would the record please reflect that Mr.
8 Stein pointed out the Defendant.

9 **Q.** (By Ms. Miles) Mr. Stein, for -- who have you spoken to regarding any
10 of your family's legal rights?

11 **A.** Walt Tollison (phonetic) I believe.

12 **Q.** Okay. And who encouraged you to speak to him if anyone?

13 **A.** My wife and I discussed it. And we weren't too sure what course of
14 action was happening.

15 I mean, we didn't get too much from law enforcement initially. And we
16 just wanted to know what our rights were and our daughter's rights and how to
17 protect ourselves.

18 **Q.** Okay. Who all have you spoken to regarding this case?

19 **A.** Regarding this case, I mean, I did make a call to Jose. And I think that
20 was after Mr. Garcia made a call. And again Mr. Garcia stated that he blew him off.

21 Jose pretty much said, "Okay." I can't say he blew me off, but he just
22 said, "It's okay."

23 And also we had a family in our neighborhood that attended Kids "R"
24 Kids also. And their kids were a -- a class below us. And I ---

25 **Q.** Okay.

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1 A. --- informed them also.

2 Q. And you mentioned Jose Salazar. When did you speak to him?

3 A. I — I would have to say it was sometime in late October of 2010.

4 Q. In 2010?

5 A. I can't remember the exact date.

6 Q. Okay. How much information did you provide to him at that time?

7 A. Typically, I didn't provide much information. I — I informed him that
8 there was disclosure from my daughter pertaining to a sexual nature. And that was
9 it.

10 Q. Okay. Who did you tell him it involved?

11 A. I didn't tell him it involved anybody. I didn't give any names. Of
12 course, my — I informed of my daughter. That was it.

13 Q. Okay. What about a teacher?

14 A. The teacher, I didn't say anything about the teacher.

15 Q. Okay. How much information did any other parents provide to you?

16 A. To us, I mean, from what my wife heard ---

17 Q. Well from -- to you specifically?

18 A. To me specifically? None.

19 Q. Okay. What are your relationships like with the other families in this
20 case?

21 A. Prior to Child 3 disclosure, I mean, I would just cordially see them in
22 the hallways as we'd pick up the kids. And occasionally, you know, kids tend to
23 have the birthday parties and you wanted somebody to be at a party. So you'll go to
24 those parties. And I would have run-ins with them at that time.

25 Q. Okay.

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1 **A.** But, I mean, there was really no friendship. I mean, I'm a type of guy
2 that keeps to myself. I have my group of friends and -- you know, but I'm cordial
3 with everybody that I meet.

4 **Q.** Okay. How close are your children?

5 **A.** At daycare I would have no idea. Prior to the disclosure I don't know
6 how close the children were because I wasn't there to observe it.

7 But I can tell you, after the disclosure was made, of course, you know,
8 Child 3 and Child 2 are close because they are in the same classroom, the same
9 daycare. And Child 1 is also in that daycare too.

10 But I think Child 3 and Child 2 have grown a little bit closer on a bond.
11 But prior to that, I wouldn't -- I wouldn't know.

12 **Q.** Okay. What behaviors, if any, has Child 3 exhibited since the
13 beginning in the 4-K class?

14 **A.** You know, it's -- it's -- it's hard for me because I look back, there was
15 a moment in September where Child 3 came up to me and pinched my nipples
16 because I was sitting there watching a game.

17 And she actually physically came up there. And I didn't have a shirt
18 on; I just had jeans on at that time in my lounge chair. And she came up and
19 pinched my nipples and laughed.

20 And I said, "We don't do that." And she did it again and said, "Pinchie,
21 pinch." And she would also sit there and state, "Pinchie, pinch", like, "pinchie, pinch,
22 I love you," or just "pinchie, pinch." And these were behaviors that she never
23 exhibited before until that point.

24 And also, you know, I -- I would see her occasionally patting her --
25 and, again, excuse the reference -- coochie (phonetic). We use that term for

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1 vagina. She would sit there and pat her coochie on the couch. And she would do
2 like a butt shake.

3 She would also sit there and say, "Smell my butt." So

4 **Q.** And, when you say September, what year are you referring to?

5 **A.** September of 2010.

6 **Q.** Okay.

7 **A.** And some of these actions continued throughout October, of course.

8 And, then, throughout that duration, through 2010 and beginning until 2011.

9 **Q.** What behaviors, if any, does your — does Child 3 still exhibit?

10 **A.** She still exhibits the excessive touching, the — the kind of -- when --
11 we get some many notes at school saying that she was touching another kid.

12 And everything she does I question now, unfortunately. I don't know if
13 it's because of, you know, what happened to her. But, I — I mean, I question it, but
14 it's getting better through therapy. So ...

15 **MS. MILES:** Okay. Mr. Stein, I don't any other questions for
16 you. Please answer any questions Mr. Henry may have for you, okay?

17 **THE WITNESS:** Okay.

18 **CROSS EXAMINATION by MR. HENRY:**

10:43 A.M.

19 **Q.** Thank you. Mr. Stein, just a couple of things.

20 **A.** How are you doing?

21 **Q.** Fine, thank you. Before -- before the October 18th, 2010 meeting, you
22 told us all the kinds of behavior that were suspicious to you ---

23 **A.** Yes.

24 **Q.** --- that you could remember?

25 **A.** Now the — the October 10th -- before the October 10th meeting, the

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ones that I just disclosed here ---

Q. Right.

A. --- of course is in retrospective looking back at this. Now, you know, I can put a general idea of why they were happening.

Q. Okay. Back in September and October of 2010?

A. That's correct.

Q. At that point, when they happened, there was no connection so you didn't take any action except to tell your daughter not to do it?

A. That is correct. I didn't take any actions. And -- and so what I did, you know, I -- I disclosed to my daughter; I said, "You know, don't let strangers touch you."

But I never disclosed to my daughter, "Don't let any family relatives or anybody that you know not touch you."

Q. I see. Okay.

A. So she would know that was just wrong.

Q. Before the October 10th, 2010 meeting you had with Sally at Kids "R" Kids -- you were at that meeting?

A. Yes, I was.

Q. There was no disclosure or statement from your daughter that -- that had to do with any kind of penetration or oral sex or any of that?

A. At that time, no, sir.

Q. All right. And how about, when the forensic interviews ended around that time, did you -- back it up -- did you go see the interviews at all? Did you go with -- were you present? Or did you ---

A. I did not see the interviews personally myself, no. But I did assist in

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1 driving my daughter to the CAC, yes.

2 **Q.** Did you wait downstairs or just drop her off?

3 **A.** I waited downstairs in the waiting room.

4 **Q.** Up to that point, when the interviews had ended, had there been any
5 disclosure by your daughter about any kind of penetration or oral sex at that point?

6 **A.** At that point, no.

7 **Q.** So all the interviews had been completed before that happened?

8 **A.** At the CAC there was no disclosure of penetration. After the CAC,
9 there was disclosure of penetration.

10 **Q.** Got you. That was not at the forensic interviews?

11 **A.** No, sir, it was not.

12 **Q.** And that was a period of time after they had ended when that first
13 got ---

14 **A.** Can you repeat that again? I'm lost.

15 **Q.** Sure. It's for a period of time after the — the interviews ended when
16 you first had some kind of disclosure about penetration or oral sex?

17 **A.** Yes, sir, that's correct.

18 **(Brief Pause)**

19 **MR. HENRY:** That's all I have. Thanks very much.

20 **THE WITNESS:** Thank you. I appreciate it.

21 **MS. MILES:** Nothing further from the State, Your Honor.

22 **THE COURT:** Thank you, sir. You may stand down, sir.

23 **(Witness complied with the Court's request.)**

24 **MS. MILES:** Your Honor, may — may we approach briefly?

25 **THE COURT:** Yes.

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1 **MS. MILES:** Thank you.

2 **(Whereupon, a bench conference was had with all attorneys**
3 **present.)**

4 **MS. MILES:** The State calls Michele Seckinger to the stand.
5 (Whereupon,

6 **MICHELE SECKINGER**

7 having been duly sworn, testified as follows:)

8 **DIRECT EXAMINATION by MS. MILES:**

2:53 P.M.

9 **Q.** Would you please state your name for the record?

10 **A.** Michelle Seckinger.

11 **Q.** Michelle, where do you currently work?

12 **A.** Kids "R" Kids?

13 **Q.** Kids "R" Kids? And what's Kids "R" Kids?

14 **A.** A child care center.

15 **Q.** Okay. And where is it located?

16 **A.** There's two of them. I have one in Greenville and I have one in Greer.

17 And it's at 390 Westmoreland Road.

18 **Q.** Okay. And what county is the Greer location in?

19 **A.** Spartanburg.

20 **Q.** Spartanburg? Okay. And you mentioned you have two locations.

21 What's your positions there?

22 **A.** The owner.

23 **Q.** The owner? Who do you own it with?

24 **A.** My husband Aaron.

25 **Q.** Okay. How long have you owned the Kids "R" Kids?

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1 **A.** The Greenville location, eleven (11) years. The Greer location almost
2 four (4).

3 **Q.** Okay. And what did you do before you owned Kids "R" Kids?

4 **A.** Worked in child care.

5 **Q.** Okay. Can you -- where at?

6 **A.** I worked at the Sunshine House in Easley. The Sunshine House at
7 Michelin and Children Under Construction in Greenville.

8 **Q.** Okay. Michelle, how do you know the Defendant, Ronasha Taylor, in
9 this case?

10 **A.** She was an employee of Kids "R" Kids.

11 **Q.** Okay. What location?

12 **A.** Greer.

13 **Q.** Okay. How old do you have to be to work at Kids "R" Kids?

14 **A.** Eighteen (18).

15 **Q.** Eighteen (18)? Okay. Was Ronasha Taylor eighteen (18) to your
16 knowledge at that time?

17 **A.** I'm not sure.

18 **Q.** Okay. That's fine. Who interviews and hires employees for Kids "R"
19 Kids?

20 **A.** The director.

21 **Q.** The director? Okay. And that's not your position?

22 **A.** No.

23 **Q.** Okay. Who would have been the director that hired Ronasha Taylor?

24 **A.** Donna Farlough (phonetic).

25 **Q.** And to you knowledge when was she hired?

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- 1 **A.** Donna was hired when we opened in 2009.
- 2 **Q.** Okay. And what — go ahead.
- 3 **A.** I'm sorry.
- 4 **Q.** What about the Defendant? I'm sorry. When was she hired to your
5 knowledge?
- 6 **A.** I'm not sure when she was.
- 7 **Q.** Okay. When did you first meet her to your recollection?
- 8 **A.** Two thousand and nine (2009).
- 9 **Q.** Okay. Do you know around what time of year it would have been?
- 10 **A.** Spring.
- 11 **Q.** Okay. In 2010, how often were you physically present at the Greer
12 location of Kids "R" Kids?
- 13 **A.** I don't recall exactly, but I'm at either center every day.
- 14 **Q.** Okay. How often would you go back and forth between the centers?
- 15 **A.** Generally I'm at the Greer center in the morning and the Greenville
16 center in the afternoon.
- 17 **Q.** Okay. So you go back and forth?
- 18 **A.** Yes.
- 19 **Q.** Where is your office located at the Greer location?
- 20 **A.** I have an office located upstairs, but I'm usually downstairs with
21 management.
- 22 **Q.** Okay. When you're downstairs, where are you?
- 23 **A.** The front office, around the building.
- 24 **Q.** Okay.
- 25 **A.** No specific location.

1 Q. And you mentioned the front office. And how often did you leave that
2 front office area?

3 A. Occasionally.

4 Q. Okay. And for what purpose?

5 A. If a child was injured or sick, maybe a teacher had called me to come
6 see one of their projects that they had completed.

7 Q. All right. What tendency did you have, if any, to walk down the halls at
8 Kids "R" Kids

9 A. Occasionally

10 Q. And for what purpose?

11 A. The same.

12 Q. Okay. What about -- whose job was it to monitor the halls, if any?

13 A. No one specific.

14 Q. Okay. How often would you be in the classrooms with the teachers at
15 Kids "R" Kids?

16 A. I don't know exactly. But every morning, when I would get there, I'd go
17 in and say good morning to all the teachers or whatever, and then as needed I
18 guess.

19 Q. Okay. What about throughout the day?

20 A. As needed.

21 Q. Okay. Where did you go during any breaks?

22 A. I didn't generally leave.

23 Q. Okay. What about during your lunch break?

24 A. I would stay there.

25 Q. Okay. What about others at the Kids "R" Kids? Where would they go

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1 during their lunch break to your knowledge?

2 A. Like the teachers?

3 Q. Yes.

4 A. They -- well they're clocked out so they could either leave the building
5 or go upstairs to the break area.

6 Q. Okay. And why would they have to either go upstairs or go out?

7 A. So they could get a break.

8 Q. Okay. And who was the director during 2010 at Kids "R" Kids?

9 A. Sally Strickland.

10 Q. Okay. And what does she do to your knowledge during lunch time?

11 A. I think she left.

12 Q. Okay. Where -- I'm sorry, how often would you interact with Ronasha
13 Taylor when you were at the Kids "R" Kids Greer location?

14 A. Maybe a couple of times.

15 Q. Okay. For what purpose?

16 A. I remember her coming to the front desk several times and talking.

17 Q. Okay. And how often would you observe her interacting with children?

18 A. Occasionally.

19 Q. Occasionally? Okay. And what about the kids in the 4-k class? How
20 often would you observe her with the kids in the 4-K class?

21 A. Occasionally.

22 Q. Okay. How familiar are you with the children in this case?

23 A. I know one of them.

24 Q. Okay. And which one?

25 A. Child 3

1 Q. Okay. And how do you know Child 3

2 A. She started at the Greenville location and then transferred to the
3 Greer.

4 Q. Okay. And how often did you see Ronasha Taylor interact with the
5 children in this case?

6 A. Never.

7 Q. Okay. You mentioned that you did see her interact, with some
8 children, including children in some of the 4-K classes. What, if anything, did you
9 observe unusual about their interactions?

10 A. Nothing.

11 Q. Okay. Michele, when did you of any allegations involving Ronasha
12 Taylor in this case?

13 A. When Lynette Stein called me on a Sunday evening.

14 Q. Okay. And when was that Sunday evening?

15 A. October 17th.

16 Q. Okay. What year?

17 A. Two thousand, ten (2010).

18 Q. Two thousand and ten (2010)?

19 A. Yes.

20 Q. Okay. And what did you do upon learning of these allegations?

21 A. I immediately called Sally Strickland and told her that she needed to
22 put Ronasha on suspension. And she needed to report it to DSS the next morning.

23 Q. Okay. And, when you spoke with Sally, what was your impression
24 regarding what she knew of the allegations, if she was aware or not?

25 A. That she was aware.

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1 **Q.** Okay. What protocol -- what is the protocol for handling these types of
2 allegations?

3 **A.** You suspend the employee. You contact DSS. And you contact the
4 owners.

5 **Q.** Okay. And what was your impression regarding whether Sally followed
6 that protocol?

7 **A.** She did not.

8 **Q.** Okay. When was a report made to DSS?

9 **A.** Sally indicated that she did it the next morning ---

10 **Q.** Okay.

11 **A.** --- on the 19th.

12 **Q.** Okay. And what's the proper time frame?

13 **A.** Immediately in those types of cases.

14 **Q.** And who did you say made the report ---

15 **A.** Sally.

16 **Q.** --- to DSS? Sally? Okay. What parents in this case did you speak
17 with?

18 **A.** Just the Steins.

19 **Q.** The Steins? Okay. What about other parents of kids at KRK?

20 **A.** I talked to many of them. We had sent out a couple of letters letting
21 them know that there was allegations for one of our employees. And so they had
22 concerns and they came to me.

23 **Q.** Okay. And what name was mentioned in that letter, if any?

24 **A.** There was no name mentioned.

25 **Q.** Okay.

1 A. Just one of our employees.

2 Q. Okay. What parents in this case did you meet with?

3 A. In this case?

4 MR HENRY: Objection.

5 THE COURT: What's your objection?

6 MR. HENRY: It's too wide open, Your Honor.

7 (Brief Pause)

8 THE COURT: Counsel can you narrow that down, please, your
9 question.

10 MS. MILES: I'll – I'll certainly will. Yes, sir.

11 THE COURT: Make it relevant.

12 Q. (By Ms. Miles) What parents involved in this case did you personally
13 meet with?

14 A. None.

15 Q. Okay. And, when you first were made aware of these allegations, how
16 many children were involved?

17 A. I believe two (2).

18 Q. Two (2)? Okay. When did you learn about the other children that had
19 come forward?

20 A. I don't recall exactly; a couple of weeks later.

21 Q. Okay. And how were you made aware of their allegations?

22 A. Just from being at the center.

23 Q. Okay. What is Watch Me Grow?

24 A. Watch Me Go — Grow is a video system that we have. We have two
25 (2) cameras in every classroom, two (2) on the playground and two (2) in the

1 lunchroom.

2 And it's password protected so only the — the people that have the
3 password can get on.

4 Q. Okay. Where are the camera located throughout Kids "R" Kids?

5 A. There's two (2) in every classroom, two (2) in the cafeteria, two (2) on
6 each playground.

7 Q. Okay. When can you or other employees see video feed from these
8 cameras?

9 A. I can see it anytime. The other employees can see if they come to the
10 front desk because we have monitors behind the front desk.

11 Q. Okay. And what access would other employees beside yourself have
12 to the video feed other than the front desk?

13 A. None unless they have children there.

14 Q. Okay. And how did you access the video feed?

15 A. The internet.

16 Q. On the internet?

17 A. Uh-huh (affirmative).

18 Q. Who had administrative access?

19 A. I did and the director.

20 Q. Okay. And the director at that time was Sally you said?

21 A. Yes.

22 Q. And the monitors that you mentioned, where are those monitors
23 located?

24 A. There's four (4) behind the front desk.

25 Q. Behind the front desk? Okay. And whose job is it to monitor those --

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1 to view those monitors?

2 A. No one specific.

3 Q. Okay. To your knowledge, how often does that picture change if it
4 changes on the monitor?

5 A. I'd say every five (5) to ten (10) seconds.

6 Q. Okay. And the — the video cameras that you mentioned are on each
7 side the classroom. What areas of the classroom do those videos — the video
8 cameras cover?

9 A. The majority.

10 Q. Okay. What areas are they not supposed to cover?

11 A. The restrooms.

12 Q. And for what purpose are they not suppose to?

13 A. Per Watch Me Grow you're not allowed to. It's for the privacy of the
14 children.

15 Q. Okay. What information is provided to the employees about the
16 Watch Me Grow cameras?

17 A. Nothing specific that I'm aware of.

18 Q. Okay. And, to your knowledge, how familiar with the locations that the
19 cameras covered would employees be aware of?

20 A. I'm not sure.

21 Q. Okay. As — as far as the cameras, what changes have been made to
22 those cameras since 2010, if any?

23 A. None.

24 Q. Okay. What are the bathroom policies at Kids "R" Kids?

25 A. If a child needs assistance, the door should remain open.

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1 **Q.** Okay. When are teachers supposed to enter the bathroom with
2 children?

3 **A.** If a member of management is present or another teacher.

4 **Q.** Okay. How could the teachers contact another teacher if they needed
5 assistance?

6 **A.** We have telephones in all the classrooms.

7 **Q.** Okay. And what about in the 4-K class, were the bathroom policies
8 the same for that age?

9 **A.** The same.

10 **Q.** Okay. What changes have been made to the bathroom policies since
11 2010, if any?

12 **A.** None. It's always been our policy, but now we have it in a written
13 policy.

14 **Q.** Okay. What are employees advised of as far as flushing things down
15 the toilet?

16 **A.** Only toilet paper because of the septic system.

17 **Q.** Okay. What issues have you all had with the toilets there?

18 **A.** We've had to have the septic system cleaned out twice because of
19 tampons.

20 **Q.** Okay. And that was clogging up the toilets?

21 **A.** Uh-huh (affirmative).

22 **Q.** What notes did you send out to employees regarding flushing things
23 down the toilet, if any?

24 **MR. HENRY:** I'm going to object on relevance, Judge.

25 **THE COURT:** I'll sustain it unless you can make it relevant,

1 Counsel.

2 MS. MILES: I'll – I'll move on, Your Honor. That's fine.

3 Q. (By Ms. Miles) What are the policies at Kids "R" Kids regarding nap
4 time?

5 A. We follow DSS policies.

6 Q. Okay. And what are those?

7 A. You sleep head to toe and the ratios. That's about it.

8 Q. Okay. And you mentioned ratios. What do you mean by that?

9 A. Depending on the age of the child; for a four (4) year old, it would be
10 seventeen (17) to one (1) normally, but it doubles for nap time.

11 Q. Okay. And how many teachers would be watching over the children
12 napping?

13 A. We follow DSS ratios for that as well.

14 Q. Okay. And so for the 4-K class, how many would that be?

15 A. One.

16 Q. One? And what purpose did they combine classes?

17 A. When the teachers take breaks.

18 Q. Okay. And what was the policy for where the teachers were supposed
19 to be when they're watching the kids at nap time?

20 A. We don't have a written policy, but they should either be planning or
21 looking after the children that don't sleep, cleaning.

22 Q. Okay. And where are they supposed to be physically? In the
23 classroom or in — anywhere else?

24 A. In the classroom.

25 Q. Okay. What changes have been made to nap time policies since

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2010?

A. None.

Q. Okay. What conversations have you personal had with the Defendant since these allegations came out?

A. None.

Q. Okay. And, when was Ronasha Taylor's last day at Kids "R" Kids, to your knowledge?

A. I am not exactly sure, but she never returned from suspension.

Q. Okay. And the previous director that you mentioned, Sally Strickland, is she still employed there?

A. She's not.

Q. Okay. And when was her last day?

A. I don't recall the exact date, but it was probably a couple of weeks after we found out about everything.

MS. MILES: Okay. Beg the Court's indulgence.

(Brief Pause)

MS. MILES: Your Honor, may we approach for a moment?

THE COURT: You may.

MS. MILES: Thank you.

(Whereupon, a bench conference was had with all attorneys present.)

Q. (By Ms. Miles) Just real quick, Michele. Going back to the bathroom policies ---

A. Uh-huh (affirmative).

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1 **Q.** What were the teachers advised of as far as flushing things down the
2 toilet? What were employee at Kids "R" Kids advised of?

3 **A.** To only flush toilet paper.

4 **Q.** Okay. And what did you provide them as far as notice for that
5 information?

6 **A.** We sent out a memo.

7 **Q.** Okay. And what were they advised to do as far as monitoring others
8 not flushing things down the toilet, if anything?

9 **A.** There were no specific instructions given on that.

10 **Q.** Okay. What were they advise to do, if anything, as far as making sure
11 children don't flush anything down the toilet?

12 **A.** Nothing.

13 **Q.** Okay.

14 **MS. MILES:** Beg the Court's indulgence.

15 **(Brief Pause)**

16 **MS. MILES:** The State has no more further questions for you.

17 Please, answer any questions Mr. Henry may have, okay?

18 **CROSS EXAMINATION by MR. HENRY:**

3:03 P.M.

19 **Q.** Hi, Ms. Seckinger; just a couple of questions.

20 **A.** Okay.

21 **Q.** I want to ask you some questions about Watch Me Grow.

22 **A.** Okay.

23 **Q.** That -- that seems to a pretty important part of your program at Kids
24 "R" Kids. And it seems somewhat unique; is that -- do the other places have that in
25 Greenville and in Greer?

- 1 A. Not that I'm aware of.
- 2 Q. Well how did you -- how did you come about getting that program?
- 3 A. It's part of the franchise.
- 4 Q. It's part of the deal?
- 5 A. Uh-huh (affirmative).
- 6 Q. Is Watch Me Grow out of a different state than South Carolina?
- 7 A. It's out of Washington.
- 8 Q. So you contracted with Watch Me Grow to put the cameras in and --
- 9 and the monitoring system?
- 10 A. Yes.
- 11 Q. And the monitors I think -- I think you said you had four (4) at the front
- 12 desk?
- 13 A. We do.
- 14 Q. Is it -- I mean, are they like in a circle or how are they set up?
- 15 A. They're -- there's two (2) on each side.
- 16 Q. Okay. So is there some monitoring by the staff here -- at least here
- 17 and there about what's going on with the kids in the other rooms?
- 18 A. Yes.
- 19 Q. Is it done somewhat randomly? Or do -- do you tell people at the desk
- 20 to keep an eye out?
- 21 A. It's random ---
- 22 Q. All right.
- 23 A. --- as far as the monitors.
- 24 Q. What about the recording of that? Is there any recording of the day's
- 25 activities that you can look at later?

1 A. The parents can see — well, they can see the full day up until midnight
2 and then it erases. But we have a DVR and we can see I think three days.

3 Q. Three days? So you can do it three (3) days back?

4 A. Yes.

5 Q. If everything is working?

6 A. Yes.

7 Q. There was a question I think in this case about whether some of it was
8 working during that time ---

9 A. Yes.

10 Q. --- is that right? So, if I had a child at Kids "R" Kids, and my child
11 comes home and says something happened to me like another kid hit me or a
12 teacher hit me, then, could I go back then and talk to you and say, "Can we look
13 back yesterday and see what happened?"

14 A. Yes.

15 Q. Has that been done before in — to your ---

16 A. Yes.

17 Q. --- knowledge? Has there been an incident like that where -- where a
18 child has told a parent, "A teacher did something to me," and you're able to check it?

19 A. Uh-huh (affirmative).

20 Q. And then you could confirm whether it was true or not at that point?

21 A. Yes.

22 Q. So in theory anyway, if something happened to a child like a sexual
23 abuse allegations like we're talking about here, assuming the child tells a parent or a
24 child tells the teacher, if it happened yesterday, that system will allow you to go
25 back and check and confirm what happened at least what you could see on — on

1 the screen?

2 A. Yes.

3 Q. Okay. And I'm assuming that, as an owner of a daycare center, you'd
4 be very sensitive to that kind of complaint and would do all you could do to follow
5 up?

6 A. Yes.

7 Q. The cameras are set so that — that the room can be seen, the
8 playground can be seen, I understand; is that right?

9 A. Uh-huh (affirmative), yes.

10 Q. And the — and the cafeteria can be seen?

11 A. Right.

12 Q. You can't see in the bathroom because of privacy issues and because
13 Watch Me Grow as that policy?

14 A. Right.

15 Q. But everything else you can see if you look the — at the video?

16 A. For the majority, yes.

17 Q. For the — for the majority of cases? Okay. When new parents come
18 to Kids "R" Kids, are they given a tour?

19 A. Yes.

20 Q. Do you know whether Ronasha was ever the — the teacher that would
21 give those tours?

22 A. I'm sure she was.

23 Q. Did that get spread around to other — to all the different teachers or —
24 or were certain ones picked for that? Or do you know?

25 A. Generally what happens is they come to the front, we give the

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1 information that we have. We introduce them to the teacher that's going -- that their
2 child is going to be in and then we leave it with them.

3 **Q.** Okay. Now you said earlier I think that Sally Strickland, who was the
4 director at that time, did not follow the protocol that you had mentioned earlier; is
5 that right?

6 **A.** Uh-huh (affirmative).

7 **Q.** When you sent the letters to the parents, did you tell the parents that
8 Sally had done everything that she was supposed to do?

9 **A.** No, I don't think so.

10 **Q.** Okay. Well let me just show you this document and ask if this is the
11 letter -- the letter you sent out.

12 **A.** Uh-huh (affirmative).

13 **Q.** Before I do that, do you know whether you sent the letter out
14 approximately ten (10) days or so after you first talked to Ms. Stein?

15 **A.** I don't recall when.

16 **Q.** Let me just show you this to see if this -- this refreshes your memory
17 at all. And I'm just using that as a sample for the moment.

18 **(Witness reviews document.)**

19 **A.** This is one of them, yes.

20 **Q.** Okay. And -- and let me just show it to counsel real quick and

21 **(Brief pause while document shown to Counsel.)**

22 **Q.** (By Mr. Henry) So is this a sample of one of the letters that was sent?

23 **A.** Yes:

24 **MR. HENRY:** Your Honor, there's a name of a parent on here
25 who is not involved in the case. I would just ask if we could just redact that

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1 before we submit it to the jury if it gets in. There's no point in having that
2 name on there.

3 **MS. HALL:** I'm sorry?

4 **MR. HENRY:** I was going to have the — the name of the — the
5 parent on here who is not involved in this case redacted ---

6 **MS. HALL:** Yes.

7 **MR. HENRY:** --- if — if it comes in. I'd like to offer this into to
8 evidence, Judge.

9 **THE COURT:** All right. With the redaction, no objection,
10 Counsel?

11 **MS. MILES:** May we review it real quickly?

12 **THE COURT:** Sure.

13 **(Brief Pause)**

14 **MS. MILES:** Your Honor, I'm — I'm not sure what the relevance
15 of this letter would be. This is what —

16 **THE COURT:** Approach just a minute, please.

17 **(Whereupon, a bench conference was had with all attorneys**
18 **present.)**

19 **Q.** (By Mr. Henry) I think we've already established that was a — a
20 sample of the letter you sent out October 28th, 2010; is that — is that correct?

21 **A.** That's correct.

22 **Q.** And in that letter did you talk about the procedure that Sally Strickland
23 followed?

24 **A.** I'd have to read it and see.

25 **Q.** Take — take your time; it's about a page and half.

(Brief pause while witness reviews document.)

A. What was the question?

Q. Did you talk about the — the procedure that Sally had followed when she got the information about the allegations?

A. It's says, "She notified the necessary state authorities."

Q. Okay. Is that -- is that about it on that part of it? Does it say any more about it than that?

A. (No Response)

Q. Does it say anything about the time limits of it?

A. Yes, that she moved quickly.

Q. Okay. To notify -- could you just tell me that part one more time?

A. It says, "Sally Strickland moved quickly to notify all — all the necessary state authorities."

Q. Okay. And in that letter -- does the letter, in fact, mention by client by name?

A. It does.

MR. HENRY: Thank you very much. That's all I have Judge.

MS. MILES: Just briefly, Your Honor.

REDIRECT EXAMINATION by MS. MILES:

3:18 P.M.

Q. Michele, what was different, if anything, regarding the Watch Me Grow system during that period in October when these allegations came out, the recording capabilities?

A. Nothing.

Q. Okay. What about a server issue?

A. There was a server down where it — and this is from Sally ---

1 Q. Well what about -- what to your knowledge?

2 A. That the server was down and they couldn't read -- they couldn't get
3 the DVR to read anything at that time.

4 Q. Okay. And what is your impression regarding whether parents did
5 request to view that video feed during this period of time?

6 A. I -- I believe some of them did.

7 Q. Okay. Who would they have made that request to?

8 A. Sally.

9 Q. Okay. If the parents would have been able to get that feed, but for the
10 server issue, would they have been able to see into the bathroom?

11 A. No.

12 Q. Okay.

13 MS. MILES: Beg the Court's indulgence.

14 (Brief Pause)

15 Q. (By Ms. Miles) When did you become aware of what all had taken
16 place as far as what had or had not been done as far as the director, Sally
17 Strickland?

18 A. That next week after Lynette Stein notified me.

19 Q. The next week? Okay.

20 A. You mean as far as reporting it to DSS or...?

21 Q. Yeah. When did you find out about her having reported it?

22 A. After I talked to Ms. Stein and I called Sally. She said she had not
23 reported it.

24 Q. Okay. And, when did you become aware of all things that Sally may
25 have or may not have done?

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1 **A.** Over the next couple of weeks.

2 **Q.** Okay.

3 **MS. MILES:** No further questions, Your Honor.

4 **MR. HENRY:** Just one area if you don't mind, Judge.

5 **THE COURT:** Yes, sir.

6 **RE-CROSS EXAMINATION by MR. HENRY:**

3:20 P.M.

7 **Q.** As far as the — the three (3) day view from the D — the DVR —

8 **A.** Uh-huh (affirmative).

9 **Q.** — you're saying that it was -- it was -- you learned that it was broken
10 down for a period of time?

11 **A.** Right.

12 **Q.** Around this incident, right?

13 **A.** Right.

14 **Q.** But before that, the — the months and years before, it was operational
15 as far as you knew?

16 **A.** Yes.

17 **MR. HENRY:** Okay. That's all. Thank you.

18 **THE COURT:** Thank you, ma'am. You may stand down, ma'am.

19 **(Witness complied with the Court's request.)**

20 **THE COURT:** All right, Counsel, we'll go ahead and take a break
21 at this time.

22 Mr. Foreman, ladies and gentlemen of the jury, we'll take a break at
23 this time. You can refresh yourselves during the break. Please retire to the
24 jury room.

25 **(The jury exited the courtroom at 3:21 p.m.)**

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having been duly sworn, testified as follows:)

DIRECT EXAMINATION by MS. HALL:

Q. What is your name?

A. Anita Eubanks.

Q. Where do you work?

A. At Kids "R" Kids in Greer.

Q. What do you do at Kids "R" Kids?

A. I'm the assistant director.

Q. How long have you worked at Kids "R" Kids?

A. I've worked with Kids "R" Kids for over five (5) years, but I also worked at the Kids "R" Kids in Greenville first.

Q. How long have you been at Kids "R" Kids in Greer?

A. Since March of 2009.

Q. Okay. And what did you do prior to becoming the assistant director?

A. I was a teacher in the Suite 200 classroom at — at the Greenville center.

Q. What are the different suite numbers? We've heard a little bit about those.

A. That's what we call our classrooms. Their labels are suite numbers. We have an infant/preschool side. It starts off with Suite 100, which is about six (6) weeks to ten (10) months.

We have a Suite 150. It's from ten (10) months to eighteen (18) months. Suite 200 is eighteen (18) months to two (2) years.

Suite 250 is two (2) to two and-a-half (2 ½). Suite 300 is two and-a-half (2 ½) to three (3). Suite 350 is our threes (3's) and three and-a-half (3 ½).

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1 Suite 400 is the three and-a-half (3 ½) to about four (4). Suite 450 is –
2 it's kind of an in between classroom. It's the classroom where they -- if they turn
3 four (4) before they go into 4-K, they go to that classroom.

4 Then Suite 500 and Suite 550, they are our 4-K classrooms. And
5 Suite 600 is our private kindergarten. And, then, Suite 650 is -- we call it the gym,
6 but it's just our after-school classroom.

7 Q. And what is the setup of these suites? How is the -- how does the
8 layout kind of work?

9 A. You walk in the front door of the center, the whole left-hand side is the
10 infant/toddler side.

11 Q. What suite numbers is that?

12 A. Suite 100 through Suite 250.

13 Q. Okay.

14 A. Then the couch here is in the middle. Then the other side, on the
15 right-hand side, is our preschool side. And that's Suite 300 through Suite 550.

16 That -- if you walk through the center, of course, in back is our Suite
17 600, which is the kindergarten. And our gym is on the right -- back left-hand corner.

18 Q. Okay. Who is the current director at Kids "R" Kids?

19 A. Heidi Williams (phonetic).

20 Q. And who was the director in 2010?

21 A. In 2010, it was Sally Strickland.

22 Q. Who did you report to in 2010?

23 A. Sally Strickland.

24 Q. How do you know the Defendant in this case, Ms. Taylor?

25 A. She was an employee at Kids "R" Kids.

1 Q. When did you first meet her?

2 A. When she -- on her first day.

3 Q. Okay. And do you know when about that was?

4 A. I think it was April 2009.

5 Q. What is her date of birth?

6 A. It's July 22nd, 1988.

7 Q. Okay. And is she here today?

8 A. She is. She's sitting right there (indicating).

9 Q. Okay. Where is your office at Kids "R" Kids?

10 A. It's up front in the lobby.

11 Q. How often typically are you in your office during the day?

12 A. Not long. I mean, they were -- I'm in there mainly just after rush hour,
13 which is -- rush hour is about, you know, between whenever time I'd get there, you
14 know, till about 8:30.

15 That's when a lot of parents are going in and dropping off. So we're
16 assisting parents, you know, with the kids. And then I'm in there probably for a
17 couple hours, you know. Then, we're throughout the building.

18 Q. And why would you leave your front area, your desk area?

19 A. If I had any handouts that needed to go to the teachers. If I -- if -- if
20 we were going to check numbers, which is where we go through and check the
21 ratios and make sure the classrooms are in the correct ratios.

22 Q. What is -- what does that mean?

23 A. We'll go through and we'll just walk in and we'll -- you know like, "How
24 many do you have?" Then we'll write it down.

25 You have a form they actually filled out. And we'll write down how

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1 many teachers are in that classroom, how many children, to make sure they're in the
2 DSS ratio.

3 And so we do that all throughout the day. And, then, if a child is hurt, if
4 a teacher needed assistance, if a teacher needed to go to the restroom; those
5 different reasons.

6 **Q.** Okay. What access, Anita, do you have to video monitoring?

7 **A.** I can get onto Watch Me Grow. I have my own password and log in.
8 But I can only view the cameras, I cannot -- that's all. Like I don't have any
9 administrative access to it.

10 **Q.** And what does administrative access give you?

11 **A.** Administrative access gives you the ability to go through and change
12 a parent's account as far as give the parent a different classroom, like if you have
13 classroom delay.

14 And then they also have access to the DVR where they can record or
15 go back and look.

16 **Q.** So you didn't have any of those abilities?

17 **A.** No, I -- I did not.

18 **Q.** Who had those abilities?

19 **A.** To my knowledge, just Sally and the owners.

20 **Q.** Okay. How often generally do you watch the cameras during the day?

21 **A.** The -- we watch the monitors that are sitting behind the lobby. We just
22 randomly will, you know, turn around and watch them.

23 Sometimes it's funny because something might catch your eye. And, if
24 it does, then, we'll turn around and watch it. And we'll watch it go back, you know.

25 That or, if we had to call a classroom and they didn't pick up, we'll