

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Lee S. Alford, Circuit Court Judge

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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

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The State of South Carolina, Respondent,

v.

Ronasha Taylor, Appellant.

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RECORD ON APPEAL

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|             |   |
|-------------|---|
| INDEX ..... | i |
|-------------|---|

## TRIAL TRANSCRIPT

|                        |   |
|------------------------|---|
| TRANSCRIPT INDEX ..... | 1 |
|------------------------|---|

|                         |   |
|-------------------------|---|
| MOTIONS IN LIMINE ..... | 8 |
|-------------------------|---|

## TESTIMONY

### MEREDITH THOMPSON-LOFTIS (In Camera)

|                                        |    |
|----------------------------------------|----|
| Direct Examination by Ms. Hall .....   | 9  |
| Voir Dire by Mr. Henry .....           | 16 |
| Direct Examination by Ms. Hall .....   | 23 |
| Cross Examination by Mr. Henry .....   | 27 |
| Redirect Examination by Ms. Hall ..... | 32 |
| Examination by the Court .....         | 33 |

### LYNETTE STEIN (In Camera)

|                                      |    |
|--------------------------------------|----|
| Direct Examination by Ms. Hall ..... | 34 |
| Cross Examination by Mr. Henry ..... | 37 |

### MEREDITH THOMPSON-LOFTIS (In Camera)

|                                        |    |
|----------------------------------------|----|
| Direct Examination by Ms. Hall .....   | 44 |
| Cross Examination by Mr. Henry .....   | 47 |
| Examination by the Court .....         | 51 |
| Redirect Examination by Ms. Hall ..... | 51 |
| Recross Examination by Mr. Henry ..... | 52 |

### IVONNE OSORNO (In Camera)

|                                      |    |
|--------------------------------------|----|
| Direct Examination by Ms. Hall ..... | 53 |
| Cross Examination by Mr. Henry ..... | 57 |

### MEREDITH THOMPSON-LOFTIS (In Camera)

|                                        |    |
|----------------------------------------|----|
| Direct Examination by Ms. Hall .....   | 67 |
| Cross Examination by Mr. Henry .....   | 70 |
| Redirect Examination by Ms. Hall ..... | 74 |
| Examination by the Court .....         | 74 |

### JOSE SALAZAR (In Camera)

|                                      |    |
|--------------------------------------|----|
| Direct Examination by Ms. Hall ..... | 76 |
| Cross Examination by Mr. Henry ..... | 81 |
| Examination by the Court .....       | 83 |

|                                         |     |
|-----------------------------------------|-----|
| MEREDITH THOMPSON-LOFTIS (In Camera)    |     |
| Direct Examination by Ms. Hall .....    | 92  |
| Cross Examination by Mr. Henry .....    | 101 |
| Redirect Examination by Ms. Hall .....  | 105 |
| PAMELA DAVIS                            |     |
| Direct Examination by Ms. Hall .....    | 108 |
| Examination by the Court .....          | 115 |
| OPENING STATEMENT BY MS. HALL .....     | 126 |
| OPENING STATEMENT BY MR. HENRY .....    | 129 |
| TESTIMONY                               |     |
| CHILD 3 (In Camera)                     |     |
| Examination by the Court .....          | 134 |
| CHILD 4 (In Camera)                     |     |
| Examination by the Court .....          | 138 |
| CHILD 5 (In Camera)                     |     |
| Examination by the Court .....          | 143 |
| CHILD 6 (In Camera)                     |     |
| Examination by the Court .....          | 146 |
| CHILD 1 (In Camera)                     |     |
| Examination by the Court .....          | 150 |
| CHILD 2 (In Camera)                     |     |
| Examination by the Court .....          | 152 |
| ZHLING SPICER                           |     |
| Direct Examination by Ms. Miles .....   | 154 |
| Cross Examination by Mr. Henry .....    | 175 |
| Redirect Examination by Ms. Miles ..... | 183 |
| Recross Examination by Mr. Henry .....  | 185 |
| BOBBY SEEPERSAUD                        |     |
| Direct Examination by Ms. Hall .....    | 186 |

|                                         |     |
|-----------------------------------------|-----|
| Cross Examination by Mr. Henry .....    | 200 |
| Redirect Examination by Ms. Hall .....  | 206 |
| <hr/>                                   |     |
| MEGAN BURRELL                           |     |
| Direct Examination by Ms. Hall .....    | 209 |
| Cross Examination by Mr. Henry .....    | 230 |
| Redirect Examination by Ms. Hall .....  | 244 |
| KEVIN SPICER                            |     |
| Direct Examination by Ms. Miles .....   | 246 |
| Cross Examination by Mr. Henry .....    | 255 |
| CHILD 1                                 |     |
| Direct Examination by Ms. Miles .....   | 258 |
| Cross Examination by Mr. Henry .....    | 270 |
| LYNN MCMILLAN                           |     |
| Direct Examination by Ms. Miles .....   | 278 |
| Voir Dire by Mr. Henry .....            | 287 |
| Direct Examination by Ms. Miles .....   | 293 |
| MOTION TO ADMIT VIDEOS .....            | 308 |
| TESTIMONY                               |     |
| LYNN MCMILLAN (Continued)               |     |
| Direct Examination by Ms. Miles .....   | 321 |
| Cross Examination by Mr. Henry .....    | 333 |
| Redirect Examination by Ms. Miles ..... | 337 |
| DEMIE GARCIA                            |     |
| Direct Examination by Ms. Hall .....    | 338 |
| Cross Examination by Mr. Henry .....    | 361 |
| ANDERSON GARCIA                         |     |
| Direct Examination by Ms. Hall .....    | 365 |
| Cross Examination by Mr. Henry .....    | 381 |
| Redirect Examination by Ms. Hall .....  | 384 |
| CHILD 2                                 |     |
| Direct Examination by Ms. Hall .....    | 387 |
| Cross Examination by Mr. Henry .....    | 399 |



|                                         |     |
|-----------------------------------------|-----|
| Redirect Examination by Ms. Hall .....  | 400 |
| LYNN MCMILLAN                           |     |
| Direct Examination by Ms. Hall .....    | 403 |
| Cross Examination by Mr. Henry .....    | 419 |
| Redirect Examination by Ms. Hall .....  | 424 |
| LYNETTE STEIN                           |     |
| Direct Examination by Ms. Miles .....   | 427 |
| Cross Examination by Mr. Henry .....    | 450 |
| Redirect Examination by Ms. Miles ..... | 455 |
| Recross Examination by Mr. Henry .....  | 457 |
| JAMES STEIN                             |     |
| Direct Examination by Ms. Miles .....   | 457 |
| Cross Examination by Mr. Henry .....    | 471 |
| MICHELE SECKINGER                       |     |
| Direct Examination by Ms. Miles .....   | 474 |
| Cross Examination by Mr. Henry .....    | 487 |
| Redirect Examination by Ms. Miles ..... | 493 |
| Recross Examination by Mr. Henry .....  | 495 |
| ANITA EUBANKS                           |     |
| Direct Examination by Ms. Hall .....    | 496 |
| Cross Examination by Mr. Henry .....    | 516 |
| Redirect Examination by Ms. Hall .....  | 527 |
| DENISE COFFEE                           |     |
| Direct Examination by Ms. Hall .....    | 529 |
| Cross Examination by Mr. Henry .....    | 538 |
| NANCY HENDERSON                         |     |
| Direct Examination by Ms. Miles .....   | 541 |
| Cross Examination by Mr. Henry .....    | 557 |
| Redirect Examination by Ms. Miles ..... | 558 |
| CHILD 3                                 |     |
| Direct Examination by Ms. Miles .....   | 560 |
| Cross Examination by Mr. Henry .....    | 590 |
| LYNN MCMILLAN                           |     |
| Direct Examination by Ms. Miles .....   | 593 |

|                                         |     |
|-----------------------------------------|-----|
| Cross Examination by Mr. Henry .....    | 599 |
| Redirect Examination by Ms. Miles ..... | 607 |
| IVONNE OSORNO                           |     |
| Direct Examination by Ms. Hall.....     | 616 |
| Cross Examination by Mr. Henry .....    | 642 |
| Redirect Examination by Ms. Hall.....   | 648 |
| DIEGO BERMUDEZ                          |     |
| Direct Examination by Ms. Hall.....     | 649 |
| CHILD 4                                 |     |
| Direct Examination by Ms. Hall .....    | 660 |
| Cross Examination by Mr. Henry .....    | 672 |
| Redirect Examination by Ms. Hall.....   | 677 |
| TABITHA WEBER                           |     |
| Direct Examination by Ms. Hall .....    | 678 |
| Voir Dire by Mr. Henry.....             | 684 |
| Direct Examination by Ms. Hall .....    | 685 |
| Cross Examination by Mr. Henry .....    | 701 |
| Redirect Examination by Ms. Hall.....   | 707 |
| RADHJA SALAZAR                          |     |
| Direct Examination by Ms. Miles .....   | 724 |
| Cross Examination by Mr. Henry .....    | 738 |
| Redirect Examination by Ms. Miles ..... | 740 |
| JOSE SALAZAR                            |     |
| Direct Examination by Ms. Miles.....    | 741 |
| Cross Examination by Mr. Henry .....    | 751 |
| CHILD 5                                 |     |
| Direct Examination by Ms. Miles.....    | 754 |
| Cross Examination by Mr. Henry.....     | 771 |
| TABITHA WEBER                           |     |
| Direct Examination by Ms. Miles .....   | 774 |
| PAMELA DAVIS                            |     |
| Direct Examination by Ms. Hall .....    | 788 |
| Cross Examination by Mr. Henry .....    | 810 |
| Redirect Examination by Ms. Hall.....   | 813 |

|                                                   |     |
|---------------------------------------------------|-----|
| CHILD 6                                           |     |
| Direct Examination by Ms. Miles .....             | 817 |
| Cross Examination by Mr. Henry .....              | 836 |
| TABITHA WEBER                                     |     |
| Direct Examination by Ms. Hall .....              | 838 |
| Cross Examination by Mr. Henry .....              | 845 |
| Redirect Examination by Ms. Hall.....             | 849 |
| MEREDITH THOMPSON-LOFTIS                          |     |
| Direct Examination by Ms. Hall .....              | 860 |
| KORI KNISELY                                      |     |
| Direct Examination by Ms. Hall .....              | 877 |
| Cross Examination by Mr. Henry .....              | 887 |
| LAURI FRADY                                       |     |
| Direct Examination by Ms. Hall .....              | 887 |
| Cross Examination by Mr. Henry .....              | 901 |
| Redirect Examination by Ms. Hall.....             | 903 |
| MOTIONS TO DISMISS AND FOR DIRECTED VERDICT ..... | 904 |
| TESTIMONY                                         |     |
| ETHEL ACKAH                                       |     |
| Direct Examination by Mr. Henry .....             | 918 |
| Cross Examination by Ms. Hall .....               | 921 |
| BRIDGET BUFFORD                                   |     |
| Direct Examination by Mr. Henry .....             | 922 |
| Cross Examination by Ms. Miles .....              | 926 |
| PHYLLIS BURNS                                     |     |
| Direct Examination by Mr. Henry .....             | 927 |
| Cross Examination by Ms. Miles .....              | 934 |
| DONNA WILSON                                      |     |
| Direct Examination by Mr. Henry .....             | 936 |
| Cross Examination by Ms. Miles .....              | 947 |

|                                             |      |
|---------------------------------------------|------|
| BERTHA TERRY                                |      |
| Direct Examination by Mr. Henry .....       | 954  |
| Cross Examination by Ms. Hall .....         | 960  |
| SHIRLEY TAYLOR                              |      |
| Direct Examination by Mr. Henry .....       | 964  |
| Cross Examination by Ms. Miles .....        | 971  |
| COSONDRA JENKINS                            |      |
| Direct Examination by Mr. Henry .....       | 975  |
| Cross Examination by Ms. Miles .....        | 982  |
| KENYA RAINEY                                |      |
| Direct Examination by Mr. Henry .....       | 984  |
| Cross Examination by Ms. Hall .....         | 987  |
| RONASHA TAYLOR                              |      |
| Direct Examination by Mr. Henry .....       | 989  |
| Cross Examination by Ms. Miles .....        | 1023 |
| Redirect Examination by Mr. Henry .....     | 1054 |
| Recross Examination by Ms. Miles .....      | 1055 |
| TABITHA WEBER                               |      |
| Direct Examination by Ms. Hall .....        | 1056 |
| Cross Examination by Mr. Henry .....        | 1060 |
| CLOSING ARGUMENTS                           |      |
| Mr. Henry .....                             | 1064 |
| Ms. Miles .....                             | 1074 |
| JURY CHARGE .....                           | 1101 |
| JURY QUESTIONS AND TESTIMONY PLAYBACK ..... | 1103 |
| VERDICT .....                               | 1108 |
| SENTENCING .....                            | 1114 |
| INDICTMENTS AND SENTENCING SHEETS .....     | 1128 |
| POST-TRIAL MOTION .....                     | 1146 |
| ORDER DENYING POST-TRIAL MOTION .....       | 1155 |

CERTIFICATE OF COUNSEL.....1165

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THE COURT:**  
**State's Exhibits 1, 2, 7, 9, 10, 19, 22, and 40**

**MS. ANITA EUBANKS - DIRECT by MS. HALL**

**Page 586**

1 check and make sure -- to see if they were in their classroom or if they're outside.

2 It's -- it's just something random we'll do.

3 But, then, if say a child is injured and a teacher needed to know if --  
4 you know, they weren't -- they did not happen to see how they fell or exactly what  
5 happened, how can you get back on the camera for that day; go back and review  
6 and see -- you know, help them figure out what happened, or just randomly go onto  
7 the cameras and just flip through the classrooms just to see what was going on.

8 **Q.** So you mentioned the -- the monitors in the lobby, that sometimes  
9 something would catch your eye and you would watch it?

10 **A.** Yes.

11 **Q.** How long were you able to watch any given camera feed?

12 **A.** It's about every three seconds or so. It will change different views.

13 **Q.** Okay.

14 **A.** And it's always the same views on the same monitor. So each monitor  
15 has about five or six views that it will constantly change through.

16 **Q.** Okay. What -- what portion of the classrooms can you see with the  
17 cameras?

18 **A.** You can see about ninety (90) percent of the classroom. Not all  
19 classrooms can you see the door. The camera is in a certain way to where you  
20 can't see any diaper changing areas on our infant side or the bathroom areas on  
21 the preschool side.

22 **Q.** All right. And are the employees made aware of the camera views?

23 **A.** Yes, they are. I mean, the cameras are visible. So you know the  
24 cameras are in the classrooms. And, then, anytime we go through and do a tour,  
25 we do the tour in the classrooms and that's one of the things we make sure that our

**MS. ANITA EUBANKS - DIRECT by MS. HALL**

**Page 587**

1 parents -- potential parents know that we have; how it works and what it's for. So  
2 the teachers do know where the camera access is.

3 **Q.** Do the teachers have access to the cameras?

4 **A.** Not unless they have a child there. If they have a child there, then,  
5 they can have the same as any other parent does. But other than that, no, they do  
6 not.

7 **Q.** How often would you say -- a percentage of your day are you in the  
8 classrooms with teachers?

9 **A.** Probably about seventy percent (70%) of my day I'm in the classroom.

10 **Q.** Okay. What about your lunch breaks? Where do you go during your  
11 lunch break?

12 **A.** I normally don't go anywhere on my lunch break.

13 **Q.** Where -- what -- where do you eat I guess?

14 **A.** At my desk.

15 **Q.** Okay. When is your lunch break?

16 **A.** Just normally -- we normally try and take our lunch break during nap  
17 time, which is anywhere between 12:00 and 3:00. And ---

18 **Q.** Who is "we"?

19 **A.** I'm sorry. Management staff will. We'll try and take a lunch break  
20 during those times just because it's a quiet time of the day at the center. So that  
21 way we're there as much as we can during the -- during the day.

22 **Q.** Nap times you said were between 12:00 and 3:00 generally?

23 **A.** Generally. The younger they are, they go down earlier. And, then --  
24 like the -- the younger kids go down about 12:00 to 2:00. The older kids, they  
25 normally start laying down right around 1:00 until 3:00.

**MS. ANITA EUBANKS - DIRECT by MS. HALL****Page 588**

1       **Q.**       Okay. And what about the teachers' lunch breaks? When were they?

2       **A.**       They're normally do during nap times too, but we also have a few  
3 floaters who will go in and relieve the teacher that sometimes isn't near the nap  
4 time.

5       **Q.**       Okay. What were Sally's lunchtime habits?

6       **A.**       She typically just would hang out in the center too. And, then, every  
7 now and then she would leave and go somewhere.

8       **Q.**       When you said hang out at the center, where would she hang out?

9       **A.**       At her desk.

10      **Q.**       Okay. What about any policies that you all have about walking around  
11 and going in and out of rooms?

12      **A.**       We don't really have a policy instated that they could not eat in the  
13 classroom or go in a classroom while on their lunch break. Several teachers will opt  
14 to use their lunch break time to do some curriculum activity; you know, get the  
15 curriculum ready so they can hang out in the classrooms.

16               We don't suggest it. And it's kind of frowned upon if they go in the  
17 classrooms and eat with other teachers because they're distracting that teacher  
18 from watching the kids that are sleeping.

19      **Q.**       Okay. What about the timers? Do you all have timers now?

20      **A.**       We do now. We -- that's something that the new director has instated.  
21 And it's a timer that we set every thirty (30) minutes. And it -- when it goes -- it's just  
22 a typical, you know, hour timer.

23               And, when it goes off every thirty (30) minutes, they use these like  
24 when they get up and go through the center and check numbers just so we're  
25 constantly -- we're making sure one of us are constantly rotating the center.



MS. ANITA EUBANKS - DIRECT by MS. HALL

Page 589

1 Q. That was not in place in 2010?

2 A. It was not.

3 Q. Okay. How often in 2010 did you walk by Suites 500 and 550?

4 A. The same as I would any other classroom.

5 Q. Okay. So how often per day would that be?

6 A. Fairly often, again, for the same reasons. If they needed to go to the  
7 bath — bathroom or if a teacher needed to -- you know, needed some assistance,  
8 they needed a supply and they need us to come in the classroom and get; a child  
9 was injured, we needed to get our papers; those kinds of things.

10 Q. So it would generally be when you were called down there by a  
11 teacher or if you had something to give a teacher?

12 A. Yes. That would be when we run our numbers, when we would go  
13 through and check. And we still checked numbers then; we just didn't have the  
14 timer.

15 Q. When did you check numbers back then?

16 A. We typically do it -- we do it every about fifteen (15) to thirty (30)  
17 minutes from 6:30 a.m. to about 10 o'clock -- or 10:00 p.m. -- or 10:00 a.m.; sorry.  
18 And, then, we would go back and randomly do it through till about 2 o'clock. And  
19 then at 2 o'clock we started doing it again about every thirty (30) minutes.

20 Q. Okay. So, the first thing in the mornings and then in the afternoons?

21 A. Yes.

22 Q. Okay. How often would you interact with the Defendant when you  
23 were working at Kids "R" Kids?

24 A. Pretty often. I mean, you know, she's a teacher. She was at teacher  
25 there and I was, you know, one of the management staff. So we interact with the

**MS. ANITA EUBANKS - DIRECT by MS. HALL**

**Page 590**

1 teachers very often every day.

2 **Q.** Who is in management?

3 **A.** There's myself as assistant director. Heidi Williams is now the  
4 director. Denise Coffey is administrative assistant. And Heidi Williams is -- is the  
5 director.

6 **Q.** Okay. And who directly supervised the Defendant in 2010?

7 **A.** Sally Strickland.

8 **Q.** How often did you observe Sally Strickland leave her desk every day?

9 **A.** Not often.

10 **(Brief Pause)**

11 **Q.** How often would you observe the Defendant interacting with any of the  
12 children in the center?

13 **A.** Fairly often. She was -- before she was put in the 4-K classrooms, she  
14 was moved a lot to different classrooms. So she was in and out of a lot of  
15 classrooms. She worked a lot with all the kids.

16 **Q.** How was she with the kids?

17 **A.** She was great with the kids.

18 **Q.** How often would you observe her with the children in the 4-K class?

19 **A.** She wasn't in there very long. That classroom didn't start until August,  
20 late August of 2010. So it wasn't a whole lot that I got to see her in there.

21 **Q.** And what suite was it she was in?

22 **A.** Suite 550.

23 **Q.** Five, fifty (550)? Where would that be in the -- in the layout of the  
24 center?

25 **A.** If you walk in the center and you go to the left -- or to the right, down

**MS. ANITA EUBANKS - DIRECT by MS. HALL****Page 591**

1 our right hallway, it was the very last classroom on the right.

2 Q. Okay. And what about Ms. Laurie, what suite was she in?

3 A. She was in Suite 500.

4 Q. Okay. So where was 500 in relationship to the center and to 550?

5 A. It was the classroom before 550 on the right-hand side.

6 Q. All right. So Ms. Laurie and Ms. Ronasha were the last two  
7 classrooms on the right?

8 A. Yes.

9 Q. Okay. Where was Ms. Ronasha before she moved to four -- to the  
10 550, the 4-K class?

11 A. I know she was a teacher in Suite 300. And, then, she's also a floater.

12 Q. All right. What about Ms. Bridget? Did Ronasha ever work with her?

13 A. I don't think -- she wasn't a teacher in a classroom with Ms. Bridget.  
14 There would be times on occasions that she would work in there with her as a  
15 floater or she would take Ms. Bridget's place if she called out sick or those kind of  
16 things.

17 Q. Okay. So she was in Ms. Bridget's class occasionally?

18 A. Yes.

19 Q. Okay. How familiar are you with the children involved in this case?

20 A. Very familiar.

21 Q. How often did you see the Defendant interact with them?

22 A. In the 4-K classroom or ---

23 Q. Yes.

24 A. In the 4-K, it wasn't very often because that classroom wasn't in -- they  
25 had -- they all -- all those kids had just moved up into that classroom, but she wasn't

**MS. ANITA EUBANKS - DIRECT by MS. HALL**

**Page 592**

1 a lot of their primary teacher either.

2 **Q.** Okay. Who -- who -- who was the primary teacher?

3 **A.** Ms. Laurie.

4 **Q.** All right. So when would you see the Defendant interacting with  
5 majority of these children?

6 **A.** It would mainly be during nap time or if like if Ms. Laurie wasn't --  
7 wasn't there and we had to combine the classrooms that day for any reason. That  
8 was pretty much it.

9 **Q.** Okay. And how often would you observe the Defendant with the  
10 children in this case during nap time in the 4-K class?

11 **A.** We didn't go through the classrooms very often during nap time just for  
12 the fact that that's when we would try and take a break. And it's -- we try to keep it  
13 quiet so that the kids can sleep.

14 So we don't try -- we don't try to go in the classrooms very often just  
15 keep the noise and the -- you know, the noise level down.

16 **Q.** How many times would you say you ever went in the classroom while  
17 the Defendant was in there with the children during nap?

18 **A.** During that time, probably -- I mean, it was still probably a good bit,  
19 probably about fifteen (15) times or so.

20 **Q.** Fifteen (15) times you went in during nap time while the Defendant  
21 was with the children?

22 **A.** Yes.

23 **Q.** Okay. What, if anything, did you observe that was unusual about their  
24 interactions?

25 **A.** Nothing.

**MS. ANITA EUBANKS - DIRECT by MS. HALL****Page 593**

1       **Q.**       When did you learn of any allegations involving the Defendant in this  
2 case?

3       **A.**       On I believe it was October 8<sup>th</sup>. It was a Friday.

4       **Q.**       Who did you learn that from?

5       **A.**       I actually was off work that day. I was on vacation and I got a text  
6 message that there were some allegations made.

7       **Q.**       Do you know who the text was from?

8       **A.**       I do not recall.

9       **Q.**       What happened next?

10       **A.**       Next I really couldn't say what was going on because I was on vacation  
11 with my family until that Monday. And on that Monday I spoke with Sally in the office  
12 and she kind of informed me what about what had happened.

13       **Q.**       What happened after you and Sally spoke in the office?

14       **A.**       Next Ms. Spicer came in and we had a meeting with her and Child 1

15       **Q.**       Okay. So who was in that meeting?

16       **A.**       I believe at first it was just Ms. Spicer and Child 1 And, then, they  
17 called Ronasha into the office as well.

18       **Q.**       So Ms. Spicer and Child 1 ---

19       **A.**       Uh-huh (affirmative).

20       **Q.**       --- you ---

21       **A.**       Sally.

22       **Q.**       Sally ---

23       **A.**       And Ronasha.

24       **Q.**       ---- and then Ronasha?

25       **A.**       Yes.

MS. ANITA EUBANKS - DIRECT by MS. HALL

Page 594

1 Q. Whose idea was it to bring Ronasha into the meeting?

2 A. I can't remember. I think it was -- I don't remember if it was Ms.

3 Spicer's idea or if it was Sally's idea. I -- I can't recall.

4 Q. And when did Child 1 come into the meeting?

5 A. I believe she was in there the whole time.

6 Q. Okay. Who questioned Child 1 regarding the allegations?

7 A. I don't recall. It was -- it was either Sally or Ms. Spicer.

8 Q. And did Child 1 make a disclosure of abuse at that time?

9 A. She did.

10 Q. And was the Defendant present when Child 1 made that disclosure?

11 A. She was.

12 Q. And what did the Defendant say at that time?

13 A. She -- she denied that, that had happened.

14 Q. What did she say about going into the bathroom with Child 1

15 A. I believe she just mentioned that she would go in there and assist her

16 like she would any other child.

17 Q. What did she say about going into the bathroom to assist her? Did

18 she say how often that occurred or...?

19 A. No.

20 Q. And what date was that? Do you know?

21 A. It was either that Monday or Tuesday after Miss -- Ms. Spicer had first

22 come to Sally on that Friday.

23 Q. Okay.

24 A. So like the 12<sup>th</sup>, 13<sup>th</sup>. I don't really remember the exact date.

25 Q. What report, Anita, was made to DSS at that time?

**MS. ANITA EUBANKS - DIRECT by MS. HALL****Page 595**

1       **A.**       There was not a report made.

2       **Q.**       What did you do?

3       **A.**       I tried to convince Sally that a report needed to be made.

4       **Q.**       Why?

5       **A.**       It's not my job to do that. And I'm — or was at that time, I was not  
6 aware of exactly what needed to be done because it was not my job. But knowing  
7 that something like this had come forward, I knew that we needed to protect the  
8 children some way. And so I tried to convince her that something needed to be  
9 done.

10       **Q.**       And what -- what specifically did you want Sally to do?

11       **A.**       I — I mentioned calling DSS, and she said that she didn't believe that it  
12 was happening, so, she didn't want to contact DSS. So I suggested for her to at  
13 least contact Michele or Aaron and possibly suspend Ronasha or something until we  
14 knew what to do.

15       **Q.**       And did she contact Michele that day?

16       **A.**       She did not.

17       **Q.**       Did she suspend Ronasha?

18       **A.**       She did not.

19       **Q.**       Okay. What happened next?

20       **A.**       Next the Garcias came to us. It was that Friday.

21       **Q.**       Okay. And who are the Garcias?

22       **A.**       It's Child 2 parents.

23       **Q.**       Okay. And what -- what was the gist of that conversation without  
24 telling me what anybody said?

25       **A.**       That Child 2 had made a disclosure.

MS. ANITA EUBANKS - DIRECT by MS. HALL

Page 596

1 Q. And so what happened after they came forward?

2 A. After they came forward, it was that Fri -- I don't remember if it was  
3 Friday morning or Friday afternoon, but we kind of went through the same argument  
4 that something needed to happen but, again, nothing happened.

5 Q. Okay. When the Spicers came -- excuse me, when the Garcias came  
6 in, who did they come in and meet with?

7 A. It was myself, Sally, and Mr. and Mrs. Garcia.

8 Q. And was -- was Child 2 present?

9 A. She was not.

10 Q. Was DSS contacted after the Garcias came in?

11 A. I don't believe so.

12 Q. What about Michele, was she called?

13 A. No.

14 Q. Okay. What about Ronasha? Was she suspended?

15 A. No.

16 Q. What other parents came in for a meeting in this case?

17 A. In the case?

18 Q. Uh-huh (affirmative).

19 A. I know that the Bermudezes -- the Bermudezes came forward and the  
20 Steins.

21 Q. Okay. And were you present for meetings with the Steins?

22 A. I was.

23 Q. Okay. And who was present for that meeting?

24 A. It was myself, Sally and Mr. and Mrs. Stein and Child 3

25 Q. Okay. Child 3 was present at that meeting?



MS. ANITA EUBANKS - DIRECT by MS. HALL

Page 597

- 1 A. I do believe so, yes.
- 2 Q. All right. Was a disclosure of abuse made at that meeting?
- 3 A. Yes.
- 4 Q. Okay. And, after that meeting with the Steins, was DSS contacted?
- 5 A. They --- they were.
- 6 Q. Okay.
- 7 A. I believe they might have been contacted that morning before they got
- 8 there.
- 9 Q. Okay.
- 10 A. I can't remember exactly what time that day she contacted DSS.
- 11 Q. Sally contacted them the day the Steins came in for the meeting?
- 12 A. Yes, yes.
- 13 Q. What about the owner? Was the owner contacted?
- 14 A. Yes. She was contacted that weekend before.
- 15 Q. Okay. And was -- was the owner, Michele, contacted by Sally?
- 16 A. No.
- 17 Q. Who contacted Michele?
- 18 A. The Steins.
- 19 Q. What about the Bermudezes? Were you present for their meeting?
- 20 A. I was not.
- 21 Q. All right. What about other families in this case? Were you present for
- 22 any meetings with the Salazars or the Davises?
- 23 A. I remember the Davises coming in and discussing the meeting, but I
- 24 wasn't -- I remember coming and discussing -- I wasn't in there, so I'm not sure if a
- 25 disclosure was made when she came forth.

MS. ANITA EUBANKS - DIRECT by MS. HALL

Page 598

1 Q. When did Ms. Davis come in?

2 A. I don't recall. It was -- I think it was Novemberish.

3 Q. Okay. What about other families?

4 A. We had several families that came forward ---

5 MR. HENRY: Objection, Your Honor.

6 THE COURT: Sustained if it's not somebody involved in this

7 case.

8 MS. HALL: Okay. Withdrawn.

9 Q. (By Ms. Hall) Where was Sally at this point?

10 A. When?

11 Q. End of October.

12 A. The end of October, Sally was sent over to the -- our Greenville  
13 location to be retrained with Dr. Richter. And Michele came in and Michele took  
14 over the director position at the Greer Center.

15 Then they brought Sally back over to Greer to -- for about a week to be  
16 retrained with Ms. Michele. And, then, that's when they let her go.

17 Q. Okay. So Sally ended up being fired?

18 A. Yes.

19 Q. All right. When did you learn that other children had come forward in  
20 this case besides the Garcias, the Spicers, and the Steins?

21 A. It was several weeks later.

22 Q. Okay. So November?

23 A. Yes.

24 Q. When did you learn about the Salazars coming forward?

25 A. I -- I don't recall.

MS. ANITA EUBANKS - DIRECT by MS. HALL

Page 599

1 Q. Was it around that time or was it later?

2 A. It was probably later because we — we were told about other families  
3 coming forward, but we weren't given any names.

4 Q. Okay. So you don't know when the Davises came forward either?

5 A. I don't.

6 Q. Okay. What conversations have you had with the Defendant since  
7 these allegations came out?

8 A. None.

9 Q. What about right after the Spicers came forward? Did you have any  
10 interaction with her then?

11 A. Yes. Typical, you know, interaction I would with any other employee at  
12 the center.

13 Q. All right. What about after the Garcias came forward? Did you have  
14 any interaction with her then?

15 A. No, because she had already been let go.

16 Q. Okay.

17 A. Oh, no, I'm sorry, she wasn't. When the Steins came in she had been  
18 let go.

19 (Brief Pause)

20 A. I'm sorry, I'm trying to keep track.

21 Q. That's okay.

22 A. When the Garcias came forward?

23 Q. Yes.

24 A. When the Garcias came forward, she -- she was still there, but she  
25 wasn't in her classroom. It's when the Steins were there she wasn't there anymore.

**MS. ANITA EUBANKS - DIRECT by MS. HALL****Page 600**

1       **Q.**       Okay. Were you present when -- when Ronasha was let go?

2       **A.**       I was.

3       **Q.**       Okay. And who -- who fired Ronasha?

4       **A.**       It was Sally.

5       **Q.**       All right. And what did the Defendant, Ronasha Taylor, say during that  
6 conversation?

7       **A.**       I -- I do not know because Sally called her on the phone.

8       **Q.**       Okay. So you were just sitting there listening to Sally talk?

9       **A.**       Yes.

10      **Q.**       All right. And did the Defendant come back into the center?

11      **A.**       Not that I'm aware of.

12      **Q.**       All right. Were you present for any conversation where the Defendant  
13 was begged to stay or offered whatever it took to keep her there?

14      **A.**       I was not.

15      **Q.**       Did the Defendant try to quit on her own at any point in time?

16      **A.**       Not that I'm aware of.

17      **Q.**       When did you last speak with the Defendant in this case?

18      **A.**       On her last day at Kids "R" Kids.

19      **Q.**       And what did she say about these allegations?

20      **A.**       We -- she didn't really talk about them.

21               **MS. HALL:**       Beg the Court's indulgence for just a moment.

22               **(Brief Pause)**

23               **MS. HALL:**       No further questions for this witness. Please  
24 answer any questions Mr. Henry may have for you.

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

**4:05 P.M.**

## MS. ANITA EUBANKS - CROSS by MR. HENRY

Page 601

- 1 Q. Hi, Ms. Eubanks.
- 2 A. Hi.
- 3 Q. It sounds like you were at Kids "R" Kids in Greer about the time it was  
4 built.
- 5 A. Yes. I actually started a few weeks after it opened.
- 6 Q. Okay. So you — you were one of the first employees at the place?
- 7 A. Yes.
- 8 Q. Okay. That was in March of 2009?
- 9 A. Yes, sir.
- 10 Q. Were you the assistant director when you started or a teacher?
- 11 A. I was the administrative assistant. There was no assistant director.
- 12 Q. Okay. Were you a teacher at the Greenville location ---
- 13 A. Yes.
- 14 Q. --- before you came over to Greer?
- 15 A. Yes.
- 16 Q. What brought you to the Greer location?
- 17 A. Moving up into management.
- 18 Q. Okay. That was when you took a management job?
- 19 A. Yes.
- 20 Q. Is the management the -- the owners, the director, the assistant  
21 director, and the administrative assistant?
- 22 A. Yes.
- 23 Q. Did you do tours — tours yourself for new parents?
- 24 A. Yes, sir.
- 25 Q. Did Ronasha do tours as well?

1 A. I do believe she probably would.

2 Q. Did she know all the classrooms and how they -- they ran?

3 A. She did.

4 Q. Was that important as far as doing tours?

5 A. Yes.

6 Q. Did she all -- did she also work as a floater, teach at one class and a  
7 different class?

8 A. Yes.

9 Q. And she worked the front desk as well?

10 A. No.

11 Q. She didn't? Okay. Did she ever fill in at the front desk or do you  
12 recall?

13 A. There would be a few times if -- if -- there always has to be someone  
14 at the front desk. And, if there was an incident where someone had to be rushed  
15 back into a room, we might just grab whatever teacher is available to answer a  
16 phone or let some -- let somebody in the door so we can assist what we need to  
17 assist with.

18 But I don't -- I mean, I can't say that she was ever asked to -- to help.

19 Q. Front desk is mainly a management job, isn't it?

20 A. Yes, sir.

21 Q. Okay. Now, the Kids "R" Kids has a couple of -- of -- of different,  
22 somewhat unique features to it, doesn't it?

23 A. It does.

24 Q. What would you say those were?

25 A. I would say those were the cameras and also the locked door at all

1 times.

2 Q. How are the cameras -- how are they placed?

3 A. You mean in the classrooms?

4 Q. In the classrooms, first of all, yes.

5 A. There's two per classroom. There's one in front of the classroom and  
6 at the end of the classroom. And they're in opposite corners. And they have to be  
7 angled certain ways to make sure that the bathrooms and the diaper changing areas  
8 are not -- that you can't see those.

9 Q. For privacy reasons?

10 A. Right.

11 Q. And I think you mentioned earlier that -- that the cameras seem to  
12 cover or -- about ninety (90) percent of the rooms?

13 A. Yes.

14 Q. So, if you were looking from the monitors at the front desk, you can get  
15 a pretty good idea of what's going on in the classroom?

16 A. Yes.

17 Q. Has that feature been mentioned by many parents who come in to sign  
18 up, that -- that camera feature?

19 A. Oh, yes.

20 Q. Okay. And the Watch Me Grow Company, is that the one that does it  
21 for your place?

22 A. Yes, sir.

23 Q. You talked about the -- the access codes and -- and -- or how to get  
24 into the system. Can anyone who's at the front desk watch what's going on as it's --  
25 as it's going on?

1       A.       Just myself and the director can.

2       Q.       Okay. So that's -- that's just the two that can do that?

3       A.       Yes.

4       Q.       If parents want to watch what their kids are doing during the day, what  
5 do they do?

6       A.       They have to log on through some form of internet. And they have  
7 their own password and log in and they would have a private view.

8       Q.       Have you had a child there yourself?

9       A.       I do.

10      Q.       Have you used that system for parents, the -- the Watch Me Grow part  
11 of it, as -- as a parent?

12      A.       As a parent, have I used it?

13      Q.       Yes.

14      A.       Yes.

15      Q.       Okay. So you can do that from home?

16      A.       I can.

17      Q.       Can you do it from work?

18      A.       I can.

19      Q.       Okay. So it's just a matter of having a computer and the access code  
20 and password, right?

21      A.       Exactly, uh-huh (affirmative).

22      Q.       All right. Have there been any instances that you can recall where a  
23 child has complained to a parent that something happened to them in class ---

24      A.       Uh-huh (affirmative).

25      Q.       --- the parent told the -- the management staff, and you're able to find



MS. ANITA EUBANKS - CROSS by MR. HENRY

Page 605

1 it on that camera from the day before?

2 A. Yes.

3 Q. Okay. And that's something that the Watch Me Grow Program is  
4 somewhat well-known for, isn't it? That's why they put it in.

5 A. Right, uh-huh (affirmative).

6 Q. And parents can have daily access up until midnight; is that correct?

7 A. The cameras shut off at 6:30 p.m., but they have until midnight to go  
8 back and view the whole day.

9 Q. So, in theory, if a -- if a child comes home to a parent and said  
10 "Something bad happened to me at school today..." ---

11 A. Uh-huh (affirmative).

12 Q. --- the parent can go on-line to Watch Me Grow up until midnight to  
13 find out what happened that day on the camera?

14 A. They can.

15 Q. And the staff monitoring, was that -- you said it was somewhat  
16 random, but it -- is it looked at by all the management staff at different times during  
17 the day?

18 A. Yes.

19 Q. And you didn't have access to the DVR three-day recording system,  
20 but the director and the owners would have access to that?

21 A. Correct.

22 Q. So, if something came up that was of concern, a child gets hurt, then,  
23 the -- the director could go to that DVR, go back as far as three days?

24 A. Correct.

25 Q. Okay.

1 (Brief Pause)

2 Q. Tell me about the -- the importance of -- of the glass walls at Kids "R"  
3 Kids.

4 A. The glass walls, it's -- it's not that the -- that all are glass; it's a portion  
5 of each classroom that's glass. You could stand in like, for instance, Suite 100,  
6 which is the first classroom, the first infant classroom, and you could see through  
7 the whole building. It is mainly for, you know, safety purposes and for transition  
8 purposes.

9 Q. Now, when you say transition purposes, does that -- I mean, the kids  
10 sound like -- you've got a lot of classrooms from six weeks all the way up to ---

11 A. Uh-huh (affirmative).

12 Q. --- kindergarten, I guess.

13 A. Yes.

14 Q. So the kids move as they get older ---

15 A. They do.

16 Q. --- if they stay in the program. And they move from one class to the  
17 other?

18 A. They do.

19 Q. And they often change teachers I assume?

20 A. They do.

21 Q. Is the transition part of it that they can see the teacher they had the --  
22 the year before?

23 A. That and then they're familiar with the surroundings of the classroom  
24 they're going to go into.

25 Q. So they've already seen, through the glass windows, what the next

**MS. ANITA EUBANKS - CROSS by MR. HENRY****Page 607**

1

class might look like?

2

**A.** Right.

3

**Q.** So that helps their transition?

4

**A.** It does.

5

**Q.** Do you do background checks on employees?

6

**A.** Yes, sir.

7

**Q.** So you would have done a background check on Ronasha before she

8

started?

9

**A.** I am not the one who handles those procedures.

10

**Q.** Okay.

11

**A.** But they are done.

12

**Q.** Yeah. By you I meant Kids "R" Kids would have done that?

13

**A.** Yes.

14

**Q.** Not you personally.

15

**A.** Right.

16

**Q.** In terms of the — the adult what I'm going to call traffic at Kids "R" Kids

17

during a normal day. You mentioned rush hour ---

18

**A.** Uh-huh (affirmative).

19

**Q.** --- would be when you get there early in the morning.

20

**A.** Uh-huh (affirmative).

21

**Q.** Probably 6:00, 6:30, something like that?

22

**A.** Yeah, 6:30 is when we open.

23

**Q.** And, then, the parents drop their kids off at various times, depending

24

on their job schedules, that kind of thing?

25

**A.** Correct, uh-huh (affirmative).

**MS. ANITA EUBANKS - CROSS by MR. HENRY****Page 608**

1 Q. Does that run usually a couple of hours?

2 A. It does. Normally till about 9 o'clock.

3 Q. Okay. So about 6:30 to 9 o'clock in the morning, right?

4 A. Correct.

5 Q. Now are there other adults that come in and out of Kids "R" Kids  
6 during the day?

7 A. Yes. We have an open door policy. So any -- any parent can come in  
8 and out as they please and go to the classrooms. And we do not have a drop-off or  
9 pick-up time. So the parents can drop them off and pick them up at any time.

10 Q. If a parent has to take a child out at 1 o'clock, they come by and pick  
11 up the child and go?

12 A. They do.

13 Q. And that does happen?

14 A. Frequently, yes.

15 Q. Okay. So -- and you also have teachers and management staff as  
16 well?

17 A. Yes.

18 Q. In terms of numbers of teachers during an average day, how many  
19 teachers would be in the building would you say?

20 A. You mean now or ---

21 Q. Let's go back to 2010.

22 A. Probably around fifteen (15).

23 Q. How about other staff members? Are you talking about fifteen (15)  
24 adults total or are you talking about fifteen (15) teachers?

25 A. I was talking about fifteen (15) adults probably total.

MS. ANITA EUBANKS - CROSS by MR. HENRY

Page 609

1 Q. Okay. In addition to the management staff you've mentioned and the  
2 teachers, is there also somebody who cooks, makes meals?

3 A. She is so we consider her one of our teachers.

4 Q. Okay. So there would be about fifteen (15) adults ---

5 A. Uh-huh (affirmative).

6 Q. --- that are there pretty much all the time?

7 A. Yes.

8 Q. And you say you eat at your desk?

9 A. Yes.

10 Q. Other management staff do that as well?

11 A. Yes.

12 Q. And did Sally do that when she was the director?

13 A. Yes.

14 Q. And is your -- is your -- do you have separate offices you -- did you  
15 have separate offices, you and Sally, and the other management staff?

16 A. We have a front desk that has two computers at it. It used to just be  
17 the administrative assistant's desk. And in the office area there is two desks -- or in the  
18 office, which is just -- it's still in the lobby; it's completely a glass office.

19 There were two desks in there. And that's where Sally's desk and my  
20 desk was.

21 Q. Okay. In addition to that, for the parents and the staff, were there also  
22 other people who came in to do special classes for the kids? For example, for like  
23 soccer or exercise, that kind of thing?

24 A. Yes.

25 Q. Tell me about those.

**MS. ANITA EUBANKS - CROSS by MR. HENRY****Page 610**

1       **A.**       In 2009, I don't recall what we had then.

2       **Q.**       Okay.

3       **A.**       We've had a program. It's called Stretch and Grow. It's like a exercise  
4 program. We've had Happy Feet, a soccer program. We've had a dance class.  
5 And that's about all I can remember.

6       **Q.**       Okay. And those people in those programs are — are outside people  
7 who come in and work with the kids at your facility?

8       **A.**       Yes.

9       **Q.**       And do they have -- they set up times to come or ---

10      **A.**       They do.

11      **Q.**       They schedule it?

12      **A.**       Uh-huh (affirmative).

13      **Q.**       All right. And you have new parents come at different times during the  
14 day?

15      **A.**       Yes.

16      **Q.**       So is that wide open too in terms of when they might come?

17      **A.**       It is, uh-huh (affirmative).

18      **Q.**       Do you have any other special events like a fall festival or a water  
19 park, that kind of thing?

20      **A.**       We have a water park. And that's something that the classrooms use  
21 during the summer months. And they go out there.

22               We have to -- and they have a specific schedule that they have to  
23 follow the whole summer. So each classroom goes out at their scheduled time.

24      **Q.**       Okay. And is that kind of a wild thing when they have water park? Do  
25 the kids get — get all wet and come back into the change rooms or whatever?

**MS. ANITA EUBANKS - CROSS by MR. HENRY****Page 611**

1       **A.**       I mean, it's pretty organized. So it's not ---

2       **Q.**       Okay.

3       **A.**       --- you know. I mean, the kids are going crazy out there because  
4 there's water but, I mean, it's not like ---

5       **Q.**       That's the part I meant.

6       **A.**       Okay, yeah.

7       **Q.**       All right. And does it -- do you have a --a time or does an ice cream  
8 truck come by sometimes too?

9       **A.**       Yes. That's just generally for the summer.

10      **Q.**       Okay. Now you -- you mentioned administrative access being different  
11 than regular access.

12      **A.**       Uh-huh (affirmative).

13      **Q.**       I think you said that administrative access would be the owners and, at  
14 that time, Sally, the director?

15      **A.**       Correct.

16      **Q.**       Your access, as a separate kind of management staff, would that be  
17 for that same day only?

18      **A.**       Yes.

19      **Q.**       So, if a parent came to you and said, "Something happened to my  
20 child," you could check it for that day?

21      **A.**       I can.

22      **Q.**       And that has happened before?

23      **A.**       Yes.

24      **Q.**       And has -- have there been times when the cameras have, in fact,  
25 confirmed that something bad had happened to a child?

**MS. ANITA EUBANKS - REDIRECT by MS. HALL**

**Page 612**

**A.** Yes.

**MR. HENRY:** Thanks very much, Ms. Eubanks.

**THE WITNESS:** Uh-huh (affirmative).

**REDIRECT EXAMINATION by MS. HALL:**

**4:15 P.M.**

**Q.** Anita, if a tour is given of Kids "R" Kids, were the parents made aware of the -- the camera angles?

**A.** Yes, they were.

**Q.** What about the privacy policies that Watch Me Grow had in place?

**A.** Yes.

**Q.** Would the tour guide have given the parents rules about the bathrooms not being recorded?

**A.** Yes.

**Q.** Mr. Henry asked you about parents coming in to request video feed.

**A.** Uh-huh (affirmative).

**Q.** What requests were made to obtain video feed by the Spicers? Are you aware of any?

**A.** I wasn't asked for anything specific. So I'm not sure what was asked for.

**Q.** Okay. And you were just asked about the -- the glass walls. And you were saying that part of the walls are glass.

**A.** Yes.

**Q.** Where are -- are the portion of the walls that are glass in relation to the bathrooms, particularly in Suite 500 and Suite 550?

**A.** The glass part of the wall is in the middle of a classroom. The bathrooms are more towards the front of the classroom on the sides.



**MS. ANITA EUBANKS - REDIRECT by MS. HALL****Page 613**

1                   So, if you're sitting at a certain angle in the classroom, you -- you could  
2 probably view the bathrooms but you can't just stand there and see all the  
3 bathrooms.

4           **Q.**        Could you see into the bathrooms or the outside of the bathrooms?

5           **A.**        The outside of the bathrooms.

6           **Q.**        Okay. One more question. Just a minute, please.

7           **A.**        Uh-huh (affirmative).

8                   **(Brief Pause)**

9           **A.**        And the extracurricular activities, the Happy Feet and the other things  
10 you were mentioning, what times of days were those?

11          **A.**        It varied. It depended on what program it was.

12          **Q.**        Okay. What about programs for four year olds? What times of day  
13 were those programs?

14          **A.**        It also varied. I mean, nothing was during nap time. Nothing was early  
15 or late in the afternoons.

16          **Q.**        Okay. So there wouldn't have been any extracurricular programs  
17 going on during their nap time?

18          **A.**        No.

19          **Q.**        Okay.

20                   **MS. HALL:**        No further questions. Mr. Henry might have some  
21 more.

22                   **MR. HENRY:**        No, Your Honor. I'm good.

23                   **THE COURT:**        Thank you, sir. Thank you, ma'am. You may  
24 stand down, ma'am.

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

MS. DENISE COFFEY - DIRECT by MS. HALL

Page 614

1 MS. HALL: The State calls Denise Coffey.

2 (The witness stepped forward to be sworn.)

3 (Whereupon,

4 DENISE COFFEY

5 having been duly sworn, testified as follows:)

6 DIRECT EXAMINATION by MS. HALL:

4:19 P.M.

7 Q. What is your name?

8 A. Denise Coffey.

9 Q. And where do you work?

10 A. Kids "R" Kids in Greer.

11 Q. How long have you worked there?

12 A. Three and-a-half (3 ½) years.

13 Q. So when did you start?

14 A. I opened up at the villa in February.

15 Q. Where did you work prior to that?

16 A. Kiddie Academy.

17 Q. Okay. And what do you do at Kids "R" Kids Greer?

18 A. I'm an administrative assistant.

19 Q. And have you always been an administrative assistant at the Kids "R"

20 Kids Greer?

21 A. I was an actual teacher before I became the administrative assistant.

22 Q. And how do you know the Defendant, Ms. Taylor?

23 A. We met at Kiddie -- Kiddie Academy. We were good friends.

24 Q. You were good friends?

25 A. Uh-huh (affirmative).

**MS. DENISE COFFEY - DIRECT by MS. HALL****Page 615**

1       **Q.**       And how -- how did --- how did you all come to both be at Kids "R"  
2 Kids?

3       **A.**       Well she was out of a job and I asked her if she needed one and got  
4 her an interview with Ms. Donna

5       **Q.**       Okay. And who is Ms. Donna?

6       **A.**       She was our director that opened up with us.

7       **Q.**       And when did you first meet Ms. Taylor? You said you all were at  
8 Kiddie Academy together. When did you first meet her there?

9       **A.**       I guess I was already working there when -- before she got a job. And  
10 she was working in the two year old classroom.

11       **Q.**       Okay. And do you know when that was?

12       **A.**       Probably 2008.

13       **Q.**       And why -- why would you recommend her to come over to Kids "R"  
14 Kids?

15       **A.**       She's a good friend of mine and she needed a job. So I thought I was  
16 doing something good to help her out.

17       **Q.**       And how old is she?

18       **A.**       I don't know.

19       **Q.**       Do you know how old she was when she came to Kids "R" Kids?

20       **A.**       No.

21       **Q.**       Okay. At Kiddie Academy, when she taught the two year olds, was  
22 she a teacher by herself?

23       **A.**       Yes.

24       **Q.**       Where is your office or station located at Kids "R" Kids?

25       **A.**       I am -- when you come in the front door, I'm right there at the front

1 desk in the lobby.

2 Q. And how often in 2010, the fall of 2010, would you leave that area?

3 A. If I had to go get numbers, I had to assist the teachers, I'd give potty  
4 breaks, I'd have to go get children that were hurt, those kind of things.

5 Q. The same things Anita just talked about?

6 A. Uh-huh (affirmative).

7 Q. What about the Defendant? How often would you go to her room?

8 A. Quite often. Me and her were friends and, at first when she first  
9 started, I would ask, you know, if she wanted to get -- if she wanted to go to lunch  
10 together, or she needed me to pick her up something.

11 Some days we went to lunch together. We brought it back and we ate  
12 upstairs. So I went to see her a lot in the mornings especially.

13 Q. And was that in 2009?

14 A. Uh-huh (affirmative).

15 Q. Okay. And you said that was in the mornings?

16 A. Uh-huh (affirmative).

17 Q. What time was that?

18 A. It was usually after we kind of settled down up front; probably between  
19 9:30 and 10:30 maybe.

20 Q. Okay. And then you all would take lunch breaks together?

21 A. Uh-huh (affirmative).

22 Q. Switching gears a little bit. What about the monitors besides your  
23 desk? Is that where you sit, right where the monitors are?

24 A. I did.

25 Q. Okay.

**MS. DENISE COFFEY - DIRECT by MS. HALL****Page 617**

1       **A.**       They're right behind me.

2       **Q.**       And what do you use them for?

3       **A.**       We use the monitors for our tours. We'll, you know, show the parents  
4 what it actually looks like when they're in the classroom.

5       **Q.**       How often do you watch the cameras?

6       **A.**       I don't get on camera very often. I don't have an account set up. Only  
7 the director and assistant director and the owners have that.

8               The only time I would be able to get on is if one of them allow me to --  
9 to look at something. If a teacher called and there was a problem in the classroom.

10       **Q.**       So was it usually after the fact you would get on to look at them?

11       **A.**       Yes, uh-huh (affirmative).

12       **Q.**       Okay. How often were you in the classrooms with the teachers back in  
13 2010?

14       **A.**       A lot I guess. I went in to help them sometimes or see what they were  
15 doing, to talk to them.

16       **Q.**       What about the numbers, getting the numbers?

17       **A.**       Yes, I've done that frequently too, especially in the mornings or late  
18 afternoons.

19       **Q.**       Okay. And what time would you go get the numbers in the mornings?

20       **A.**       Usually if I opened up at 6:30, between 6:30 and 9:30.

21       **Q.**       Okay.

22       **A.**       We've got to really -- you know, like every fifteen (15), every thirty (30)  
23 minutes.

24       **Q.**       All right. And then you started back up in the afternoons?

25       **A.**       Yes.

MS. DENISE COFFEY - DIRECT by MS. HALL

Page 618

1 Q. Okay. Where would you go during your other breaks? Not your lunch  
2 break, but your other breaks?

3 (Brief Pause)

4 A. Other breaks?

5 Q. Did you have other breaks?

6 A. No.

7 Q. Okay. Where would you go during your lunch breaks?

8 A. Lunch breaks, I would sit at the desk with Anita and Sally. We'd  
9 usually eat lunch together.

10 Q. Okay. What about during nap time? How often would you go in the  
11 rooms during nap time?

12 A. Usually I didn't bother them during nap time because I didn't want to  
13 wake the kids up, not unless they needed me, or to get them up or, you know, they  
14 called to go to the potty or they needed something in the classroom.

15 Q. So, if requested, you would go in there?

16 A. Right.

17 Q. Where would the teachers -- if they were not monitoring the children  
18 during nap time, where would the teachers go who were on break during nap time?

19 A. We have a lounge upstairs. And sometimes they go upstairs. Some  
20 of them leave. And some of them would sit in the front chairs in the front lobby.

21 Q. How often did you observe the Defendant interacting with children at  
22 Kids "R" Kids?

23 A. I saw her frequently, you know, interacting with them; especially in the  
24 morning time. I would see her changing diapers or she'd be playing with them on  
25 the floor or at the tables, doing curriculum with them.

**MS. DENISE COFFEY - DIRECT by MS. HALL****Page 619**

1       **Q.**       How often did you observe the Defendant during nap time when she  
2 was alone?

3       **A.**       Sometimes I would go in there but not a lot.

4       **Q.**       Okay. How often would you observe her with the children in the 4-K  
5 class?

6       **A.**       Not much. I didn't go back there and bother her.

7       **Q.**       How familiar are you with children in this case?

8       **A.**       I knew them pretty well.

9       **Q.**       How often did you see the Defendant interacting with any of the six  
10 children in this case?

11       **A.**       I didn't see it that much.

12       **Q.**       How often did Sally walk in to observe the Defendant?

13       **A.**       Never.

14       **Q.**       How often did Sally observe other teachers?

15       **A.**       Never.

16       **Q.**       When did you first learn of any allegations involving the Defendant in  
17 this case?

18       **A.**       It was Friday. They were getting back from a field trip. I think it was  
19 October the 8<sup>th</sup>, and Ms. Spicer asked to speak with Sally. And I sat up front while  
20 they -- while they spoke.

21       **Q.**       Were you present during that conversation?

22       **A.**       I was not.

23       **Q.**       When did you learn what the nature of that conversation was?

24       **A.**       After Ms. Spicer left, Sally called me in the office and then she  
25 informed me what was said.

**MS. DENISE COFFEY - DIRECT by MS. HALL****Page 620**

1 Q. And Anita was not present that day, correct?

2 A. No, she was not. She was on vacation.

3 Q. What, if anything, did Sally do that day?

4 A. She talked to Ro (phonetic). She called her in the office and talked to  
5 her. I call her Ronasha "Ro." Sorry. But she would call -- she called her in her  
6 office and she talked to her and told her what Ms. Spicer had -- you know, had said.  
7 And Ro denied it.

8 Q. And what happened next?

9 A. A few days later, we got another call. Another family had come  
10 forward.

11 Q. Who was that family?

12 A. I think it was the Garcias. I'm not sure, but I think it was them.

13 Q. What meetings were you present for of any families involved in this  
14 case?

15 A. Only Child 4

16 Q. Who was present for that meeting?

17 A. It was me, Sally, Child 4 and Child 4 mom and dad.

18 Q. All right. Was Child 4 present the whole time?

19 A. No. He was in and out playing with the train table that was up front.

20 Q. Was Child 4 questioned during that meeting?

21 A. I think so. I think he did. He was asked a few questions.

22 Q. Who questioned Child 4

23 A. I think his mom.

24 Q. And can you tell us whether a disclosure of sexual abuse was made by  
25 Child 4 at that time?



**MS. DENISE COFFEY - DIRECT by MS. HALL****Page 621**

1       A.       Yes.

2       Q.       What date was that?

3       A.       I'm not sure I know. It was in October.

4       Q.       Where did Child 4 disclose the abuse took place?

5       A.       In the bathroom.

6       Q.       At..? The bathroom where?

7       A.       In Ms. Laurie's classroom.

8       Q.       What were you aware of was the protocol for how to handle these  
9 types of allegations?

10      A.       I know that we needed to inform the direct -- the owners and to call  
11 DSS.

12      Q.       And was a report made to DSS at that time?

13      A.       No.

14      Q.       When -- were you present when a report to DSS was made?

15      A.       I think I was up front. I wasn't in the office with them.

16      Q.       Okay. What other parents, if any, on this case were you present for a  
17 meeting?

18      A.       I wasn't present with any of them.

19      Q.       When did you learn about the other two families that have come  
20 forward, the Salazars and the Davises?

21      A.       It was later on. Probably later on when I found out about it.

22      Q.       Later on, months later?

23      A.       Weeks.

24      Q.       Weeks?

25      A.       Uh-huh (affirmative).

**MS. DENISE COFFEY - DIRECT by MS. HALL****Page 622**

1       **Q.**       Okay. What conversations did you have with the Defendant after the  
2 first allegation came out?

3       **A.**       What conversations?

4       **Q.**       Uh-huh (affirmative).

5       **A.**       I -- we had one when me and Ms. Sally was in the office.

6       **Q.**       With the Defendant?

7       **A.**       Uh-huh (affirmative).

8       **Q.**       And what did the Defendant specifically say during that conversation?

9       **A.**       She said that she didn't do it and that she never had -- go -- she never  
10 goes into the bathroom, not unless it was to help one of them or, you know -- or if  
11 they were playing.

12       **Q.**       What did she say specifically about the Spicers?

13       **A.**       That they were crazy and that she didn't -- that she didn't do it.

14       **Q.**       What did Ronasha say about anything in the bathroom?

15       **A.**       I don't -- I don't re -- I don't remember.

16       **Q.**       And, at that point, was Ronasha your friend?

17       **A.**       She was still my friend, but I was getting -- as all the cases were  
18 coming up, it really scared me.

19       **MR. HENRY:**       Objection, Your Honor.

20       **Q.**       (By Ms. Hall) When did you last speak with the Defendant?

21       **A.**       The day that they let her go was the last day I think.

22       **Q.**       And what did you say to her?

23       **A.**       I just told her bye.

24       **Q.**       How did you feel about her at that point?

25       **MR. HENRY:**       Objection, Your Honor.

**MS. DENISE COFFEY - CROSS by MR. HENRY****Page 623**

1                   **THE COURT:**       I sustain the objection, Counsel.

2           **Q.**        (By Ms. Hall) What about your children, Denise? Do you have any  
3 children?

4           **A.**        I do.

5           **Q.**        Who has provided child care for your children?

6           **A.**        My daughter, she's older. She -- my mom picks her up from school.

7           **MS. HALL:**        Beg the Court's indulgence for just a moment.

8                   **(Brief Pause)**

9           **MS. HALL:**        I don't have any other questions for you at this  
10 time. Mr. Henry may have some questions for you.

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

**4:30 P.M.**

12           **Q.**        Hi, Ms. Coffey.

13           **A.**        Hi.

14           **Q.**        When the allegations first came up, did you make any kind of  
15 statement to Sally yourself?

16           **A.**        I did not.

17           **Q.**        You did not? Okay. And you've told us everything you know about  
18 this?

19           **A.**        I have.

20           **MR. HENRY:**        Thank you very much. That's all I have.

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

22           **THE WITNESS:**    Thank you.

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

24           **MS. HALL:**        Permission to approach, Your Honor?

25           **THE COURT:**        Please.

MS. DENISE COFFEY - CROSS by MR. HENRY

Page 624

(Whereupon, a bench conference was had with all attorneys present.)

**THE COURT:** All right. Mr. Foreman — excuse me (turns on PA system) — Mr. Foreman, ladies and gentlemen of the jury panel, time wise, it's about five — twenty-five (25) minutes till 5:00. We're not prepared to go forward with the next witness at this point. It's probably going to be a while anyway when we get started with that.

So, we're going to go ahead and adjourn for the day. And, again, it's about twenty-five (25) minutes till 5:00. We'll adjourn and ask you to be back in the jury room ready to go in the morning at 9:30.

I — I will tell you — I'll give you as much notice as possible. It appears that we're probably going to go into Monday with this case. We will not work over the weekend; we don't plan on working over the weekend, but we do — we'll probably go into tomorrow and Friday and as long as we can Friday.

And, then, we'll probably going to be going till at least Monday with this case. We'll try to move it sooner than that, but we're just doing the best we can.

And, so, by that, I want to give you as much notice as I can. So, in any event, have a pleasant night tonight. And, then, please, be back in the jury room at 9:30. Thank you.

(Whereupon, the jury was excused for the day and exited the courtroom at 4:35 p.m.)

**THE COURT:** Is there any matter we need to take up out of the presence of the jury at this time from either side?

**MS. HALL:** Nothing from the State, Your Honor.

**MS. DENISE COFFEY - CROSS by MR. HENRY**

**Page 625**

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**MR. HENRY:** Nothing from the Defense, Judge.

**THE COURT:** All right. We'll be adjourned then. And we'll try to  
get started promptly at 9:30.

**MS. HALL:** Thank you, Your Honor.

**(Whereupon, court adjourned for the day at 4:36 p.m.)**

**DR. NANCY HENDERSON - DIRECT by MS. MILES**  
**September 13, 2012**

**Page 626**  
**9:47 a.m.**

**(Off-The-Record Comments)**

**(The jury entered the courtroom at 9:47 a.m.)**

**THE COURT:** Good morning, Mr. Foreman, Ladies and gentlemen of the jury panel. I hope you had a pleasant night last night. We're ready to resume the trial at this time.

Counsel, ready to proceed?

**MS. MILES:** Yes, sir, Your Honor. The State calls Dr. Nancy Henderson to the stand.

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

**(Whereupon,**

**DR. NANCY HENDERSON**

**having been duly sworn, testified as follows:)**

**DIRECT EXAMINATION by MS. MILES:**

**9:47 A.M.**

**Q.** Good morning, Dr. Henderson. Would you please state your name for the record?

**A.** Nancy Henderson.

**Q.** Thank you. And, Dr. Henderson, where are you currently employed?

**A.** At the Greenville Hospital System.

**Q.** Okay. What's your job there?

**A.** I am director of the division of forensic pediatrics.

**Q.** Okay. Where else do you provide services?

**A.** As part of that job, I provide services at the Children's Advocacy Center in Spartanburg, the Julie Valentine Center, which is an advocacy center in Greenville. And also I work at the children's shelter, Pendleton Place, in Greenville.

**DR. NANCY HENDERSON - DIRECT by MS. MILES**

**Page 627**

1       **Q.**       Okay. And you mentioned the Spartanburg Children's Advocacy  
2 Center. What services do they provide?

3       **A.**       Well, they provide forensic interviews there. They provide a place for  
4 the medical exam to take place. They provide counseling.

5               Sometimes they'll provide parent groups. And they also provide a  
6 place for staffing, multi-disciplinary staffing.

7       **Q.**       Okay. And what is your position there? What services do you  
8 provide?

9       **A.**       I provide the medical exams there. And I also participate in the multi-  
10 disciplinary staffing.

11      **Q.**       Okay. What is meant by multi-disciplinary staffing?

12      **A.**       Well, in all the cases that come through the Advocacy Center, we try to  
13 staff the case. And "we" meaning all the people that are involved in the case. So it  
14 really varies from case to case.

15              But it could be the medical, the forensic interviewer, someone who's  
16 doing the counseling at the Department of Social Services where law enforcement is  
17 involved. They'll also be participating in the staffing as well.

18      **Q.**       Okay. What types of cases do you work on at the Spartanburg CAC?

19      **A.**       The majority of the cases that are referred for me to evaluate are  
20 sexual or concerns about sexual abuse. But I also will see cases referred for  
21 concerns about physical abuse. I do those too.

22      **Q.**       Okay. What percentage of your cases are child sexual abuse cases?

23      **A.**       At the Advocacy Center?

24      **Q.**       Yes, ma'am.

25      **A.**       Probably about eighty percent (80%).

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 628**

1       **Q.**       Okay. Can you tell us a little bit about your educational background  
2 and training?

3       **A.**       Yes. I did my undergraduate work at Rutgers College of Pharmacy  
4 and graduated with a B.S. in pharmacy. And, then, I attended Bowman Gray School  
5 of Medicine in Winston-Salem, North Carolina; graduated in 1984 with my medical  
6 degree.

7               And, then, I did a three-year pediatric residency at TC Thompson  
8 Children's Hospital. And, then, in 1991 moved to Greenville. And I've been part of  
9 the hospital system since then.

10       **Q.**       Okay. Dr. Henderson, how are you involved in the field of child abuse  
11 assessment?

12       **A.**       Well, I'm a -- a — a board certified child abuse pediatrician. And that  
13 occurred in 2009. So, as part of that, I'm involved with the referrals to the Advocacy  
14 Center as well as involved in seeing inpatient consults at Greenville Hospital when  
15 there's a concern about abuse or neglect.

16               I'm also involved in seeing the children at Pendleton Place, which is a  
17 — an emergency shelter for children who are re — removed for those type of  
18 concerns.

19               I'm also involved in teaching the medical students that rotate through  
20 there as well as the pediatric residents.

21       **Q.**       Okay. What are child sexual abuse examinations?

22       **A.**       Well a child sexual abuse examination involves talking with the child  
23 and whoever accompanies the child to the exam to get an understanding of their  
24 past medical background; any complaints they might be having about what's going  
25 on.



**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 629**

1 And, then, I do spend some time talking with the child if they're able to  
2 give an understanding about what happens.

3 And the exam itself involves a complete head to toe physical exam,  
4 including using a culposcope (phonetic), which is just a -- it's a large piece of  
5 equipment, but it's not invasive at all. It doesn't touch the child and allows for  
6 magnification of the genital area and a really good light source.

7 And, then, we will do -- I will do tests for sexually transmitted infections  
8 if the situation warrants. And, then, we will talk with the child and family at the end  
9 and make the appropriate referrals as necessary.

10 **Q.** Okay. Have you attended courses, seminars, and other training in the  
11 field of child sexual abuse examinations?

12 **A.** Yes, I have.

13 **Q.** Okay. What training or teaching experience have you had in the area  
14 of child sexual abuse examinations?

15 **A.** Well, as I've mentioned, as -- that certainly is a part of a general  
16 pediatric residency, but for me I have mentioned that I am board certified. So under  
17 the board of pediatrics, they just started a sub-board of child abuse in 2009.

18 And to be able to sit for that examination, you have to have fifty (50)  
19 percent of your practice be part of not just child sexual abuse, but child abuse in  
20 general.

21 And -- and so that was just to sit. And, then, you had to pass a five-  
22 hour examination. And, then, you have to have continuing CME's and that has to be  
23 -- you have to take a test every ten (10) years to be re-accredited.

24 **Q.** Okay. What professional organizations or affiliations related for  
25 children's issues?

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 630**

1                   **MR. HENRY:**       Judge, I — I know who Dr. Henderson is. She's  
2                   qualified. I'm not sure what they're offering her for, but if it's for the  
3                   pediatrician part, she's certainly qualified for that.

4                   **MS. MILES:**       We intend to offer her as an expert in child sexual  
5                   abuse examinations.

6                   **MR. HENRY:**       I have no problem with that either, Judge.

7                   **THE COURT:**       All right. Well, without objection, she's so  
8                   qualified. You may proceed.

9                   **MS. MILES:**       Okay. Thank you, Your Honor.

10                  **Q.**        (By Ms. Miles) Dr. Henderson, how many years have you been  
11                  conducting child sexual abuse examinations?

12                  **A.**        I've been with Greenville Hospital doing this since 1991.

13                  **Q.**        Okay. And where do your referrals at the Spartanburg Children's  
14                  Advocacy Center come from?

15                  **A.**        They typically come from either the Department of Social Services, law  
16                  enforcement, and also from other physicians. The emergency room pediatricians  
17                  will sometimes refer patients there.

18                  **Q.**        What information does whatever agency or person provide to you  
19                  upon that referral?

20                  **A.**        Well the referral is not, you know, made to me usually by -- by phone,  
21                  so it's made to the center. So it may be just a copy of the incident report from law  
22                  enforcement or something that they'll get over the referral by an e-mail through the  
23                  Department of Social Services.

24                                So it's usually just a couple of sentences that kind of is just an  
25                  introduction of what the concerns are and why there's a referral there.

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 631**

1       **Q.**       Okay. Who typically brings the child in for an examination?

2       **A.**       Well, in order for me to see the child, I need to have the legal guardian  
3 with the child. So often — the majority of the time that's a parent.

4       **Q.**       Okay. What information do you receive from that person?

5       **A.**       Well, from that person, I do receive -- and that's usually through --  
6 they'll fill out a brief questionnaire. And the questionnaire is about the child's past  
7 medical history, hospitalizations, immunizations up-to-date, what medications they're  
8 on. And, then, we'll go through that as we start the evaluation.

9       **Q.**       Okay. And why is that important?

10      **A.**       Oh, that — that is extremely important because, you know, I want —  
11 you know, basically I'm a general pediatrician first. And this is usually just a one-  
12 time exam evaluation that I'm seeing with a particular child.

13               So certainly it's important for me to know they've had past medical  
14 problems, if they've had past surgeries, things like that, that could have changed  
15 things on their exam. If I see a particular scar or something like that, I — I need to  
16 understand why or why not it's there.

17               A lot of times, the children that I see may have been removed and in  
18 DSS custody. And they may be kind of out of the medical home for a while. So it's  
19 an opportunity for me to kind of assess that, assess their overall growth, and -- and  
20 see if they need kind of acute intervention, whether that's for something like eczema  
21 on their skin or asthma, something as they're getting -- kind of working through the  
22 medical system.

23      **Q.**       Okay. And what about a sexual history?

24      **A.**       The sexual history I -- I do obtain. Well the sexual history I guess is --  
25 is more of what I would think of in the adolescent, you know, population where I'd

**DR. NANCY HENDERSON - DIRECT by MS. MILES**

**Page 632**

1 want to know if they've been previously sexually active.

2 I want to know when they've gone through puberty and — and if they're  
3 having any concerns or complaints from that.

4 In the younger child, anything related to sexual or bad behaviors, and I  
5 -- that is a question that they ask to their parent.

6 **Q.** Okay. What questions do you ask the child specifically during the  
7 medical interview?

8 **A.** If the child -- and, as I mentioned before, I do -- when a child comes in,  
9 if they're able, I have them separate from the parent just to try to get an  
10 understanding of what's going on. A lot of time, if the parent is in there, they're often  
11 kind of deferring to the parent.

12 So it's an opportunity. And sometimes parents are often very upset  
13 about what's happening, so, sometimes children are reluctant to share information if  
14 they know they're going to get their parent upset.

15 So that's why it's an opportunity to just talk with them one on one. So  
16 I'll ask them, if they have any concerns or worries about their body, just to get an  
17 idea if they're having any specific complaints.

18 I certainly want to make sure I address that why they're at the  
19 examination. And then try to get an understanding about what may have happened;  
20 if anyone had hurt or touched them anywhere on their body, anything that scares  
21 them; make sure they're in a safe environment.

22 That's probably the -- the most important part and just try to get an  
23 understanding about what had -- what has happened.

24 **Q.** Okay. What about a specific incident? What do you ask them about a  
25 specific incident?

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 633**

1       **A.**       Well I will ask them if the -- the specific incident would be, you know,  
2       again, has anyone hurt them anywhere on your body, anywhere where they wear  
3       their bathing suits. Or even prior to my interview, we understand what the genital  
4       names are because each child has a different name.

5                So I want to make sure that I'm talking on their terms. So I -- I may  
6       ask has anyone hurt or touched them in their private area. So it's only kind of  
7       related to that. But it's not a specific person that I will ask about.

8       **Q.**       Okay. And that was my next question, if you asked about a specific  
9       person or not.

10      **A.**       No.

11      **Q.**       Okay. Are child sexual abuse examinations necessary every time a  
12      disclosure of sexual abuse is made?

13      **A.**       Well, from a pedi -- a pediatric standpoint, I think they're really  
14      important, even if it's just involving just fondling or a touching of a child. I think a lot  
15      of times either a child or a parent has a lot of concerns about what's happened to  
16      their body, even if it didn't -- even didn't or couldn't happen as far as infections and  
17      things like that.

18                So, again, it's an opportunity to address those concerns, let them know  
19      their body's okay or not, and then help them move forward from that.

20                So I would like to see all the children. I don't. It's just -- it's depending  
21      on the referral.

22      **Q.**       Okay. With a female child, how is the child sexual abuse examination  
23      conducted?

24      **A.**       Okay. The -- the exam, like I mentioned before, is a complete head to  
25      toe physical exam. So the first part of the exam often is on the exam table.

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 634**

1           During that time, we offer to the child who they'd like to have in there  
2 for the exams because sometimes they want to do it by themselves. And I always  
3 have a child life specialist with me so it's not just me and the child alone.

4           But sometimes they -- especially for the younger child, maybe a two or  
5 three year old, would rather do the exam and the -- the parent, if that's who's with  
6 them's, lap.

7           And it'll just be looking in their ears, their eyes, their mouth, looking at  
8 their neck, looking at their arms and legs, listening to their heart and lungs, feeling  
9 their belly.

10           And, then, for the genital exam, we have them up on the table. And  
11 we give them -- we try to give them as many options as possible so they can either  
12 do the exam -- what we call is a frog leg where they kind of put their -- the bottom of  
13 their feet together and they're kind of -- they're legs are kind of flopped out like -- like  
14 my -- my arms (demonstrates).

15           Or we offer the stirrups, which we call the feet holders. And  
16 surprisingly most children like that better because it's new and different and it looks  
17 like kind of they're riding a -- you know, a horse.

18           Q.       Uh-huh (affirmative).

19           A.       And so a lot of times they'll opt for that. And they'll kind of move down  
20 to the bottom of the table.

21           We use a lot of distraction techniques. The iPad actually is our latest,  
22 which has been very helpful in distracting kids during the exam. And, again, as I  
23 mentioned, the culposcope is involved in helping me with a light source, the  
24 magnification, to look at the vaginal area, as well as the rectal area and, then,  
25 examine the skin to make sure I'm not missing anything.

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 635**

1 And, again, depending on the situation, we'll decide if any testing  
2 needs to be done.

3 Q. Okay. And you mentioned the genital area. What can you tell us  
4 about the healing of the genital area in a female?

5 A. The healing -- the vaginal area has just an excellent blood supply. So  
6 that even a pretty significant injury can heal very, very quickly.

7 And so a lot of times, if there's a delay, which there often is from the  
8 time that a -- a child discloses till I am seen for a medical exam, there is plenty of  
9 time for a lot of healing to take place.

10 Q. Okay. How quickly may it heal?

11 A. It can heal -- if there is injury, which a lot of times there's not, but if  
12 there is, it can heal within days.

13 Q. Okay. What is digital penetration?

14 A. Digital penetration -- I think digital penetration in my mind is kind of a  
15 -- the finger into the genital area. So it could be anywhere kind of.

16 In the female genital area, there's the outer part, which is the labia.  
17 And inside is the vulvar area. So I think digital can occur just into the vulvar area. It  
18 can occur directly into the vagina.

19 But I think for children they usually think of that kind of whole body part  
20 being kind of one -- one name.

21 Q. Okay. In your expert opinion, would you expect to find trauma after  
22 digital penetration?

23 A. That is very uncommon to find any trauma after digital penetration.

24 Q. Okay. And, if there were to be trauma, how long would you expect it to  
25 be present?

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 636**

1           **A.**           I think that the most common trauma would be redness and irritation.

2           And that could resolve within 24 hours.

3           **Q.**           Okay. What about the anal cavity? Would you expect to find damage  
4           to the anal cavity after digital – digital penetration?

5           **A.**           Well, the anal cavity also has an excellent blood supply too. And so  
6           that, with its regular job of feces coming out, it can stretch.

7                       And occasionally small tears can occur, but the majority of the time  
8           there's — there's no findings. And, if there are small tears, again, they can heal  
9           within just a couple of days.

10          **Q.**           Okay. Dr. Henderson, what is cunnilingus?

11          **A.**           Cunnilingus is oral sex from the mouth to a female genital area.

12          **Q.**           Okay. And what portions of the body does it cover?

13          **A.**           It usually covers, again, into the genital area. It can involve the upper  
14          part, which is the clitoris, but it can involve just to the whole genital area.

15          **Q.**           Okay. What, if anything, would you expect to show upon the sexual  
16          abuse -- or sexual assault exam where cunnilingus is reported to have been  
17          performed on the victim?

18          **A.**           Again, it is very uncommon to find any findings; irritation. You could  
19          perhaps see a child start complaining about some burning when they go to the  
20          bathroom just from anything rubbing against that and causing irritation. But the  
21          majority of the time, we don't see any -- actual anything on the physical exam itself.

22          **Q.**           Okay. And what about in cases where the allegations include the child  
23          having to perform cunnilingus on someone else?

24          **A.**           Again, the majority of times for something like that, it — it is very  
25          unusual to have any findings. Sometimes we do get concerned about the possibility



1 of passage of a sexually transmitted infection.

2 Usually gonorrhea is the most common one. But even that is very rare  
3 to -- to see that as a positive finding, having actually gonorrhea of the oral cavity.

4 Q. Okay. What about the child sexual abuse examination of a male child  
5 victim? How is that conducted?

6 A. Well, very similar to what we talked about as far as the female exam;  
7 specifically head to toe physical exam to examine the male genital part. Typically  
8 what we'll do is, you know, I just put some gloves on. And the child is just up on the  
9 table.

10 And, then, to examine the rectal area, what I will do is kind of move the  
11 culposcope to the end -- the side of the table, kind of behind them. And they usually  
12 just lay on their side facing the parent with some distraction. And I use that to look  
13 at the anal area.

14 Q. Okay. How common are physical findings in a male child?

15 A. Again, as I've mentioned before, they're very uncommon. It depends  
16 on, you know, specifically what the allegations are. But it is pretty unusual to see  
17 something on the exam.

18 Q. Okay. And what about when the allegations include digital penetration  
19 of the rectal area?

20 A. Then that would be -- it's possible, but very uncommon to find anything  
21 on the rectal area related to that.

22 Q. What about in cases where the allegations include the child having to  
23 touch another -- another person's body?

24 A. As far as findings?

25 Q. As far as findings, yes, ma'am.

1       A.       Yes. No, that's just like -- and -- and I try to exp -- help the parents  
2 understand that, you know, with the touching, it's just like, you know, if I touched,  
3 you know, on an arm, there's just nothing there. We're not like scraping it for skin  
4 cells or anything like that.

5               So unless there's something very forceful where there's bruising or  
6 something like that, the -- to find something would be very unusual.

7       Q.       Okay. What do you consider a normal exam?

8       A.       A normal exam I would consider is if I didn't have any concern about  
9 sexual abuse, when I looked at the child, there wouldn't be any red flags that would  
10 say, "Hmm, I wonder if the child had been abused. "

11              So I don't see anything specifically on the exam that is concerning that  
12 would be a -- a concern that this child had been touched or -- or something more  
13 extensive.

14       Q.       Okay. In your experience in child sexual abuse cases, how often are  
15 physical findings present with a female child?

16       A.       I would say physical findings are probably five percent (5%) or less.  
17 It's -- its' -- it's very uncommon, especially in -- when we're not seeing a child right  
18 initially after the injury.

19       Q.       Okay. And, in your experience in child sexual abuse cases, how often  
20 are physical findings present in a male child?

21       A.       Probably even less than that.

22       Q.       Okay. And, as an expert and throughout your daily jobs and  
23 everything, how may a -- an exam that is -- that doesn't have physical findings, be  
24 consist or inconsistent with child sexual abuse?

25       A.       Well I think the most important part of these type of evaluations is what

**DR. NANCY HENDERSON - DIRECT by MS. MILES**

**Page 639**

1 a child has to say. So that history and the information that they are sharing is  
2 critical. And the way they're sharing it is probably the most important thing.

3 The other thing that is important are behaviors that come into play.  
4 Sometimes a lot of them are nonspecific behaviors. And some of them are --  
5 sometimes we'll see kids that are really sexually acting out way beyond kind of their  
6 -- what should be their appropriate knowledge for that age.

7 And although, again, that's not specific for abuse, they certainly are  
8 very concerning. So, when there's a normal exam, but we have those other things  
9 in play, then obviously, I am very concerned that something has happened.

10 **Q.** Okay. So, in your expert opinion, does a normal exam rule out sexual  
11 abuse?

12 **A.** No.

13 **Q.** Okay. And what different aspects can play a role in a normal exam?

14 **A.** Well, as I mentioned before, the time from when the incident occurred  
15 to the time that I saw the child. So just that delay allows the body to heal.

16 We talked about a -- a lot of things that happen to children never  
17 would cause any findings on exams. So oral sex, touching, digital penetration  
18 perhaps may not leave -- even if I saw them right at the -- the get-go, then, they  
19 have normal exams.

20 And, then, once we get into adolescence, a lot of times, once estrogen  
21 is in play, that area, the vaginal area, the hymenal area can stretch instead of tear.  
22 So a lot of times there's history of full penetration and they too have normal exams.

23 **Q.** Okay. Have you had an opportunity to examine any child victims in  
24 this case?

25 **A.** Yes, I have.

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 640**

1       **Q.**       Okay. And which children -- which children were those?

2       **A.**       I examined Child 3     and Child 6

3       **Q.**       Okay. On what day did you conduct an exam on Child 6

4       **A.**       I conducted an exam on May 20<sup>th</sup> of 2011.

5       **Q.**       Okay. What information did you receive from his mom regarding  
6 behaviors that were relevant to your exam?

7               **MR. HENRY:**       Objection to hearsay.

8               **THE COURT:**       Sustained as to hearsay, Counsel.

9               **MS. MILES:**       Your Honor, this is relative to the portion of the  
10 exam where she asked about their social and their medical history and able --  
11 in order to be able to perform her exam on the child.

12              **MR. HENRY:**       Same objection, Judge. I think it's -- this is a  
13 physical exam by a doctor.

14              **THE COURT:**       All right. Counsel approach just a minute.

15                   **(Whereupon, a bench conference was had with both attorneys**  
16 **present.)**

17       **Q.**       (By Ms. Miles) Dr. Henderson, did you interview Child 6 before the  
18 exam?

19       **A.**       Yes, I did.

20       **Q.**       Okay. What did he disclose, if anything, regarding the time or place of  
21 any sexual abuse?

22              **MR. HENRY:**       Hearsay objection and -- and as to ---

23              **MS. MILES:**       It's -- it's the child disclosing ---

24              **THE COURT:**       Over -- overruled.

25              **MS. MILES:**       Okay. Thank you.

**DR. NANCY HENDERSON - DIRECT by MS. MILES****Page 641**

1       **A.**       He had talked -- the only thing he had said to me with -- with regard to  
2 school; that something had happened at his school, at his other school.

3       **Q.**       Okay. And what were the results of Child 6 exam?

4       **A.**       He had a normal exam.

5       **Q.**       Okay. In your expert opinion, does that confirm or rule out sexual  
6 abuse?

7       **A.**       No, it does not.

8       **Q.**       What factors could have played a role in that normal exam?

9       **A.**       Well, as I mentioned before, the type of things that happened ---

10               **MR. HENRY:**       Judge, I'm going to object. I think it's been asked  
11 and answered. She went through all of the reasons earlier. This has been  
12 asked and answered ---

13               **MS. MILES:**       I'm asking as to this child's specific exam.

14               **THE COURT:**       I'll allow it. You may proceed.

15               **MR. HENRY:**       All right.

16       **A.**       Again, related to the things that had happened to him often don't  
17 cause any findings on the exam. And so -- and also the delay in -- from the time of  
18 the incident to the time that I saw the child.

19       **Q.**       (By Ms. Miles) Okay. And what about Child 3       On what day did  
20 you conduct an exam on Child 3

21       **A.**       I saw her on April 15<sup>th</sup> of 2011.

22       **Q.**       Okay. And did you speak with Child 3 before the exam?

23       **A.**       I did.

24       **Q.**       Okay. And what did she disclose, if anything, regarding a time or  
25 place?

**DR. NANCY HENDERSON - CROSS by MR. HENRY****Page 642**

1       A.       She did not disclose any information to me.

2       Q.       Okay. And what were the results of her exam?

3       A.       She also had a normal exam.

4       Q.       And, in your expert opinion, does that confirm or rule out sexual  
5 abuse?

6       A.       No, it does not.

7       Q.       Okay. And what factors could have played a role in her exam?

8       A.       Again, for her it's — it's similar as well; the type of things that had  
9 happened and also the delay from the time of the incident to the time that I saw the  
10 child.

11               **MS. MILES:** Okay. Thank you, Dr. Henderson. Please answer any  
12 questions Mr. Henry may have.

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

**10:11 A.M.**

14       Q.       Dr. Henderson, good morning. With respect to these two children,  
15 neither one of them made a disclosure to you; is that correct?

16       A.       Specifically, they -- they did not say anything specifically to me about  
17 happened to them.

18       Q.       Well isn't that what a disclosure -- disclosure is, something specific?

19       A.       Well, you know, for children sometimes they could just give that  
20 something happened and that's a concern ---

21       Q.       Okay.

22       A.       --- or they can say a lot more detail.

23       Q.       All right.. So -- so Child 6 told you something happened and that was  
24 it?

25       A.       Yes, sir.

**DR. NANCY HENDERSON - REDIRECT by MS. MILES****Page 643**

1 Q. Child 3 told you nothing?

2 A. That's correct.

3 Q. Okay. And you call those disclosures?

4 A. No. I — I think -- I think Child 6 did say something that something  
5 happened. I was aware of previous information.

6 Child 3 didn't say anything to me. But she already had, had her  
7 forensic interview.

8 Q. Okay. But there are -- there are many cases when you see children in  
9 your office when they tell you specific details?

10 A. That's correct.

11 Q. Now you talked about the five percent (5%) and the less than five  
12 percent (5%) of — of findings when you have a normal exam of a child. When a  
13 child has not been abused in any way, do they have a normal exam?

14 A. Yes.

15 MR. HENRY: Thank you.

16 MS. MILES: Just briefly, Your Honor.

17 REDIRECT EXAMINATION by MS. MILES:

**10:13 A.M.**

18 Q. How old were Child 6 and Child 3 at the time of their medical exams?

19 A. Child 3 was four (4) and Child 6 was five (5).

20 Q. Okay. How common is it for children at that age to make disclosures  
21 to you in your experience?

22 A. You know, it's — it's — it's very variable. Some children are -- are very  
23 forthcoming. Some children, you know, once they've talked to a lot of other people  
24 they're -- you know, have had enough and they don't share anymore.

25 MS. MILES: Okay. Thank you, Dr. Henderson.

Child 3 - Special Oath Page 644

1 MR. HENRY: Nothing further, Judge. Thank you.

2 THE COURT: Thank you. Dr. Henderson, you may stand down.

3 THE WITNESS: Thank you.

4 (Witness complied with the Court request.)

5 MS. MILES: Your Honor, may — may we approach briefly?

6 THE COURT: Yes, ma'am.

7 MS. MILES: Thank you.

8 (Whereupon, a bench conference was had with all attorneys  
9 present.)

10 THE COURT: All right. Mr. Foreman, ladies and gentlemen of  
11 the jury panel, we're going to take a short break at this time, probably about  
12 five (5) minutes. So you may refresh yourselves during it.

13 (The jury exited the courtroom at 10:14 a.m.)

14 THE COURT: Okay. Let's take a short break to get prepared.

15 (Whereupon, a recess was taken from 10:15 a.m. until 10:24 a.m.)

16 (The jury entered the courtroom at 10:24 a.m.)

17 THE COURT: You may proceed.

18 MS. MILES: Your Honor, the State calls Child 3 to the  
19 stand.

20 (The witness stepped forward to be sworn.)

21 (Off-the-Record Comments)

22 MADAM CLERK: Do you promise to tell the truth and the whole  
23 truth?

24 THE WITNESS: Yes.

25 MADAM CLERK: Thank you. Have a seat right there.



Child 3

- DIRECT by MS. MILES

Page 645

1 (Witness complied with the request.)

2 (Off-the-Record Comments)

3 MADAM CLERK: Do you know the difference between telling the  
4 truth and telling a lie?

5 THE WITNESS: Yes.

6 MADAM CLERK: What happens if you tell a lie at home?

7 THE WITNESS: You'll get in trouble with your dad and your mom.

8 MADAM CLERK: What happens if you tell a lie at school?

9 THE WITNESS: You'll get in trouble with the principal.

10 MADAM CLERK: What happens if you tell a lie in court?

11 THE WITNESS: You'll go into jail.

12 MADAM CLERK: Do you understand you have to tell the truth today  
13 in court?

14 THE WITNESS: Yes.

15 MADAM CLERK: Do you promise to tell the truth?

16 THE WITNESS: Yes.

17 (Off-the-Record Comments)

18 DIRECT EXAMINATION by MS. MILES:

10:25 A.M.

19 Q. Child 3 can you tell me what your full name is?

20 A. Child 3

21 Q. Child 3 How old are you, Child 3

22 A. Six (6).

23 Q. Six? When is your birthday?

24 A. July 9<sup>th</sup>.

25 Q. July 9<sup>th</sup>? Okay. Who do you live with, Child 3

Child 3 - DIRECT by MS. MILES

- 1 A. My mommy, my dad, and my dog.
- 2 Q. What is your dog's name?
- 3 A. Pressie (phonetic).
- 4 Q. Pressie? What do you do for fun, Child 3
- 5 A. I play with my dog and sometimes I play with my friends.
- 6 Q. You do? What do you like to play?
- 7 A. (No Response)
- 8 Q. Where do you like to play, outside, inside?
- 9 A. Both.
- 10 Q. Both? Okay. What's your favorite food?
- 11 A. Hotdogs.
- 12 Q. Hotdogs? Child 3 what grade are you in?
- 13 A. First.
- 14 Q. First grade? What school do you go to?
- 15 A. Oakview.
- 16 Q. Oakview? Who is your teacher there at Oakview?
- 17 A. Ms. Reeves (phonetic).
- 18 Q. Ms. Reeves? Okay. Child 3 what school did you go to before
- 19 Oakview?
- 20 A. (No Response)
- 21 Q. Where did you go?
- 22 A. (No Response)
- 23 Q. Was it Kids "R" Kids?
- 24 A. Yes.
- 25 Q. Is that where you went? Okay. What teachers do you remember

Child 3 - DIRECT by MS. MILES

Page 647

- 1 from Kids "R" Kids?
- 2 A. (No Response)
- 3 Q. Do you remember Ms. Laurie?
- 4 A. (Nods affirmatively.)
- 5 Q. Can you say "yes" or "no" into the microphone?
- 6 A. Yes.
- 7 Q. Okay. What about Ms. Kori?
- 8 A. No.
- 9 Q. No? Okay. Do you remember Ms. Michelle?
- 10 A. (Shakes head negatively.)
- 11 Q. Okay. What about Ms. Ronasha?
- 12 A. Yes.
- 13 Q. Okay. What about a Ms. Phyllis? Do you remember Ms. Phyllis?
- 14 A. No.
- 15 Q. Okay. How old were you when you went to Kids "R" Kids?
- 16 A. Four (4).
- 17 Q. Four? Okay. Child 3 I asked you about some of your teachers. How
- 18 do you feel about Ms. Laurie?
- 19 A. (No Response)
- 20 Q. Okay. How do you feel about Ms. Ronasha?
- 21 A. (No Response)
- 22 Q. Okay. Let me ask you some things, okay? Child 3 what happened at
- 23 -- at Kids "R" Kids?
- 24 A. (No Response)
- 25 Q. Can you tell me about what happened that made you feel bad or sad?

Child 3 - DIRECT by MS. MILES

Page 648

1 A. (No Response)

2 Q. It's okay. Just talk into the microphone.

3 A. Nothing.

4 Q. Nothing? Let's — let's talk about a couple of other things. I'll show  
5 you some pictures, okay?

6 (Exhibit retrieved and shown to the witness.)

7 Q. Do you remember what room this is?

8 A. That's my classroom.

9 Q. This is your classroom? Where did you sit to work on projects?

10 A. (Indicating)

11 Q. And what is that?

12 A. A chair.

13 Q. It's a chair? And where did you sit at?

14 A. The table.

15 Q. The table? Okay. Where did you take naps?

16 A. (No Response)

17 Q. What part of the room did you take naps in? The front part, the back  
18 part, the middle? If you remember?

19 A. I don't remember.

20 Q. You don't remember? Okay. Let me show you this picture.

21 (Exhibit retrieved and shown to the witness.)

22 Q. Do you remember what -- what would you do in the carpet area at Kids  
23 "R" Kids? What are some things you would do?

24 A. Play.

25 Q. You'd play? What would you play?

Child 3 - DIRECT by MS. MILES

Page 649

- 1 A. (No Response)
- 2 Q. Would you read books?
- 3 A. Uh-huh (affirmative).
- 4 Q. Okay. What about games? Would you play games?
- 5 A. Yes.
- 6 Q. Okay. Would you put together puzzles?
- 7 A. Yes.
- 8 Q. Okay.
- 9 (Exhibit retrieved and shown to the witness.)
- 10 Q. What is this a picture of?
- 11 A. The girls bathroom.
- 12 Q. The girls bathroom? Is that where you went to the bathroom?
- 13 A. Yes.
- 14 Q. Yes? Okay.
- 15 (Exhibit retrieved and shown to the witness.)
- 16 Q. And what is that a picture of?
- 17 A. The bathroom.
- 18 Q. Is that the inside or the outside?
- 19 A. Inside.
- 20 Q. Okay. Child 3 when did you go into the bathroom at Kids "R" Kids?
- 21 A. I don't remember.
- 22 Q. You don't remember? What would you go in there for?
- 23 A. Go to the bathroom.
- 24 Q. Okay. What about any other times you went to the bathroom? Can
- 25 you tell me about that?

Child 3 - DIRECT by MS. MILES

Page 650

1 A. I don't remember.

2 Q. You don't remember?

3 MS. MILES: Your Honor, may we approach for a minute?

4 THE COURT: You may. Counsel?

5 (Whereupon, a bench conference was had with all attorneys  
6 present.)

7 MS. MILES: Your Honor, may we asked that Child 3 be  
8 excused at this time with permission to recall her?

9 THE COURT: You may.

10 MR. HENRY: No objection, Your Honor.

11 (Whereupon, the witness was excused at 10:31 a.m. and stepped  
12 down from the witness stand and exited the courtroom.)

13 MR. HENRY: May we approach with one other subject, judge?

14 THE COURT: Yes, sir.

15 MR. HENRY: I apologize.

16 THE COURT: That's all right.

17 MR. HENRY: I should have brought this up earlier.

18 THE COURT: That's fine.

19 (Whereupon, a bench conference was had with all attorneys  
20 present.)

21 THE COURT: Mr. Foreman, ladies and gentlemen of the jury  
22 panel, I'll explain this more to you when you come back in. But we're going to  
23 go ahead and take a short recess at this time. If you'll retire to the jury room  
24 briefly. And we'll explain why later.

25 (The jury exited the courtroom at 10:34 a.m.)

1                   **THE COURT:**       All right. I'll hear from you now, Counsel.

2                   **MS. HALL:**       Your Honor, at this time the State would renew  
3                   their motion for the child, **Child 3**       date of birth July 9<sup>th</sup>, 2006, to testify  
4                   via closed circuit television pursuant to South Carolina code 16-3-1550 (e),  
5                   *State v. Murrell* (phonetic) and *State v. Bray*.

6                   Your Honor, the requirements are that the Court must determine that  
7                   the child has a special need and necessity for videotaped or closed circuit  
8                   testimony. We must provide that the child be placed in a close a courtroom  
9                   setting as possible.

10                  We must ensure that the Defendant can see and hear the child, have  
11                  Counsel present both in the courtroom and with her or to have  
12                  communication available with her attorney throughout the child's testimony.

13                  Your Honor, in terms of the first requirement, which is determining that  
14                  the child has a special need and necessity for videotaped testimony, the  
15                  Courts have said that it must be more than de minimis, more than mere  
16                  nervousness or excitement or some reluctance to testify.

17                  Earlier this week, Your Honor, we called Meredith Loftis, who is the  
18                  child's therapist, who has been seeing the child for over a year. Meredith's  
19                  testimony, as it related to Child 3 was that she's fearful;

20                  That she has the need for constant refocusing, and that she in  
21                  particular has an interesting relationship with the Defendant in that she's not  
22                  necessarily afraid of the Defendant as much as she doesn't want the  
23                  Defendant to be in trouble.

24                  Additionally, the parents of the child have said they have not really  
25                  discussed the Defendant with the child. And, as such, after questioning the

**Motions & Matters****Page 652**

1 child, without the Defendant present, Your Honor decided this child might be  
2 able to testify and that we would try it.

3 Your Honor, the child took the stand, was not able to say much of  
4 anything, but was particularly avoidant when asked about the Defendant,  
5 Ronasha Taylor, said she didn't remember the name of her school, said —  
6 wouldn't tell where she took a nap. When asked about the bathroom, she  
7 wouldn't say anything except, "I went to the potty."

8 The child clearly was fearful of either getting the Defendant in trouble,  
9 testifying in front of the jury, or overall was having some type of excessive  
10 fear going on that was preventing her from being able to testify.

11 After having her on the stand, and her attempts to testify, the State  
12 would again renew their motion that this child does have a particularized  
13 need and necessity for closed circuit testimony.

14 Again, our goal is to be able to get the truth out of her whatever that  
15 may be. And we're not going to be able to do that with her on the stand in  
16 front of the Defendant. At this time we renew our motion.

17 **THE COURT:** Counsel?

18 **MR. HENRY:** Thank you, Judge. Obviously, I do oppose the  
19 motion. Just a couple of points. I — I disagree about what — what just  
20 happened.

21 The — the child Child 3 did answer questions. She did remember my  
22 client. She — she didn't say anything about how she felt about her, but —  
23 and she didn't — when she was asked what happened at Kids "R" Kids, she  
24 said nothing.

25 She continued to answer questions. And I — I know that some of the



**Motions & Matters****Page 653**

1 questions were short answers, but she talked about games on the carpet and  
2 puzzles, et cetera. So, I think she was testifying.

3 The — and I — I think they could have continued to work with her on  
4 the stand here in front of the — the jury. She didn't seem to be looking at my  
5 client but — but at the jury. So I don't know that she couldn't have  
6 continued.

7 The other thing we — we don't really know the answer to the why  
8 about why she might not testify in open court. One reason might be that  
9 she's afraid.

10 The other reason is she might want to — not want to say what she said  
11 before because it wasn't true. So there are two different sides to that coin.

12 So I would ask that you let her continue on the stand and that we not  
13 have closed circuit TV.

14 **MS. HALL:** I want to respond to just one thing. They were two  
15 different times, when the child looked over at the Defendant, and both times  
16 she did that she completely stop talking.

17 **THE COURT:** Well, and I agree with — with the last  
18 assessment. And — and I also agree that she answered just the bare  
19 minimum question about — she didn't remember her school.

20 All the children have remembered the school and — and the name of  
21 the school. And they all have remembered that. She couldn't remember the  
22 name of the school she said, couldn't remember; nothing happened.

23 She couldn't remember anything. She couldn't remember her primary  
24 teacher, she said was Ms. Laurie I believe; couldn't remember any of the  
25 teachers that were there.

1 She did, in a very soft spoken answer, that she knew who Ronasha  
2 was. But that was in a very soft spoken way.

3 When she looked over at the jury, she would quit answering questions.  
4 And so — and she did — about the only thing that she did answer is that —  
5 and, of course, I've seen the videotaped interview, forensic interview. And  
6 she did remember these things. And — and — and that's on the video tape,  
7 et cetera.

8 And — but, when she would look up at the jury, as long as she was  
9 kind of focused at the Assistant Attorney General who is asking the question,  
10 she — she kind of had her focused. But, when she looked over at the jury,  
11 she — she shut down.

12 So I don't think it was just the — only just the Defendant, Ms. Taylor,  
13 although, when she looked at her, she then just, you know, kind of froze up.  
14 But she also, in looking over at the jury, when she actually looked at the jury,  
15 she would freeze up.

16 And, so, I just think that she's not able to — to testify in this setting.  
17 And I know, after hearing from the counselor who said that she would not —  
18 did not believe she would be able to testify and would be traumatized by  
19 testifying with Ms. Taylor present, I tentatively agreed that she — she met the  
20 criteria to be able to testify by closed circuit television.

21 And — but, then, Counsel asked me to interview the children. And —  
22 and I did. I said that would probably would be a good idea to do that.

23 But, you know — and, when she came in, she told — she said she  
24 would be able to testify. And she wasn't afraid of Ms. Taylor and said that  
25 she would be able to testify.

## Motions &amp; Matters

Page 655

1 But, you know, that was questionable, obviously, whether she would  
2 be able to or not. And I find just on — and I've watched her very, very, very  
3 carefully and listened to her answers.

4 And I — and I think that she was somewhat traumatized by Ms. Taylor  
5 and also by the jury because, when she would look over at the jury, when  
6 asked — she might answer some minimal amount of questioning from the  
7 Assistant Attorney General, but, when she would look over at the jury, I  
8 noticed she froze.

9 And so — and she certainly — she wouldn't even talk about the  
10 bathroom, where she took a nap, that kind of thing. She wouldn't — she  
11 wouldn't even talk about that.

12 And that's all interconnected because the — the — what's been  
13 disclosed by the children is that they were taking naps. Ms. Taylor came and  
14 got them from the nap and took them to the bathroom and that's where this  
15 occurred.

16 But she wouldn't testify even about the nap, the bathroom, anything.  
17 So I think she just froze up and just didn't — wouldn't be able to do it.

18 As she may not be able to do it on closed circuit television. I don't  
19 know. Because she may just try to avoid it altogether.

20 But I think that — I was leaning in that direction anyway, but, after she  
21 said she could testify, when I questioned her about it, I decided we would try  
22 her. But I — her — to let her to testify.

23 But I also said, if she was --- if she got in and she really was not able  
24 to do it and shut down, that I would allow her to testify. And, so, is the Court's  
25 determination that she has special needs based on what the counselor said

**Motions & Matters****Page 656**

1 and what the Court has observed on its own.

2 I find that she has special needs and that she would not be able to —  
3 to be able to testify in — in court for whatever reason after looking at Ms.  
4 Taylor or looking at — directly at the jury she shut down.

5 So we'll try it this way where there's no jury and Ms. Taylor is not  
6 present and with — with the safeguards that are provided by statute.

7 And again she still might not be able to testify. If she's not, she can't  
8 testify; it's as simple as that. But we'll — we will see.

9 All right.

10 **MS. HALL:** Your Honor, our — our person to set up CCTV is  
11 here. It's going to take him a few minutes I believe to even clear this room  
12 out. So we'll ---

13 **MS. MILES:** We'll get the parents back in here so we can get  
14 ready.

15 **THE COURT:** Okay. Do what you need to do.

16 **MS. MILES:** Thank you.

17 **THE COURT:** And we'll just — if you need us, we'll be in  
18 chambers.

19 **MR. HENRY:** Judge, is it okay if I get that lawyer?

20 **THE COURT:** Yeah, please, please.

21 (Off-the-record comments regarding how the attorney in the  
22 courtroom and Mr. Henry in the other room would communicate with  
23 one another.)

24 (The Court stepped down and went into chambers at 10:45 a.m.)

25 (Whereupon, a recess was taken from 10:45 a.m. until 11:05 a.m.)

1 to set up the closed circuit television and to wait for the arrival of the  
2 attorney.)

3 (Off-the-Record Comments)

4 THE COURT: All right. Let's bring — go ahead and bring the  
5 jury in and let me explain to them what we're doing.

6 (The jury entered the courtroom at 11:07 a.m.)

7 (Off-the-Record Comments)

8 THE COURT: Mr. Foreman, ladies and gentlemen of the jury  
9 panel, we appreciate your patience. There is a provision in the law, when a  
10 small child is distracted or sometimes distracted or overwhelmed by things in  
11 the courtroom, to allow their testimony be taken and — by closed circuit  
12 television.

13 And the attorney will be in there. Another attorney is here, will be here  
14 as well, and they will communicate with each other.

15 And, under this provision, the child will testify in a separate room by  
16 closed circuit television that will be projected here so you'll be able to see and  
17 hear her testimony where there is no distraction about the courtroom and that  
18 sort of thing.

19 And — and so the Court has made a determination that she be  
20 allowed to testify in --- in this way to you. But, of course, it's much the same  
21 as if she was sitting right here.

22 And she's previously been sworn so we will take her testimony then by  
23 closed circuit television.

24 (Brief Pause)

25 THE COURT: Can everybody see okay? Does somebody need

Child 3 - DIRECT RESUMED by MS. MILES

Page 658

1 to move? Do you need to move, sir?

2 JUROR: I can see.

3 THE COURT: Okay.

4 (Off-the-Record Comments)

5 DIRECT EXAMINATION by MS. MILES RESUMED

11:09 A.M.

6 Q. Child 3 what's your name?

7 A. Child 3 You just said it.

8 (Laughter)

9 Q. What's your last name?

10 A. Stein.

11 Q. How old are you?

12 A. Six (6).

13 Q. Six (6)? When is your birthday, Child 3

14 A. July 9<sup>th</sup>.

15 Q. July 9<sup>th</sup>? Who do you live with?

16 A. My mom and my dad and my dog.

17 Q. And your dog?

18 A. Yeah.

19 Q. What is your dog's name?

20 A. Pressie (phonetic).

21 Q. To have any brothers or sisters?

22 A. My mom's about to have a baby.

23 Q. Your mom's about to have — do what?

24 A. Have a baby.

25 Q. She is? What do you want, a brother or sister?

Child 3

- DIRECT RESUMED by MS. MILES

Page 659

- 1 A. A sister — a brother.
- 2 Q. A brother? What do you do for fun, Child 3
- 3 A. Sometimes I play with my friends and my doggie.
- 4 Q. Can you speak up? Keep your hands away from your mouth, please.
- 5 A. (Witness complies.)
- 6 Q. Thank you.
- 7 A. I play with my dog and with my friends.
- 8 Q. Your friends? Okay. And what's your favorite food?
- 9 A. Hotdogs.
- 10 Q. Hotdogs? What grade are you in, Child 3
- 11 A. First.
- 12 Q. First grade? Who is your teacher?
- 13 A. Ms. Reeves.
- 14 Q. Ms. Reeves? Okay. What school do you go to?
- 15 A. Oakview — Oakview.
- 16 Q. What school did you go to before Oakview?
- 17 A. I forgot.
- 18 Q. What — — what school did you go to? Do you remember? Was it Kids
- 19 "R" Kids?
- 20 A. Yes.
- 21 Q. Yes? Be sure to keep your head up so we can hear you, okay? What
- 22 teachers do you remember at Kids "R" Kids? Do you remember Ms. Laurie?
- 23 A. No — yes.
- 24 Q. Ms. Laurie? Okay. What about Ms. Michelle?
- 25 A. Yes.

Child 3 - DIRECT RESUMED by MS. MILES

Page 660

- 1 Q. Do you remember Ms. Ronasha?
- 2 A. Yes.
- 3 Q. Okay. What about Ms. Phyllis?
- 4 A. No.
- 5 Q. No? Okay. How old were you when you went to Kids "R" Kids?
- 6 A. Four (4).
- 7 Q. Four (4)? Okay. Make sure you keep your head up, okay? Child 3
- 8 how do you feel about Ms. Laurie?
- 9 A. I don't know.
- 10 Q. You don't know? Okay. What about Ms. Ronasha?
- 11 A. I don't know.
- 12 Q. Okay. Child 3 I'm going to ask you about some pictures about your
- 13 old — or show you some pictures about your old school, okay?
- 14 A. All of these? I think I might have to go to the bathroom (phonetic).
- 15 (Laughter)
- 16 Q. What do you see in this picture?
- 17 A. A chair.
- 18 Q. Okay. A chair? Where did you sit to work on projects?
- 19 A. At the table.
- 20 Q. At one of the tables?
- 21 A. Uh-huh (affirmative).
- 22 Q. Okay. Where would you sit to play?
- 23 A. (No Response)
- 24 Q. Where would you play in the classroom?
- 25 A. (Indicating)



Child 3

- DIRECT RESUMED by MS. MILES

Page 661

- 1 Q. Back there? Okay. And what about outside? did you play outside?
- 2 A. Uh-huh (affirmative).
- 3 Q. Okay. What is this a picture of?
- 4 A. The girls bathroom.
- 5 Q. The girls bathroom? Did you go in the girls bathroom?
- 6 A. Yes.
- 7 Q. Okay. What's this a picture of?
- 8 A. (No Response)
- 9 Q. Child 3 what is this a picture of?
- 10 A. (No response)
- 11 Q. Is that the inside of the outside of the bathroom?
- 12 A. Inside.
- 13 Q. Inside the bathroom? Okay. What is this area (indicating)? What did
- 14 you do right here?
- 15 A. Wash my hands and go to the bathroom.
- 16 Q. Okay. You washed your hands and go the bathroom?
- 17 A. Yes.
- 18 Q. Okay. What is this room?
- 19 A. The boys bathroom.
- 20 Q. The boys bathroom. Okay. Child 3 let me ask you about some of
- 21 your body parts, okay?
- 22 (Exhibit retrieved and shown to the witness.)
- 23 Q. Okay. Do you want to be this little girl?
- 24 A. No.
- 25 Q. We're going to say this is you, okay? Leave that there, okay? I'm

## Child 3 - DIRECT RESUMED by MS. MILES

Page 662

- 1 going to write your name on this.
- 2 A. I write it — I want to write it down.
- 3 Q. I'm going to write it for you, okay?
- 4 (Ms. Miles writes on diagram.)
- 5 Q. Okay. Child 3 what are these (indicating)?
- 6 A. Eyes.
- 7 Q. The eyes?
- 8 (Ms. Miles writes on diagram.)
- 9 A. Nose.
- 10 Q. And what is this (indicating)?
- 11 A. What's that?
- 12 Q. Yeah, what's that (indicating)?
- 13 A. The nose.
- 14 Q. The nose? And what's under it?
- 15 A. The mouth.
- 16 Q. The mouth? Okay.
- 17 A. I want to (inaudible)
- 18 (Ms. Miles writes on diagram.)
- 19 Q. Okay. Child 3 what are these (indicating)?
- 20 A. The arms.
- 21 Q. The arms?
- 22 A. Hands. And Ms. Ronasha would get out the wash cloth.
- 23 Q. Okay. What are these (indicating)?
- 24 A. A (inaudible).
- 25 Q. What are these, the whole thing (indicating)?

Child 3

- DIRECT RESUMED by MS. MILES

Page 663

- 1 A. Knees.
- 2 Q. These are the knees?
- 3 A. The knees.
- 4 Q. Okay.
- 5 A. They're long and most of the time they're (cough, inaudible)
- 6 Q. (Cough, inaudible)
- 7 A. And the thighs.
- 8 Q. And the thighs? Okay. What's this (indicating)?
- 9 A. The bellybutton.
- 10 Q. The belly button?
- 11 (Ms. Miles writes on diagram.)
- 12 Q. Child 3 what is this part called (indicating)?
- 13 A. Boobies.
- 14 Q. Boobies?
- 15 (Ms. Miles writes on diagram.)
- 16 Q. And what's this part down here called (indicating)?
- 17 A. Coochie (phonetic) and elbows.
- 18 Q. That's the coochie and that's the elbows?
- 19 A. Yes.
- 20 Q. Okay.
- 21 (Ms. Miles writes on diagram.)
- 22 Q. And I'll put "elbow."
- 23 (Ms. Miles writes on diagram.)
- 24 Q. Okay. What about on your back? What's this (indicating)?
- 25 A. The —

Child 3 - DIRECT RESUMED by MS. MILES

Page 664

- 1 Q. What's this part (indicating)?
- 2 A. Hands, hands.
- 3 Q. What's this part (indicating)?
- 4 A. Hands.
- 5 Q. What is this (indicating)?
- 6 A. Feet.
- 7 Q. Feet? These aren't feet. What are these (indicating)?
- 8 A. (No Response)
- 9 Q. Look up. What are these (indicating)?
- 10 A. Over their feet.
- 11 Q. Over their feet? That's right. What are these (indicating)?
- 12 A. Arms and elbows.
- 13 Q. Arms and elbows? Okay.
- 14 (Ms. Miles writes on diagram.)
- 15 A. And hands.
- 16 Q. And hands? Right. Let me write "hands."
- 17 (Ms. Miles writes on diagram.)
- 18 Q. Okay. And what is this called (indicating)?
- 19 A. Thighs.
- 20 Q. What about this part (indicating)?
- 21 A. Booty.
- 22 Q. Booty? Okay.
- 23 (Ms. Miles writes on diagram.)
- 24 Q. Okay. And what are these the back of (indicating)?
- 25 A. Legs.

Child 3 - DIRECT RESUMED by MS. MILES

Page 665

- 1 Q. Legs? Okay.
- 2 (Ms. Miles writes on diagram.)
- 3 A. And feet.
- 4 Q. And feet? Okay. I'll make sure I put the feet.
- 5 (Ms. Miles writes on diagram.)
- 6 A. That's a (inaudible)
- 7 Q. Okay.
- 8 A. Does that come off of that?
- 9 Q. I don't know. Okay. I'm going to find an adult woman, okay? This is
- 10 an adult.
- 11 (Exhibit retrieved and shown to witness.)
- 12 A. Write "Ronasha" on there.
- 13 Q. Okay. We'll put a name on it in a minute. Okay? What is this
- 14 (indicating)?
- 15 A. Hair.
- 16 Q. Hair? Okay. And what are these on a woman (indicating)?
- 17 A. (No Response)
- 18 Q. What are these called (indicating)?
- 19 A. Arms.
- 20 Q. Arms?
- 21 (Ms. Miles writes on diagram.)
- 22 Q. Okay. Sorry. What are these called, these whole things (indicating)?
- 23 A. Knees and feet.
- 24 Q. Knees and feet?
- 25 A. The knees and her arms.

Child 3 - DIRECT RESUMED by MS. MILES

Page 666

1 Q. Okay. The arms?

2 (Ms. Miles writes on diagram.)

3 A. Uh-huh (affirmative).

4 Q. Okay. Child 3 if this is an adult woman, what is this called

5 (indicating)?

6 A. Boobies.

7 Q. Boobies?

8 (Ms. Miles writes on diagram.)

9 Q. Okay. And what is this part called (indicating)?

10 A. Coochie.

11 Q. Coochie?

12 (Ms. Miles writes on diagram.)

13 Q. Okay. Let's talk about the back of a woman. What is this the back of

14 (indicating)?

15 A. Hair.

16 Q. Hair?

17 (Ms. Miles writes on diagram.)

18 Q. Okay. And what is this the back of (indicating)?

19 A. Legs.

20 Q. Legs?

21 (Ms. Miles writes on diagram.)

22 Q. Okay. And what is this called on the woman (indicating)?

23 A. Butt.

24 Q. Butt?

25 (Ms. Miles writes on diagram.)

Child 3

- DIRECT RESUMED by MS. MILES

Page 667

- 1 Q. Okay. Thank you very much for helping me with that. Child 3 I want  
2 to ask you about what happened at Kids "R" Kids, okay?
- 3 A. (No Response)
- 4 Q. Can you tell me what happened at Kids "R" Kids?
- 5 A. She touched my body parts.
- 6 Q. Can you speak up a little bit?
- 7 A. She touched my body parts.
- 8 Q. Who touched your body parts?
- 9 A. Ronasha.
- 10 Q. Ronasha? Who was Ronasha?
- 11 A. (No Response)
- 12 Q. Where was she at?
- 13 A. In the bathroom..
- 14 Q. In the bathroom? Okay. Was she one of your teachers?
- 15 A. Yes.
- 16 Q. Okay. I'm going to show you that little girl — that little girl poster,  
17 okay?
- 18 A. Okay.
- 19 **(Exhibit retrieved and shown to the witness.)**
- 20 Q. Now, when you say she touched your body parts —
- 21 A. That's the body parts she touched.
- 22 Q. Okay. What body parts did she touch?
- 23 A. (Indicating)
- 24 Q. What part is that?
- 25 A. The coochie.

Child 3 - DIRECT RESUMED by MS. MILES

Page 668

1 Q. The coochie?

2 A. And the butt.

3 Q. And the butt? Okay. I've written "Booty". I thought that's what you  
4 told me. I'm sorry. I will mark that out.

5 (Ms. Miles writes on diagram.)

6 Q. Okay. You said that Ronasha touched your coochie. What did she  
7 use to touch your coochie?

8 A. (No Response)

9 Q. What part of her body did she use to touch your coochie?

10 A. (Indicating)

11 Q. What are you pointing to right there?

12 A. Hands.

13 Q. Hands? She used her hands to touch your coochie?

14 A. Yes.

15 Q. Okay. What other parts of your body?

16 A. The butt.

17 Q. The butt? What did she use to touch your butt?

18 A. Her hands.

19 Q. Can you say — speak up.

20 A. Her hands.

21 Q. The hands? Okay.

22 (Ms. Miles writes on diagram.)

23 Q. Okay.

24 (Exhibit retrieved and shown to the witness.)

25 Q. Okay. What about on an adult body, Child 3 Do you know how to do



Child 3 - DIRECT RESUMED by MS. MILES

Page 669

- 1 things with an adult body?
- 2 A. Yeah.
- 3 Q. Okay. I'm going to show you this. Okay. Hold on. I'm getting there
- 4 (phonetic). Okay. If this is Ms. Ronasha, what part of her body did you have to
- 5 touch?
- 6 A. I touched this (indicating).
- 7 Q. Okay. What are you pointing to right there?
- 8 A. The coochie.
- 9 Q. What part are you pointing to?
- 10 A. The coochie.
- 11 Q. The coochie? Okay. What did you have to touch her coochie with?
- 12 A. My tongue.
- 13 Q. What part of your body did you have to use?
- 14 A. The tongue.
- 15 Q. The tongue? So you had to touch your tongue to Ms. Ronasha's
- 16 coochie?
- 17 A. Uh-huh (affirmative).
- 18 Q. Okay.
- 19 (Brief Pause)
- 20 Q. Child 3 when this happened, what room were you in?
- 21 A. The bathroom.
- 22 Q. In the bathroom? Okay. Here — put that down, okay? What —
- 23 where was the bathroom at, at Kids "R" Kids?
- 24 A. Yes.
- 25 Q. Okay. What were you doing before you went to the bathroom?

Child 3

- DIRECT RESUMED by MS. MILES

Page 670

- 1 A. Playing.
- 2 Q. You were playing? Okay. How did you know to go into the bathroom?
- 3 A. Ronasha (phonetic)
- 4 Q. Can you tell me how you knew to go into the bathroom?
- 5 A. She called me into the bathroom.
- 6 Q. She called you in? She — who called you in?
- 7 A. Ronasha.
- 8 Q. Ronasha? Okay. When you were in the bathroom with Ms. Ronasha,
- 9 were you standing up or were you sitting down?
- 10 A. I don't think I can remember.
- 11 Q. You don't remember? Well, what about Ms. Ronasha? Was she
- 12 standing up or was she sitting down?
- 13 (Brief Pause)
- 14 A. She was — I don't remember.
- 15 Q. You don't remember? Okay. Child 3 let's talk about clothes. Was
- 16 Ms. Ronasha wearing a shirt?
- 17 A. Yes.
- 18 Q. Was her shirt pulled up or pulled down?
- 19 A. Down.
- 20 Q. Okay. What about her pants?
- 21 (Brief Pause)
- 22 A. They were up.
- 23 Q. Where were they? Can you point on here?
- 24 A. They were up (indicating).
- 25 Q. They were up? Okay. What about — when you talked about her

Child 3 - DIRECT RESUMED by MS. MILES

Page 671

1 coochie, where were her pants then?

2 A. Right here (phonetic).

3 Q. They were pulled — they were right there under her coochie or were  
4 you —

5 A. They were right there (indicating).

6 Q. Okay. I'm not sure I understand what you're — what you're trying to  
7 tell me.

8 A. Right here (indicating).

9 Q. Her pants — her coochie was right there? What about her pants?  
10 Were they on her coochie?

11 A. (Indicating)

12 Q. Where were her pants? Were her pants pulled all the way up or were  
13 they pulled down or were they somewhere in between?

14 A. Right there (indicating).

15 Q. Okay. Child 3 what about the top part of Ms. Ronasha's body? Have  
16 you ever had to see the top part of Ms. Ronasha's body?

17 A. No.

18 Q. No? Okay. What about her belly button?

19 A. No.

20 Q. No? Okay. Now you talked about the butt. What did you have to —  
21 or are you talking about your butt? Which one? Are you talking about your butt?

22 A. Yes.

23 Q. Okay. Let me go back to your body.

24 A. No, it was her butt.

25 Q. Her butt? Okay. What did you have to do with her butt?

Child 3 - DIRECT RESUMED by MS. MILES

Page 672

1 (Brief Pause)

2 A. I touched her on it (phonetic).

3 Q. I'm trying to hear you, okay? Can you put your head up? Can you  
4 show me where you had to touch? That might be an easier question.

5 A. (Indicating)

6 Q. Okay. On the backside? What about on the front side?

7 A. (Indicating)

8 Q. What are those?

9 A. Her boobies.

10 Q. Her boobies? Can you put your head up and make sure everybody  
11 can hear you, okay? What did you have to touch the boobies with?

12 (Brief Pause)

13 A. The hand.

14 Q. The hand? Your hand?

15 A. Yes.

16 Q. Okay. What did they feel like when you had to touch them? I'll write it  
17 down so I'll remember, okay?

18 A. They were round.

19 Q. They were round? That's what shape they were?

20 A. Uh-huh (affirmative).

21 Q. And what did they feel like?

22 A. I don't remember.

23 Q. Okay. Child 3 where were your friends when you were in the  
24 bathroom with Ms. Ronasha?

25 A. They all were in the classroom.

Child 3

- DIRECT RESUMED by MS. MILES

Page 673

1 Q. They were in the classroom? Okay. What about the bathroom, were  
2 any of your friends in the bathroom with you?

3 (Brief Pause)

4 A. (No Response)

5 Q. Do you remember? Were any of your friends the bathroom with you?

6 A. I don't remember. I don't remember.

7 Q. When Ms. Ronasha was in there?

8 MR. HENRY: I'm going to object to that one. I think you  
9 repeated it one more time.

10 MS. MILES: Okay. I'll go out.

11 (Brief pause while Ms. Miles Mr. Henry stepped back into the  
12 courtroom for the court's ruling.)

13 THE COURT: I'm going to — I'm going to sustain the objection  
14 and — as to leading.

15 MR. HENRY: Okay.

16 MS. MILES: Okay.

17 (Brief pause while Ms. Miles and Mr. Henry return to the other  
18 room.)

19 Q. (By Ms. miles) Child 3 who else did you see go in the bathroom?

20 A. (No Response)

21 Q. Do you remember?

22 A. I don't remember.

23 Q. Okay. Child 3 when — when Ms. Ronasha touched your coochie with  
24 her hand, do you remember what that felt like?

25 A. No.

Child 3

- DIRECT RESUMED by MS. MILES

Page 674

1 Q. No? Okay. What about when she touched your butt? Do you  
2 remember what that felt like?

3 A. No.

4 Q. Okay. When she touched you, did she use her whole hand or her  
5 fingers or what did she use?

6 (Brief Pause)

7 A. I think it was her fingers.

8 Q. Her fingers? How many fingers?

9 A. One.

10 Q. One finger? Okay. A couple more things about Ms. Ronasha. When  
11 you used your tongue to touch Ms. Ronasha's coochie, what did that feel like?

12 A. I don't remember.

13 Q. Okay. Child 3 do you remember when you talked to your mom about  
14 this?

15 A. No.

16 Q. No? Okay. Do you remember other people you talked to? Do you  
17 remember Ms. Meredith?

18 A. Yes.

19 Q. Okay. What about Ms. Lynn?

20 A. Yes.

21 Q. Okay. Has anybody else ever asked to touch your body?

22 A. No.

23 Q. Has anybody else ever asked you to touch their body?

24 A. No.

25 Q. Okay.

Child 3 - CROSS by MR. HENRY

Page 675

1 MS. MILES: Beg the court's indulgence.

2 (Brief Pause)

3 Q. (By Ms. Miles) Child 3 when you touched Ms. Ronasha's boobies with  
4 your hand, what color where her boobies?

5 A. Brown.

6 Q. Brown? Okay. What about her coochie, when you used your tongue  
7 to touch her coochie — touch her coochie, what color was her coochie?

8 A. I don't remember.

9 Q. You don't remember?

10 A. No.

11 Q. Okay.

12 (Brief Pause)

13 MS. MILES: Okay. There's no more questions that I want to  
14 ask you, okay? But Mr. Henry might have a couple of questions that he  
15 wants to answer — ask you. So just answer any questions that he might  
16 have, okay?

17 A. Yes.

18 CROSS EXAMINATION by MR. HENRY:

11:29 A.M.

19 Q. Hi, Child 3

20 A. Hi.

21 Q. My name is Mr. Henry. I just have a few questions for you, okay? Do  
22 you remember about circle time at Kids "R" Kids?

23 A. No.

24 Q. You don't remember that? Okay. When you say that you touched Ms.  
25 Ronasha, did you see her skin?

Child 3 - CROSS by MR. HENRY

Page 676

(Brief Pause)

A. Yes.

Q. Okay. Can you tell me what part of her skin you saw? You know your body parts. Can you tell me what part of — of her skin you saw like from the top? Point to the top of you where you first saw her skin and then as far down as you saw her skin.

A. (Indicating)

Q. From there to how far down?

A. (Indicating)

Q. To there? Okay. Did you tell your mom and your dad as soon as this happened?

A. I don't remember.

Q. You don't remember? Did you tell — you remember Ms. Lynn? Do you remember Ms. Lynn?

A. (Nods affirmatively.)

Q. Okay. Did you tell her everything that happened?

A. Yes.

Q. Did Ms. Ronasha have her clothes on the whole time?

A. Yes.

Q. And did you have your clothes on the whole time?

A. Yes.

MR. HENRY: Child 3 that's all I have. Thank you very much.

(Off-the-Record Comments)

MS. MILES: Just sit there one more minute, okay?

(Brief pause while Ms. Miles stepped back into the courtroom and



Child 3 - CROSS by MR. HENRY

Page 677

1 returned.)

2 MS. MILES: Okay. Child 3 I don't have any more, okay? Any  
3 more questions.

4 (Brief Pause while Mr. Henry and Ms. Miles stepped back into the  
5 courtroom.)

6 MS. HALL: Your Honor, the State is ready to call their next  
7 witness whenever you're ready.

8 THE COURT: Okay. All right. Please proceed.

9 MS. HALL: We may need to —

10 THE COURT: Well, wait just a minute.

11 MR. HENRY: May we approach just a second —

12 THE COURT: Yes, sir.

13 MR. HENRY: — on a procedural matter?

14 THE COURT: Yes, sir.

15 (Whereupon, a bench conference was had with all attorneys  
16 present.)

17 THE COURT: I don't think we need to send the jury out for that.  
18 (Court turns on PA system) I don't think we need to send the jury out for that.  
19 Was just go ahead and bring anyone who wants to come in, come in.

20 (Off-the-Record Comments)

21 THE COURT: All right. Counsel, the jury needs a short break I  
22 think. So let's just take a short break.

23 MS. MILES: Okay.

24 THE COURT: Mr. Foreman, ladies and gentlemen of the jury  
25 panel, we're going to take about five (5) or ten (10) minutes. You may refresh

**MS. LYNN MCMILLAN - DIRECT by MS. MILES**

**Page 678**

yourself and then we'll come right back in.

**(The jury exited the courtroom at 11:33 a.m.)**

**THE COURT:** If anybody else needs a restroom break, now would be the time to do it. The jury requested it, but if you need to go —

**(Whereupon, the recess was taken from 11:33 a.m. until 11:39 a.m.)**

**MS. MILES:** Your Honor, we're ready.

**THE COURT:** All right. Please — if the jury is ready, please bring them in.

**(The jury entered the courtroom at 11:40 a.m.)**

**THE COURT:** All right. Counsel, we're ready to proceed.

**MS. MILES:** Yes, sir, Your Honor. The State calls Lynn McMillan to the stand, please.

**(The witness stepped forward and returned to the witness stand.)**

**DIRECT EXAMINATION by MS. MILES:**

**11:45 A.M.**

**Q.** Good morning. Would you please state your name again for the record?

**A.** Lynn McMillan, M-C-M-I-L-L-A-N.

**Q.** Okay. And, Ms. McMillan, on what dates did you conduct forensic evaluations of Child 3

**A.** I saw Child 3 three times: On October 29<sup>th</sup>, 2010; November 4<sup>th</sup>, 2010; and a final time on November 12<sup>th</sup>, 2010.

**Q.** Okay. And what person or agency referred Child 3 to you at the CAC?

**A.** Child 3 was referred to the Children's Advocacy Center by Bobby Seepersaud at the South Carolina Department of Social Services, the OHAN

1 division.

2 Q. Okay. In your opinion, did Child 3 appear to be competent?

3 A. Yes, she did.

4 Q. Okay. And how did you go about determining her competency or her  
5 ability to communicate effectively with you?

6 A. Primarily through first talking with her parents to get an idea about  
7 Child 3 and how she is in the family situation and in generally, but also in my time  
8 with her just observing her behaviors and her communication style in my interactions  
9 with her.

10 Q. Okay. Can you tell us whether or not Child 3 was able to communicate  
11 personal information to you concerning identities of family members or pets?

12 A. Yes, she was.

13 Q. Okay. And was any of that information independently verified through  
14 other parties?

15 A. Yes, it was, through my time with her parents.

16 Q. Okay. And what, if any, safeguards were used when interviewing  
17 Child 3 to prevent any type of influence?

18 A. I -- well, when I interviewed Child 3 at -- at the Children's Advocacy  
19 Center, in the lobby in the -- on the first floor and, then, the interview room is on the  
20 second. And then her parents remained in the lobby area while I took Child 3 to the  
21 interview room.

22 So, in the interview room, it was only me and Child 3 No one was in  
23 there with us at that time.

24 Q. Okay. And what about the types of questions you asked her?

25 A. We generally want to, in a forensic evaluation, to ask non-leading and

**MS. LYNN MCMILLAN - DIRECT by MS. MILES****Page 680**

1 non-suggestive questions; meaning I don't want to give her the answers to my  
2 questions within my question.

3 **Q.** Okay. Can you tell us whether or not Child 3 made a disclosure of  
4 sexual abuse?

5 **A.** Yes, she did.

6 **Q.** Okay. And what, if anything, did Child 3 relate to you concerning the  
7 place or places that sexual assaults occurred?

8 **A.** Child 3 shared that -- or she identified her Kids "K" Kids daycare.

9 **Q.** Okay. Did you document Child 3 disclosure in any way?

10 **A.** Yes, I did. All three interviews, all three sessions with Child 3 were  
11 documented by video recordings. And also I did a written summary of my time with  
12 her.

13 **Q.** Okay. And where those forensic evaluations preserved, the  
14 recordings?

15 **A.** Yes, they were.

16 **Q.** Okay.

17 **MS. MILES:** Your Honor, may we approach briefly?

18 **THE COURT:** You may.

19 **(Whereupon, a bench conference was had with all attorneys**  
20 **present.)**

21 **MS. MILES:** Your Honor, at this time we would -- the State  
22 would move to offer Child 3 Stein's recorded forensic evaluations pursuant to  
23 *Jessie's Law*, 17-23-175.

24 **THE COURT:** Well, I -- if you want to finish laying your  
25 foundation.

MS. LYNN MCMILLAN - DIRECT by MS. MILES

Page 681

1 MS. MILES: Okay.

2 THE COURT: I believe you need to lay a foundation before then.

3 MS. MILES: Yes, sir.

4 Q. (By Ms. miles) Ms. McMillan, I'm going to hand you what has been  
5 marked as State's Exhibit Number 9. Do you recognize this?

6 A. Yes, I do.

7 Q. What is it?

8 A. This is a DVD holder for our DVDs from the Children's Advocacy  
9 Center.

10 Q. Okay. Are these the forensic evaluations with Child 3

11 A. Yes, they are. They have her name on here and the three dates that I  
12 saw her.

13 Q. Okay. And do these recordings accurately, fairly, and -- fairly and  
14 accurately reflect the forensic interview evaluations you had with Child 3

15 A. Yes, the do.

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 Q. Okay.

21 MS. MILES: Your Honor, at this time, the State requests  
22 permission to enter State's Exhibit 9 into evidence and publish to the jury  
23 pursuant to *Jessie's Law*.

24 MR. HENRY: The prior objection, Your Honor.

25 THE COURT: All right. The objections is noted and, if it's okay

**MS. LYNN MCMILLAN - CON'T DIRECT by MS. MILES**

**Page 682**

1 with Counsel, we will -- the Court is going to admit them over objection and  
2 will give the reasons for that in a hearing and -- and Defense Counsel's  
3 objection at a later time. We'll go ahead and admit them at this time and the  
4 Court will put its ruling -- factual rulings on the record so we can proceed on.

5 **MR. HENRY:** That's fine, Your Honor. Thank you.

6 **MS. MILES:** And the State requests to publish to the jury at this  
7 time.

8 **THE COURT:** You may publish, Counsel.

9 (Whereupon, State's Exhibit Number 9 was admitted into evidence  
10 over objection.)

11 **MS. MILES:** Thank you, Your Honor.

12 (Whereupon, State's Exhibit Number 9 was published to the jury  
13 beginning at 11:47 a.m.)

14 **CONTINUED DIRECT of MS. MCMILLAN by MS. MILES:** **12:19 P.M.**

15 **Q.** Ms. McMillan, in your experience, what kinds of emotions to children  
16 exhibit toward an alleged perpetrator?

17 **A.** I would say that they would exhibit, depending upon the child in the  
18 relationship, a whole range of emotions. Some -- some children are still very loving  
19 towards somebody who may have perpetrated an offense on them.

20 Some children are very angry about it. And I think it runs the whole --  
21 the whole continuum.

22 **Q.** Okay. You mentioned loving. Why may a child still be loving towards  
23 an alleged perpetrator?

24 **A.** Well, it may be somebody they love and care about or somebody who  
25 is otherwise good to them except for whatever incidents they might have reported or

1 may have occurred.

2           There may be other times when that person is very nice or does fun  
3 things or they actually love that person or like them in other scenarios. The abuse  
4 doesn't — doesn't usually go on continuously as far as 24/7 in a day. So there may  
5 be other times that they remember they're more pleasant.

6           Q.       Okay. What avoidance tactics did you recognize in Child 3  
7 evaluation, if any?

8           A.       Oh, there were a number of avoidance tactics I think that — that  
9 Child 3 displayed. And certainly, you could see from the videos that she wanted to  
10 go downstairs or — or stop.

11                   And she wanted to --- to leave the room, stop. And sometimes she  
12 would just stopped talking. Other avoidance she would do was simply ignore me  
13 when I would ask her a question, wanting to change the subject and try to make me  
14 talk about something else.

15                   She also moved around the room a lot. Just behaviorally, I think she  
16 was avoidant, yes.

17           Q.       Okay. What do you look for during your evaluations as far as  
18 suggestibility?

19           A.       Suggestibility meaning...?

20           Q.       Or third-party influence?

21           A.       Third-party influence? Again, I would want to look at her language, a  
22 child's language; are they using language that's appropriate for the age of that  
23 child? Or they might be using language that really belongs in adult language.

24                   And that would concern me that they're repeating something they've  
25 heard elsewhere.

**MS. LYNN MCMILLAN - CROSS by MR. HENRY****Page 684**

1       **Q.**       Okay. What information did you provide to Child 3 parents after her  
2 interview?

3       **A.**       What I would provide is, after each interview, I would ask that they not  
4 ask her about what we talked about. And — and I actually usually give phrasing  
5 like, "Please, don't ask her what you — what — "What did you talk to Ms. Lynn  
6 about?" Or "What did Ms. Lynn ask you about?"

7               And — and also I ask the parents to, please, put a protective guard on  
8 anyone else, any other adults who may be asking her about the sessions as well.

9       **Q.**       Okay. And what, if any, recommendations did you make?

10      **A.**       I recommended that Child 3 participate in therapy with a licensed  
11 mental health clinician.

12      **Q.**       Okay.

13               **MS. MILES:**       Beg the Court's indulgence.

14               **(Brief Pause)**

15               **MS. MILES:**       Nothing from the — further from the State, Your  
16 Honor. Please answer any questions Mr. Henry may have.

17               **MR. HENRY:**       Should I go ahead now?

18               **THE COURT:**       Yes, sir.

19               **MR. HENRY:**       Thanks, Judge.

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

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

**12:21 P.M.**

22      **Q.**       Ms. McMillan, a couple of things. Your — one of your goals is to — to  
23 get the child to say what's on the child's mind, not what you want them to say?

24      **A.**       Well, not exactly. I want them to talk with me about what the topic is  
25 for us to talk about. Certainly things that are on their mind I'll pursue with them.



**MS. LYNN MCMILLAN - CROSS by MR. HENRY****Page 685**

1 Is you could see, I would kind of go with her if she wanted to talk about  
2 other things. But I -- I'm talking to them specifically about wanting to understand  
3 what may happen to them related to the abuse allegations.

4 Q. Okay. And you don't use leading questions you said before?

5 A. I try very hard not to use leading or suggestive questions.

6 Q. Okay. All right. And -- and, at one point in the interview, do you recall  
7 that Child 3 said that she hugged Ronasha?

8 A. I don't remember specifically.

9 Q. Okay. There -- there -- was there a time when you -- you used the  
10 phrase to Child 3 that -- that she had to hug Ronasha?

11 A. I don't remember. I remember -- I think I do remember talking about  
12 hugging. I don't remember exactly how I worded that.

13 Q. Do you see the difference between the two? If the child says, "I  
14 hugged my teacher," does that necessarily mean something sexual?

15 A. No, it does not.

16 Q. As opposed to "having to hug a teacher" might be a different  
17 connotation? Do you see the difference?

18 A. I can see what you're saying, but I -- also it helps me understand  
19 whether or not that was something that was in the normal course of hugging with the  
20 child or if it was something that they were made or encouraged to do.

21 Q. But it wouldn't be right for you just to change the -- the tone yourself,  
22 would it?

23 A. I don't remember exactly what it was.

24 Q. But, if you did that, that wouldn't be right. That would be suggestive,  
25 wouldn't it?

MS. LYNN MCMILLAN - CROSS by MR. HENRY

Page 686

1 A. I think it could be directed are focused and I would ----

2 Q. Okay.

3 A. — try to do that.

4 Q. So what I say is suggestive, you might say is focused?

5 A. I might, yes.

6 Q. Okay. Now were you also focusing when you tried to get Child 3 to say  
7 it didn't happen in Ronasha's room; it happened in the bathroom?

8 A. No. I was showing her different pictures. And I don't think I used the  
9 word "bathroom" except in the context of giving her several options to choose from  
10 is what I recall.

11 Q. Okay. So you didn't show her pictures of a — of a room that had a  
12 toilet in it?

13 A. I showed her the same pictures I had previously used in another  
14 scenario. And they were pictures of the room and pictures of the bathroom. They  
15 were both.

16 Q. Well the truth is, isn't it, that if — if Child 3 was saying that she pinched  
17 my client's boobies in Ronasha's classroom, that would be ridiculous, wouldn't it?

18 A. She didn't use the word "classroom." She said "room." And the  
19 bathrooms are actually located within the classroom area, not a separate entrance  
20 to it. So, to me it was in the room and I needed to clarify that, so, yes.

21 Q. And you kept asking her about bathroom and she kept on saying  
22 Ronasha's room?

23 A. She did.

24 Q. You never got her to say bathroom, did you?

25 A. I wasn't trying to get her to say bathroom. I was trying to clarify.

**MS. LYNN MCMILLAN - CROSS by MR. HENRY**

**Page 687**

1           **Q.**           I see. Okay. At any point during the interview, did you ever ask

2 Child 3 "Did you really pinch her boobies or are you just pretending?"

3           **A.**           I did not.

4           **Q.**           Okay. Was there any indication, during the interview, that Child 3  
5 talked about Ronasha's clothing?

6           **A.**           She did not.

7           **Q.**           Any indication that Child 3 saw Ronasha's skin?

8           **A.**           No.

9           **Q.**           Did you — do you think that she would had to have seen her skin to  
10 pitch her boobies?

11          **A.**           I don't know. And I — and if you'll recall, she was pulling up her shirt  
12 and pinching on herself, on her skin.

13          **Q.**           Sure.

14          **A.**           And I did not ask her specifically about that.

15          **Q.**           Nothing about underwear, nothing like that?

16          **A.**           I did not.

17                   **(Brief Pause)**

18          **Q.**           Has there ever been a time, when your forensic interviewing and  
19 evaluation technique, has been seriously questioned by other professionals?

20          **A.**           I think that sometimes I think our interviews are reviewed by, for  
21 instance, experts hired by the defense.

22          **Q.**           Right.

23          **A.**           Who might scrutinize them.

24          **Q.**           Okay. Has there ever been a time, when your techniques have been  
25 criticized by a judge, for example?

MS. LYNN MCMILLAN - CROSS by MR. HENRY

Page 688

1 A. I think there may have been.

2 Q. Okay. What was that?

3 A. There was a Family Court case in Greenville County that I remember.

4 And I don't remember that it was the judge that specifically did, but there was a  
5 defense expert that did.

6 But there was also a defense — there was also a — another expert  
7 that did not.

8 Q. Okay. So you don't remember what — was there any kind of the  
9 ruling that — that went to the issue of whether your technique was credible are not?

10 A. There was --- the case that I'm thinking of, there was an appeal on that  
11 and I'm assuming there was some ruling on that.

12 Q. But you don't know what it is?

13 A. I don't know exactly what it was, no.

14 Q. Do you remember the case?

15 A. I don't remember the name of the case, no.

16 Q. Do you remember any of the parties in the case?

17 A. Not by name.

18 Q. And you don't — you don't recall whether the judge in that case issued  
19 an order specifically about your actions?

20 MS. MILES: Asked and answered, Your Honor.

21 THE COURT: Sustained, Counsel.

22 MR. HENRY: Yes, sir.

23 (Brief Pause)

24 Q. (By Mr. Henry) Do you remember the case of *DSS versus Mary*  
25 *Carpenter*?

MS. LYNN MCMILLAN - CROSS by MR. HENRY

Page 689

1       A.       I do.

2       Q.       Is that a different case than the one you were just talking about?

3       A.       That was the case.

4               **(Brief Pause)**

5       Q.       Have you ever seen a copy of the court order in that case?

6       A.       I think I saw one, at some point in time, but it's been a long time ago.

7               **MR. HENRY:**     Okay. Your Honor, may I show her a copy of that  
8       to refresh her recollection?

9               **THE COURT:**     You may.

10              **(Document retrieved and handed to the witness.)**

11       A.       I mean, I see it's — there's an order, but it's been a very long time  
12       since I read it. So I don't remember specifically. But this is — this is an order and it  
13       has listed Mary Carpenter and Daniel J Cash (phonetic) as the Defendants.

14       Q.       Okay. Would — would reviewing that order refresh your memory  
15       about the Court's finding with respect to your forensic interviews?

16       A.       It probably would, but I don't want to read the whole thing.

17       Q.       Okay.

18               **MR. HENRY:**     Your Honor, I don't know how you want to handle  
19       this, but I would like to ask her a couple of questions about the order.

20               **MS. MILES:**       Well, Your Honor, may we approach briefly?

21               **THE COURT:**     You may.

22              **(Whereupon, a bench conference was had with all attorneys**  
23       **present.)**

24       Q.       (By Mr. Henry) Before we get to that, Ms. McMillan, the technique for  
25       asking questions of children in forensic interviews, you been doing this a long time;

MS. LYNN MCMILLAN - CROSS by MR. HENRY

Page 690

1 is that right?

2 A. Yes, I have.

3 Q. Did you say you been doing it for twenty (20) years or so? Would that  
4 be —

5 A. Specific to forensic evaluations, since 2001.

6 Q. Two thousand, one (2001)? And it is your technique that you use  
7 today the same as it was when you started?

8 A. Well, I think it would be similar certainly, but I've certainly been to more  
9 trainings and advanced trainings over the years. And so I am — you know, I've  
10 certainly gain by experience. And I would adjust related to anything that may be  
11 different or new in the field.

12 Q. Okay. Are you — are you using the same basic technique that you  
13 used back in that Family Court case?

14 A. Can I look at the date on this?

15 **(Brief pause while the witness reviews document.)**

16 A. I don't know the date of my testimony. The date of — there are a  
17 number of dates on here ... It looks like from 2008. I haven't read the — I don't  
18 know when the actual testimony was or I don't know when my evaluations were  
19 without looking it up.

20 Q. Well, how about since 2008? We'll start with that. Are you — are you  
21 doing things basically the same way you did in 2008?

22 A. Well, again, I think it would be similar, but I've certainly done many  
23 more evaluations since then.

24 Q. Sure.

25 A. As I've already testified, I do about eighty (80) to a hundred (100)

MS. LYNN MCMILLAN - CROSS by MR. HENRY

Page 691

1 evaluations a year. And so I certainly would have more experience since 2008.

2 And, again, I've been to more training since 2008. So I think the  
3 overall would be that I — I can't answer — I can answer specifically if there would  
4 be something that is different.

5 Q. Okay. How about since 2005, the same question?

6 A. The same answer.

7 Q. The same answer? Okay.

8 (Brief Pause)

9 Q. In the case in — in the — in the Family Court case, that we're talking  
10 about, did you interview the child there that was under age five (5)?

11 A. Yes.

12 Q. And did you ask questions in a similar way that you did in these  
13 cases?

14 A. I would have to look back on the video. I can't answer that.

15 Q. Okay. All right. Is there a — has there been a course that you've  
16 taken since then that would've changed the way you did things back in 2005?

17 A. Well, I go to national training and I've had advanced trainings in 2008 I  
18 believe. I don't have that right front of me and, again, in 2012 that were specific to  
19 forensic evaluations.

20 I've also been to another forensic interview entire conference that was  
21 on that in 2010. So I guess the answer would be yes.

22 Q. Okay. All right.

23 (Brief Pause)

24 Q. And it's your testimony that in this case you have not asked suggestive  
25 questions?

**MS. LYNN MCMILLAN - REDIRECT by MS. MILES****Page 692**

1       **A.**       I didn't see that I did. It's my testimony that I did not.

2               **MR. HENRY:**       Your Honor, I have one other matter about this to  
3       take up if I could at a later date.

4               **(Brief Pause)**

5               **MR. HENRY:**       If I can approach —

6               **THE COURT:**       You can approach, yes, sir.

7               **(Whereupon, a bench conference was had with all attorneys**  
8       **present.)**

9               **MR. HENRY:**       Thank you, Ms. McMillan.

10              **THE WITNESS:**    Would you like this back?

11              **MR. HENRY:**       Yes, I would. Thank you.

12              **(Mr. Henry retrieves document.)**

13              **MS. MILES:**       Just briefly, Your Honor.

14       **REDIRECT EXAMINATION by MS. MILES:**

**12:34 P.M.**

15       **Q.**       Ms. McMillan, what is your professional approach to asking a child if  
16       something they told you happened really happened or not?

17       **A.**       Well, generally, in trying to evaluate their ability to tell the truth. And if  
18       they're telling the truth about other things and also just information; if it matches  
19       from what I've already heard from the parents.

20               Is something sounds a little fantastical or it sounds confusing to me, I  
21       want to clarify it. As if it's — if it sounds like it's something that's pretend, I just want  
22       to clarify it.

23               But basically I want to understand what that child is just saying. And  
24       I'm not questioning everything that they're saying is that just pretend or is that the  
25       truth or is that true.



**MS. LYNN MCMILLAN - REDIRECT by MS. MILES****Page 693**

1           **Q.**           Okay. And Mr. Henry asked you about whether or not Child 3 talked  
2 about whether the pinching of the nipples was on top of the clothes or underneath  
3 the clothes. And I believe it was your testimony that she didn't say that to you? Is  
4 that correct?

5           **A.**           I don't believe — I don't remember that she did. And I — and I don't  
6 remember that I asked.

7           **Q.**           Okay. And, when Child 3 talked about pinching Ronasha's nipples,  
8 what behavior did you observe from her at that time?

9           **A.**           She spontaneously pulled up her shirt and began pinching her own  
10 nipples.

11          **Q.**           Okay.

12          **MS. MILES:**       Nothing further from the State, Your Honor.

13          **MR. HENRY:**       Nothing further from the Defense.

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

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

16          **MS. MILES:**       No further ---

17          **THE COURT:**       Are you ready for lunch? All right. Mr. foreman,  
18 ladies and gentlemen of the jury panel, it's about, by the courtroom clock,  
19 twenty-five (25) minutes till one (1:00). We'll go ahead and recess for lunch  
20 at this time.

21               I'm going to ask you to be back in the jury room ready to go at twenty  
22 (20) minutes till 2:00. We're exactly where we were yesterday.

23               So, if you would, be back at twenty (20) minutes till 2:00. Please enjoy  
24 your lunch and be back at twenty (20) to 2:00. Thank you.

25               **(The jury exited the courtroom at 12:35 p.m.)**

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(Brief Pause)

**THE COURT:** Close the door, please, sir.

(Bailliff complied with the Court's request.)

**THE COURT:** All right. I'll hear you with — we'll put anything on the record you want to put on the record now, Counsel.

**MR. HENRY:** Your Honor, I didn't ask any further questions. I — I may try to offer that at a later date.

**THE COURT:** All right. I just wanted to deal with it.

**MS. MILES:** Your Honor —

**THE COURT:** If you want to deal with it, I'm ready to deal with it.

**MS. MILES:** Okay. Would you like to put the arguments as far as *Jessie's Law* pertaining to the child Child 3 on the record at this time?

**THE COURT:** Yes, we need — we do need to do that. So let me hear from you.

**MS. MILES:** Okay. Your Honor, at this time, the — well, the State moved to admit the — we offer the following evidence in support of entering Child 3 Stein's forensic evaluation.

Child 3 date of birth is July 9<sup>th</sup>, 2006. She was age four (4) at the time of her forensic evaluation.

Child 3 made statements during her recorded forensic evaluation to Lynn McMillan, who was --- already been qualified as an expert in child abuse assessment. Child 3 provided these statements in response to questioning conducted during an investigative interview of Child 3

There was an audio/visual recording made at that time. And it has been preserved throughout this period of time.

## Motions &amp; Matters

Page 695

1 Child 3 has testified. And she was subjected to cross examination.

2 She testified about sexual abuse that was committed by Ronasha Taylor,  
3 specifically that Child 3 had to touch Ronasha's boobies, which is her word for  
4 the breast area, her genital area, and her backside area. She also testified to  
5 Ronasha touching her genital area.

6 During Child 3 recorded forensic evaluation, she did disclose during  
7 that evaluation to having to touch Ms. Ronasha's boobies, which is her term  
8 for breast area.

9 The State submits the following factors in support of admitting her  
10 forensic evaluation pursuant to *Jessie's Law*. These statements were not  
11 elicited by leading questions, but by the proper technique that this forensic  
12 evaluator uses during her forensic evaluation.

13 The forensic evaluator has been qualified as an expert. She has all  
14 the proper training in conducting investigative interviews with children. The  
15 forensic evaluation did contain an account of the offense as described by  
16 Child 3 while she was on the stand. And the State submits that the statement  
17 does have internal coherence as to the forensic evaluation.

18 **THE COURT:** Okay.

19 **MS. MILES:** And at this time we would move to enter them into  
20 evidence. Thank you.

21 **THE COURT:** Counsel?

22 **MR. HENRY:** We object to that, Judge. We — we disagree on  
23 — on the leading question issue, the detail account issue, and the internal  
24 coherence issue.

25 In this case, the — the child made no disclosure in the — in the first

## Motions &amp; Matters

Page 696

1 and the third interviews, which supports the lack of internal coherence. There  
2 was not a detailed account, and as pointed out in cross-examination, there  
3 were several leading questions from the interviewer.

4 **THE COURT:** All right. I disagree with you about the leading  
5 questions. I think you can take it as suggestive or leading when the child said  
6 "Child 2 and I..." — which she — she came out with on her own. There was  
7 any question at all at that point. They were talking about something entirely  
8 different when she came back in for that second interview.

9 And she said — just out of the blue, she said "Child 2 and I pinched her  
10 boobs." And so — and that was not something that was — there was nothing  
11 leading or suggestive about that.

12 She said — she didn't just say, "I pitched her boobs." And she didn't  
13 say, "I touched her boob." She said, "Child 2 and I pinched her boobs," which  
14 would certainly suggest, you know, something was going on there.

15 And she tried to follow up from there. The child, as I think all these  
16 children did during their interviews — and as I say, I don't want to keep  
17 reiterating this, but — but perhaps it's good to do that on the record at this  
18 point — is that I looked at all six child interviews, seven — about seven and a  
19 half hours (7 ½) in length, did that on the weekends in my chambers when  
20 nobody else was bothering me, no one else was around so I could get a —  
21 scrutinize these statements. And — and they are rather lengthy — scrutinize  
22 them and look for any kind of suggestiveness or leading.

23 When you're dealing with — and the statutes are clear on this, the  
24 cases are clear on this in that, when you're dealing with a small child like that,  
25 that you're a little more — a little more leeway is allowed in questioning

## Motions &amp; Matters

Page 697

1 obviously and keeping their attention.

2 And so — but the Court has had a great deal of experience with this.  
3 I've been a judge for almost thirty-four (34) years now. And I've seen an  
4 awful lot of cases in Probate Court, Family Court, Circuit court; Family and  
5 Circuit for the last twenty plus (20+) years, dealing with these kind of issues  
6 and — and certainly see how it is to try to interview a child.

7 And there was an awful lot of avoidance by this child. She — once  
8 you asked her — once she asked her about — once she made the  
9 statements about pinching the boobies, to the Court two children pinching  
10 boobies of — of the Defendant, you know, raises — obviously raises some  
11 issues about abuse.

12 But the child would not go any further than that. And, to the  
13 interviewer's credit, she didn't — and I don't think she was suggestive or  
14 leading at all about that. She talked about the hugging, but that's not —  
15 hugging in and of itself is not sexual abuse obviously.

16 And it doesn't fit any of the elements of the two offenses for — as to  
17 which she is charged in this case, although a number of — of alleged victims,  
18 but there are two particular charges. And that doesn't fit either one of them.  
19 So it doesn't mean anything.

20 The fact that she hugged them or hugged them, that doesn't mean  
21 anything. But she did ask her about that, but she didn't get any answer that  
22 was prejudicial whatsoever to the Defendant in this case.

23 There's no — hugging, as — as you asked her, hugging, there's  
24 nothing sexual and there's no — it's not a sexual offense, particularly if it's  
25 done in the right way.

## Motions &amp; Matters

Page 698

1 And the fact that she tried to follow up on that, I don't see that —  
2 certainly I don't see that as suggestive. And I don't see it as leading — as  
3 leading or suggesting the answer.

4 And, as a matter of fact, there was no answer given by the child. The  
5 child completely avoided it from that point.

6 And so there was no prejudice certainly to the Defendant in this case.  
7 And having that on the tape or — or the — the video interview or have the  
8 jury see that, nothing prejudicial whatsoever.

9 She didn't go any further than that. And all she testified was they  
10 hugged her. And that's not — it doesn't meet any of the elements in this; is  
11 not proof of anything in this case.

12 So making an issue out of that, it's — it's a non-issue as far as this  
13 Court is concern. And that was the only thing that might possibly be  
14 suggested as suggestive. If it was — and I don't think it was — if it was, it  
15 certainly was of no prejudice to the Defendant in this case.

16 Now I have to make a finding on these under 17 — Section 17-23-  
17 175 as to whether the out-of-court statement is admissible in this case by a  
18 child. And, under this section, it is admissible if the Court finds — makes  
19 certain findings.

20 Subsection (A) says, "In General Sessions Court Proceedings, the —  
21 the statement the child is admissible if — and the following conditions have  
22 to be met, "The statement was given in response to questions conducted  
23 during an investigative interview of the child," which it was.

24 "That an audio and visual recording of the statement is preserved on  
25 film, video tape, or other electronic means." It was.

1 "The child testifies at the proceeding and is subject to cross  
2 examination on the elements of the offense and the making of the out-of-  
3 court statement." And the child was available and did testify.

4 Fourth, "The Court finds, in a hearing conducted outside the presence  
5 of the jury, that the totality of the circumstances surrounding the making of  
6 the statement provides particularized guarantees of trustworthiness." And the  
7 Court finds that — that there are particularized guarantees of trustworthiness.

8 Some -- Subsection (B), the statute provides, "In determining whether a  
9 statement possesses particularized guarantees of trustworthiness, the Court  
10 may consider, but is not limited, to the following factors: One, whether the  
11 statement was elicited by leading questions."

12 I don't think the statements were elicited by leading questions. The  
13 only possible incriminating statement made by this witness to the Defendant  
14 was that she pinched her — her boobies. That's it.

15 Second, "Whether the interviewer had been trained in conducting  
16 investigative interviews of children." And she has extensive training in that  
17 field. And the Court found her qualified to conduct those interviews.

18 Third, "Whether the statement represents a detailed account of the  
19 alleged offense." And there was not a lot of detail in here, but there was to  
20 the extent that — that it met the criteria of — of one of the elements of this  
21 offense in that it — it provided some detailed or some accounting.

22 "Whether the statement has inherent coherence." The only — with  
23 regard to internal coherence, there was not a lot of statements — not a lot of  
24 detail provided by the child.

25 And that's the same as it was in court when she was --- was offered to

**Motions & Matters****Page 700**

1. testify, with the jury and the Defendant Ms. Taylor, present. She was not  
2. able to -- not able to testify.

3. And that's the reason we took her statement -- her -- her testimony  
4. by remote TV camera and provided it, of course, in -- in the method that's  
5. prescribed for doing that.

6. "And sworn testimony of any participant which may be determined  
7. necessary by the Court." The interviewer was present subject to cross  
8. examination under oath about the -- the -- the video interview and was  
9. available for that.

10. And so the Court finds -- and, as in all of these cases, as I've stated  
11. in the earlier ones when I made this finding, is that the children all at some  
12. point, when the -- the actual testimony about the alleged abuse, there was  
13. avoidance by all the children at that point.

14. And they do that in a number of ways. One is try to change the  
15. subject. Another is to wave something in the air and start making noise and  
16. trying to distract and go away from that, climbing into a window seat, wanting  
17. to leave the interview room, perhaps to say, "I want to go downstairs."

18. And so -- but particularly you -- you can tell, by looking at the  
19. interviews -- and anybody that sees any of them by anybody who reviews this  
20. case can look at them and review it and see the same thing; and that is, that  
21. the children try to avoid, when it gets down to actually having to talk about the  
22. incidents in this case.

23. So -- and that lends, as to each individual child's interview, of some  
24. coherence to it. But, in any event, the Court finds that they are admissible  
25. and meets the -- the requirements of the statute and they're properly



**MS. IVONNE OSORNO - DIRECT by MS. HALL**

**Page 701**

admitted into evidence and shown to the jury.

All right, anything else?

**MS. MILES:** Nothing from the State. Thank you, Your Honor.

**MR. HENRY:** No, sir.

**THE COURT:** All right. Then let's go ahead and adjourn for lunch. I didn't take into consideration we were going to be doing this.

Well, let's be back — The jury can be in the jury room a few minutes before we get started. Let's try to be back about — let's be back and ready to go ten (10) till 2:00; ten (10) till 2:00. Ten till 2:00 everybody.

**(Whereupon, court personnel took a lunch break from 12:50 p.m. until 1:50 p.m.)**

**(Off-The-Record Comments)**

**THE COURT:** All right. Counsel, are we ready to proceed?

**MS. HALL:** We are, Your Honor.

**THE COURT:** Okay. Please, bring the jury in, sir.

**(The jury was summoned and entered the courtroom at 1:55 p.m.)**

**THE COURT:** Counsel, call your next witness, please.

**MS. HALL:** The State calls Ivonne Osorno.

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

**(Whereupon,**

**IVONNE OSORNO**

having been first duly sworn, testified as follows:)

**DIRECT EXAMINATION by MS. HALL:**

**1:55 P.M.**

**Q.** What is your name?

**A.** Ivonne Osorno.

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 702**

- 1 Q. Would you spell that, please?
- 2 A. I-v-o-n-n-e O-s-o-r-n-o.
- 3 Q. And how old are you?
- 4 A. Forty-one (41)
- 5 Q. Where do you work?
- 6 A. Ward Acceptance Corporation (phonetic).
- 7 Q. What do you do there?
- 8 A. I am the controller for the Mexican subdivision.
- 9 Q. And who lives with you?
- 10 A. My husband, Diego Nicholas (phonetic) and Child 4 which is
- 11 my son.
- 12 Q. Do you have any other children besides Child 4
- 13 A. No.
- 14 Q. It's just you, Diego, and your son, Child 4
- 15 A. That's right.
- 16 Q. How old is Child 4
- 17 A. He's five (5).
- 18 Q. And when is his birthday?
- 19 A. December 19<sup>th</sup> he's going to be six (6) years old.
- 20 Q. So he was born in 2006?
- 21 A. Yes, that's correct.
- 22 Q. What school does he currently attend?
- 23 A. Bushy Creek Elementary (phonetic).
- 24 Q. And what grade is he in?
- 25 A. He's in K-5.

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 703**

- 1 Q. How do you know the Defendant, Ronasha Taylor?
- 2 A. From Kids "R" Kids.
- 3 Q. Okay. And is she in this courtroom today?
- 4 A. Yes, she is.
- 5 Q. Would you please identify her?
- 6 A. It's the one wearing the beige sweater.
- 7 Q. When did you first meet her?
- 8 A. At Kids "R" Kids when I would drop my son.
- 9 Q. Okay. When did your son begin at Kids "R" Kids?
- 10 A. He started around May 2009.
- 11 Q. And how old was he then?
- 12 A. He was two and half (2 ½).
- 13 Q. And was the Defendant Ms. Taylor already working at Kids "R" Kids
- 14 started attending?
- 15 A. I don't remember.
- 16 Q. When did your child start in the 4-K class?
- 17 A. He started around June-July.
- 18 Q. Okay.
- 19 A. He was moved from K-3 to K-4.
- 20 Q. Okay.
- 21 A. Despite not having the age -- the appropriate age since he was tall
- 22 enough and he had his friends. His friends had been moved to that class. He insist
- 23 to us that he wanted to be with his friends. So they made an exception and they
- 24 moved him up.
- 25 Q. So Child 4 moved up to 4-K prior to turning four (4)?

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 704

1 A. That's right.

2 Q. And that was in July of 2010?

3 A. Yes.

4 Q. Okay.

5 A. June-July.

6 Q. Okay. And who was his teacher?

7 A. Ms. Laurie.

8 Q. When was the Defendant, Ms. Taylor, around your child in the four (4)  
9 year old room?

10 A. When I would come to pick him up around five (5:00), she would be  
11 with the kids like after Ms. Laurie had been gone.

12 Q. So at the end of the day?

13 A. Yes.

14 Q. What about other times?

15 A. During nap time.

16 Q. Nap time? Any other times?

17 A. And lunch time.

18 Q. I want to ask you specifically about nap time.

19 A. Okay.

20 Q. How did that work?

21 A. They would go around twelve (12:00) to take a nap. And each one will  
22 get like a mat. And they would place them on the floor like on the rug.

23 Q. And were both Ms. Laurie's class and Ms. Ronasha's class combined?

24 A. Yes, they were.

25 Q. Which room did they nap in?

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 705**

1       A.       Ms. Laurie's.

2       Q.       Okay. What times of day, generally, was your child at Kids "R" Kids?

3       A.       From Monday to – through Friday.

4       Q.       And what time during the day?

5       A.       We will drop him like fifteen til eight (8:00) until five fifteen (5:15). Like  
6 we will usually pick him up after work.

7       Q.       Okay. And who dropped off and who picked up?

8       A.       Diego Bermudez, he will drop him off. And I will pick him up.

9       Q.       Ivonne, without going into what anyone else said, was there a period in  
10 time when you became aware that something inappropriate that may have  
11 happened to Child 4

12      A.       There was a change in his behavior, but I never got to tie one with the  
13 other, I mean...

14      Q.       When did you become aware that something had happened?

15      A.       I was aware there was a change on his behavior. When we would get  
16 — go home, he will run to his room upstairs without lights. And suddenly he was like  
17 "Can you come with me?" "Can you go to the bathroom with me?"

18               And, then, I would be like "Why don't you go. The — the bathroom is  
19 right there." And he will say, "Please come with me." And I didn't know what it was.  
20 I didn't know what it was.

21      Q.       When was that?

22      A.       That was around October of 2012.

23      Q.       Okay. And, other than the change of behavior, when did you become  
24 aware that something may have happened?

25      A.       After I spoke to Ms. Spicer.

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 706

1 Q. And who is Ms. Spicer?

2 A. Child 1 mom.

3 Q. Child 1 mom. And what did you do after speaking with Ms. Spicer?

4 A. She called me on a Monday like around noon and so I went outside  
5 the office. And she told me more or less what had happened.

6 Q. Don't --- and don't tell me what she said.

7 A. Okay. Sorry.

8 Q. Okay.

9 A. I spoke to her that day and...

10 (Brief Pause)

11 A. Can I say she suggested?

12 Q. Sure. Just tell me what you did as a result of the conversation.

13 A. Okay. After the conversation, I went to pick up my son at the same  
14 time, like five fifteen (5:15). And I went home and I already had spoken to my  
15 husband.

16 And I told him what I knew so far. And, then, we sat down with Child 4  
17 and I asked him if somebody had touched him.

18 Q. Okay. Do you know what date that was?

19 A. That was on a Monday. That was the 18<sup>th</sup> of October.

20 Q. October 18<sup>th</sup>?

21 A. Uh-huh (affirmative).

22 Q. Okay. And you said you and your husband were present when you  
23 talked to your son Child 4

24 A. Yeah. It was our living room.

25 Q. Okay. In your living room. And what behavior, if any, did you observe

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 707**

1 from you child at that time?

2 **A.** He was potty trained since he was two and half (2 ½) and that's why  
3 we took him to the daycare. And suddenly he was peeing on his pants. He didn't  
4 want to use the restroom at the school. And he was afraid of the dark. That was  
5 another thing, afraid of the dark.

6 **Q.** Okay. When you talked to Child 4 that day in your living room, what, if  
7 anything, did you observe?

8 **A.** He was pretty calm and I asked him, "Have you touched anybody."  
9 And, then, after that I — I contacted Ms. Spicer and I said, "You know what, thank  
10 God he didn't disclose anything."

11 **Q.** So your son did not make a disclosure at that time?

12 **A.** Not on that day.

13 **Q.** Okay. What did you do the next day?

14 **A.** We went to Kids "R" Kids and I spoke to the director, Ms. Sally. And I  
15 sent Child 4 to the classroom, to Ms. Laurie's classroom. And I sat down with the  
16 director and I told her --- I ask her what she was going to do; that I found out through  
17 a parent what had happened. And when the school was going to let all the parents  
18 know because everybody should be involved.

19 And she said, "Oh... -- No, I cannot say that. Sorry.

20 **Q.** What was your general impression of — of what was going to happen  
21 at that point?

22 **A.** I had no idea since Child 4 — I mean, Child 4 did not disclose anything  
23 on that day, that Monday. So I was relaxed and I — and she — I mean, I spoke to  
24 them and they didn't have any foundation to tell me that something had happened  
25 with him. So I went back to work that day.

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 708

1 Q. Okay. At that point, what did you do next?

2 A. I spoke to Ms. Spicer on that Monday after I spoke to Child 4 And,  
3 then, the next day she called me back. And then she said — no. I spoke the next  
4 day and, then, she suggested to ask him in another way.

5 Q. So Ms. Spicer suggested you approach your son in a different way?

6 A. That's correct.

7 Q. Okay. So what did you do next?

8 A. So Tuesday I picked him up after the daycare, at five fifteen (5:15).  
9 We went home. My husband was there and, then, I asked my son if he had touched  
10 somebody.

11 Q. So what did you ask him the first time?

12 A. If somebody had touched him.

13 Q. Him? And the second time you asked him...?

14 A. If he had touched somebody.

15 Q. Okay. And, without going into what he said, did he make a disclosure  
16 at that time?

17 A. Yes, he did.

18 Q. Okay. And how old was Child 4

19 A. Three and half (3 ½)

20 Q. Okay. And he was almost four (4)?

21 A. Yes.

22 Q. Okay. Where did Child 4 allege the abuse took place?

23 A. In the bathroom of Ms. Ronasha's classroom.

24 Q. Okay. And — and that's at Kids "R" Kids daycare?

25 A. Yes.



MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 709

1 Q. All right. Ivonne, how often did Child 4 play in the bathroom around that  
2 time?

3 A. Not at all. Not at all.

4 Q. And how long had Child 4 been potty trained?

5 A. Since he was two (2) or two and a half (2 ½).

6 Q. What type of assistance did Child 4 require in the bathroom from you?

7 A. Somehow Child 4 has always done number two. Like he has number  
8 two, but at home. He doesn't like to go to public places since he was -- since he  
9 was trained, potty trained.

10 So at the school he would just only do number one, he was -- he  
11 would go and pee, but not number two. So he didn't -- he didn't need any  
12 assistance.

13 Q. Okay. So what about from you? What assistance did he need from  
14 you?

15 A. I would wipe him.

16 Q. When he went number two?

17 A. Yes.

18 Q. And you said that's -- that was only at home?

19 A. Yes.

20 Q. Okay. What was your impression regarding how often Ms. Laurie or  
21 any of the other teachers had to assistance Child 4

22 A. Not at all because we also -- thinking about his convenience, we also  
23 put him like the shorts with the no buttons, no zippers, so he could pull it down and  
24 pull it up.

25 Q. Okay.

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 710

1 A. Because we knew he hated him going to the bathroom.

2 Q. Okay. So you put him in shorts?

3 A. Yes, with the rubber thing.

4 Q. Okay.

5 A. I don't know what you call it.

6 Q. You mentioned this earlier, but I want you to elaborate on a little bit.

7 What, if anything, had changed about Child 4 bathroom tendencies since he started  
8 in the 4-K classroom?

9 A. Since he started in the 4-K, he needs someone to go to the bathroom  
10 with him and turn on the light. When you turn on the light, then, he comes in. He  
11 will not turn the light on. He has to be with somebody. And that somebody has to  
12 turn the light on for him.

13 Q. All right. And what about his potty training? You mentioned that had  
14 started to ---

15 A. He started to pee on his pants. Like he will wet himself.

16 Q. Okay. And how often was that occurring when he was in the 4-K  
17 class?

18 A. That happened like two (2) times.

19 Q. Okay.

20 A. And, then, we went to another school and that happened like three (3)  
21 times in the other school.

22 Q. Okay. What about at home? Did he ever wet his pants at home?

23 A. No.

24 Q. What about at night? Did he wet the bed at night?

25 A. No.

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 711**

1 Q. And what about, when he was potty training, had he wet his pants  
2 when he was potting training?

3 A. I think like we keep him in Pampers.

4 Q. What about when he was first potty trained, did he wet his pants then?

5 A. No, he would go directly to the bathroom.

6 Q. Okay. What happened after your child's disclosure?

7 A. That was a Tuesday. So Wednesday we went to the daycare, to  
8 Kids "R" Kids. And it was my husband and I and Child 4 And I told Child 4 to go  
9 directly to the classroom, but knowing that we take him with us. Like we just wanted  
10 him to be present. And, then, we --- so we could talk to the director.

11 Q. And which classroom did Child 4 go to?

12 A. Ms. Laurie's.

13 Q. Ms. Laurie's? Okay. And who was present when you went to the  
14 daycare for that second meeting?

15 A. On the second meeting, it was Ms. Sally and... What's her name?  
16 There were two assistants at ----

17 Q. Was it Anita or Denise?

18 A. Denise.

19 Q. Denise?

20 A. Denise.

21 Q. What about the Defendant, was she present?

22 A. No. She had been --- she was no longer in the school since Monday.

23 Q. Okay. And what about Child 4 was Child 4 present?

24 A. No, he was not.

25 Q. All right. And what was it that you said you told them in that meeting?

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 712

1       A.       I told him — I told them what Child 4 had disclosed. And Sally took a  
2 written statement. You know, she started typing it on the computer. And, then, they  
3 were asking me like all the details. And ----

4       Q.       They were or they were not?

5       A.       They were asking me the details.

6       Q.       Okay.

7       A.       And, then, I asked if I should contact somebody. They suggested --  
8 no. They said they were going to take care of — you know, like the procedures.

9       Q.       So, at that point, what was your belief regarding whether anyone from  
10 the daycare had or would be contacting other parents?

11      A.       There was no indication that they were going to do that.

12      Q.       All right. What about DSS?

13      A.       After I left them, we took Child 4 with us. We missed work that day  
14 because we didn't have a baby sitter.

15      Q.       I'm asking about whether the daycare would be contacting DSS. What  
16 was your belief about that?

17      A.       Oh, I asked, if I should contact them, and they said they were going to  
18 take care of it. But they didn't. So I called into the DSS Department in Columbia.

19              And they said that they already had somebody assigned to the case  
20 and that they would call that person in order to contact me.

21      Q.       Okay. And when was Child 4 last day at Kids "R" Kids?

22      A.       It was actually on Tuesday because on Wednesday he just stayed  
23 while we talked to the director. So he didn't spend the whole day there.

24      Q.       Okay. And when did law enforcement become involved in this case?

25      A.       I believe it was after we spoke to the DSS. Somehow they contacted

MS. IVONNE OSORNO - DIRECT by MS. HALL

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us.

Q. Did you contact law enforcement?

A. No.

Q. Okay.

A. They contacted us.

Q. Who is Bobby Seepersaud?

A. He's the DSS person.

Q. And what interaction did you have with him?

A. We met at McDonald's. He wanted see Child 4 and ask a few questions.

Q. Okay. And what did you and Mr. Bobby speak about with Child 4 there?

A. What he had disclosed.

Q. All right. So did he interview Child 4

A. He just asked him like what is your name, how old are you; you know to see if he could communicate. And, then, he took some pictures.

Q. And who was present at that meeting?

A. Diego Bermudez, Child 4 and I.

Q. Okay. And did you give him a statement?

A. I emailed him the statement.

Q. What was ---

A. He didn't bother (phonetic) with me that day ---

Q. Uh-huh (affirmative).

A. ---- but he asked me if I could email it to him ---

Q. Okay.

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 714

1 A. --- and I did.

2 Q. Okay. At what point did you have contact from another parent in the  
3 daycare not involved in this case?

4 A. There was a birthday party on — I — I'm not sure if it was Wednesday  
5 or Thursday. And we had received the invitation like two (2) weeks before. And,  
6 since I pulled out my son from the daycare, he was asking like, "Where are my  
7 friends?" "Why you pull me out?" And he was kind of depressed. And I said,  
8 "Okay. We'll go to the birthday party."

9 Q. Whose birthday party was it?

10 A. It was Brianna's (phonetic) birthday party.

11 Q. And what's Brianna's last name?

12 A. I don't remember.

13 Q. Okay. And — and what contact did you have about that?

14 A. We went to the birthday party. It was like around eleven (11:00), but  
15 we had to leave early because we had the meeting at one (1:00) with the DSS.

16 So we went to the meeting and I told -- I promised Child 4 that we  
17 would go back to Chuck E. Cheese where the party was. And, when we got back,  
18 they were gone. Like the party was over. So I asked the person for Brianna's  
19 mom's number. And, then, I called her that day.

20 Q. And do you know her name?

21 A. Donna.

22 Q. Donna?

23 A. But I don't know her last name.

24 Q. And without going into what she said, what was that conversation  
25 about?

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 715**

1       **A.**       We talked about Ms. Ronasha. And she wanted to know what had  
2 happened. But in that moment I told her — I gave her the number for the — the  
3 person that was handling the investigation. But I didn't mention anything regarding  
4 Child 4

5       **Q.**       So she wanted to know what was going on, but you didn't not tell her  
6 what was going on?

7       **A.**       No, not at all.

8       **Q.**       Okay. What did law enforcement or DSS tell you regarding where a  
9 child who had disclosed abuse would typically go to be seen?

10      **A.**       They refer us to the Advocacy Center in Spartanburg.

11      **Q.**       And when did you take your child to the Advocacy Center?

12      **A.**       In November, but I don't have the --- I don't remember the exact date.

13      **Q.**       Okay.

14      **A.**       I'm sorry.

15      **Q.**       What did you tell Child 4 about why he was going to the Advocacy  
16 Center?

17      **A.**       I told him that he was going to a toy house. Like I didn't want — I  
18 mean, he — he was just three and half (3 ½ ); he doesn't understand the whole  
19 concept. And I didn't know what we were going for. I mean, I'm not familiar with  
20 this, so...

21      **Q.**       What did you tell Child 4 about what he should or should not say at the  
22 toy house?

23      **A.**       I didn't speak to him about it, I — about anything since I didn't know  
24 how to approach the subject.

25      **Q.**       So was Kids "R" Kids mentioned when you took him to the Advocacy

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 716

Center or on your way to the Advocacy Center?

A. No, not at all.

Q. What about Ms. Ronasha?

A. Not at all.

Q. Okay. What information did you give to the Advocacy Center about the allegations?

A. I think I mentioned what he had disclosed.

Q. And how much detail did you provide?

A. Not too much because when I confronted him, he was very scared.

Q. "Him" being Child 4

A. Yes.

Q. Okay.

A. Child 4 was very scared because I — somehow at the party he want to enact (phonetic) what happened. And, when I tried that, he freaked out. And he started screaming. So I stopped. And that's why I never asked him again.

Q. So you only talked with Child 4 that first time and that second time?

A. On the second time is when he freaked out.

Q. Okay. So you didn't give the CAC much details at all?

A. No.

Q. Okay. What about Child 4 background information? Did you provide that to the Advocacy Center?

A. Yes. As a matter of fact, I took Child 4 to the pediatrician to get checked.

Q. Uh-huh (affirmative).

A. And he also disclosed what happened to the pedia -- pediatrician.



**MS. IVONNE OSORNO - DIRECT by MS. HALL**

**Page 717**

1 And he gave us a form. And we gave a copy to the Advocacy Center.

2 Q. Okay. So you gave them his medical information as well?

3 A. So they could understand what happened on that day.

4 Q. Who did you speak with at the Advocacy Center?

5 A. First it was the receptionist. And, then, we had Tabitha Weber.

6 Q. Ms. Tabitha.

7 A. She was the one that spoke to him about everything.

8 Q. Okay. What information did Ms. Tabitha give you about what took  
9 place during the forensic interview?

10 A. She just mentioned that it had gone really well. And she suggested  
11 not to ask him anything that would interfere with the investigation. So we never  
12 spoke about it.

13 Q. And how many times did Child 4 go in for a forensic interview?

14 A. It was either two (2) or three (3) times.

15 Q. How many times did you go?

16 A. I know I went at least three (3).

17 Q. Okay.

18 A. I'm not sure if he went twice or three (3) times. I'm not sure.

19 Q. Okay.

20 A. I'm not sure.

21 Q. And what happened in Child 4 first interview?

22 A. I believe, on the first interview the lights went off, like it's a building --- I  
23 don't know if it's an old building, but somehow the lights went off. And they had to  
24 interrupt the --- the meeting.

25 Q. The interview?

1 A. The interview.

2 Q. And was that while Child 4 was with Ms. Tabitha?

3 A. Yes.

4 Q. Okay. What was your impression regarding why multiple visits to the  
5 Advocacy Center were necessary?

6 A. Kids have difficult [sic]. And they — moreover, my son, since he was  
7 --- he's an only child, he — if he doesn't know anybody, he will not interact. So it is  
8 my understanding that it would be for him to get familiar to them and be able to talk  
9 to in a friendly way.

10 Q. Okay.

11 A. So I respected that.

12 Q. And you mentioned the pediatrician. Which — which pediatrician?  
13 What doctor was that?

14 A. Raymond Flanders (phonetic).

15 Q. Dr. Flanders?

16 A. Yes.

17 Q. And — and what information did you provide the doctor with?

18 A. I told him that something that had happened at his daycare. And,  
19 then, he examined him, like a physical exam.

20 And, then, he started to ask questions to Child 4 to see what had  
21 happened. And, then, Child 4 just turn around. And, then, I started asking him and  
22 he disclosed what had happened in front of the doctor.

23 Q. And, without telling me what Child 4 said, was that second disclosure  
24 with the doctor consistent with his first disclosure at your home?

25 A. Yes. And he had added more things.

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 719**

1       **Q.**       Added more things? Okay. And what was the result of that exam?

2       **A.**       It was normal.

3       **Q.**       Normal? Where else have you taken your child to speak with  
4 someone regarding this case?

5       **A.**       The Advocacy Center suggested that he see a therapist. And they  
6 recommended several, but most of them were in Spartanburg. And I asked for one  
7 in Greenville since we live there. And they gave us Meredith's information.

8       **Q.**       Okay. And how much information did you provide Meredith with about  
9 these allegations?

10      **A.**       I explained to her more or less what had, but I didn't go into many  
11 details.

12      **Q.**       All right. What are some of the reasons why you chose Kids "R" Kids?

13      **A.**       Number one is it was a new building so there weren't many — many  
14 germs. Number two, because of the cameras.

15      **Q.**       And would you use the cameras?

16      **A.**       All the time.

17      **Q.**       Every day?

18      **A.**       Every day.

19      **Q.**       Okay. How often during the day would you watch the cameras?

20      **A.**       I will check them — like I start work at eight thirty (8:30). And I would  
21 go to nine (9:00) to see if he's doing home work.

22               Then I would check — like you could see the cafeteria. And I would  
23 check if he ate his lunch. And, then, I will check if he was laying down.

24               And then I would check if he got up. And, then, if he's staying in the  
25 backyard like he didn't get hurt. I was -- I was checking all the time.

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 720**

1       **Q.**       Okay. And what rooms were you able to see on the cameras?

2       **A.**       K-3, K-4, the cafeteria, and the reception.

3       **Q.**       And what, if Child 4 combined for nap in Ms. Laurie's room, did you  
4 have access to that room?

5       **A.**       Yes.

6       **Q.**       Because that was his assigned room?

7       **A.**       That was his assigned room, yeah.

8       **Q.**       What parts of his assigned classroom could you see?

9       **A.**       You could see from the camera that is located near the backyard. You  
10 could see the center time, the tables, and part of Ms. Ronasha's class because  
11 there is like a big window wall.

12       **Q.**       Okay. And what about from the other camera, what could you see  
13 from that camera?

14       **A.**       From the other camera, you could see the tables, center time, and the  
15 back of the room.

16       **Q.**       What about the door to the bathroom?

17       **A.**       From this camera, you could only see if the door was open. But, if it  
18 was closed, I mean, you couldn't see the bathroom. Only if the door is open. You  
19 could see that the door is opened, but not inside.

20       **Q.**       You cannot see inside the bathroom?

21       **A.**       Not at all.

22       **Q.**       Ivonne, you mentioned watching first thing in morning to see if Child 4  
23 was playing. What would you observe in the mornings when Child 4 was playing?

24       **A.**       I would see him drawing, like on a tables. Sometimes they would read  
25 them stories. And, then, they would play around with block and things like that.

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 721

1 Q. What about at lunch, what did you observe at lunch?

2 A. During lunch I would check — like they had again two (2) cameras and  
3 sometimes he would be like right below it. And I will check if he would eat much  
4 lunch. And, then, at home I would tell him, "Why didn't you eat?" You know, I  
5 wanted him to get fat.

6 Q. What about at nap time? What was the lighting like at nap time?

7 A. They would turn off the lights so you would only have like the light that  
8 would come through the windows. And Ms. Laurie's class had only one window. So  
9 you could only get the light from that window and from the hallway.

10 Q. What could you distinguish at nap time?

11 A. It was hard but I would chase — I would trace my son because of the  
12 blanket.

13 Q. Okay.

14 A. And he would sleep most of the time in the same place, like next to the  
15 glass wall.

16 Q. So you knew where Child 4 was at nap time?

17 A. Yes.

18 Q. What, if anything, stuck out to you at nap time?

19 A. I — there came a time that he was missing, like I would not see him.  
20 And I know they would switch them from three — 3-K to K-4. And I would go to 3-K  
21 and look for him, his blanket.

22 Like, if I couldn't find him, I, then, go back to this one. And, then, my  
23 phone would ring and I will, "Okay. Let me look for him later. Maybe he went to the  
24 bathroom." And sometimes I would spend more time, like trying to find him, but...

25 Q. Would you see him come back?

1 A. Yes.

2 Q. Okay. So how long would he be gone from the mat at any point in  
3 time?

4 A. More than fifteen (15) minutes.

5 Q. Okay. What did you think about that?

6 A. You know, I was thinking, "Okay. Maybe he behaved bad or maybe he  
7 didn't want to go to sleep and they sent him to another room."

8 Q. Did you ever ask any of the teachers about that?

9 A. No, because they would switch him frequently.

10 Q. Okay. Because of his age?

11 A. Yes.

12 Q. Okay. What teachers would you observe in the classroom during nap  
13 time?

14 A. Ms. Ronasha, sometimes Ms. Laurie, sometimes, but not even — I  
15 mean ----

16 Q. When — when Ms. Ronasha in the classroom, was she the only  
17 teacher in the classroom during nap time?

18 A. Some occasions she would be and some — I mean, and other times  
19 there would be another teacher.

20 Q. Okay. What about when Ms. Laurie was in there?

21 A. I really don't recall her during nap time.

22 Q. What were your feelings about the Defendant prior to these allegations  
23 coming out?

24 A. She seemed pretty nice. I mean...

25 Q. What special treatment, if any, did your child receive?

MS. IVONNE OSORNO - DIRECT by MS. HALL

Page 723

- 1 A. A lot of tattoos.
- 2 Q. Tattoos?
- 3 A. Yes.
- 4 Q. The sticker kind?
- 5 A. Yes.
- 6 Q. Okay.
- 7 A. The ones that were there and a lot of prizes.
- 8 Q. How often did he receive a prize?
- 9 A. You know, I would pick him up and he will have something. So I -- I
- 10 don't have like a time frame like on Mondays, Tuesdays, Wednesdays.
- 11 Q. Would it be once per week maybe?
- 12 A. I think they were supposed to give them Fridays, but some days he will
- 13 bring one.
- 14 Q. Not on Friday sometime he would have one?
- 15 A. Right.
- 16 Q. Okay. You mentioned tattoos. What --- which tattoos do you
- 17 remember Child 4 receiving?
- 18 A. They was a spider web tattoo.
- 19 Q. A spider web tattoo?
- 20 A. Yes.
- 21 Q. And who did Child 4 receive the spider web tattoo from?
- 22 A. Ms. Ronasha.
- 23 Q. What, if anything, did you believe was the reason Child 4 got those
- 24 prizes?
- 25 A. I don't know because they were not learning like letters or anything.

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 724**

1 They were just, you know, like playing and being with their friends. Like, I mean,  
2 they would work and, then, assisted there. Just Fridays is party time and everybody  
3 gets a prize then. Nothing extraordinary that he will do in order to get one.

4 **Q.** What can you tell me about Child 4 exposure to things of a sexual  
5 nature?

6 **A.** There's none.

7 **Q.** What access did Child 4 have to the internet?

8 **A.** Right now he watches Cartoon Network. And he's like, "Can you log  
9 me to www.Leggo.com. Like he doesn't know how to spell so we will log him in.  
10 We have our pass word, a username but he doesn't know and we'll access. But  
11 he's always next to us.

12 **Q.** So Cartoon Network and you said Leggo.com?

13 **A.** Uh-huh (affirmative).

14 **Q.** What about, when these allegations came out, what access did he  
15 have at that time?

16 **A.** Back then, none.

17 **Q.** None? What about Child 4 access to any movies or shows of a sexual  
18 nature?

19 **A.** None.

20 **Q.** Ivonne, who have you spoken to regarding you and your family's legal  
21 rights in this case?

22 **A.** We spoke to a lawyer because we — we were not familiar with the  
23 system or how things would go from the time we — I mean, when we're contacted  
24 with the police.

25 So we had no idea the course that it would take. So we talked to



1 somebody.

2 Q. And who first contacted the attorney?

3 A. Demie gave us a name of somebody she knew, Demie Garcia.

4 Q. And you and your husband contacted him?

5 A. Yes.

6 Q. Okay. What actions do you currently have pending?

7 A. None.

8 Q. Okay. Ivonne, what is your relationship like with the other parents in  
9 this case?

10 A. We — like back then, we will see each other in birthday parties. But it  
11 would be like, "Oh, that Child 2 mom" "that's Child 1 dad," but no personal contact, I  
12 mean...

13 Q. How close are your children?

14 A. Child 4 due to everything that's going on, is taking karate classes. And  
15 it is — some friends suggested that place in Five Forks (phonetic). So he goes  
16 there. And Child 5 is going to that same center.

17 Q. So Child 5 and Child 4 are in karate together?

18 A. Yes.

19 Q. What about other children?

20 A. Not at all.

21 Q. Not at all?

22 (Brief Pause)

23 Q. What behaviors has your child exhibited since starting in the 4-K  
24 class?

25 A. He started to get tantrums, a lot of disrespect towards female

**MS. IVONNE OSORNO - DIRECT by MS. HALL****Page 726**

1 teachers. After we left Kids "R" Kids, we have moved him to like to four (4)  
2 daycares. And they have --- they asked --- they asked us to pull him out because  
3 they couldn't handle him because he will spit them, kick them, hit them.

4 **Q.** And that started after he was in the 4-K class?

5 **A.** Yes.

6 **Q.** Okay. What about behaviors, if any, of a sexualize nature?

7 **A.** Back then, before I found out about all of this, I would be laying down  
8 and he would lay on top of me. And I would be like, "What are you doing?"

9 And, then, he also tried to kiss m in the lips. Like my culture, we only  
10 kiss on the cheeks and he started to, you know, like don't kiss me on the cheek, kiss  
11 me on the lips. And I would be like why?

12 **Q.** Any other behaviors of a sexualize nature?

13 **A.** He touched my breasts like three (3) times. He tried to rub them.

14 **Q.** And when was that?

15 **A.** Back then, like October — around October, September. And I would  
16 go like "What are you doing?" "Oh, never mind." Or he will just go away. But he did  
17 it three (3) times.

18 **Q.** And what behaviors, if any, does your child still exhibit?

19 **A.** Related to sexual conduct, none. But, when it comes to the tantrums,  
20 he'll have them.

21 And the first day of classes in the public school, he was called to the  
22 principal's office on the first day. And I had to speak to them, you know, like not tell  
23 them what happened, but just to tell them that there is respect issues. And we're  
24 working on that.

25 **MS. HALL:** The Court's indulgence for just a moment, please.

MS. IVONNE OSORNO - CROSS by MR. HENRY

Page 727

1 (Brief Pause)

2 MS. HALL: No further questions. Please answer any Mr.

3 Henry may have.

4 CROSS EXAMINATION by MR. HENRY:

2:31 P.M.

5 Q. Hi, Ms. Osorno.

6 A. Hello.

7 (Brief Pause)

8 Q. After you talked to Sally, the director at Kids "R" Kids, did you find out  
9 that there was already an open DSS file?

10 A. She mentioned that, yes.

11 Q. And you also found out from DSS when you called; is that right?

12 A. The DSS -- yes, they also mentioned that there were more cases.

13 Q. So there was already a case pending when you called about Child 4

14 A. Yes.

15 Q. Okay. And was that the case that Bobby Seepersaud was working  
16 on?

17 A. Yes. They --- I mean, he was the one that called me because he was  
18 already in Greenville.

19 Q. Okay. When you said you couldn't find Child 4 at nap time for fifteen  
20 (15) minutes a -- a few times, can you put -- put a date on any of those?

21 A. A date?

22 Q. Yeah.

23 A. No. It would be constant because somehow I -- I'm on the phone all  
24 the time ----

25 Q. Right.

MS. IVONNE OSORNO - CROSS by MR. HENRY

Page 728

1       A.       --- at work and I would be, "Okay. Let me check. I will be back. Let  
2 me log off." And, then, resolve the issue by phone and, then, try to come back. So  
3 there's no telling.

4       Q.       Okay. And you didn't contact Sally, the director, because you weren't  
5 concerned about it?

6       A.       No, because, you know, like you would think that he will be safe.

7       Q.       Sure.

8       A.       I was assuming that he will be safe.

9       Q.       Okay.

10      A.       Uh-huh (affirmative).

11      Q.       And, when -- when he got prizes for what you said was no apparent  
12 reason, you didn't call and question that either, right?

13      A.       Oh, no.

14      Q.       Okay. Now the Watch Me Grow Program was part of the reason you  
15 took Child 4 to Kids "R" Kids?

16      A.       That's correct.

17      Q.       And you used it all the time?

18      A.       Yes.

19      Q.       So how did you --- how did you like the program?

20      A.       I loved it until I found that it was not doing what it was supposed to do.

21      Q.       Okay.

22      A.       Meaning no back-ups.

23      Q.       Right. But as far as the DVR program where you can go back and  
24 check?

25      A.       Right.

1 Q. So, if something happened, though, you — you could watch it until  
2 midnight that day?

3 A. Yes. You could only watch until midnight what happened during the  
4 day. There was an event with another teacher ----

5 Q. Right.

6 A. ---- where somehow she scratched him. When I was going to give  
7 him a bath, he had a scratching his tummy and we spent hours looking through the  
8 tape. And we found that piece, but it was on that day. And we were rushing  
9 because it was like eleven thirty (11:30) so we wouldn't miss that part. So...

10 Q. Right. Did you find ---

11 A. But we were able to go back.

12 Q. Okay. I'm sorry. Did you find it yourself?

13 A. Yes.

14 Q. Did you take your computer into Sally and show it to her?

15 A. I took — there's a program called — there's a program that you have  
16 the screen and you can copy the screen.

17 Q. Okay.

18 A. So I copied each screen where she was actually pulling him and  
19 grabbing him. And I show them to the director.

20 Q. And that was Sally?

21 A. Yes.

22 Q. And --- and was the teacher, Bridget?

23 A. Yes, that's correct.

24 Q. So you were able to use the Watch Me Grow Program to confirm that  
25 something had happened to your son ----

1 A. Right.

2 Q. --- that shouldn't have ---

3 A. Right.

4 Q. — right? And, as a result of that, what happened to Bridget?

5 A. I believe she was fired.

6 Q. Okay. And was that in June of 2010?

7 A. I know it was in 2010, but I will have to look at --- I still have the  
8 pictures. I will have to look at the date in the picture.

9 Q. Okay. So clearly Child 4 was able to tell you, when a teacher had done  
10 something wrong to him?

11 A. Yes.

12 Q. And he didn't tell you that anything had been done wrong with him until  
13 after Ronasha left Kids "R" Kids, right?

14 A. Until I asked him if something had happened to them — to him.

15 Q. And wasn't she gone by then?

16 A. Yes, because I believe she was fired or dismissed ---

17 Q. Terminated or whatever?

18 A. — during the weekend.

19 Q. Okay. So, from the time of June or — or whenever that was in the  
20 summertime of the Bridget incident and the time that Ronasha left, your son didn't  
21 complain about anything that Ronasha had done to him?

22 A. No physical harm.

23 Q. Pardon?

24 A. Not physical harm.

25 Q. Right. Or anything else?

MS. IVONNE OSORNO - CROSS by MR. HENRY

Page 731

1 A. No.

2 Q. Okay. Did he give you the impression he got along with Ronasha  
3 pretty well?

4 A. First of all, she was not his -- her teacher or his teacher.

5 Q. Right.

6 A. So he will just tell me about Ms. Laurie. And I will ask only about Ms.  
7 Laurie.

8 Q. Because he wasn't even in Ronasha's class, was he?

9 A. That's right.

10 Q. When he --- when your son was taken to the --- what we call the CAC,  
11 the Advocacy Center, did you promise him a Power Ranger if he talked about  
12 Ronasha?

13 A. No, I don't think so.

14 Q. You don't remember or didn't?

15 A. No.

16 Q. Did not?

17 A. But he's not into Power Rangers.

18 Q. Oh, he's not?

19 A. That's why I'm surprised -- no.

20 Q. Okay. All right.

21 A. He maybe likes cars a little bit (phonetic)

22 Q. Until you talked to Ms. Spicer the --- the couple of times you mentioned  
23 before, you had not had any complaints from your son about anything Ronasha had  
24 done, did you?

25 A. Like before I spoke to her?

1 Q. Right.

2 A. No.

3 Q. Now you said you went to talk to a — a lawyer at the suggestion of Ms.  
4 Garcia; is that right?

5 A. Yes.

6 Q. And do you know that lawyer's name?

7 A. I believe it's Tollison (phonetic).

8 Q. Tollison?

9 A. I'm not sure.

10 Q. Not sure?

11 A. No.

12 Q. Okay. All right. And you — you went to see him because you were not  
13 — you wanted to talk about the --- your legal rights?

14 A. Yes. Even though there was investigation, we didn't -- I mean, like my  
15 husband and I didn't see anything moving. Like time was passing and nothing was  
16 happening. And we wanted to find out what would be next.

17 Q. Right.

18 A. If we needed to do something else because we didn't want to leave  
19 things like that, like just wait until something happened.

20 Q. Okay. And you said you were not familiar with the system. What  
21 system were you talking about?

22 A. Meaning, okay, first you need to contact the DSS, then a --- the  
23 Children's Advocacy. Like we were heading towards where they were guiding us to  
24 go, like....

25 Q. Okay.



**MS. IVONNE OSORNO - REDIRECT by MS. HALL****Page 733**

1       A.       So, if I went to talk to him and say, "What's next?" "What do we have  
2 to wait for?" "Should we talk to somebody else in order to speed things up?"  
3 Because I did not want any family or parents to go through what I was going through  
4 nor a kid.

5       Q.       So you were talking to the lawyer only about the criminal process?

6       A.       Yes.

7       Q.       You weren't talking about any kind of civil case or anything like that?

8       A.       He mentioned it, but so far...

9       Q.       So far what?

10      A.       I mean, so far we haven't done anything.

11      Q.       So you really haven't discussed any kind of civil case?

12      A.       No.

13               (Brief Pause)

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

15      MS. HALL:       Briefly.

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

**2:38 P.M.**

17      Q.       Ivonne, when that scratched appeared on Child 4 belly, when did you  
18 say you noticed it?

19      A.       I picked him up -- like he takes a --- he takes a shower in the morning.  
20 And, when -- after I pick him up from school and I was going to give him his second  
21 bath. And, then, I saw a big scratch on his belly and said, "What happened?"  
22 And, then, he said, "Ms. Bridget did it to me."

23      Q.       So Child 4 didn't tell you about it, you saw it ---

24      A.       I saw it.

25      Q.       --- and asked about it?

**MR. DIEGO BERMUDEZ - DIRECT by MS. HALL****Page 734**

1           **A.**       Yes.

2                   **MS. HALL:**       Okay. No further questions.

3                   **MR. HENRY:**       Nothing further, Judge.

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

5                   **MS. HALL:**       Your Honor, may we approach very briefly?

6                   **THE COURT:**       You may.

7                   **(Whereupon, a bench conference was had with all attorneys**  
8                   **present.)**

9                   **MS. HALL:**       The State calls Diego Bermudez.

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

11                   **(Off-The-Record Comments)**

12                   (Whereupon,

13                                           **DIEGO BERMUDEZ**

14                   first being duly sworn, testified as follows:)

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

**2:40 P.M.**

16                   **Q.**       What is your name?

17                   **A.**       Diego Bermudez.

18                   **Q.**       And how old are you, Mr. Bermudez?

19                   **A.**       I am forty-two (42).

20                   **Q.**       Where do you work?

21                   **A.**       I work in Grainger (phonetic).

22                   **Q.**       And what you do at Grainger?

23                   **A.**       I'm warehouse associate.

24                   **Q.**       Who lives with you?

25                   **A.**       My wife and my son.

**MR. DIEGO BERMUDEZ - DIRECT by MS. HALL****Page 735**

1 Q. And who is your son?

2 A. Child 4

3 Q. How do you know the Defendant Ronasha Taylor?

4 A. Kids "R" Kids. She's a teacher at Kids "R" Kids.

5 Q. When did you first meet her?

6 A. Sometimes -- it was really I knew in the drop off for my son.

7 Q. When you dropped off your son?

8 A. Yes. Sometimes I saw her.

9 Q. Who was your child's full-time teacher in 2010?

10 A. Ms. Laurie.

11 Q. Ms. Laurie? What access, if any, did Ms. Ronasha have to your child

12 Child 4

13 A. Sometimes I believe nap time.

14 (Brief Pause)

15 Q. Without going into what anyone else said, was there a period in time

16 when you became aware that something inappropriate may have happened to

17 Child 4

18 A. Yes.

19 Q. When was that?

20 A. It was October 18<sup>th</sup>. I think it was a Monday.

21 Q. Who did you learn this information from?

22 A. From my wife.

23 Q. And how did you find out about your son's abuse?

24 A. When --- when he disclosed for --- to my wife.

25 Q. Were you present when he made a disclosure?

MR. DIEGO BERMUDEZ - DIRECT by MS. HALL

Page 736

1 A. Yes.

2 Q. What did you ask your child?

3 A. Really not too much because just asking what happened at daycare,  
4 while he's three-year, it's scary about that. But I -- we decided don't ask him  
5 anymore.

6 Q. Not to ask him anymore?

7 A. (Nods affirmatively.)

8 Q. What behavior did you observe that first time when you asked him?

9 A. He was afraid to go --- when he's going to the bath -- to the bathroom  
10 mostly.

11 Q. Okay. He went to the bathroom?

12 A. Yeah.

13 Q. Okay. And what about the second time when you asked Child 4

14 A. It's the same thing. He was really scary about everything. He want to  
15 say, "I don't want to talk too much about this."

16 Q. He didn't want to talk?

17 A. Not with me, yeah, not really.

18 Q. When did Child 4 make the disclosure?

19 A. When he's --- like Thursday, it's December 19<sup>th</sup>.

20 Q. October 19th?

21 A. Yeah.

22 Q. And how old was Child 4 when he made that disclosure?

23 A. He's three and a half (3 ½)

24 Q. Three and a half (3 ½)?

25 A. Uh-huh (affirmative)..

**MR. DIEGO BERMUDEZ - DIRECT by MS. HALL****Page 737**

- 1 Q. Where did Child 4 tell you the abuse took place?
- 2 A. In Kids "R" Kids.
- 3 Q. Which room?
- 4 A. In bathroom.
- 5 Q. Bathroom? How often did you observe Child 4 playing in the
- 6 bathroom?
- 7 A. Never.
- 8 Q. How long had Child 4 been potty trained?
- 9 A. Since he have been two (2) years.
- 10 Q. What type of help did Child 4 require in the bathroom from you?
- 11 A. When he's doing --- doing the number two, he's required to wipe.
- 12 Q. What about help from others?
- 13 A. Never.
- 14 Q. What was your impression regarding how often Ms. Laurie or any of
- 15 the other teachers at Kids "R" Kids might have to help Child 4
- 16 A. None.
- 17 Q. What about any trouble Child 4 may have gotten into in the bathroom at
- 18 Kids "R" Kids?
- 19 A. Could you repeat the question?
- 20 Q. Was Child 4 ever in trouble in the bathroom at Kids "R" Kids?
- 21 A. Never.
- 22 Q. What, if anything, had changed about Child 4 bathroom tendencies
- 23 since he started 4-K?
- 24 A. He start — he did peepee in his pants two or three times I believe.
- 25 Q. What about at home, did he ever wet his pants at home?

MR. DIEGO BERMUDEZ - DIRECT by MS. HALL

Page 738

1 A. Never.

2 Q. What about other places, friends or relatives?

3 A. No.

4 Q. What about currently at school? Is he having accidents at school?

5 A. Sometimes.

6 Q. Sometimes?

7 A. (Nods affirmatively.)

8 Q. What about at night?

9 A. He never wets -- he didn't wet the -- the bed.

10 Q. What happened next after Child 4 disclosed to you what had  
11 happened?

12 A. My wife and I took Child 4 -- we go to the Kids "R" Kids.

13 Q. Okay. And why did you go to Kids "R" Kids?

14 A. Because we -- we -- we know -- we want to know what exactly  
15 happened with the disclose -- what Child 4 say. And then told exactly -- we want to  
16 know why.

17 Q. And, at this point, had you had any contact with the daycare about this  
18 incident that had occurred?

19 A. No.

20 Q. When was Child 4 last day at Kids "R" Kids?

21 A. The October the 20, but this is the day we met with -- with Sally, the  
22 director of Kids "R" Kids, inside. But maybe the last day, but there was no --- he  
23 didn't stay all day over there. It was just for the meeting.

24 Q. Now what about OHAN or Bobby Seepersaud? How do you know  
25 them?

**MR. DIEGO BERMUDEZ - DIRECT by MS. HALL****Page 739**

- 1       A.       He's the DS [sic] person.
- 2       Q.       Okay. What interaction did you have with him?
- 3       A.       We meet with him at McDonald's.
- 4       Q.       And what did you tell him?
- 5       A.       We told him everything our -- about what happened with Child 4
- 6       Q.       What about law enforcement? Who, if anyone, have you spoken to
- 7       from law enforcement?
- 8       A.       This is -- we meet with, you know, the -- I forget the names.
- 9       Q.       Megan?
- 10      A.       Megan Burrell I think is the name, the last name.
- 11      Q.       When did you speak with Megan?
- 12      A.       I don't remember the exact date.
- 13      Q.       Was it after Bobby or before Bobby?
- 14      A.       After Bobby.
- 15      Q.       Okay. What access had Child 4 had prior to the incident?
- 16      A.       Sorry, I don't understand.
- 17      Q.       What access had Child 4 had to the internet prior to the incident?
- 18      A.       Never.
- 19      Q.       What about now?
- 20      A.       Sometimes he's played some games, the -- like Country Man War
- 21      (phonetic) or something like that.
- 22      Q.       Okay. What about any movies or shows of a sexual nature?
- 23      A.       Never.
- 24      Q.       What exposure, if any, has Child 4 had to adult breasts?
- 25      A.       Never.

MR. DIEGO BERMUDEZ - DIRECT by MS. HALL

Page 740

1 Q. Okay. What are some of the reasons why you and Ivonne chose Kids  
2 "R" Kids?

3 A. The — the — the first thing is the cameras. It's the most important  
4 part of it.

5 Q. Your wife talked about using the cameras a lot. Did you use the  
6 cameras?

7 A. Not too much, but because we are always in — in contact, me and —  
8 me and her, and she told me, "Oh, Child 4 is eating." "He's going to sleep,"  
9 something like that, but I —

10 Q. So your wife told you what he was doing?

11 A. Exactly.

12 Q. Okay. Did your wife ever mention any of the times at nap when she  
13 wasn't able to find Child 4

14 A. Sometimes. He said — she say it's too dark and sometimes you  
15 couldn't see something very well.

16 Q. Okay.

17 (Brief Pause)

18 Q. What was your relationship like with the Defendant?

19 A. It was --- she was — at this time you say?

20 Q. (Nods affirmatively.)

21 A. Yeah, she's nice.

22 Q. She's nice?

23 A. Extremely so.

24 Q. What about her relationship with Child 4

25 A. Sometimes, when I saw it, she's nice with him.



1 (Brief Pause)

2 Q. What is your relationship like with the other families in this case?

3 A. Not too much. Sometimes we meet with the Child 5 you  
4 know, because he is in the same class for karate.

5 Q. So the Salazars?

6 A. Yes. Sometimes they're there.

7 Q. Okay. What about the other families?

8 A. Not at all.

9 Q. How close is Child 4 to the other children?

10 A. It is like — sometimes when Child 4 is with Child 5 we meet  
11 sometimes in the — in the classroom.

12 Q. Okay. What behaviors, if any, has Child 4 had since he started in the  
13 K-4 class at Kids "R" Kids?

14 A. He — he have some trouble to sleep. And he sleeps with — with us.  
15 And they have some — when he's sleeping, he's still fighting something like that,  
16 like dream something, like dreams —

17 Q. He dreams this sleep?

18 A. Yeah, sometimes.

19 Q. And what — what kind of dreams do they seem to be?

20 A. I don't know exactly what — what kind of dreams, but he's fighting,  
21 something like that.

22 Q. Okay. What about any behaviors of a sexualized nature that you've  
23 seen since he started in the K-4 class?

24 A. In — two (2) or three (3) times he — he's tried to kiss my wife in the  
25 mouth.

**MR. DIEGO BERMUDEZ - DIRECT by MS. HALL****Page 742**

1                   **(Brief Pause)**

2           **Q.**       What behaviors, if any, does Child 4 still exhibit?

3           **A.**       Sometimes he's trouble to sleep, he's still sleeping with us. And —  
4       yeah, more or less that's it.

5           **Q.**       What about daycare? What behaviors has he exhibited at other  
6       daycares or schools?

7           **A.**       It's a lot probably because he's ugly with the teachers all the time,  
8       especially with a woman teacher. Usually there is a woman who is the teacher in  
9       daycare, and he's always — he's in trouble with the teachers is the most problem  
10      thing that's happened.

11          **Q.**       You say he's angry with the women teachers at other schools?

12          **A.**       Yes. But, again, it's always is women teachers, right, yeah.

13          **Q.**       Okay.

14          **A.**       Yes.

15               **MS. HALL:**       The Court's indulgence for just a moment.

16               **(Brief Pause)**

17               **MS. HALL:**       I don't have any other questions. Mr. Bermudez.  
18       Please answer any that Mr. Henry may have.

19               **MR. HENRY:**       I have none, Your Honor.

20               **THE COURT:**       All right. Thank you, sir. You may stand down,  
21       sir.

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

23               **MS. HALL:**       Brief rest — brief — excuse me. Brief recess,  
24       Your Honor, for —

25               **THE COURT:**       Okay. Mr. foreman, ladies and gentlemen of the

**MR. DIEGO BERMUDEZ - DIRECT by MS. HALL**

**Page 743**

jury panel, we'll take a brief recess at this time.

**(The jury exited the courtroom at 2:52 p.m.)**

**THE COURT:** Okay.

**MS. HALL:** Your Honor, our next witness is a child who's going to testify via CCTV. So we just need to get the courtroom set up.

**THE COURT:** Okay. That's fine. We'll take a short recess while you do that.

**(Whereupon, a brief recess was taken from 2:52 p.m. until 3:29 p.m.)**

**(Off-The-Record Comments)**

**THE COURT:** All right. Counsel, we're all set up?

**MS. HALL:** Yes, Your Honor, we're ready.

**THE COURT:** All right. Thank you. Please, bring the jury in, sir.

**(Off-The-Record Comments)**

**(The jury was summoned and entered the courtroom at 3:29 p.m.)**

**THE COURT:** All right. Mr. Foreman, ladies and gentlemen of the jury panel, you're going to hear testimony now from Child 4 Is that right, Child 4.

**MS. MILES:** Yes, sir.

**THE COURT:** And you're going to hear that, again, by closed circuit t.v. And the Court will make a determination that he did have difficulty with — and being overwhelmed in court to be able to try to testify. We've already made that determination.

So he will testify by closed circuit television as we did before with one other of the witnesses. So we'll do that at this time. Please, proceed.

Child 4

- Special Oath

Page 744

1                   **MADAM CLERK:** Okay, Child 4 raise your right and put your left  
2                   hand on the Bible.

3                   **(Witness complied with the request.)**

4                   **MADAM CLERK:** You promise to tell the truth and the whole truth so  
5                   help you God?

6                   **THE WITNESS:** Yes.

7                   **MADAM CLERK:** You can have a seat.

8                   **(Witness complied with the request.)**

9                   **MADAM CLERK:** Do you know the difference between telling the  
10                  truth and telling a lie?

11                  **THE WITNESS:** Yes.

12                  **MADAM CLERK:** What happens if you tell a lie at home?

13                  **THE WITNESS:** You get in trouble.

14                  **MADAM CLERK:** What happens if you tell a lie at school?

15                  **THE WITNESS:** You go to the principal.

16                  **MADAM CLERK:** What happens if you tell a lie in court?

17                  **THE WITNESS:** You go to jail.

18                  **MADAM CLERK:** Do you understand you have to tell the truth today  
19                  in court?

20                  **THE WITNESS:** Yes.

21                  **MADAM CLERK:** Do you promise to tell the truth?

22                  **THE WITNESS:** Yes.

23                  **MADAM CLERK:** Okay.

24                  **MS. HALL:**

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

3:31 P.M.

- 1 Q. Speak up real loud, okay?
- 2 A. Okay.
- 3 Q. What is your name?
- 4 A. Child 4
- 5 Q. How old are you, Child 4
- 6 A. Five and half (5 ½).
- 7 Q. Five and half (5 ½)? When is your birthday?
- 8 A. December 19<sup>th</sup>, 2006.
- 9 Q. Okay. Child 4 what do you like to do for fun?
- 10 A. Play outside ---
- 11 Q. Play outside?
- 12 A. --- and play with toys.
- 13 Q. Play with toys? What else?
- 14 A. Wii.
- 15 Q. Play Wii? Child 4 what do you like to eat?
- 16 (Brief Pause)
- 17 A. Spaghetti.
- 18 Q. Spaghetti? Do you have any brothers or sisters?
- 19 A. No.
- 20 Q. Who lives at your house?
- 21 A. My mommy and daddy.
- 22 Q. You daddy? Do you have any pets?
- 23 A. No.
- 24 Q. No?
- 25 A. I used to have a fish.

MASTER Child 4

- DIRECT by MS. HALL

Page 746

- 1 Q. What happened to your fish?
- 2 A. It died.
- 3 Q. It died? Child 4 where do you go to school?
- 4 A. Bushy Creek Elementary.
- 5 Q. Where?
- 6 A. Bushy Creek Elementary.
- 7 Q. Okay. Who's your teacher?
- 8 A. Ms. Meadows (phonetic) and Ms. Flowers (phonetic).
- 9 Q. Ms. Meadows (phonetic) and Ms. Flowers? What grade are you in?
- 10 A. Kindergarten.
- 11 Q. Kindergarten? Okay. Child 4 where did you go to school before you
- 12 went to Bushy Creek?

13 (Brief Pause)

- 14 A. Ask my mom.
- 15 Q. You forgot some of the names? What about Kids "R" Kids? Did you
- 16 use to go there?
- 17 A. Yes.
- 18 Q. What about a teacher name Ms. Ronasha, did you use to have her for
- 19 a teacher?
- 20 A. Yes.
- 21 Q. Yes? How old were you when Ms. Ronasha was one of your
- 22 teachers?
- 23 A. Six (phonetic).
- 24 Q. You were younger than you are now?
- 25 (Brief Pause)

MASTER Child 4

- DIRECT by MS. HALL

Page 747

- 1       A.       I think I was just three (3).
- 2       Q.       Three (3)? Okay. What about Ms. Laurie? Do you remember Ms.
- 3       Laurie?
- 4       A.       Yes.
- 5       Q.       What other teachers do you remember?
- 6       **(Brief Pause)**
- 7       A.       (No Response)
- 8       Q.       Is that all? How do you feel about Ms. Laurie, Child 4
- 9       A.       Happy.
- 10      Q.       Happy? What kinds of things did you do for fun with Ms. Laurie at
- 11      Kids "R" Kids?
- 12      **(Brief Pause)**
- 13      A.       (No Response)
- 14      Q.       What about playing outside?
- 15      A.       (No Response)
- 16      Q.       No playing outside? What do you like to do for fun?
- 17      A.       Play with my toys and play outside.
- 18      Q.       Okay. What about Ms. Ronasha? How do you feel about her?
- 19      A.       Mad.
- 20      Q.       Mad? Why do you feel mad about her?
- 21      A.       Because she made me do something wrong.
- 22      Q.       She made you do something wrong?
- 23      A.       Yes.
- 24      Q.       What did she make you do that was wrong?
- 25      A.       Touch her private parts.

MASTER Child 4

- DIRECT by MS. HALL

Page 748

1 Q. Touch her private parts? Where were you when you had to touch her  
2 private parts?

3 A. In the bathroom.

4 Q. In the bathroom? Which bathroom?

5 A. The girls.

6 Q. The girls bathroom? Okay. Can I show you some pictures, Child 4

7 A. Yes.

8 Q. Okay.

9 (Exhibit retrieved and shown to witness.)

10 Q. Child 4 I want to start with this picture right here, okay?

11 A. Okay.

12 Q. If this is a grown-up woman and this is Ms. Ronasha, can you show  
13 me -- tell me what this -- what this part is (indicating)?

14 A. The hair.

15 Q. The hair.

16 (Ms. Hall writes on diagram.)

17 Q. Tell me what else you see on her face. What are these (indicating)?

18 A. Eyes.

19 Q. Eyes.

20 (Ms. Hall writes on diagram.)

21 Q. What about that (indicating)?

22 A. The nose.

23 Q. The nose.

24 (Ms. Hall writes on diagram.)

25 Q. And what about that (indicating)?



MASTER Child 4

- DIRECT by MS. HALL

Page 749

- 1 A. The mouth.
- 2 Q. Mouth.
- 3 (Ms. Hall writes on diagram.)
- 4 Q. Okay. What's that part (indicating)?
- 5 A. The bellybutton.
- 6 Q. Belly button. That's right.
- 7 (Ms. Hall writes on diagram.)
- 8 Q. And what about these down here, what are these (indicating)?
- 9 A. Toes.
- 10 Q. Toes. Okay.
- 11 (Ms. Hall writes on diagram.)
- 12 Q. Child 4 you said Ms. Ronasha -- you touched Ms. Ronasha's private
- 13 parts. Can you tell me or show me which private parts?
- 14 A. (Indicating)
- 15 Q. What do you call that?
- 16 A. Boobies.
- 17 Q. Boobies? All right.
- 18 (Ms. Hall writes on diagram.)
- 19 Q. What else did you touch, Child 4
- 20 A. (Indicating)
- 21 Q. And what is that part called?
- 22 A. The chee chee (phonetic).
- 23 Q. The chee chee (phonetic)?
- 24 (Ms. Hall writes on diagram.)
- 25 Q. All right. What did you use to touch the boobies and the chee chee,

MASTER Child 4

- DIRECT by MS. HALL

Page 750

Child 4

A. Hands and tongue.

Q. Hands and tongue? Okay.

(Ms. Hall writes on diagram.)

Q. Did you use hands and tongue for the boobies and for the chee chee?

A. Yes.

Q. Yes? Okay.

(Ms. Hall writes on diagram.)

Q. Child 4 what about on the back side, if this is Ms. Ronasha? Did you ever touch any of the back part?

A. Yes.

Q. What's that part called?

A. The butt (indicating).

Q. The butt. And what did you touch the butt with?

A. Hands and tongue.

Q. Where did you touch? Can you show me where?

A. (No Response)

Q. Show me where.

A. (Indicating)

Q. In the middle?

A. Yes.

Q. Okay.

(Ms. Hall writes on diagram.)

Q. Okay. Child 4 when you touched Ms. Ronasha's private parts, you told me you were in the bathroom at Kids "R" Kids; is that right?

MASTER Child 4

- DIRECT by MS. HALL

Page 751

- 1 A. Yes.
- 2 Q. Yes? What were you doing before you went into the bathroom?
- 3 A. Waiting.
- 4 Q. Waiting? How did you know to go into the bathroom?
- 5 A. She told me to.
- 6 Q. She told you to? When you went in the bathroom, were you by
- 7 yourself or was anybody with you?
- 8 A. Ms. Ronasha was with me.
- 9 Q. With Ms. Ronasha? Child 4 what did Ms. Ronasha have on when she
- 10 — when you touched her private parts?
- 11 A. (No Response)
- 12 Q. Was she wearing clothes?
- 13 A. Yes.
- 14 Q. Yes? What about when you touched her boobies, were they covered
- 15 up or could you see them?
- 16 A. Her shirt was up to here (indicating).
- 17 Q. Okay. So show me where with the marker.
- 18 A. (Witness complied with the request.)
- 19 Q. Okay. So that's where her shirt was?
- 20 A. Yes.
- 21 Q. Okay. And what about on her bottom? Was this part covered up or
- 22 could you see it (indicating)?
- 23 A. I could see it.
- 24 Q. You could see it? Was she wearing -- do you remember if she was
- 25 wearing skirt or pants or shorts? Do you remember what she was wearing on the

MASTER Child 4

- DIRECT by MS. HALL

Page 752

bottom?

A. I think pants and ---

Q. Did she have on underwear?

A. Yes.

Q. Yes? Where were her underwear?

(Brief Pause)

A. (Indicating)

(Ms. Hall writes on diagram.)

Q. Okay. Child 4 when you touched Ms. Ronasha's boobies with your hands and your tongue, what did they feel like?

(Brief Pause)

A. I forgot.

Q. You forgot? What shape were they?

A. They were shaped like boobies (phonetic).

Q. The boobies, what shape were the boobies?

A. Circles.

Q. Circles? What color were they?

A. Brown.

Q. Brown? What did they feel like?

A. (No Response)

MR. HENRY: Objection. We need a ruling on that.

MS. HALL: I'll withdraw it.

MR. HENRY: Okay.

Q. (By Ms. Hall) What about this part Child 4 the chee chee (indicating)?  
When you touched that, what did it feel like?

MASTER Child 4

- DIRECT by MS. HALL

Page 753

1 A. (No Response)

2 Q. What did it feel like when you touched it with your hands?

3 (Brief Pause)

4 A. I don't remember.

5 Q. You don't remember? Okay. What did it look like?

6 A. I don't remember. Like the butt kind of.

7 Q. Like the butt kind of? Okay. What about this part, what did it feel like  
8 (indicating)?

9 (Brief Pause)

10 A. I don't remember.

11 Q. Okay. Child 4 when you were in the bathroom with Ms. Ronasha — I'm  
12 going to show you now what is going to be a boy. Can this be you?

13 A. Yes.

14 Q. Is that okay?

15 MR. HENRY: I object to that.

16 MS. HALL: All right. In a minute I'll be right back.

17 (Brief pause while Ms. Hall and Mr. Henry step into the  
18 courtroom.)

19 MR. HENRY: I object to the leading on this issue.

20 THE COURT: All right. I'm sorry, what was the question? Let me  
21 be sure I understand it. What was your question?

22 MS. HALL: I said, "When you were in the bathroom with Ms.  
23 Ronasha, and now I want to show you a picture of a boy." I haven't asked  
24 any questions yet.

25 THE COURT: All right. I overrule the objection.

MASTER Child 4

- DIRECT by MS. HALL

Page 754

1 (Brief pause while Ms. Hall and Mr. Henry return to the other  
2 room.)

3 Q. (By Ms. Hall) Okay. All right. Can you tell me what some of these  
4 body parts are, Child 4

5 A. Yeah.

6 Q. All right. Tell me what some of them are.

7 A. Hair, the eyes, a nose, the mouth.

8 Q. All right. Let me write those, okay? Can you wait a minute?

9 (Ms. Hall writes on diagram.)

10 Q. Hair, eyes, nose and ---

11 A. Mouth.

12 Q. --- mouth?

13 A. Yes.

14 Q. Okay. Child 4 what are some other parts?

15 A. Hands and feet.

16 Q. Hands and feet? Okay.

17 (Ms. Hall writes on diagram.)

18 Q. What about on the back side? Can you tell me any parts on the back  
19 side?

20 A. Hands and hair.

21 Q. Hands and hair? Okay.

22 (Ms. Hall writes on diagram.)

23 Q. Child 4 has anyone ever touched your body anywhere?

24 (Brief Pause)

25 A. No.

MASTER Child 4

- DIRECT by MS. HALL

Page 755

- 1 Q. No. When you were in the bathroom, were you wearing clothes?
- 2 A. Yes.
- 3 Q. Yes. And did anyone ever touch your body anywhere?
- 4 MR. HENRY: Objection.
- 5 A. No.
- 6 MS. HALL: I'll won't ask. I'll withdraw.
- 7 MR. HENRY: Okay.
- 8 (Brief Pause)
- 9 Q. (By Ms. Hall) Child 4 tell me who all you have talked to about this.
- 10 A. Ms. Tabitha, Ms. Meredith.
- 11 Q. Ms. Tabitha and Ms. Meredith?
- 12 A. You.
- 13 Q. Me? What about mom and dad?
- 14 A. Yeah.
- 15 Q. Yeah. Have you told the truth today?
- 16 A. Yeah.
- 17 Q. Yeah? Child 4 when you were in the bathroom with Ms. Ronasha,
- 18 were you sitting down or were you standing up?
- 19 A. Sitting down.
- 20 Q. Sitting down. What were you sitting on?
- 21 A. A chair.
- 22 Q. A chair? What color was the chair?
- 23 A. Blue.
- 24 Q. Blue. Where was Ms. Ronasha?
- 25 A. In the bathroom standing up.

MASTER Child 4

- DIRECT by MS. HALL

Page 756

1 Q. Standing up? Was Ms. Ronasha standing near you or away from you?

2

3 A. Near me.

4 Q. Near you? Where was Ms. Ronasha standing?

5 A. In — on the bathroom.

6 Q. On the bathroom? Was she looking at you or was she looking away

7 from you?

8 A. Looking at me.

9 Q. Looking at you? How close was she? Can you show me?

10 A. (No Response)

11 Q. If you were sitting in a chair like that one, where would Ms. Ronasha

12 be?

13 A. (Indicating)

14 Q. Right there? Okay. And what did you hear when you were in the

15 bathroom?

16 A. The light.

17 Q. You heard the light? Was the light on or off?

18 A. On.

19 Q. On. And what about the door, do you remember?

20 A. Open.

21 Q. Open?

22 MS. HALL: Okay. Child 4 I don't have any more questions for

23 you, but I'm going to go see for one second, if you can just wait right here,

24 okay? Can you hang on one second?

25 (Brief Pause)



MASTER Child 4

- CROSS by MR. HENRY

Page 757

1 MS. HALL: Okay. Child 4 if you can answer any questions Mr.

2 Henry has for you.

3 CROSS EXAMINATION by MR. HENRY:

3:45 P.M.

4 Q. Hi, Child 4 I'm Mr. Henry. Just a few questions for you, okay?

5 A. Okay.

6 Q. All right. Do you remember a time when Ms. Bridget scratched you at

7 Kids "R" Kids or not?

8 A. (No Response)

9 Q. You don't remember that?

10 A. No.

11 Q. Okay. If something had happened to you at Kids "R" Kids, would you  
12 tell your mom and dad?

13 A. Yes.

14 Q. Okay. Did — when this happened with Ms. Ronasha in the bathroom,  
15 did she have her clothes off or on?

16 A. On.

17 Q. Did you see any of her skin?

18 A. No.

19 Q. Okay. Were you sitting — sitting in the chair the whole time like you  
20 just said a minute ago?

21 A. Yes.

22 Q. And was she standing up the whole time?

23 A. No. She was — she sitting on me. She put one leg on one side and  
24 the other on the other side.

25 Q. So she — she was sitting on you?

MASTER Child 4

- CROSS by MR. HENRY

Page 758

1 A. Yes.

2 Q. Okay. Now, when she sat on you, could you see her skin or not?

3 A. She pulled her shirt up. And, then, I could see her skin.

4 Q. Okay. And, when you saw her skin, could you see it from her neck  
5 down?

6 A. Yes.

7 Q. How far down from her neck? Did it go down to her bellybutton, to her  
8 waist, or further?

9 A. To right here (indicating).

10 Q. To right there? Is — is --- do you know what part of you that is?

11 A. The hair (phonetic).

12 Q. Okay. All right. So was it is around like where your belt is? Do you  
13 have a belt on your pants?

14 A. Huh-uh (negative).

15 Q. No. Was it by you — is it where you pants start and your ends?

16 (Brief Pause)

17 A. No.

18 Q. No? Okay. Well, will you stand up and just — for me and just point to  
19 where -- how far down you could see her skin for me, if you don't mind.

20 A. (Witness complied with the request.)

21 Q. Right there? Okay. And all the way up to the neck?

22 A. Yes.

23 Q. Okay. Now, when you saw her skin, you said the — the lights were on  
24 in the bathroom, right?

25 A. Yes.

MASTER Child 4

- CROSS by MR. HENRY

Page 759

- 1 Q. And the door was open?
- 2 A. Yes.
- 3 Q. Was the door wide open?
- 4 A. (No Response)
- 5 Q. Or partially open?
- 6 A. (No Response)
- 7 Q. A little open or a lot open?
- 8 A. A lot open. It was like a lot open, but it was not like full open.
- 9 Q. Okay. So, when this happened, you were looking right at her -- right at
- 10 her directly at her -- at her body and her skin?
- 11 A. Yes.
- 12 Q. Okay. Where were the -- where was the other teacher?
- 13 A. Not in the bathroom.
- 14 Q. Also in the bathroom?
- 15 A. No.
- 16 Q. Not in the bathroom. Where was the -- the other teacher?
- 17 A. She was --- she was talking to the other kids telling them what to do.
- 18 Q. Okay. So were they --- were they doing circle time then or something
- 19 else?
- 20 A. I think --- I think nap time.
- 21 Q. Nap time? But the teacher was talking to the kids?
- 22 A. Yes.
- 23 Q. Who was that teacher?
- 24 (Brief Pause)
- 25 A. I don't remember her name.

MASTER Child 4

- CROSS by MR. HENRY

Page 760

1 Q. Okay. When you were — where you were that close to Ronasha, did  
2 you see anything beside what you told me on her skin?

3 A. Boobies.

4 Q. Is that it?

5 A. Yes.

6 Q. Okay. Do you like Power Rangers?

7 A. Yes.

8 (Brief Pause)

9 Q. When you went to talk to --- do you remember Ms. Lynn -- I'm sorry,  
10 Ms. Tabitha? Do you remember Ms. Tabitha?

11 A. Yes. .

12 Q. When you went to talk to her, did your mom promise you a Power  
13 Ranger?

14 (Brief Pause)

15 A. No.

16 Q. No? She didn't?

17 A. It's because I always — I always get Power Rangers at McDonald's.

18 Q. At McDonald's?

19 A. Yes.

20 Q. Okay. Are they your favorite?

21 A. Yes.

22 Q. Did you remember anything about the clothes that Ms. Ronasha had  
23 on?

24 (Brief Pause)

25 A. Yes. They were — they were underwear.

MASTER Child 4

- CROSS by MR. HENRY

Page 761

1 Q. Okay. Did this happen on that one day?

2 MS. HALL: Objection.

3 (Off-The-Record Comments)

4 (Brief pause while Ms. Hall and Mr. Henry step into the  
5 courtroom.)

6 MR. HENRY: Can I approach?

7 THE COURT: Yes, sir.

8 (Whereupon, a bench conference was had with all attorneys  
9 present.)

10 (Brief pause while Ms. Hall and Mr. Henry return to room.)

11 Q. (By Mr. Henry) Child 4 before this happened in the bathroom with Ms.  
12 — Ms. Ronasha, can you tell me, again, what you were doing just before?

13 MS. HALL: Asked and answered.

14 MR. HENRY: I knew that (phonetic). Do you want to go ---

15 MS. HALL: He can answer. (Phonetic)

16 (Brief Pause)

17 A. Waiting for me at the — the button that she taught me to go to the  
18 bathroom. (Phonetic)

19 Q. Okay. I'm still not sure what you were doing. Were you playing before  
20 you went into the bathroom or doing something else?

21 A. I was playing with — I don't remember.

22 Q. You don't remember? Were you with another teacher before you went  
23 in there?

24 A. No.

25 Q. Okay. Were you in circle time?

MASTER Child 4

- REDIRECT by MS. HALL

Page 762

1 A. No.

2 Q. Had you just come in from playing outside at recess?

3 A. No.

4 Q. Okay. You just don't remember what it was?

5 A. (Shakes head negatively.)

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

7 MS. HALL: Just briefly.

8 I've got one more question for you, okay?

9 MR. HENRY: I got to check first too, before I finish ----

10 MS. HALL: Oh —

11 MR. HENRY: — with my client.

12 MS. HALL: Oh, okay. Sorry.

13 MR. HENRY: She'll probably say it's fine (phonetic).

14 (Brief pause while Mr. Henry steps back into the courtroom.)

15 (Off-The-Record Comments)

16 (Off-the-Record Discussion)

17 (Brief pause while Mr. Henry returns to the room.)

18 MR. HENRY: That's all I have. Thank you, Child 4

19 MS. HALL: Just one more question, okay?

20 THE WITNESS: Okay.

21 REDIRECT EXAMINATION BY MS. HALL:

3:54 P.M.

22 Q. Child 4 earlier you talked about where Ms. Ronasha's shirt was. You  
23 remember where you drew her shirt was?

24 A. Yes.

25 Q. And what did you see with that shirt pulled up?

MASTER Child 4

- REDIRECT by MS. HALL

Page 763

1       A.       Her boobies.

2       Q.       Okay. And you drew where her underwear was. Do you remember  
3 where that was?

4       A.       Yes.

5       Q.       Where did you draw her underwear?

6       A.       (Indicating)

7       Q.       Okay. So, when her underwear was down there, what did you see?

8       A.       Her chee chee.

9       Q.       Her chee chee? Can you show me where that is?

10      A.       (Indicating)

11      MS. HALL:       Okay. I don't have any more questions.

12      MR. HENRY:       I don't have any (phonetic).

13      MS. HALL:       Okay.

14      (Brief pause while Ms. Hall and Mr. Henry return to the  
15 courtroom.)

16      THE COURT:       If Counsel would approach just a minute, please?

17      (Whereupon, a bench conference was had with all attorneys  
18 present.)

19      (Off-The-Record Comments)

20      MS. HALL:       The State calls Tabitha Weber.

21      (The witness stepped forward to be sworn.)

22      (Whereupon,

23                               **TABITHA WEBER**

24      having been duly sworn, testified as follows:)

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

**3:56 P.M.**

**MS. TABITHA WEBER - DIRECT by MS. HALL****Page 764**

1 Q. What is your name?

2 A. Tabitha Weber.

3 Q. And where do you work?

4 A. At the Children's Advocacy Cen — Center in Spartanburg.

5 Q. And what do you do at the CAC?

6 A. I'm the clinical director. And I'm also a forensic evaluator.

7 Q. Okay. And I should have asked you this earlier: What services does  
8 the CAC provide?

9 A. They provide forensic evaluations, medical exams, therapy, and multi-  
10 disciplinary team staffings.

11 Q. Okay. And you said you provide forensic assessments?

12 A. Yes.

13 Q. And what did you say you also did?

14 A. I'm the clinical director. I supervise the clinicians and oversee the  
15 forensic evaluators and the therapists.

16 Q. Tabitha, what is your educational background and training?

17 A. I have a Bachelor's degree in psychology, a Master's degree in social  
18 work. And I'm a licensed independent social worker.

19 Q. Okay. And what about your training?

20 A. I have extensive training in child development and in forensic  
21 evaluations and pediatric therapy, pediatric psychotherapy, and interviewing children  
22 in general.

23 Q. Okay. And what is your employment background?

24 A. I've been employed with DHEC, the Department of Health and  
25 Environmental Control, as a maternal and child health social worker, and also



**MS. TABITHA WEBER - DIRECT by MS. HALL**

**Page 765**

1 through Spartanburg Regional and Pediatric Psychiatry providing therapy in the  
2 outpatient pediatric psychiatry department. And for the past — over twelve (12)  
3 years, I've been at the Children's Advocacy Center.

4 **Q.** Okay. Have you always been the clinical director?

5 **A.** No. I became the clinical director I believe it was in '05 or '06.

6 **Q.** Tabitha, what is forensic and/or child abuse assessment?

7 **A.** It's where -- when children have been referred in, when there's an  
8 allegation of sexual abuse, physical abuse or if they've witnessed a violent crime.

9 It's an assessment where you ask children questions that are non-  
10 leading, not suggestive, and that are age appropriate and go at their pace in asking  
11 the questions, and not giving them answers, but asking them quest -- questions.  
12 You're there to obtain the truth and obtain their information in a childlike safe  
13 manner.

14 **Q.** And how are you involved in that field of child abuse assessment?

15 **A.** I'm a forensic evaluator.

16 **Q.** Okay. Have you attended courses, seminars, and other training in the  
17 field of child abuse assessment?

18 **A.** Yes.

19 **Q.** What about teaching experience? Have you had any in the area of  
20 child abuse and forensic assessment?

21 **A.** Yes. I've done trainings on how to properly assess children, question  
22 children. I provide therapy for children.

23 **Q.** And what about supervision? Have you supervised anyone in the field  
24 of child abuse and forensic assessment?

25 **A.** Yes. I supervise all the forensic evaluators at our center.

MS. TABITHA WEBER - DIRECT by MS. HALL

Page 766

1 Q. Okay. What professional organization or affiliations related to  
2 children's issues are you a member of?

3 A. APSAC, the American Professional Society on the Abuse of Children,  
4 and the NASW, the National Association of Social Workers.

5 Q. What method do you use when you assess children for child abuse?

6 A. It's the National Children's Advocacy Center method.

7 Q. And do all the forensic evaluators at the CAC use that same method?

8 A. Yes, they do.

9 Q. Okay. What amount of experience conducting forensic assessments  
10 with children have you had?

11 A. Over twelve (12) years.

12 Q. Have you had an opportunity to review publications or literature  
13 involving child abuse and forensic assessment?

14 A. Yes.

15 Q. Okay. Does that include literature related to forensic assessment or  
16 interviewing?

17 A. Yes.

18 Q. What about delayed disclosure?

19 A. Yes.

20 Q. What about partial or tentative disclosure?

21 A. Yes.

22 Q. Does this include any type of training or experience in conducting  
23 competency assessments of children in conjunction with a forensic assessment?

24 A. Yes.

25 Q. In -- in looking at a forensic assessment, can you tell us whether

MS. TABITHA WEBER - DIRECT by MS. HALL

Page 767

1 literature on forensic assessments indicates that it is a common method in  
2 assessing cases of child abuse?

3 A. Yes.

4 Q. And what protocol nationally is used to conduct forensic assessments?

5 A. There are various protocols. The National Children's Advocacy Center  
6 protocol is a very popular field-use protocol -- protocol throughout the nation.

7 Q. And that's the protocol you and your center uses?

8 A. Yes, yes.

9 Q. What is that method?

10 A. It's the method where you initially build rapport with the children. You  
11 do anatomy identification to see what terms they use. You don't really want to give  
12 them terms. You want to understand what terms and what language they use.

13 And, then, you transition to see -- generally we see, "There are places  
14 on your body where other people are not supposed to touch you," and transition to if  
15 anything like that has happened to them. And then you obtain that detail and help  
16 clarify that information and, then, closure.

17 Q. And you mentioned that this is a pretty common method?

18 A. Uh-huh (affirmative).

19 Q. Are most of the methods similar?

20 A. Yes. They're very similar. Our method is particularly patient, I would  
21 say, in that, if you're talking with a child, particularly a child that may have a short  
22 attention span or that may close down, we're not just going to run through a list of  
23 questions and ask them these questions when they're ready to go or when they shut  
24 down.

25 You're dealing with children and you have to go at their pace. So

**MS. TABITHA WEBER - DIRECT by MS. HALL**

**Page 768**

1 particularly we use a method that is very patient with children. And, if the child shuts  
2 down, we'll bring them back again another time. You know, you make sure they feel  
3 safe to be able to talk and go at their pace.

4 **Q.** Has the area of forensic assessment and the National Children's  
5 Advocacy method been subjected to peer review?

6 **A.** Yes.

7 **Q.** All right. And, Tabitha, what would you estimate is the total number of  
8 assessments you have conducted?

9 **A.** Close to seven hundred (700) or more.

10 **Q.** All right. How many assessments would you say you've conducted  
11 and/or supervised in the past year?

12 **A.** A hundred (100).

13 **Q.** Okay. And how many of those assessments involve cases of child  
14 sexual abuse?

15 **A.** Probably about three hundred (300) -- probably about eighty-five (85) -  
16 -- at least eighty-five percent (85%).

17 **Q.** Okay. And how many of those assessments also involved the issue of  
18 delayed reporting?

19 **A.** Close to a hundred percent (100%).

20 **Q.** Close to a hundred percent (100%) of the eighty-five percent (85%)?

21 **A.** Yes.

22 **Q.** Okay. And how many of those also involved the issue of partial and/or  
23 tentative disclosure?

24 **A.** I would say all of them.

25 **Q.** Okay. How many of those sexual abuse cases, that involved delayed

**MS. TABITHA WEBER - VOIR DIRE by MR. HENRY**

**Page 769**

or tentative disclosure, was the perpetrator a family member or in a position of authority over the victim?

**A.** Probably about ninety percent (90%).

**Q.** What procedures or methods are undertaken to ensure liability in forensic assessment?

**A.** Checking for corroboration, seeing if it's plausible that this could have happened to the child. Was the child even where they said the incident occurred? Making sure that there is some consistency there.

**Q.** Have you previously been qualified as an expert in the field of child abuse and forensic assessment?

**A.** Yes.

**Q.** Have you provided testimony in court for the same?

**A.** Yes.

**Q.** Okay. On how many occasions?

**A.** Probably around fifty (50).

**MS. HALL:** Your Honor, at this time we would offer Tabitha Weber as an expert in the field of child abuse and forensic assessment.

**THE COURT:** Voir Dire?

**MR. HENRY:** Just a couple, Judge. Thanks.

**VOIR DIRE EXAMINATION by MR. HENRY:**

**4:04 P.M.**

**Q.** Ms. Weber, I'm Steve Henry. I just have a couple -- a couple questions for you. Is there such a thing as a degree in forensic assessments?

**A.** No, there's not.

**Q.** Okay. Is there a license for it?

**A.** No, there's not.

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 770

1 Q. So others get licenses, but you don't?

2 A. Licensed as a Master in Social Work by the state ---

3 Q. Okay.

4 A. — as an independent social worker, but not a specific licensure in  
5 forensic evaluations.

6 Q. Okay. So you're licensed as a social worker, but not as a forensic  
7 assessor?

8 A. There is no licensure to be a forensic assess — assessor.

9 Q. So you couldn't -- you couldn't get one?

10 A. Right.

11 Q. So the State doesn't recognize it?

12 A. Right.

13 MR. HENRY: Okay. That's all I have, Judge. I -- I -- I would still  
14 object under Rule 702.

15 THE COURT: All right. All right. The Court -- over objection  
16 then, the Court would find Tabitha Weber a -- to be able to testify as an  
17 expert in the field of child abuse forensic assessment. You may proceed,  
18 Counsel.

19 MS. HALL: Thank you, Your Honor.

20 DIRECT EXAMINATION CONTINUED by MS. HALL: 4:05 P.M.

21 Q. Ms. Weber, what is a forensic assessment?

22 A. A forensic assessment is an assessment where you ask questions that  
23 are not leading; that are not suggestive, and — and that are on the child's language.

24 Q. And how are they generally conducted?

25 A. The Children's Advocacy Center is in a two-story brick house. And, at

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL** Page 771

our center, the forensic assessment rooms are upstairs.

And they are -- where they are video and audio recorded via a camera in the room and microphones in the room. And they are recorded. The -- the caregiver, or whoever has brought the child, usually waits downstairs in our lobby.

**Q.** Okay. And what -- what sort of questioning is used?

**A.** Questions that are not leading and that are not suggestive ---

**Q.** And why is that?

**A.** --- and age appropriate. Because we're there to try to figure out the truth; whatever that truth could be.

**MR. HENRY:** Objection, Your Honor.

**THE COURT:** I sustain the objection, Counsel, in that language.

**Q.** (By Ms. Hall) Okay. Ms. Weber, what are narrative invitations and how are they used in a forensic evaluation?

**A.** To get the child to tell about an event, to try to figure out what language they use, and to ask in a very general way and to see what information they're going to be able to share on their own.

**Q.** And what about focused narrative invitations?

**A.** It's to ask them a question about a specific event; "Tell me about your birthday."

**Q.** Okay. What about detail questions or "W" questions?

**A.** "Where were you?" "What happened next?" Trying to clarify what they've given you in a narrative.

**Q.** What about multiple choice or "yes or no" questions?

**A.** Usually those are used after a child has already provided information. And so you may ask -- if -- if -- if a child has disclosed that they were in their room

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 772**

1 and -- and I -- I would say, "Where were you at in your room?"

2 And the child may not understand that question or, you know, they  
3 again say, "I was in my room," you may say, "Were you on your bed, on the floor, in  
4 a chair, or somewhere else?"

5 So usually giving them -- you give them multiple choice but you're also  
6 being conscious of the fact that you may not have included the right response in the  
7 multiple choice; so giving them another way to answer.

8 **Q.** Okay. What, if any, rules or guidelines are set forth in the evaluation  
9 by you?

10 **A.** To tell the child that they're not here because they're in trouble for  
11 anything, and that my job is to understand things that may have happened.

12 And to tell them that it's important to tell the truth; we cannot lie or  
13 pretend or make things up. And that, if I ask a question and they don't know or they  
14 don't understand my question, to let me know, and I'll try to ask it a different way.

15 And if I ask a question, and they don't know or they don't remember,  
16 they can just say, "I don't know" or "I don't remember" instead of guessing or trying  
17 to make something up.

18 And -- and while I'm talking, if I get something wrong or if I get  
19 something mixed up, just stop me and help me get it right.

20 **Q.** And is the child informed of these guidelines?

21 **A.** Yes.

22 **Q.** What about the children's parents? Are they -- or guardian are they  
23 present for the interview?

24 **A.** No. They wait downstairs in the lobby.

25 **Q.** Why is that?



MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 773

1 A. Well, we don't want any kind of influence, whatever that may be.

2 Whether it be that, you know, there's some kind of nonverbal cues that we're not  
3 picking up on;

4 You know, we want it to be a very neutral environment. And we don't  
5 want them to be influenced in any way.

6 Q. And who may be allowed to observe the interviews or in what manner?

7 A. Whatever authorities are involved in the case whether it be DSS, law  
8 enforcement; if there's a guardian in the case, like the guardian ad litem.

9 Q. And how does the observation work? Are they in the room with the  
10 children?

11 A. No, no. They're in a separate room with a monitor screen they can  
12 look on to — to watch the interview and to hear the interview.

13 Q. Is the child's family and/or social history obtained?

14 A. Yes.

15 Q. Why might this be important to the forensic assessment?

16 A. Well, you're looking for general information about the child, but you're  
17 — you also want to know what your child's been exposed to, are there any alter —  
18 alternative explanations?

19 Was there — is there something here that's been misunderstood? You  
20 want to understand if there are any behaviors that I've been going on. And — and,  
21 if so, how long have they been going on; things like that.

22 Q. Do you obtain a medical history?

23 A. Yes.

24 Q. And why would that be important to the forensic assessor?

25 A. Particularly with young children, you're wanting to know if they're potty

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 774

1 trained and how that's going. If they've had problems with UTIs or if they've had to  
2 go to the doctor for any kind of genital pain or any STDs or anything like that.

3 (Brief Pause)

4 Q. When assessing child physical or sexual abuse, how do you determine  
5 the child's knowledge of his or her anatomy?

6 A. We use just a general gingerbread drawing. It — it kind of looks like a  
7 gingerbread drawing and just start at the top and — and start with the eyes. And I'll  
8 say, "I need to understand what names you use for different parts of the body.  
9 Everybody uses different names and I need to know what names you use." And I  
10 just go through the body.

11 Q. What, if any, measures are used to assess a child's level of  
12 competency?

13 A. Assessing if they understand the difference between truth and a lie.  
14 And sometimes we use examples or sometimes we have a book that we've used  
15 that has pictures of kids that are talking about a subject.

16 And, when — one child is saying that the subject is one thing, and  
17 another child is saying it's something else, and have them determine which child is  
18 telling the truth and which child is telling a lie.

19 Q. Okay. What else do you use to assess competency?

20 A. See if they understand the importance of telling the truth. The -- the  
21 moral relation to that to understand that you get in trouble for telling a lie.

22 Q. Okay. Ms. Weber, earlier I asked you about delayed reporting. What  
23 is meant by the term "delayed reporting"?

24 A. Well, delayed reporting is when they don't report immediately. It's  
25 when it comes later, whether it be a week later, months later, years later. It's — it's

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL** Page 775

1 very common that, that happens.

2 **Q.** And, in your training and experience, how common is delayed  
3 reporting among victims of child sexual abuse?

4 **A.** It's very common, but that's the way most of our cases -- I can say  
5 maybe a -- you know, a handful of times I've had a case where a child immediately  
6 reported.

7 **Q.** How many of the seven hundred (700) you've done would you say was  
8 there non-delayed reporting?

9 **A.** Maybe five (5).

10 **Q.** What -- what factors commonly play a role in a child's delayed  
11 reporting?

12 **A.** Well, there may be fear. A lot of times children think that they're going  
13 to get in trouble. A lot of times they love and respect the offender and they don't  
14 want the offender to get in trouble or they don't want to hurt that person.

15 **Q.** You know, sometimes I've had older teens that didn't want to tell  
16 because the person they were getting in trouble also was the person that ---

17 **MR. HENRY:** I'm going to object to this, Judge. This is not --  
18 we're talking about teenagers now.

19 **THE COURT:** All right. Let's -- please stay on -- on with regard  
20 to -- not -- not another example, but in general, please.

21 **Q.** (By Ms. Hall) Specifically to children, what are the factors that play a  
22 role in a child's delayed reporting?

23 **A.** Feeling guilty, just fear; being scared.

24 **Q.** I also asked you earlier about partial or tentative disclosure. What is  
25 meant by that term?

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 776**

1       **A.**       Like testing the water, giving a little bit; seeing what the reaction is  
2 going to be. It would be very hard to give all the details at one time especially from  
3 a young child.

4               So whatever parts they — they may remember, we don't know what's  
5 going to trigger them or cue them to remember certain things. So they eke out  
6 information a little at a time.

7       **Q.**       Why may this sometimes be a problem?

8       **A.**       Because they can't sit and tell you something that they're scared  
9 about. They're not going to sit and talk about that freely and tell you every detail.  
10 Adults wouldn't even want to do that, much less children.

11              And so they remember -- especially if it's happened more than one  
12 time, there are multiple incidents, they're going to remember it as it comes. And  
13 some stuff they remember and some stuff they don't at the moment. And they eke  
14 out a little information at a time.

15       **Q.**       In your training and experience, how common is tentative disclosure  
16 among victims of child sexual abuse?

17       **A.**       Very common.

18       **Q.**       Of the seven hundred (700) cases you've seen, how many involve  
19 tentative disclosure?

20       **A.**       Well, that would be the same as the delayed reporting. So ninety-five  
21 percent (95%).

22       **Q.**       Okay. During your forensic evaluation, do children necessarily  
23 disclose all the details of past abuse?

24       **A.**       No.

25       **Q.**       And why is that?

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 777

1       A.       Again, it's similar to -- to what I just said about it. They -- they're not  
2 going to remember everything all at one time. And, if it's something that they don't  
3 want to talk about anyway, they're going to avoid talking about it and only let out bits  
4 and pieces of information.

5       Q.       What about chronological order of events? How do younger children  
6 do in forensic assessments with recalling chronological order of cases, particularly in  
7 chronologizing ongoing sexual abuse?

8       A.       Well, it's very difficult because of their developmental stage. I mean,  
9 their brain doesn't -- isn't -- hasn't fully developed to the point of being able to keep  
10 up with chronological order like adults can.

11               And so especially something that -- if that's not like around a certain  
12 event like their birthday or Christmas, or if it happened on Halloween, maybe they  
13 can trigger it to something -- or relate it to something that specific.

14               But, if it's happened multiple times and it's just around ordinary days,  
15 it's -- it's really hard to -- for them to make sense of that.

16       Q.       How many total forensic interviews do you typically have with a child  
17 who comes to CAC for a forensic assessment?

18       A.       Usually two to three.

19       Q.       Okay. And why do you have multiple forensic interviews within an  
20 assessment?

21       A.       Well, we go at the child's pace. I mean, when the child is ready to go  
22 or when the child shuts down, or maybe, you know, if the child came in and gave a  
23 disclosure and I felt like there was more to clarify or something else I needed to  
24 understand or if I needed pictures from the scene to say, "You know, can you help  
25 me understand where you were at?"

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 778

1 Or if there are things that they can clarify, we can bring them back in to  
2 -- to help understand what they're trying to tell us.

3 Q. What is the norm for a number of times a child will come in for an  
4 interview?

5 A. Two to three.

6 Q. Okay. What are your practices as far as recording those interviews?

7 A. They're -- all of the interviews are recorded.

8 Q. And do you record them -- you said audio and visually?

9 A. Yes.

10 Q. And are they preserved?

11 A. Yes.

12 MS. HALL: Just a moment, Your Honor.

13 (Brief Pause)

14 Q. (By Ms. Hall) On what days did you conduct a forensic interview with  
15 Child 4

16 A. On November the 10<sup>th</sup> and November 17<sup>th</sup> of 2010.

17 Q. And what person or agency referred Child 4 for a forensic interview?

18 A. He was referred by Bobby Seepersaud from DSS and from Detective  
19 Megan Burrell from the Spartanburg County Sheriff's Office.

20 Q. How old was Child 4 at the time of his two forensic interviews?

21 A. He was almost four (4). He was three (3) getting ready to turn four (4).

22 Q. And was Child 4 assessed for competency at the initial interview?

23 A. Yes, he was.

24 Q. In your professional opinion, did Child 4 appear to be competent?

25 A. Yes, he did.

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 779

1 Q. How did you go about determining his competency?

2 A. Using the truth/lie book and assessing if he could tell the difference  
3 between a truth and a lie. And he was able to do that.

4 Q. What about any developmental screening for numbers and/or  
5 preposition use?

6 A. Yes.

7 Q. Explain that to the jury.

8 A. Yes. Like asking them -- using crayons and having them tell me what  
9 color the different crayons and to count the crayons. And prepositions, I might use  
10 something like, "Put the -- can you put this color under your chair?" "Can you put  
11 this crayon behind your chair?" "Can you put this inside the basket?" Because I  
12 want to know if they understand prepositions.

13 Q. And what, if any, observations did you make concerning Child 4 ability  
14 to comprehend truthfulness?

15 A. He was able to.

16 Q. Okay. Was Child 4 able to communicate personal information to you  
17 regarding the identities of family members and/or pets?

18 A. Yes.

19 Q. Was any of the information Child 4 gave you independently verified  
20 through other sources?

21 A. Yes.

22 Q. How might Child 4 age have been a factor in his ability to communicate  
23 with you?

24 A. Well, he was very young. It's -- it's hard for a three year old to -- to  
25 talk about things that might be difficult to talk about. But he did very good as far as

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 780**

1 general subject matter. And -- and he did understand about telling the truth.

2 **Q.** What is your opinion regarding Child 4 understanding of the moral  
3 responsibility to tell the truth?

4 **A.** He did understand that as well.

5 **Q.** All right. And what about his understanding of negative consequences  
6 when people do not tell the truth?

7 **A.** Yes, he understood that.

8 **Q.** What, if any, safeguards were used, when interviewing Child 4 to  
9 prevent any type of influence?

10 **A.** Not having -- like I said, not having a care giver in the room, but also  
11 letting him know that he can correct me and that it's important to tell the truth. And  
12 that he can say he doesn't know or he doesn't remember instead of trying to guess  
13 or make something up.

14 **Q.** Can you tell us whether Child 4 made disclosures of sexual abuse?

15 **A.** Yes, he did.

16 **Q.** And what, if anything, did Child 4 relate to you concerning the time or  
17 time frame of the sexual assaults?

18 **A.** That -- that it happened while he was at the Kids "R" Kids daycare.

19 **Q.** Okay. What, if anything, did he relate to you concerning the place or  
20 places that the assaults occurred?

21 **MR. HENRY:** I'll object to the form, Your Honor. Can I approach  
22 on that?

23 **THE COURT:** Yes, sir.

24 **(Whereupon, a bench conference was had with all attorneys**  
25 **present.)**



**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 781**

1       **Q.**        (By Ms. Hall) What, if anything, did Child 4 relate to you concerning the  
2 places where the sexual assaults occurred?

3       **A.**        The bathroom at the ---

4               **MR. HENRY:**       Same objection.

5               **THE COURT:**       Yes. Counsel — Counsel you — you said places.

6               **MS. HALL:**       Is that not what you wanted me to say? I  
7 apologize, Your Honor.

8               **THE COURT:**       You used the plural and -- and -- which insinuates  
9 there was more than one place. You were asked -- you are able, under the  
10 Rules, to ask him -- ask her if he related where it took place. And so you're  
11 able to ask where it took place, but not places. Okay?

12              **MS. HALL:**       I apologize.

13              **THE COURT:**       Thank you.

14       **Q.**        (By Ms. Hall) Where did Child 4 relate to you the assaults took place --  
15 assault took place?

16       **A.**        The bathroom at the Kids "R" Kids daycare.

17       **Q.**        And did you document his disclosure in any form?

18       **A.**        Yes, I did.

19       **Q.**        Were Child 4 forensic interviews recorded?

20       **A.**        Yes.

21       **Q.**        What happened at Child 4 first interview?

22       **A.**        We had a power outage. I was in the room with Child 4 and it went  
23 completely black because there were no windows in the room.

24               And the power went out. And I -- I don't know; it wasn't -- it wasn't just  
25 our facility. There were other places where the power went out and didn't come

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 782**

1 back on until later. So we had to stop the interview obviously and continue at — at  
2 another time.

3 Q. What about his second interview; was that recorded?

4 A. Yes.

5 Q. Okay.

6 (Brief Pause)

7 MS. HALL: Your Honor, permission to approach?

8 THE COURT: You may.

9 (Whereupon, a bench conference was had with all attorneys

10 present.)

11 Q. (By Ms. Hall) Ms. Weber, I'm going to hand you what has been  
12 previously marked as State's Exhibit 10. Do you recognize that?

13 A. Yes.

14 Q. What is that?

15 A. That's the DVD of Child 4 recorded interview on November 17<sup>th</sup>.

16 Q. Okay. Was that a forensic interview?

17 A. Yes.

18 Q. Okay.

19 A. The first forensic was not preserved unfortunately because of the  
20 power outage.

21 Q. Okay. Does that -- have you had an opportunity to review that video?

22 A. Yes.

23 Q. Has it been altered in any way?

24 A. No.

25 Q. Does that video fairly and accurately reflect the forensic interview

**MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL** Page 783  
1 between you and Child 4 on November 17<sup>th</sup>, 2010?

2 **A.** Yes, it does.

3 **MS. HALL:** All right. Your Honor, at this time, the State  
4 requests permission to enter State's Exhibit — ten (10)?

5 **THE WITNESS:** Yes.

6 **MS. HALL:** --- 10 into evidence pursuant to *Jessie's Law*.

7 **MR. HENRY:** The only objection is the earlier constitutional  
8 objection, Judge. And that's all I have on this.

9 **THE COURT:** All right. All right. Counsel, of course, on your --  
10 your objection with regards to constitutional grounds is preserved for the  
11 record.

12 **MR. HENRY:** Thank you, sir.

13 **THE COURT:** The Court finds it's admissible, but we'll put the  
14 factual findings as to why it's admissible on at a later time so we can proceed  
15 on. Please proceed.

16 **MS. HALL:** Thank you, Your Honor. Request permission to  
17 publish to the jury.

18 **THE COURT:** You may publish, yes, ma'am.

19 **(Brief Pause)**

20 **THE COURT:** Counsel, can you tell me approximately how long  
21 this one is?

22 **MS. HALL:** Thirty-nine (39) minutes and 50 seconds.

23 **THE COURT:** Okay. I was trying to alert the jury. Please be  
24 patient.

25 **(Whereupon, State's Exhibit Number 10 was admitted into**

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 784  
evidence over objection and published to the jury.)

(Off-The-Record Comments)

(Ms. Weber returns to the witness stand.)

CONTINUED DIRECT EXAMINATION by MS. HALL: 5:05 P.M.

Q. Ms. Weber, what were the drawings that Child 4 made during his video?

A. He was drawing what he considered to be a breast. He was drawing brown dots and using brown crayon and drawing — it looked like what he drew was a picture of one breast to show me what that looked like.

Q. What is avoidance?

A. When a child may start to shut down or try to talk about other things other than the subject at hand because it's uncomfortable. It's something that they — they don't want to talk about.

They may turn away or want to leave the room or talk very softly, put their head down.

Q. Were there any examples of avoidance in Child 4 video?

A. Yes.

Q. What were some of those?

A. The way he kept talking softly and putting his head down, using a lot of "I don't know," and "I don't remember." Often kids will — will do that because they don't want to talk about the subject at hand, which is very different than things that are fun to talk about; that they're more attentive, speak louder, look at you, and are more engaging when it's something that they prefer to be talking about.

Q. What was he doing when you pulled the chair out? His back was to the camera.

MS. TABITHA WEBBER - CONTINUED DIRECT by MS. HALL Page 785

1 A. Coming around the table.

2 Q. What was he doing then?

3 A. He was — to me he was — it was almost like he was melting down  
4 when I was asking him to demonstrate for me what it looked like.

5 I was trying to understand, get an understanding of what it looked like  
6 when she — he was talking about her being on his lap. So, I was trying to  
7 understand that from his perspective.

8 And he — he was just starting to shut down. So that was very difficult  
9 for him to describe.

10 Q. What do you look for in an interview to see if the disclosure might have  
11 been a result of some type of third-party influence, suggestibility, or coaching?

12 A. If there's detail, if there's usually one repeated phrase and there's  
13 nothing else that can go along with it. And, if it's — it's plausible that it could have  
14 happened.

15 Q. What in this — this interview did you look for particularly?

16 A. To see if there was anything that it sounded like somebody else had  
17 told him to say. If — if it appeared to be that there was any coaching going on.

18 Q. And what, if any, recommendation did you make following Child 4  
19 disclosure of abuse?

20 A. That he not have any contact with Ronasha Taylor and that he begin  
21 therapy.

22 Q. Just a moment.

23 A. Okay.

24 (Brief Pause)

25 MS. HALL: I don't have you the questions for you at this time.

**MS. TABITHA WEBER - CROSS by MR. HENRY****Page 786**

Mr. Henry may have some.

**CROSS EXAMINATION by MR. HENRY:****5:08 P.M.**

**Q.** Ms. Weber, as a professional interview -- interviewer of children, you try to make this situation as comfortable as you can for them, right?

**A.** Yes.

**Q.** And you make it relaxed and child friendly?

**A.** Yes.

**Q.** That's what the crayons are about and the small chair ---

**A.** Right.

**Q.** --- and one-on-one?

**A.** Right. You don't want a lot of extra toys in there for distraction.

**Q.** Right. And you give that child, like you did for Child 4 every opportunity to talk to you and tell you what they say happened?

**A.** Yes.

**Q.** Okay. And you push a little bit, from time-to-time, don't you, with your questions to try to find out if they -- if there's anything else that happened to them, that kind of thing?

**A.** Just trying to clarify after they've made a disclosure.

**Q.** Okay. For example, you might ask a question like, "Did Ms. --- Ms. Ronasha do anything else to you"?

**A.** Yes, yes.

**Q.** Okay. And in this case he said no?

**A.** Yes.

**Q.** And there was nothing in this disclosure that had anything to do with criminal sexual conduct in terms of penetration or oral sex, nothing like that?

**MS. TABITHA WEBER - CROSS by MR. HENRY****Page 787**

1       **A.**       Well I think putting --- if the breast went in the mouth, that's inside,  
2       however slight.

3       **Q.**       Okay. So you think that's a -- that's an example of criminal sexual  
4       conduct?

5       **A.**       Yes.

6       **Q.**       Okay. All right. Nothing about the lower part of Ronasha's body at all?

7       **A.**       No, no.

8       **Q.**       All right. And as a --- as a interviewer with --- with the agency you  
9       work for, you don't go outside the agency to check on any other issues for this case,  
10      do you?

11      **A.**       What you mean?

12      **Q.**       For example, you don't go to the scene where they say it happened to  
13      check it out?

14      **A.**       No.

15      **Q.**       You don't talk to the suspects ---

16      **A.**       No.

17      **Q.**       --- or their families?

18      **A.**       No, that's left up to law enforcement ---

19      **Q.**       Okay.

20      **A.**       --- to talk to the suspect.

21      **Q.**       Okay. So you don't do any of that?

22      **A.**       No.

23      **Q.**       You just stick with the children and the parents primarily?

24      **A.**       And the referral source ---

25      **Q.**       Okay.

1 A. --- law enforcement.

2 Q. All right. Child 4 didn't show you how it was -- was done in the chair,  
3 did he?

4 A. No. He did not demonstrate that for me. And I don't know if it was me  
5 not eliciting the -- the question enough for him to understand it or -- I mean, that's a  
6 hard concept for a child to -- to grasp, that self representation, to be able to  
7 demonstrate something like that.

8 Q. And that's not the only possible answer to that question, is it?

9 A. Is it -- what do you mean?

10 Q. When a child doesn't demonstrate what happened, what you just said  
11 is not the only explanation possible, is it?

12 A. The only explanation for what?

13 Q. For why he did not show you how it happened?

14 A. That's my opinion of what ---

15 Q. I understand. And you said there is no evidence of any third-party  
16 interference. So, when a -- when a child says he's been promised a Power Ranger  
17 to come and talk to you, that's not outside interference?

18 A. But he didn't -- it wasn't that he was saying that he was told to say any  
19 certain thing.

20 Q. I see. Okay. And the -- the time from -- the time period from, when he  
21 left the daycare at Kids "R" Kids until you interviewed him, do you know what time  
22 period that was?

23 A. Maybe a few weeks or so.

24 Q. Okay. And you don't know what he was told during that period of  
25 time?



MS. TABITHA WEBER - CROSS by MR. HENRY

Page 789

1 A. Well, I know what his mother told me as far as what their  
2 conversations had been.

3 Q. You don't know what the parents told each other?

4 A. No.

5 Q. And you don't know what other parents told their children?

6 A. Regarding...?

7 Q. These -- these incidents.

8 A. Yeah -- no.

9 Q. And you don't know what the children told each other?

10 A. No.

11 (Brief Pause)

12 Q. According to what Child 4 says, this did not happen during nap time, did  
13 it?

14 A. My opinion about that is that it was -- it was something that occurred  
15 more than one time. And so, when I was asking what happened, "Where were you  
16 when it happened?" Who knows if he was --- which time, which incident, he was  
17 thinking about.

18 But, yes, in my discussion with him, it appeared to be that maybe it  
19 was a book time or something like that. I know he was sitting on the carpet, but as  
20 far as getting a lot of clarity, it's just difficult to -- to do that at his age.

21 Q. Well, I was really asking you what he said, not what your opinion of  
22 what -- you interpret what he said. Didn't he said it happened during books time?

23 A. Yes, I believe that's what he said.

24 Q. And you asked him whether it happened during nap time, and he said  
25 books time?

**MS. TABITHA WEBER - CROSS by MR. HENRY****Page 790**

1           A.       Yes, I believe so.

2           Q.       Okay. So that's the answer he gave?

3           A.       It seems like I asked him about it earlier and he said something about  
4 being on the carpet but didn't say exactly -- you'd have to refer to the video ---

5           Q.       Sure.

6           A.       --- to get the full information, but...

7           Q.       And the jury can do that.

8           A.       Yes.

9           Q.       But you don't recall giving him a list of places where he was when he  
10 got called into the bathroom and one of those on that list was nap time? And he  
11 rejected that?

12          A.       I believe so, yes.

13          Q.       So it wasn't during nap time according to what he said?

14          A.       I think he said, "I don't know."

15          Q.       Okay. All right. And according to Child 4 it happened in Ronasha's  
16 bathroom not Ms. Laurie's?

17          A.       I think one time he said the girls bathroom. And I don't know  
18 necessarily what that would be, whose.

19          Q.       Okay. Without -- he didn't say "Ronasha's room"?

20          A.       I don't remember.

21          Q.       All right. And you don't know the setup there I guess from not being  
22 there?

23          A.       Just from pictures.

24          Q.       Okay.

25          A.       And the -- the detective had been to obtain the pictures. And she

**MS. TABITHA WEBER - REDIRECT by MS. HALL**

**Page 791**

1 showed me the pictures and explained the setup to me.

2 Q. But you don't recall if he said it was Ronasha's room as opposed to  
3 Ms. Laurie's room?

4 A. I don't remember.

5 Q. All right. He had no what they call sense perception? He had none of  
6 that; taste, touch, smell?

7 A. No, he did not describe any of that. He -- I -- I don't think I could  
8 understand what he said when asked what it taste like.

9 Q. So you're not sure you heard the response?

10 A. Well, I didn't understand the response. There were some things he  
11 said that I just didn't understand what he was saying.

12 MR. HENRY: Thanks very much.

13 THE WITNESS: You're welcome.

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

**5:14 P.M.**

15 Q. Ms. Weber, Mr. Henry asked you about the third-party influence or  
16 some type of suggestibility.

17 A. Uh-huh (affirmative).

18 Q. What specifically, in Child 4 interview, would lead you to believe that it  
19 was not the result of some third-party influence or suggestibility?

20 A. He didn't want to talk about it. You know, he --- he didn't come in with  
21 like a script that he -- there was something he needed to say. They -- he would  
22 rather not have said anything about any of this.

23 There were other things that he would happily talk about, but not this.  
24 And -- and he was very avoidant in, like I said, putting the head down, talking low,  
25 not really wanting to answer these questions.

**MS. TABITHA WEBER - REDIRECT by MS. HALL****Page 792**

1       **Q.**       There was some discussion I guess about where Child 4 was before it  
2 happened. I think one time — lots of different things were said. What was Child 4  
3 response about where it happened?

4       **A.**       That it happened in the bathroom. And I think one time he said in the  
5 girls bathroom at the...

6       **Q.**       Was his response always that it was in the bathroom?

7       **A.**       Yes.

8       **Q.**       Okay.

9       **MS. HALL:**       I don't have any other questions for you.

10       **MR. HENRY:**       No follow-up, Judge.

11       **THE COURT:**       Thank you, ma'am.

12       **MS. HALL:**       Permission ---

13       **THE COURT:**       I'm sorry?

14       **MS. HALL:**       Permission to recall this witness at a ---  
15 at a later date.

16       **THE COURT:**       Yes. Thank you, ma'am. You may stand down.

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

18       **THE COURT:**       Unless you've got a witness you need to get up,  
19 now may be a good time to adjourn.

20       **MS. HALL:**       We do not, Your Honor.

21       **THE COURT:**       All right.

22       **MS. HALL:**       Our next witness is a longer witness.

23       **THE COURT:**       Okay. All right. Mr. Foreman, ladies and  
24 gentlemen of the jury panel, it is about, by the courtroom clock, about sixteen  
25 (16) after five (5:00). So we're going to go ahead and recess for the evening.

1 On the overnight recess, let me -- let me remind you, again, please, do  
2 not listen to, listen to, or watch any media account of this trial. Please do not  
3 go on the Internet or any kind of electronic device to try to find any -- anything  
4 about this case.

5 Please don't discussed case among yourselves or with anyone else  
6 you might see on the recess from court. Please, have a pleasant night  
7 tonight.

8 I'm going to ask you to be back in the jury room ready to go in the  
9 morning at 9:30, at 9:30 in the morning. Thank you.

10 **(The jury was excused and exited the courtroom at 5:17 p.m.)**

11 **THE COURT:** Okay. Yes, ma'am?

12 **MS. MILES:** Your Honor, at this time, would you like us to put  
13 the *Jessie's Law* motion for Child 4 on the record?

14 **THE COURT:** Yes. I think we ought to go ahead and do that to  
15 -- today.

16 **MS. MILES:** Okay.

17 **THE COURT:** Let me hear from you, please.

18 **MS. MILES:** Okay. The State offers the following evidence in  
19 support of entering the forensic evaluation of Child 4 date of birth  
20 December 19<sup>th</sup>, 2006.

21 Child 4 made statements during recorded forensic evaluations to  
22 Tabitha Weber, who has been qualified as an expert in child abuse  
23 assessment. Child 4 provided these statements in response to questioning  
24 conducted during an investigative interview of him -- of Child 4

25 During the first session of the forensic evaluation, the power did go out

1 and that video recording was not preserved. But I believe that was during the  
2 first part of that interview and that interview was ended at that point in time.

3 The State is not putting in any type of statement or anything related to that.

4 There is a provision under *Jessie's Law* which deals with admitting  
5 electronically unrecorded statements, but there's nothing that we intend to  
6 offer from that session.

7 As to the second interview, that was recorded and has been  
8 preserved. Child 4 has testified and was subjected to — to cross examination.

9 Child 4 did testify that he touched Ms. Ronasha's boobies, which he  
10 referred to as the breast area and her chee chee, which is what he calls the  
11 vaginal area, with his hands and his tongue.

12 During Child 4 forensic interview, he also discloses having to touch —  
13 well to lick and rub Ms. Ronasha's breast area.

14 The State submits the following factors in support of admitting his  
15 forensic interviews. These statements were not elicited by leading questions,  
16 but by the proper questioning technique that Ms. Weber does do during her  
17 forensic evaluation.

18 The forensic evaluator, Ms. Weber, has been qualified as an expert in  
19 child abuse assessment. She has been properly trained in conducting these  
20 investigative interviews.

21 The forensic evaluation did contain an account of the offense as  
22 described by Child 4 when he did testify, specifically the touching and lick --  
23 licking the Defendant's breast. And the statement has in — internal  
24 coherence.

25 And at this time we would offer to — offer it into evidence.

1                   **THE COURT:**       All right. Counsel, your objections on  
2                   constitutional grounds are certainly preserved through all of these. You don't  
3                   have to do it every time. The do you wish to be heard factually on ---

4                   **MR. HENRY:**       No, sir, not on this one.

5                   **THE COURT:**       All right. And I — you know, and I have done this  
6                   on every occasion, but because — because we're trying really six (6) cases  
7                   in one, is basically what we're doing, I feel that, based on the directions given  
8                   in the Appellate Court opinions, the best thing for me to do is to go ahead and  
9                   make a separate finding as to each of these even though the findings would  
10                  be — may be very similar, or — or are pretty much identical, but nevertheless  
11                  I think it's necessary for me to do it as to each one of them.

12                  And under Section 17-23-175, otherwise known as *Jessie's Law*, with  
13                  regard to, "The admissibility of an out-of-court statement of a child under 12,  
14                  the determination of trustworthiness and notice to the adversary party," which  
15                  has been given, in advance.

16                  And it says that, "In a General Court... — in subsection (a), "In General  
17                  Sessions Court proceeding, the out-of-court statement of a child is admissible  
18                  if the following is observed: First, the statement was given in response to  
19                  questioning conducted during an investigative interview of the child." That  
20                  was done in this case.

21                  Number two, "An audio and visual recording of the statement is  
22                  preserved on film, video tape, or other electronic means." That was done in  
23                  this case.

24                  "The child testifies at the proceeding and is subject to cross  
25                  examination on the elements of the offense and the making of the out-of-

1 court statement." And that was done.

2 Four, "The Court finds, in a hearing conducted outside the presence of  
3 the jury, the totality of the circumstances surrounding the making of the  
4 statement provides particularized guarantees of trustworthiness," and the  
5 Court so finds.

6 The Court — some of the things the Court can consider, in  
7 determining whether there is a particularized guarantees of trustworthiness  
8 are the following: In subsection (b) of that code section, "Determine whether  
9 a statement possesses particularized guarantees of trustworthiness, the  
10 Court may consider, but not limited to, the following factors:

11 "Whether the statement was elicited by leading questions." And I find  
12 that they were minimum to no leading questions in this case.

13 Two, "Whether the interviewer had been trained in conducting  
14 investigative interviews of children." And she was well trained.

15 Third, "Whether the statement represents a detailed account of the  
16 alleged fence — offense." And I find there is a substantial detailed account to  
17 the extent that they were contained in it.

18 Four, "Whether the statement has internal coherence." And I find  
19 there was internal coherence.

20 "And sworn testimony of any participant which may be determined as  
21 necessary by the Court." Of course, the person who administered the test,  
22 the interviewer, has testified in the case as well. And so that — that has been  
23 done.

24 With regard to internal coherence, let me say you're never going to  
25 have — I'd be shocked if we got total internal coherence, that along with the



1 testimony at trial, of a child who was less than four (4) years old at the time  
2 the interview was given and is only five (5), less than six years -- five and a  
3 half (5 ½) -- less than six (6) years old at the time, giving testimony in court.

4 We don't get that from adults completely. And I don't expect to get it in  
5 a — in a child three and a half (3 ½), four and a half (4 ½) years old. And —  
6 and — and the courts -- under the statutes and the cases, the Court can take  
7 that into consideration with regard to the testimony of — of a small child.

8 But I find there is some internal coherence; for instance the place,  
9 time, person who — alleged to have committed the — the sexual offense;  
10 the place that it occurred and around the time it occurred.

11 Those things, plus the fact that — and I've said this before and I'm  
12 going to keep saying it. You'll be tired of hearing me saying it, but — but I  
13 think it is important on the record as to each of these cases that Counsel  
14 agreed prior to trial — not taking up the time after the trial started, but doing it  
15 before we started, which I appreciate the time to do it, the Court could have  
16 access to these video recorded interviews, investigative interviews, with the  
17 children.

18 And they're are about seven and a half (7 ½) hours I think all total.  
19 And I listened to those on the weekends in my chambers at the courthouse,  
20 when I was the only one in the courthouse and nobody interrupting me in any  
21 way.

22 And I scrutinized these very carefully. And I've heard many of these  
23 cases over the years, and particularly in Family and Circuit Court over -- over  
24 twenty (20) years.

25 And — and so I've had an opportunity to scrutinize these before and

1 listen to the children and also the interviewers before. And — and the —  
2 each of the children I find try to avoid answering the touchy questions or the  
3 ones that might make them or somebody else look bad or make them look  
4 bad to anyone seeing them.

5 So tried — there was a great deal of avoidance to the point that the  
6 children would get loud, try to change the subject, throw something up and  
7 tried to get the interviewer's attention away from it. Sometimes wanted to  
8 take a break from it and just outright avoid answering the questions.

9 And that — that was true I think of every single one of them. And it  
10 was obvious when it occurred, when the subject got down to what happened  
11 of a sexual nature.

12 So that — that also leads to internal coherence in — in my opinion,  
13 particularly when the child comes in and — and testifies at the trial.

14 So, for all of those reasons, the Court found that there is particularized  
15 guarantees of trustworthiness. And that the statements met all the other  
16 criteria and should be admitted pursuant to that code section.

17 Anything else?

18 **MS. MILES:** No, sir. Thank you, Your Honor.

19 **MR. HENRY:** No, Your Honor.

20 **THE COURT:** All right. Thank you. We will go ahead and  
21 recess at this time. Counsel, of course, I will be here before then, but we'll try  
22 to get started right at 9:30.

23 If anything comes up, of course, I'll be here probably by nine (9:00).

24 So just let me know. All right. Thank you.

25 **MR. HENRY:** Thank you, judge.

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**MS. MILES:** Thank you.

**THE COURT:** Have a good evening.

**MS. MILES:** You too.

(Whereupon, court was adjourned for the day at 5:25 p.m.)

**END OF VOLUME II**

Certification

Page 800

**REPORTER'S CERTIFICATE**

I, the undersigned **PAMELA FAUCETTE**, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the Court reporter at the foregoing proceeding; that the foregoing pages, numbered 411 through 799, were transcribed by me or at my direction and represent a complete and accurate transcription of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

April 6, 2013



Pamela S. Faucette  
Official Court Reporter  
Seventh Judicial Circuit

**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 14, 17, 18 & 19, 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.

**A P P E A R A N C E S:**

**MS. KELLY HALL**, Esquire  
**MS. BETHANY MILES**, Esquire  
Assistant Attorney Generals Appearing for the State

**MR. STEPHEN HENRY**, Esquire  
Attorney Appearing for the Defendant

**VOLUME III**

**(Pages 801 through 1273)**

**Pamela Faucette**  
Circuit Court Reporter

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I N D E X

| <b>Motions &amp; Matters:</b>       | <b>Page:</b>  |
|-------------------------------------|---------------|
| Motions 9/14/12.....                | 868, 899, 936 |
| Motions 9/17/12.....                | 944, 1101     |
| Motions at end of State's Case..... | 1013          |
| Motions 9/18/12.....                | 1113, 1183    |
| Motions & Matters 9/19/12.....      | 1251          |

W I T N E S S E S

| <b>Ms. Radhja Salazar:</b> | <b>Page:</b> |
|----------------------------|--------------|
| Direct by Ms. Miles.....   | 809          |
| Cross by Mr. Henry.....    | 823          |
| Redirect by Ms. Miles..... | 825          |

| <b>Mr. Jose Salazar:</b> | <b>Page:</b> |
|--------------------------|--------------|
| Direct by Ms. Miles..... | 826          |
| Cross by Mr. Henry.....  | 836          |

| <b>Master</b> Child 5    | <b>Page:</b> |
|--------------------------|--------------|
| Special Oath.....        | 839          |
| Direct by Ms. Miles..... | 840          |
| Cross by Mr. Henry.....  | 856          |

| <b>Ms. Tabitha Weber</b> (Child 5) | <b>Page:</b> |
|------------------------------------|--------------|
| Direct by Ms. Miles.....           | 859          |
| DVD Played.....                    | 864          |
| Continued Direct by Ms. Miles..... | 864          |

| <b>Ms. Pamela Davis:</b>  | <b>Page:</b> |
|---------------------------|--------------|
| Direct by Ms. Hall.....   | 873          |
| Cross by Mr. Henry.....   | 895          |
| Redirect by Ms. Hall..... | 898          |

| <b>Master</b> Child 6    | <b>Page:</b> |
|--------------------------|--------------|
| Special Oath.....        | 901          |
| Direct by Ms. Miles..... | 902          |
| Cross by Mr. Henry.....  | 921          |

**The State v. Ronasha Taylor - Volume III - 9/14 thru 9/19/12** Page 803**Ms. Tabitha Weber** (Child 6)**Page:**

|                                   |     |
|-----------------------------------|-----|
| Direct by Ms. Hall.....           | 923 |
| DVDs Played.....                  | 927 |
| Continued Direct by Ms. Hall..... | 928 |
| Cross by Mr. Henry.....           | 930 |
| Redirect by Ms. Hall.....         | 934 |

**Ms. Meredith Thompson-Loftis:****Page:**

|                         |     |
|-------------------------|-----|
| Direct by Ms. Hall..... | 945 |
|-------------------------|-----|

**Ms. Kori Knisely:****Page:**

|                         |     |
|-------------------------|-----|
| Direct by Ms. Hall..... | 962 |
| Cross by Mr. Henry..... | 971 |

**Ms. Lauri Frady:****Page:**

|                           |     |
|---------------------------|-----|
| Direct by Ms. Hall.....   | 973 |
| Cross by Mr. Henry.....   | 986 |
| Redirect by Ms. Hall..... | 988 |

**Officer Gene Donohue:****Page:**

|                           |      |
|---------------------------|------|
| Direct by Ms. Hall.....   | 989  |
| Cross by Mr. Henry.....   | 1009 |
| Redirect by Ms. Hall..... | 1010 |
| Recross by Mr. Henry..... | 1011 |

**Ms. Ethel Ackah:****Page:**

|                          |      |
|--------------------------|------|
| Direct by Mr. Henry..... | 1031 |
| Cross by Ms. Hall.....   | 1034 |

**Ms. Bridget Bufford:****Page:**

|                          |      |
|--------------------------|------|
| Direct by Mr. Henry..... | 1035 |
| Cross by Ms. Miles.....  | 1039 |

**Ms. Phyllis Burns:****Page:**

|                          |      |
|--------------------------|------|
| Direct by Mr. Henry..... | 1040 |
| Cross by Ms. Miles.....  | 1047 |

**The State v. Ronasha Taylor - Volume III - 9/14 thru 9/19/12 Page 804****Ms. Donna Wilson:****Page:**

Direct by Mr. Henry.....1049  
 Cross by Ms. Miles.....1060

**Pastor Bertha Terry:****Page:**

Direct by Mr. Henry.....1067  
 Cross by Ms. Hall.....1073

**Ms. Shirley Taylor:****Page:**

Direct by Mr. Henry.....1077  
 Cross by Ms. Miles.....1084

**Consondra Jenkins:****Page:**

Direct by Mr. Henry.....1088  
 Cross by Ms. Miles.....1095

**Mr. Kenya Rainey:****Page:**

Direct by Mr. Henry.....1097  
 Cross by Ms. Hall.....1099

**Ms. Ronasha Taylor:****Page:**

Direct by Mr. Henry.....1116  
 Cross by Ms. Miles.....1150  
 Redirect by Mr. Henry.....1181  
 Recross by Ms. Miles.....1182

**STATE'S REPLY WITNESSES:****Ms. Tabitha Weber:****Page:**

Direct by Ms. Hall.....1186  
 Cross by Mr. Henry.....1190



|                                        |              |
|----------------------------------------|--------------|
| <b>Closing Arguments:</b>              | <b>Page:</b> |
| Mr. Henry.....                         | 1194         |
| Ms. Miles.....                         | 1204         |
| <b>Jury Charge:</b> .....              | 1231         |
| <b>Jury Question:</b> .....            | 1244         |
| <b>Testimony Playback:</b> .....       | 1248         |
| <b>Verdict:</b> .....                  | 1253         |
| <b>Sentencing:</b> .....               | 1259         |
| <b>Reporter's Certification:</b> ..... | 1273         |

### **EXHIBITS**

| <b>State's Exhibits:</b>    | <b>Marked:</b> | <b>Received:</b>   |
|-----------------------------|----------------|--------------------|
| 1 - (DVD - Child 1 )        | 193            | 402 (Over<br>Obj.) |
| 2- (DVD - Child 1 )         | 193            | 402 (Over<br>Obj.) |
| 3 -(Set of Photos (3a - 3k) | 193            | 305                |
| 4 -(Diagram)                | 193            | (ID Only)          |
| 5 -(Diagram)                | 193            | (ID Only)          |
| 6- (DVD - Child 2           | 193            | 497 (Over<br>Obj.) |
| 7-(Diagram)                 | 193            | (ID Only)          |
| 8- (Diagram)                | 193            | (ID Only)          |
| 9-(DVD - Child 3            | 193            | 682 (Over<br>Obj.) |
| 10-(DVD - Child 4           | 193            | 783 (Over<br>Obj)  |

| <b>State's Exhibits:</b> | <b>Marked:</b> | <b>Received:</b>   |
|--------------------------|----------------|--------------------|
| 11-(Diagram)             | 193            | (ID Only)          |
| 12-(Diagram)             | 846            | (ID Only)          |
| 13-(Diagram)             | 193            | (ID Only)          |
| 14-(Diagram)             | 193            | (ID Only)          |
| 15-(Diagram)             | 193            | (ID Only)          |
| 16-(Diagram)             | 193            | (ID Only)          |
| 17-(Diagram)             | 193            | (ID Only)          |
| 18-(Diagram)             | 193            | (ID Only)          |
| 19-(DVD -Child 5 )       | 193            | 863 (Over<br>Obj.) |
| 20-(Diagram)             | 193            | (ID Only)          |
| 21-(Diagram)             | 193            | (ID Only)          |
| 22-(DVD - Child 6        | 193            | 927 (Over<br>Obj.) |
| 23 - (Video Feed)        | 989            | (ID Only)          |
| 24 - (Photo)             | 989            | 997                |
| 25 - (Photo)             | 989            | 997                |
| 26 - (Photo)             | 989            | 997                |
| 27 - (Photo)             | 989            | 997                |
| 28 - (Photo)             | 989            | 997                |
| 29 - (Photo)             | 989            | 997                |
| 30 - (Photo)             | 989            | 997                |
| 31 - (Photo)             | 989            | 997                |
| 32 - (Photo)             | 989            | 997                |
| 33 - (Photo)             | 989            | 997                |

| <b>State's Exhibits:</b>     | <b>Marked:</b> | <b>Received:</b> |
|------------------------------|----------------|------------------|
| 34 - (Photo)                 | 989            | 997              |
| 35 - (Photo)                 | 989            | 997              |
| 36 - (Photo)                 | 989            | 997              |
| 37 - (Photo)                 | 989            | 997              |
| 38 - (Photo)                 | 989            | 997              |
| 39 - (Photo)                 | 989            | 997              |
| 40 - (Drawing)               | 1188           | 1190             |
| <b>Defendants' Exhibits:</b> | <b>Marked:</b> | <b>Received:</b> |
| 1-(Color Photo-Dft's Scar)   | 1082           | 1082             |
| 2-(Color Photo-Birthmark)    | 1083           | 1083             |
| 3-(Photo)                    | 1143           | 1143             |
| 4-(Photo)                    | 1143           | 1143             |
| 5-(Photo)                    | 1143           | 1143             |
| <b>Court's Exhibits:</b>     | <b>Marked:</b> | <b>Received:</b> |
| 1-(Jury Note/Question)       | 1247           | 1247             |
| 2-(Jury Note)                | 1247           | 1247             |
| 3-(Jury Question/Request)    | 1248           | 1248             |
| 4-(Jury Question)            | 1248           | 1248             |
| 5-(Jury Question/Request)    | 1248           | 1248             |
| 6-(Jury Note)                | 1248           | 1248             |

**REPORTER'S NOTE:** This transcript contains quoted material. Such material is reproduced as read or quoted by the speaker.

1 September 14, 2012

9:34 A.M.

2 THE COURT: Counsel, ready to proceed this morning?

3 MS. HALL: We are, Your Honor. May we approach briefly?

4 THE COURT: Certainly.

5 (Whereupon, a bench conference was had with all attorneys  
6 present.)

7 MS. HALL: We're ready, Your Honor.

8 THE COURT: All right.

9 (Brief Pause)

10 THE COURT: Do we need to put anything on the record on the  
11 motion?

12 MR. HENRY: On what?

13 THE COURT: Do you need to make any --- put anything on the  
14 record on that motion? Or ----

15 MR. HENRY: Oh, Your Honor, no. I think what I'll do is, if you  
16 don't mind, is make a court copy of -- of the *Brady* request. And they --- and they  
17 --- they didn't have anything. So ----

18 THE COURT: All right.

19 MR. HENRY: --- that should take care of it.

20 THE COURT: All right. That's fine. I didn't know if we needed to  
21 put anything on the record or not.

22 MR. HENRY: I don't think so.

23 THE COURT: All right. Let's -- if we're ready, then, we'll bring  
24 the jury in, if you're ready to proceed.

25 MS. HALL: We're ready, Your Honor

1                   **THE COURT:**       Please bring the jury in.

2                   **(The jury entered the courtroom at 9:37 a.m.)**

3                   **THE COURT:**       Good morning, Mr. Foreman, ladies and  
4 gentlemen of the jury panel. I hope you had a pleasant night last night. We're  
5 ready to resume with the trial. Counsel, ready to proceed?

6                   **MS. MILES:**       Yes, sir, Your Honor. The State calls Andrea  
7 Salazar to the stand.

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

9                   (Whereupon,

10                                   **RADHJA ANDREA SALAZAR**

11 first being duly sworn, testified as follows:)

12                   **(Off-The-Record Comments)**

13                   **DIRECT EXAMINATION by MS. MILES:**                                   **9:37 A.M.**

14                   **Q.**       Good morning. Would you, please, state your full name for the  
15 record?

16                   **A.**       Radhja Andrea Salazar.

17                   **Q.**       Okay. And, Andrea, how old are you?

18                   **A.**       Twenty-eight (28).

19                   **Q.**       Okay. Where do you work?

20                   **A.**       I'm a stay-at-home mom.

21                   **Q.**       And who do you stay at home with?

22                   **A.**       My -- my two-year-old.

23                   **Q.**       Okay. And what's his name?

24                   **A.**       Daniel S.

25                   **Q.**       Daniel ?

1 A. Yes.

2 Q. Okay. And who else do you live with besides Daniel ?

3 A. My husband, José, my Child 5 --- our Jonathan and our dog.

4 Q. Okay. How old is Child 5 ?

5 A. He's six.

6 Q. Six (6)? And when is his birthday?

7 A. Child 5 2006

8 Q. Okay. Where does Child 5 go to school?

9 A. Bell's Crossing Elementary (phonetic).

10 Q. Okay. What grade is he in there?

11 THE COURT: Excuse me just a minute. Ma'am, I'm going to get  
12 you to speak up just a little bit if you will. We're having trouble hearing you.

13 A. Can you hear me now?

14 THE COURT: Thank you. Yes, ma'am.

15 Q. (By Ms. miles) What grade is he in?

16 A. He's in first grade.

17 Q. First grade? Okay. How do you know the Defendant in this case,  
18 Ronasha Taylor?

19 A. She was a teacher at Kids "R" Kids Daycare.

20 Q. Okay. And what was your affiliation with Kids "R" Kids Daycare?

21 A. My son attended.

22 Q. Okay. When did Child 5 begin at Kids "R" Kids?

23 A. Spring 2009.

24 Q. Okay. And when did you meet the Defendant?

25 A. I saw her all the time there.

- 1 Q. Okay.
- 2 A. At Kids "R" Kids.
- 3 Q. From the beginning?
- 4 A. Yes.
- 5 Q. Okay. When did Child 5 begin in the four-year-old classroom at
- 6 Kids "R" Kids?
- 7 A. As soon as he turned four (4).
- 8 Q. Okay. In February?
- 9 A. Right.
- 10 Q. Okay. Who was his primary teacher at that time?
- 11 A. Ms. Laurie.
- 12 Q. Okay. And, when did you think that the Defendant, Ronasha Taylor,
- 13 would be around Child 5
- 14 A. All the time.
- 15 Q. Okay. What periods throughout the day?
- 16 A. In the mornings, when we first walk in the door, she was there.
- 17 Sometimes I picked him up and she was in the classroom ----
- 18 Q. Okay.
- 19 A. — with the kids.
- 20 Q. What about other different periods throughout the day, if any?
- 21 A. (Shakes head negatively.)
- 22 Q. Okay. When was Child 5 last day at Kids "R" Kids?
- 23 A. The week of my birthday, which was September 21<sup>st</sup>.
- 24 Q. Okay. That week? And for what reason did he leave?
- 25 A. I was about to give birth to my second child.

1 Q. Okay. So were you staying at home then?

2 A. Right.

3 Q. Okay. Without going into what anyone else said, was there a period in  
4 time where you became aware that something inappropriate may have happened to  
5 any children at Kids "R" Kids?

6 A. Yes.

7 Q. Okay. And who did you hear this from?

8 (Witness becomes emotional.)

9 A. My husband.

10 Q. Okay. What did you believe, at that period of time, about whether or  
11 not Child 5 had been involved?

12 (Witness emotional.)

13 Q. Do you need water?

14 (Witness becomes emotional.)

15 (Witness given water.)

16 A. Thank you. I'm sorry, can you repeat ---

17 Q. Yeah, sure. What did you believe, at that period of time, about  
18 whether Child 5 had been involved?

19 (Brief Pause)

20 A. I don't understand. I'm sorry.

21 Q. Okay. When you first found out that something may have happened to  
22 any kids, what did you think about whether or not Child 5 was one of those kids?

23 A. I didn't think it was possible.

24 Q. Okay. And why not?

25 A. Because of my husband's status as law enforcement.



1 Q. Okay. What involvement did you have with Kids "R" Kids at that point  
2 in time, if any?

3 A. None.

4 Q. All right. What did you ask Child 5 at that time, if anything?

5 A. We didn't ask him any questions.

6 Q. Okay. What did you do next?

7 A. We took him to our family doctor.

8 Q. Okay. And why did you do that?

9 A. For advice.

10 Q. Okay. And who was the doctor that you took Child 5 to?

11 A. Doctor Mark Siegler (phonetic).

12 Q. Okay. And what information did you provide him?

13 A. We just told him that there might have been a case of child —  
14 something at the daycare.

15 Q. Okay. What were you advised to do, if anything?

16 A. He basically told me to keep doing what I was doing, not ask him  
17 anything and to wait for investigators to contact us.

18 Q. Okay. And what was your impression regarding the results of that  
19 visit?

20 A. I agreed.

21 Q. Okay. Without going into what anyone else said, was there a period of  
22 time when you became aware that something inappropriate may have happened to  
23 Child 5

24 A. Yes.

25 Q. Okay. And when did you learn this?

1           A.       After we took him to the CAC.

2           Q.       Okay. And what about prior to the CAC? For what reason did you  
3 take him to the CAC? What happened before that?

4           A.       During our Christmas break, I was breast-feeding my newborn ---  
5                    (witness becomes emotional.)

6           A.       I'm sorry. And Child 5 began to ask me questions, asked me what I  
7 was doing -- what I was doing.

8                    (Brief Pause)

9           Q.       Okay. You said you were breast-feeding your newborn baby and  
10 Child 5 began -- began to ask you questions about it?

11          A.       Yes.

12          Q.       Okay. What did you ask Child 5 at that time?

13          A.       I only asked him where -- why he was asking me this question. And he  
14 told me that ---

15                 MR. HENRY:       Objection, Your Honor.

16          Q.       Without -- without going into what he said, what did you say to him?

17          A.       I just asked him where he -- where he -- where he was getting this  
18 from.

19          Q.       Okay. And without going into what Child 5 said to you, can you tell  
20 us whether or not he made a disclosure of abuse at that time?

21          A.       Yes.

22          Q.       Okay. What behavior, if you -- if any, did you observe from Child 5  
23 at that time?

24          A.       He became visibly mad. If anybody other than myself walked into the  
25 bathroom, especially if we turned off the lights, he -- he makes thrusting moving --

1 movements when he's laying on his stomach.

2 Q. Okay.

3 A. And we didn't think that was normal.

4 Q. And what do you mean by "thrusting movements"?

5 A. He put -- do you want me to go into detail?

6 Q. Just -- just, please, explain it so we'll understand.

7 A. He lays on his stomach and puts his hands in his genital area.

8 Q. Okay. And where -- when Child 5 made his disclosure of abuse,  
9 where did he say that the abuse had taken place?

10 A. In the bathroom.

11 Q. Okay. Who else was present for this conversation with you and  
12 Child 5 if anyone?

13 A. It was just me and the baby.

14 Q. Okay.

15 A. And, then, I called my husband.

16 Q. You called your husband?

17 A. Yes.

18 Q. Okay. What happened next after you spoke with Child 5 and, then,  
19 spoke with your husband?

20 A. José called Mr. Anderson Garcia for advice as to who we should  
21 contact ----

22 Q. Okay.

23 A. -- for the next step.

24 Q. And where did you all take Child 5 after that?

25 A. To the CAC.

1 Q. Okay. When did you take Child 5 to the CAC?

2 A. January 2011 and February 23 (phonetic).

3 Q. Okay. And what did you tell Child 5 regarding why he was going to  
4 go there?

5 A. We told him that he was going to go meet some of daddy's friends and  
6 that he should talk to them and tell them what happened.

7 Q. Okay. How much information did you give him about what he was  
8 going to talk about?

9 A. Just told him he was to tell them what he had told us.

10 Q. Okay. Did you mention whether or not he would talk about the  
11 Defendant?

12 A. Yes.

13 Q. Okay. What did you tell Child 5 regarding what he should or  
14 shouldn't say at the forensic interview?

15 A. We told him to speak the truth.

16 Q. Okay. What about the CAC? What information did you provide them  
17 regarding Child 5 allegations?

18 A. I told them — I told her what he had said to me.

19 Q. Okay. And why did you provide that information?

20 A. For her information. I thought she should know.

21 Q. Okay. What was Child 5 exposure to things of a sexual nature at  
22 that time?

23 A. He had none.

24 Q. Okay.

25 THE COURT: Madam, excuse me. I'm sorry.

1 A. Okay.

2 THE COURT: The court reporter is having a hard time.

3 A. I'm sorry.

4 THE COURT: If you could speak up just a little bit, please  
5 ma'am. Thank you.

6 Q. And did you say none for that?

7 A. None.

8 Q. Okay. And what about now? Is that the same?

9 A. Yeah.

10 Q. Okay. What about access Child 5 may have had to the Internet at  
11 four (4)?

12 A. He didn't have any access then.

13 Q. Okay. What about now?

14 A. To the internet he does.

15 Q. Okay. What monitoring is in place?

16 A. Oh, we are always there when he's on the Internet.

17 Q. Okay. What about any movies or shows or anything of a sexual  
18 nature?

19 A. None.

20 Q. None? Okay. What information were you given regarding what took  
21 place during the forensic interview?

22 A. I can't remember.

23 Q. Okay. How many times did Child 5 go in for a forensic interview that  
24 you remember?

25 A. Maybe two (2) times.

1 Q. Two (2) times? Okay. What, if anything, were you advised to discuss  
2 with Child 5 before the next interview?

3 A. I don't believe she advised us to talk about it.

4 Q. Okay. Where else have you taken Child 5 to speak with someone  
5 about this case?

6 A. He's been to North Main Counseling.

7 Q. North Main Counseling?

8 A. Uh-huh (affirmative).

9 Q. Okay. And what is North Main Counseling?

10 A. That's where Meredith stays -- works.

11 Q. Okay. And who is she?

12 A. A counselor.

13 Q. A counselor? Okay. How much information did you provide Meredith  
14 regarding these allegations that Child 5 made?

15 A. I told her of what he had told us.

16 Q. Okay. And why did you provide that for her?

17 A. So that she was made aware of what was going on.

18 Q. Okay. What are some of the reasons why you and your husband  
19 chose Kids "R" Kids for Child 5 in the beginning?

20 A. Mainly because it was a brand-new facility and it was on our --- my  
21 way to work.

22 Q. Okay. And where did you work at that period of time?

23 A. Greer Family Medicine.

24 Q. Okay. Would you use some of the features that ---

25 A. Yes.

1 Q. Okay. Did that include the video feature?

2 A. Right.

3 Q. Okay. And how were you able to access Child 5 classroom?

4 A. Through the computer.

5 Q. Okay. What rooms were you able to see?

6 A. I was able to see the room he was at that moment in and the previous  
7 rooms, like the three-year-old room.

8 Q. Okay.

9 A. And the playground.

10 Q. The rooms he had been in before his current class?

11 A. Right.

12 Q. Okay. And what, if the classes combined for nap time or another  
13 activity in a different room, would you have access to those rooms as well?

14 A. Sometimes.

15 Q. Sometimes? Okay. How often would you say you watched the video  
16 feed?

17 A. Maybe once — maybe once in the morning when I first went into work.

18 Q. Okay. How many times per week if you knew [sic]?

19 A. Two (2) or three (3) times.

20 Q. Okay. What parts of the room do you recall that you could see from  
21 the video feed?

22 A. You could see the back room (phonetic), the carpeted area, and the  
23 front room — the front of the room.

24 Q. You say the back room and the front of the room?

25 A. (Nods affirmatively.)

1 Q. Okay. What about the door to the bathroom?

2 A. No, I don't think so.

3 Q. Okay. What about inside the bathroom?

4 A. No.

5 Q. Did you ever watch at nap time or only in the morning?

6 A. Only --- mostly in the morning.

7 Q. Okay. How old was Child 5 during the period of time these  
8 allegations came out?

9 A. Four (4) — he was four (4).

10 Q. Okay. How long had he been potty trained?

11 A. For about two (2) years.

12 Q. About two (2) years? Okay. What type of assistance did Child 5  
13 need from you in the bathroom?

14 A. None.

15 Q. None? Okay. What about from others? To your knowledge, what  
16 assistance did Child 5 need from anybody else?

17 A. None.

18 Q. None? Okay. To your knowledge, how often would any teachers, Ms.  
19 Laurie or any other teachers at Kids "R" Kids, have to help Child 5 in the  
20 bathroom?

21 A. I don't think he needed help.

22 Q. Okay. What, if anything, had changed about Child 5 tendencies in  
23 the bathroom around that period of time in the fall of 2010 or earlier?

24 A. He doesn't let anybody, other than myself, go in the bathroom when he  
25 is in there.



1 Q. Okay. Was that unusual for how he had been before?

2 A. Yes.

3 Q. Okay. When do you remember that starting, if you have an idea?

4 A. I don't remember.

5 Q. Okay. What were your feelings toward Ronasha Taylor prior to these  
6 allegations coming out?

7 (Witness becomes emotional.)

8 A. We —

9 Q. It's okay.

10 A. We liked her.

11 Q. You liked her?

12 A. We thought she was a nice teacher.

13 Q. Okay. And what was your impression regarding Child 5  
14 relationship with her?

15 A. I thought he really liked her.

16 Q. Okay. What is your relationships like with the other families in this  
17 case? How close were you before these allegations came out?

18 A. We're not close.

19 Q. Okay. And is that currently still the same?

20 A. We — yeah.

21 Q. Okay. What about your children? How close were they prior to all of  
22 this?

23 A. They were in the same group since Child 5 started. So they were  
24 close.

25 Q. Okay. And what about now? Who is Child 5 close with?

1 A. He's close with Child 4 They go to karate.

2 Q. Okay. And what about the other children?

3 A. No.

4 Q. Okay. And earlier you mentioned a couple of behaviors. What  
5 behaviors, if any, has Child 5 exhibited in your presence since beginning in the K-  
6 4 class at Kids "R" Kids?

7 A. Well, he chews on his fingernails.

8 Q. Okay.

9 A. He doesn't like to be in the bathroom if somebody else is in there. He  
10 makes a thrusting movement. He gets really excited if his little brother is naked in  
11 front of him.

12 Q. And what about — what behaviors, if any, does your child still exhibit?

13 A. All of them.

14 Q. Okay.

15 MS. MILES: I don't have anything further from you. Hold on  
16 just one second. I might have.

17 (Off-the-Record Discussion)

18 Q. (By Ms. miles) Okay. Just at the beginning I don't know if the court  
19 reporter had caught, where — where did you work before?

20 A. At Greer Family Medicine.

21 Q. Greer Family Medicine? Okay. Where do you work now?

22 A. I don't work.

23 Q. Okay.

24 A. I stay at home.

25 Q. You're a stay-at-home mom?

1 A. (Nods affirmatively.)

2 Q. Okay.

3 MS. MILES: Please answer any questions Mr. Henry may  
4 have, okay? Thank you.

5 CROSS EXAMINATION by MR. HENRY:

9:53 A.M.

6 Q. Ms. Salazar, I just have a couple of questions for you, okay?

7 A. Okay.

8 Q. I wanted to get the timing down when your son left Kids "R" Kids. Can  
9 you help me without a little bit?

10 A. All right.

11 Q. When did he leave?

12 A. The week of September 21<sup>st</sup>.

13 Q. September 21<sup>st</sup>?

14 A. Right.

15 Q. And that didn't have — have anything to do with any allegations; it was  
16 because of your newborn?

17 A. Right.

18 Q. Okay. And another question, was Ms. Ronasha or Ronasha ever his  
19 teacher?

20 A. She wasn't his 4-K teacher. But she was there in his room many  
21 times.

22 Q. Was — was Laurie the 4-K teacher —

23 A. Yes.

24 Q. — for your son?

25 A. Uh-huh (affirmative).

1 Q. And, at some point before your son was in 4-K, wasn't Ronasha his  
2 teacher then?

3 A. It was Ms. Annie (phonetic).

4 Q. Ms. Annie?

5 A. Right.

6 Q. Okay. So Ronasha was never your son's teacher?

7 A. No, but she was in his room as his teacher if — sometimes.

8 Q. Okay. As a substitute?

9 A. Yes.

10 Q. Until after Child 5 left on September 21<sup>st</sup>, until that date, or up to that  
11 date, you didn't have any concerns or anything about him?

12 A. No.

13 Q. That just came up later?

14 A. Right.

15 Q. Okay.

16 A. Well, actually sometime in October, before I talked to my  
17 husband —

18 Q. Right.

19 A. — I became friends with Ms. Laurie on Facebook.

20 Q. Uh-huh (affirmative)..

21 A. She had commented on the picture of my newborn baby. And — no,  
22 this was after. I'm sorry. I —

23 Q. That's okay.

24 (Brief Pause)

25 A. Okay. To answer your question now. I'm — I'm sorry.

1 Q. That's okay. Did — did your son go back to Kids "R" Kids later?

2 A. No, he didn't.

3 Q. So September 21<sup>st</sup> was it?

4 A. Right. We were planning on him going back because I wasn't sure if I  
5 was going to go back to work.

6 Q. I see.

7 A. But after all of this I decided to stay home.

8 Q. Okay.

9 MR. HENRY: Thanks very much. That's all I have.

10 REDIRECT EXAMINATION by MS. MILES:

9:56 A.M.

11 Q. Andrea, what were you — what was your response about Laurie? I  
12 didn't understand that ---

13 A. After we found out — after Mr. Anderson had called my husband to let  
14 him know what was happening, we hadn't received anything from the daycare to let  
15 us know what was going on.

16 So it just happened that Ms. Laurie had commented on one of my  
17 pictures on Facebook. And I decided to — looking, through her pictures and her  
18 friend list, she was still friends with her. So that I showed Child 5 a picture of Ms.  
19 Laurie to see what he would say about her. And he told me he liked her, that she  
20 was a nice teacher.

21 And when I showed her [sic] a picture of Ms. Ronasha —

22 MR. HENRY: I'm going to object to this hearsay, Your Honor.

23 THE COURT: Sustained.

24 MS. MILES: Okay. That's all. I just wanted to follow-up on

25 whatever you had mentioned about with Mr. Henry. Thank you.

1 THE WITNESS: Okay.

2 (Brief Pause)

3 MS. MILES: May she be excused from the witness stand? We  
4 have no further questions.

5 THE COURT: Oh, yes. Thank you, ma'am. You may stand  
6 down, ma'am.

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

8 MS. HALL: The State calls Jose Salazar to the stand, please.

9 (The witness stepped forward to be sworn.)

10 (Whereupon,

11 JOSE SALAZAR

12 having been duly sworn, testified as follows:)

13 DIRECT EXAMINATION by MS. MILES:

9:58 A.M.

14 Q. Good morning.

15 A. Good morning.

16 Q. Will you please state your name for the record?

17 A. Jose Salazar.

18 Q. Okay. Jose, how old are you?

19 A. I'm thirty-nine (39).

20 Q. Okay. And where do you work?

21 A. I work at the South Carolina Law Enforcement Division.

22 Q. Okay.

23 A. Commonly referred to as SLED.

24 Q. SLED? Okay. And what do you do there?

25 A. I'm a special agent assigned to the street -- street crimes unit out of

1 the Peden Center (phonetic) in Columbia.

2 Q. Okay. How long have you been there?

3 A. A little bit over a year.

4 Q. Okay. Jose, who lives with you?

5 A. My wife, Andrea Salazar, and our two sons, Child 5 and

6 Daniel S.

7 Q. Okay. How old is Daniel S.?

8 A. Daniel is approaching two (2) now.

9 Q. Okay. And what about Child 5?

10 A. Child 5 is six (6).

11 Q. Okay. When is Daniel S. birthday?

12 A. Daniel S. is 2010.

13 Q. Okay. And what about Child 5?

14 A. 2006.

15 Q. Two thousand, six (2006)? What school does Child 5 go to?

16 A. He attends Bell's Crossing, Bell's Crossing Elementary School.

17 Q. Okay. What grade is he in there?

18 A. First grade.

19 Q. First grade? How do you know the Defendant, Ronasha Taylor?

20 A. I knew her through Kids "R" Kids. She was one of my son's teachers.

21 Q. Okay. When did Child 5 go to Kids "R" Kids?

22 A. Sometime in 2009.

23 Q. Okay. And how long was he there until?

24 A. Until September of 2010.

25 Q. Okay. What interaction did you have with Kids "R" Kids?

1       A.       Minimal interaction. Like I said, I'd only go to Kids "R" Kids to actually  
2 drop off my son. Sometimes I'd go in and pick him up from the classroom or pick  
3 him up after school.

4       Q.       Okay. And what was your impression regarding when Ronasha Taylor  
5 would be around Child 5

6       A.       Throughout the day. She was actually an employee or a teacher at  
7 the facility.

8       Q.       Okay. And, Jose, when did you become aware that something  
9 inappropriate may have happened to any child at Kids "R" Kids?

10      A.       It was actually at Fort Jackson. I'm currently activated with the Army  
11 Reserves. We're conducting training exercises with the Navy Seals in preparation  
12 for them to assume positions or duties in Afghanistan and Iraq.

13               And I actually received a phone call from a number that I didn't  
14 recognize. And It was actually Mr. Anderson Garcia.

15               And I asked him who he was and he told me he was Oscar's brother  
16 (phonetic). And I knew Oscar since I used to work in Greenville County.

17               He basically disclosed that something may have ---

18      MR. HENRY:       I'm going to object to the hearsay, Judge.

19      Q.       (By Ms. Miles) Okay. Just -- okay. Who did you hear it from? You  
20 said Anderson Garcia?

21      A.       Anderson Garcia ---

22      Q.       Okay.

23      A.       --- yes.

24      Q.       And when was that?

25      A.       It was sometime in October of 2010.



1 Q. Of two thousand and ten (2010)? Okay. And why did you think he  
2 was contacting you?

3 A. Our kids attended the same daycare and actually they saw each other  
4 at a — at a birthday party here and there. So he wanted to let me know that  
5 something may have occurred.

6 Q. Okay.

7 A. Since our son was, you know, friends with his daughter.

8 Q. Okay. So your -- your children were in school together?

9 A. Yes.

10 Q. Okay. How much information did he provide you about the  
11 allegations?

12 A. It was very minimal.

13 Q. Okay. And what did you believe at that period in time about whether  
14 Child 5 had been involved?

15 A. It was hard to believe. You know, it was like -- I mean, I'm a law  
16 enforcement officer. I --- it's kind of hard to believe that would happen to my son.

17 Q. Okay. And what was your response to Mr. Garcia?

18 A. I told him thank you and also just took down the number of someone  
19 that had actually called who was investigating.

20 Q. Okay. And who did you contact after that?

21 A. I believe I called Bobby and got his voice message and left him a voice  
22 message and hung up the phone and continued on with our training.

23 Q. Okay. And Bobby from DSS OHAN?

24 A. Yes.

25 Q. Okay.

1       A.       But then I contacted my wife.

2       Q.       Okay. What about other parents that contacted you regarding this?

3       A.       As far as I know, it was just Anderson Garcia was -- was the initial  
4       parent.

5       Q.       Okay. What about later? Did any other parents contact you?

6       A.       I believe Mr. Spicer contacted me.

7       Q.       Okay. When did you become aware that something inappropriate may  
8       have happened to Child 5       specifically?

9       A.       Well, we were actually with my family in Jacksonville, Florida, enjoying  
10      a Christmas break since I really only had Christmases to actually enjoy with our  
11      family working on the road.

12               And my wife was actually breast feeding our -- our -- our little newborn  
13      son in a separate room. And I was in another room with my family and I heard her  
14      cry. And I went over there to see what's going on. And she told me that our son  
15      disclosed something.

16      Q.       Okay. And you said this was during a Christmas break in Florida?

17      A.       It was.

18      Q.       What Christmas break, of two ---

19      A.       Of 2010.

20      Q.       Two thousand and ten (2010)? Okay. And who did you say you  
21      learned information from, your wife?

22      A.       It was my wife.

23      Q.       Okay. And what did you do after learning about this from your wife?

24      A.       Well, I talked -- I talked it over with my wife and tried to get in contact  
25      with Mr. Garcia at that time to find out, you know if there was an investigator

1 assigned to the case. I did manage to get a hold of him; I just cannot tell you when.

2 And he actually did provide me with a phone number to Investigator --  
3 Investigator Megan Burrell with the Spartanburg County Sheriff's Office.

4 Q. Okay. And what happened after you spoke with her?

5 A. Well, I didn't get to speak with her actually, but I got her voice  
6 message.

7 Q. Okay.

8 A. So I left her a voicemail. And I understand that she was actually on  
9 vacation during that time as well.

10 Q. Okay. And what happened next?

11 A. Well, we continued on with our Christmas break. And I talked to my  
12 wife as do not approach our son and just -- just act normal and let us enjoy  
13 Christmas break together before we would talk with the investigator.

14 Q. Okay. And what happened when you returned home from vacation?

15 A. We actually did receive a phone call from Investigator Burrell. And she  
16 did tell us what was going on as far as allegations. And we informed that we  
17 believed our son may be a victim and didn't know what the next pros -- next step in  
18 the process would be.

19 Q. Okay. And what were you advised to do?

20 A. We -- see, during this time, I was actually at Fort Jackson a great deal  
21 with the position so my wife was up here by herself. So a lot of the phone contact I  
22 did receive was through my wife.

23 And I told her to get in touch with Investigator Burrell and that she  
24 would give any further instructions on what would happen next with our son.

25 Q. Okay. How old was Child 5 during this period of time of his

1 disclosure?

2 A. He was four (4).

3 Q. Okay. And how -- how long had he been potty trained?

4 A. For some time now. It got cheaper at daycare when they're potty  
5 trained.

6 Q. Okay. How often did Child 5 play in the bathroom at that age?

7 A. I never saw him play in the bathroom.

8 Q. Okay. What type of assistance did Child 5 require from you  
9 personally in the bathroom?

10 A. None. He wouldn't -- he wouldn't allow me inside the bathroom at all  
11 except for to turn on the light. Then he would aggressively push me outside the  
12 bathroom.

13 Q. Okay. And what about your knowledge of if he required assistance  
14 from anyone else?

15 A. Other than my wife, no one else.

16 Q. Okay. Does that include anyone at the daycare?

17 A. Yes.

18 Q. Okay.

19 A. He would actually wait until he got home to actually use the bathroom  
20 a great deal of the time.

21 Q. Okay.

22 A. Some of the times.

23 Q. What, if anything, had changed about Child 5 bathroom tendencies  
24 during that period of time?

25 A. He was afraid of the dark. He -- he always had to have the light on.

1 And -- and he just -- he didn't want nobody else with him inside the bathroom other  
2 than my wife.

3 Q. Okay. What are some of the reasons why you and your wife chose  
4 Kids "R" Kids for Child 5

5 A. Its location. It was a brand new facility. It was easier for my wife. It  
6 was on the route for her to take to go to work.

7 Q. Okay. What about any features?

8 A. Well, they did have a -- a cool water park for the kids for the summer  
9 time. And they also had a monitoring -- monitoring system.

10 Q. Okay. Would you use that monitoring system?

11 A. I -- I logged on maybe once or twice. But, I mean, a monitoring  
12 system can't replace, you know, the responsibilities of a teacher to take care of your  
13 kids.

14 Q. Okay. How often would you say that you logged onto that?

15 A. It was rare because I was always working. If I wasn't working on the  
16 road as a deputy, I'd work security at a bank to support our -- our household.

17 Q. Okay. So not very often?

18 A. No.

19 Q. Jose, what were your feelings toward Ronasha Taylor prior to these  
20 allegations coming out?

21 A. Every time I had contact, I mean, she was a very, you know, nice  
22 person. She was very friendly.

23 And, I'm sorry, but she had this red hair that, you know, kind of drew  
24 her attention to me. It's like, man, she -- she seemed happy to be around kids.

25 Q. Okay.

1 A. I'm sorry.

2 Q. For -- and who have you spoken to regarding you and your family's  
3 legal rights to this case?

4 A. Walt Thompson (phonetic).

5 Q. Okay. And for what purpose have you spoken to him?

6 A. Make sure that my kid's rights were protected.

7 Q. Okay. What's your relationship like with the other families in this  
8 case? Or what was your relationship like with the other families prior to this?

9 A. I never knew the family members prior to this.

10 Q. Okay. And what about now? What are your relationships like with the  
11 parents?

12 A. We see each other, I mean, rarely. Maybe at a birthday party or if our  
13 kids pass by now. With Child 4 you see him at -- at the karate place.

14 Q. Okay. And what about your children? How close were they before  
15 this?

16 A. Hard to say. I mean, they attend birthday parties. They're part of the  
17 same school.

18 Q. Okay. And what about now? Is Child 5 close with anyone?

19 A. He's with Child 4. He sees him at karate. He's one of those kids that  
20 seems to be happy to see him and attend karate with.

21 Q. Okay. What behaviors, if any, has Child 5 exhibited in your  
22 presence since beginning in the K-4 class at Kids "R" Kids?

23 A. Well he would do some strange things; some thrusting movements  
24 which, you know, you'd -- he'd lay on the -- like, if I was watching a movie, he'd lay  
25 on top of me and just start, you know, moving his hips back and forth.

1                   And you kind of question, you know, is this normal? I mean, this was  
2                   our first child so I really didn't know or had that exposure. And I'd look at my wife  
3                   and point that out.

4                   And he kind of licked my face once or twice and I wondered what was  
5                   going on with that as well. Like I said, I mean, my -- my time at home was -- was  
6                   varied, depending on my shift with the Greenville County Sheriff's Office.

7                   A lot of times I worked swing shifts. So I'd be working late night from 7  
8                   p.m. to 7 a.m., then, going to sleep, and ready -- getting up and maybe having two  
9                   hours in which time Child 5        was actually at daycare.

10            Q.        Okay.

11            A.        So I'd see him sometimes on the weekends and during the evening  
12            time.

13            Q.        Right. What about any behaviors you observed with Child 5        and  
14            anyone else, if anything?

15            A.        Excuse me. Can you repeat that, please?

16            Q.        What behaviors, if any, did you observe yourself with Child 5        and  
17            anyone else, if anything?

18            A.        He's -- he's very aggressive. Very sensitive. Doesn't like to displease,  
19            you know; just doesn't want to get in trouble. But he -- he can -- he can flip out as  
20            far as, you know, something that he doesn't like.

21                   It's just he goes crazy and just wants to seclude himself. And his  
22                   bathroom habits, like I said, just doesn't want anybody other than my wife inside that  
23                   bathroom.

24                   And the lights always had to stay on when he was sleeping, inside the  
25                   hallway to his bedroom, and also inside his room.

1 MS. MILES: Okay. Beg the Court's indulgence.

2 (Brief Pause)

3 MS. MILES: That's all the questions that I have for you. Please  
4 answer any questions Mr. Henry may have, okay?

5 CROSS-EXAMINATION by MR. HENRY:

10:09 A.M.

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. Just a couple things, Mr. Salazar. From September, when your son  
9 left Kids "R" Kids until Christmas 2010, there were no specific concerns that you and  
10 your wife had about his -- his behavior?

11 A. My wife observed him more because, like I said, sir, I was actually  
12 activated with the army reserve and I was at Fort Jackson during that time period.

13 Q. Okay. So she'd be a better judge of that time period?

14 A. Yes, sir.

15 Q. Was Ronasha ever your son's teacher?

16 A. Well, I -- it was -- it was informed -- or it was told to me that she was  
17 one of the teachers. I saw so many of them, but she stood out.

18 Q. And your wife would have been the one that had more contact with  
19 Kids "R" Kids than you during that period because you were at Fort Jackson?

20 A. Well, off and on. I would actually pick up Child 5 as well. I saw the  
21 director, Sally, who wanted me to do stranger danger with them because sometimes  
22 I'd come to the daycare facility with my uniform on.

23 So, you know, I had some limited contact when I was a sheriff's  
24 deputy. But unfortunately, when I was activated as a soldier, I didn't have any real  
25 contact with the daycare facility during that time period.



1 Q. Did you have some concerns about the supervision at Kids "R" Kids?

2 A. I had always, you know -- I mean, you look at it. I mean, teachers are  
3 supposed to take care of your children.

4 Q. Right.

5 A. I mean, you pay a fee and, you know, that -- that goes into making  
6 sure that the facility provides a safe and secure environment for your children to  
7 learn. I mean, you can have many monitoring systems, but it's not going to deter  
8 anybody.

9 Q. Did you -- when you talked to Mr. Thompson about your rights, which  
10 rights were you talking to him about?

11 A. The protection of a child. I mean, people can get -- criminals can get  
12 lawyers, why can't a victim?

13 Q. No argument there. So -- so protection of your child in -- in what  
14 sense?

15 A. To make sure that the steps were -- were followed. Like I said, I was  
16 just a road deputy. I wasn't an investigator.

17 Q. Right.

18 A. At the time this -- this was current, I was activated. So I wanted to  
19 make sure that, you know, his rights as a child was being covered and that he was  
20 being attended to properly.

21 Q. And, then, the steps you're talking about are the criminal process we're  
22 talking about now?

23 A. I believe so, sir. Just making sure that, you know, things were going  
24 as far as -- you know, is there therapy provided for him and how that would play out.  
25 It's just -- you -- I've never known myself as a victim.

1                   You know, it was kind of hard for me to think. And I really didn't want  
2 to reach out because things were going on with the sheriff's office and asked for  
3 their advice.

4                   **MR. HENRY:**           Right. Okay. That's all I have. Thanks.

5                   **MS. MILES:**           No further questions from the State, Your Honor.

6                   **THE COURT:**           Thank you, sir. You may stand down.

7                   **THE WITNESS:**       Thank you, sir.

8                   **(The witness complied with the request.)**

9                   **MS. MILES:**           Permission to approach, Your Honor?

10                  **THE COURT:**           Yes, ma'am.

11                  **MS. MILES:**           Thank you.

12                  **(Whereupon, a bench conference was had with all attorneys**  
13 **present.)**

14                  **THE COURT:**           You may retire to the jury room. You may refresh  
15 yourselves just for a short break. Thank you.

16                  **(The jury exited the courtroom at 10:13 a.m.)**

17                  **THE COURT:**           All right. We'll take a short break at this time and  
18 get the courtroom set up. Thank you.

19                  **MR. HENRY:**           Thank you, Judge.

20                  **(Whereupon, a recess was taken from 10:13 a.m. to 10:25 a.m.)**

21                  **(Off-The-Record Comments)**

22                  **(The jury entered the courtroom at 10:25 a.m.)**

23                  **MS. MILES:**           Your Honor, the State calls Child 5                   to  
24 the stand.

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

- 1                   **MADAM CLERK:** Raise your right hand — the other hand.
- 2                   **(Witness complied with the request.)**
- 3                   **MADAM CLERK:** Do you promise to tell the truth and the whole
- 4 truth?
- 5                   **THE WITNESS:** Yes, ma'am.
- 6                   **MADAM CLERK:** Just have a seat right here (indicating).
- 7                   **(Off-The-Record Comments)**
- 8                   **MADAM CLERK:** You need to speak really loud, all right?
- 9                   **THE WITNESS:** All right.
- 10                  **MADAM CLERK:** Do you know the difference between telling the
- 11 truth and telling a lie?
- 12                  **THE WITNESS:** Yes.
- 13                  **MADAM CLERK:** What happens if you tell a lie at home?
- 14                  **THE WITNESS:** I get grounded.
- 15                  **MADAM CLERK:** What happens if you tell a lie at school?
- 16                  **THE WITNESS:** I fail my card.
- 17                  **MADAM CLERK:** What happens if you tell a lie in court?
- 18                  **THE WITNESS:** I get in trouble.
- 19                  **MADAM CLERK:** Do you understand that you have to tell the truth in
- 20 court today?
- 21                  **THE WITNESS:** Yes, ma'am.
- 22                  **MADAM CLERK:** Do you promise to tell the truth?
- 23                  **THE WITNESS:** Yes, ma'am.
- 24                  **(Off-The-Record Comments)**
- 25                  **DIRECT EXAMINATION by MS. MILES:** **10:25 A.M.**

- 1 Q. Child 5 , what's your full name?
- 2 A. Child 5
- 3 Q. Child 5 And how old are you, Child 5 ?
- 4 A. I'm six (6).
- 5 Q. Six (6)? When is your birthday?
- 6 A. February the 21<sup>st</sup>.
- 7 Q. Okay. Who do you live with, Child 5 ?
- 8 A. Me and my brother and my dad and mom.
- 9 Q. Your brother? What's your brother's name?
- 10 A. Daniel S.
- 11 Q. How old is Daniel S. ?
- 12 A. One (1).
- 13 Q. One (1)? Do you have any pets?
- 14 A. Yes.
- 15 Q. What kind?
- 16 A. A dog and a fish.
- 17 Q. A dog and a fish? What are their names?
- 18 A. Our dog's name is Jack. My fish's name is Toothless.
- 19 Q. Toothless?
- 20 (Laughter)
- 21 Q. Okay. Child 5 , what do you like to do for fun?
- 22 A. Play my computer.
- 23 Q. Play your computer? What do you play on your computer?
- 24 A. Lego games.
- 25 Q. Lego games? Okay. What's your favorite food, Child 5 ?

- 1 A. Chicken and corn and rice and pork and ---
- 2 Q. You have a lot of favorite foods, don't you.
- 3 A. Yes.
- 4 Q. What grade are you in?
- 5 A. First grade.
- 6 Q. First grade? What school do you go to?
- 7 A. Kindergarten, Bell's Crossing.
- 8 Q. Kindergarten, Bell's Crossing? Okay. Who is your teacher, Child 5
- 9 A. Ms. Power (phonetic).
- 10 Q. Ms. Power? What school did you go to before Bell's Crossing?
- 11 A. Kids "R" Kids.
- 12 Q. Kids "R" Kids? How old were you ---
- 13 A. I mean Goddard School.
- 14 Q. You went to Goddard School? Did you go to Goddard School and
- 15 Kids "R" Kids?
- 16 A. Kids "R" Kids was last.
- 17 Q. Kids "R" Kids was last? And then Goddard School before that?
- 18 A. Yes, ma'am.
- 19 Q. Both of those were before Bell's Crossing?
- 20 A. (No Response)
- 21 Q. You go to Bell's Crossing now, right?
- 22 (Brief Pause)
- 23 A. Yes, ma'am.
- 24 Q. Okay. How old were you when you went to Kids "R" Kids, Child 5
- 25 A. (No Response)

1 Q. Were you about three, four?

2 A. I was four (4).

3 Q. You were four (4)? Okay. I'm going to show you some pictures, okay?

4 See if you can remember them.

5 (Exhibit shown to the witness.)

6 Q. Child 5 what do you see in these pictures -- on this picture?

7 A. TV -- I mean tables.

8 Q. Tables? Okay. Would you sit at these tables sometimes?

9 A. Yes.

10 Q. What did you do at the tables? What did you work on?

11 A. Math.

12 Q. You worked on math?

13 A. Yes.

14 Q. Okay. What about projects?

15 A. No.

16 Q. No? Okay. What about nap time? Where would you nap? Can you  
17 point in this picture to where you remember napping?

18 A. On the floor.

19 Q. On the floor? Would you nap on this floor or on the carpet floor?

20 A. Carpet floor.

21 Q. Okay. What would you lay on?

22 A. A mat.

23 Q. A mat? Okay. Where would you eat? Is it in any of these pictures?

24 A. In the cafeteria.

25 Q. Okay. In the cafeteria? Okay. What room is this?

1 (Exhibit shown to the witness.)

2 A. Bathroom.

3 Q. Bathroom? Okay. Which bathroom would you go to?

4 A. Boys.

5 Q. The boys? Okay. What is this a picture of?

6 (Exhibit shown to the witness.)

7 A. The boys bathroom.

8 Q. Okay. Boys bathroom? Child 5 I'm going to ask you about things  
9 you know about your body parts, okay?

10 MR. HENRY: I'm going to object, Your Honor.

11 (Brief Pause)

12 THE COURT: What's your objection?

13 MR. HENRY: Leading.

14 THE COURT: Overruled. You may proceed.

15 Q. (By Ms. Miles) Let's talk about if this is your body, okay?

16 (Exhibit shown to the witness.)

17 Q. I'm going to write your name on it.

18 (Ms. Miles writes on diagram.)

19 Q. What is this (indicating)?

20 A. Hair.

21 Q. Your hair?

22 (Ms. Miles writes on diagram.)

23 Q. What are these?

24 A. Eyes.

25 Q. Your eyes.

1 (Ms. Miles writes on diagram.)

2 Q. What's this?

3 A. Mouth.

4 Q. Mouth.

5 (Ms. Miles writes on diagram.)

6 Q. What are these?

7 A. Arms.

8 (Ms. Miles writes on diagram.)

9 Q. Okay. What are these called (indicating)?

10 A. Boobies.

11 Q. Boobies.

12 (Ms. Miles writes on diagram.)

13 Q. What's this (indicating)?

14 A. Stomach.

15 Q. Stomach?

16 (Ms. Miles writes on diagram.)

17 Q. What is this area called (indicating)?

18 A. Butt.

19 (Brief Pause)

20 Q. What do you call that (indicating)? You can call it anything you want.

21 Just what do you call it? What's your word?

22 A. Pee-pee.

23 Q. Pee-pee?

24 (Ms. Miles writes on diagram.)

25 Q. Okay. What are these (indicating)?



- 1 A. Legs.
- 2 Q. Legs?
- 3 (Ms. Miles writes on diagram.)
- 4 Q. Okay. What are these (indicating)?
- 5 A. Feet.
- 6 Q. Feet?
- 7 (Ms. Miles writes on diagram.)
- 8 Q. Okay, good job. Okay. Let's talk about the back. What is this part
- 9 (indicating)?
- 10 A. Hair.
- 11 Q. Hair?
- 12 (Ms. Miles writes on diagram.)
- 13 Q. Okay. And what is this part right here (indicating)?
- 14 A. A back.
- 15 Q. A back?
- 16 (Ms. Miles writes on diagram.)
- 17 Q. Okay. And what's this part right here (indicating)?
- 18 A. A butt.
- 19 Q. A butt? Okay.
- 20 (Ms. Miles writes on diagram.)
- 21 Q. And what are these the backs of (indicating)?
- 22 A. Legs.
- 23 Q. Legs? Okay.
- 24 (Ms. Miles writes on diagram.)
- 25 Q. Now, let's talk about -- let's talk about a girl, a big girl. I think I'm going

1 to have to get this marked.

2 (Off-The-Record Comments)

3 MS. MILES: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 (Whereupon, State's Exhibit Number 12 was marked for  
6 identification.)

7 Q. (By Ms. Miles) Child 5 I'm going to show you what's been marked  
8 as State's Exhibit 12, okay?

9 A. All right.

10 MR. HENRY: Same objection, Judge, to leading.

11 THE COURT: Overruled. Proceed.

12 Q. (By Ms. Miles) Okay. Is this a girl or a boy?

13 A. Girl.

14 Q. A girl? Okay. Now, on a girl's body, what's this called (indicating)?

15 A. Hair.

16 Q. Hair?

17 (Ms. Miles writes on diagram.)

18 Q. Okay. What are these (indicating)?

19 A. Arms.

20 Q. Arms?

21 (Ms. Miles writes on diagram.)

22 Q. Okay. What's this called (indicating)?

23 A. Mouth.

24 Q. Mouth?

25 (Ms. Miles writes on diagram.)

MASTER Child 5

SALAZAR - DIRECT by MS. MILES

Page 847

1 Q. Okay. What are these called on a girl (indicating)?

2 A. Boobies.

3 Q. Boobies?

4 (Ms. Miles writes on diagram.)

5 Q. And what about these (indicating)?

6 A. Legs.

7 Q. Legs?

8 (Ms. Miles writes on diagram.)

9 Q. Okay. What's this on a girl called (indicating)?

10 A. I don't know.

11 Q. You don't know? Okay. What do you call it? What would you call it?

12 Whatever your word is.

13 A. (No Response)

14 Q. Let me ask you about these parts and we'll come back to that. What  
15 are these (indicating)?

16 A. Feet.

17 Q. Feet? Okay.

18 (Ms. Miles writes on diagram.)

19 Q. What about on the back area of the girl? What's this called  
20 (indicating)?

21 A. Back.

22 Q. Back?

23 (Ms. Miles writes on diagram.)

24 Q. Okay. And what's this called on a girl (indicating)?

25 A. A butt — a butt.

1 Q. Butt?

2 (Ms. Miles writes on diagram.)

3 Q. What are these called (indicating)?

4 A. Legs.

5 Q. Legs?

6 (Ms. Miles writes on diagram.)

7 Q. Okay. And do you have a word for this or what do you call it

8 (indicating)?

9 A. I just call it a pee-pee.

10 Q. You call it a pee-pee too? Okay.

11 (Ms. Miles writes on diagram.)

12 Q. What about on grownups, Child 5 Are grownups' body parts called  
13 the same thing?

14 A. Yes.

15 Q. Okay. So if this is a grownup ----

16 MR. HENRY: Same objection, Judge.

17 THE COURT: All right. Overruled. You may proceed.

18 Q. (By Ms. Miles) What would this be called on a grownup (indicating)?

19 A. Hair.

20 Q. Hair?

21 (Ms. Miles writes on diagram.)

22 Q. Okay. What would this be called on a grownup (indicating)?

23 A. Mouth.

24 Q. Mouth?

25 (Ms. Miles writes on diagram.)

- 1 Q. Okay. And what are these (indicating)?
- 2 A. Arms.
- 3 Q. Arms?
- 4 (Ms. Miles writes on diagram.)
- 5 Q. What are these on a grownup?
- 6 A. Boobies.
- 7 (Ms. Miles writes on diagram.)
- 8 Q. Okay. What are these called (indicating)?
- 9 A. Legs.
- 10 Q. Legs?
- 11 (Ms. Miles writes on diagram.)
- 12 Q. What are these called (indicating)?
- 13 A. Feet.
- 14 Q. Feet?
- 15 (Ms. Miles writes on diagram.)
- 16 Q. What do you call this on a grownup (indicating)? Do you call it the
- 17 same thing?
- 18 A. Yes.
- 19 Q. Yes? Okay. So you call it a pee-pee?
- 20 A. (Nods affirmatively.)
- 21 Q. Okay.
- 22 (Ms. Miles writes on diagram.)
- 23 Q. Okay. What about on the back of a grownup? What's this
- 24 (indicating)?
- 25 A. Back.

1 Q. Back?

2 (Ms. Miles writes on diagram.)

3 Q. Okay. And what's this on a grownup (indicating)?

4 A. The same thing.

5 Q. The same thing? What's that, a butt?

6 A. Yes.

7 Q. Okay.

8 (Ms. Miles writes on diagram.)

9 Q. What about these (indicating)?

10 A. Legs.

11 Q. Legs?

12 (Ms. Miles writes on diagram.)

13 Q. Okay. Now, Child 5 we talked about you going to Kids "R" Kids  
14 when you were four; is that right?

15 A. Yes, ma'am.

16 Q. Yes, ma'am? Who were -- was Ms. Laurie one of your teachers?

17 A. Yes, ma'am.

18 Q. Yes, ma'am? Okay. And what about Ms. Ronasha, was she there  
19 too?

20 A. Yes.

21 Q. Okay. What about a Ms. Michele? Do you remember a Ms. Michele?

22 A. No.

23 Q. Okay. Child 5 how do you feel about Ms. Laurie?

24 A. Good.

25 Q. You feel good? Okay. What about Ms. Ronasha?

MASTER Child 5

SALAZAR - DIRECT by MS. MILES

Page 851

- 1 A. Bad.
- 2 Q. Bad. Why do you feel bad about Ms. Ronasha?
- 3 A. Because she does mean stuff.
- 4 Q. Mean stuff? What do you mean by mean stuff, Child 5
- 5 A. Like the ugly bad stuff.
- 6 Q. Bad stuff? What do you mean by bad stuff?
- 7 A. Like she asking me if I wanted to pinch her boobies.
- 8 Q. Okay. I'm going to show you this adult.
- 9 (Exhibit shown to the witness.)
- 10 Q. Can you show me what you mean by she wanted you to pinch her
- 11 boobies? What part are you talking about on the body?
- 12 A. (Indicating)
- 13 Q. Okay. That part? And you call that the boobies?
- 14 A. Yes.
- 15 Q. Okay. What else does she want you to touch, if anything?
- 16 A. Just boobies.
- 17 Q. Just boobies? Okay. What does she want you to use to touch her
- 18 boobies? Let me show you your body, okay?
- 19 (Exhibit shown to the witness.)
- 20 Q. Can you point to the different parts of your body that she wanted you
- 21 to use to touch her boobies?
- 22 A. That (indicating).
- 23 Q. Okay. Your hands? Okay. Is there any other part that she wanted
- 24 you to use?
- 25 A. No.

MASTER Child 5

SALAZAR - DIRECT by MS. MILES

Page 852

- 1 Q. No? Okay. Child 5 where did this happen?
- 2 A. At Kids "R" Kids.
- 3 Q. Okay. What room at Kids "R" Kids?
- 4 A. In the bathroom.
- 5 Q. In the bathroom? Okay. Where were you before you went into the
- 6 bathroom?
- 7 A. (No Response)
- 8 Q. Do you know what you were doing? Do you remember?
- 9 A. Yes.
- 10 Q. Okay. What were you doing before?
- 11 (Brief Pause)
- 12 A. I don't know.
- 13 Q. Okay. Who called you into the bathroom?
- 14 A. Ronasha.
- 15 Q. Ronasha? Okay.
- 16 A. No, she went in with me.
- 17 Q. Okay. She went in with you? Okay. I'm going to show you a picture
- 18 of the bathroom, okay? This is Number 3G.
- 19 (Exhibit shown to the witness.)
- 20 Q. Where were you in the bathroom? Were you standing up or were you
- 21 sitting down?
- 22 A. Standing up.
- 23 Q. Okay. And what part of the bathroom? Can you point for me?
- 24 A. (Indicating) By the door.
- 25 Q. By the door? Okay. What about Ms. Ronasha, was she standing up



MASTER Child 5

SALAZAR - DIRECT by MS. MILES

Page 853

1 or sitting down?

2 A. Sitting down.

3 Q. What was she sitting on?

4 A. A stool.

5 Q. A stool? Where did she get the stool from?

6 A. A closet.

7 Q. A closet? Okay. Was that in the bathroom or the classroom?

8 A. (No Response)

9 Q. Or do you know?

10 A. I don't know.

11 Q. Okay. Child 5 what were you wearing? Were you wearing a shirt  
12 and pants?

13 A. Yes.

14 Q. Okay. And what about Ms. Ronasha? Was she wearing a shirt and  
15 pants?

16 A. Yes.

17 Q. Okay. And what about her shirt? Was her shirt up or down?

18 A. Up.

19 Q. Up? Okay. Can you show me on this picture how high it was up?

20 A. (Indicating.)

21 Q. Okay. And what could you see when her shirt was up?

22 A. (Indicating)

23 Q. What is that?

24 A. Bellybutton and the boobies.

25 Q. And the boobies? Okay. Child 5 what color were her boobies?

MASTER Child 5

SALAZAR - DIRECT by MS. MILES

Page 854

- 1 A. Brown.
- 2 Q. Brown? What shape were they?
- 3 A. Circle..
- 4 Q. Okay. And you said that Ms. Ronasha wanted you to pinch her
- 5 boobies; Is that what you said?
- 6 A. Yes.
- 7 Q. What did that feel like?
- 8 A. Squishing a gummy bear.
- 9 Q. Like squishing a gummy bear? Okay. Child 5 was anybody else in
- 10 the bathroom with you and Ms. Ronasha?
- 11 A. No.
- 12 Q. Okay. And has anybody ever wanted anybody else to do anything to
- 13 your body?
- 14 A. I don't know.
- 15 Q. You don't know? Okay. What about any of your friends? Did they
- 16 have to go in the bathroom with you?
- 17 A. No.
- 18 Q. Okay. Did they ever have to touch your body?
- 19 (Brief Pause)
- 20 A. No.
- 21 Q. Okay. Child 5 what is "juice"?
- 22 A. Butt juice.
- 23 Q. Can you tell me what it is?
- 24 (Brief Pause)
- 25 A. I don't know.

MASTER Child 5

SALAZAR - DIRECT by MS. MILES

Page 855

- 1 Q. Okay. Can you tell me where it comes from?
- 2 MR. HENRY: Objection, asked and answered.
- 3 A. Pee-pee.
- 4 MS. MILES: I said where it comes from, not what was it.
- 5 THE COURT: Okay. I'll — I'll allow the answer. Go ahead.
- 6 Q. (By Ms. Miles) Okay. You said it comes from your pee-pee. Of your  
7 body?
- 8 A. Yes.
- 9 Q. Okay. So can you point to where you're talking about the juice comes  
10 from?
- 11 A. (Indicating)
- 12 Q. Okay. What color is juice?
- 13 (Brief Pause)
- 14 A. It's clear.
- 15 Q. It's clear? Is it the same thing as pee? Is it the same color as pee or  
16 the same thing? Or is it different?
- 17 A. No.
- 18 Q. No it's different or no, it ---
- 19 A. It's different.
- 20 Q. Okay. Child 5 who taught you about juice?
- 21 A. Ronasha.
- 22 Q. Okay. Child 5 do you remember talking to your mommy about this?
- 23 A. Yes.
- 24 Q. Okay. And what about Ms. Meredith? Do you remember talking to  
25 Ms. Meredith?

MASTER Child 5

SALAZAR - CROSS by MR. HENRY

Page 856

1 A. Yes.

2 Q. Okay. What about Ms. Tabitha? Do you remember talking to Ms.

3 Tabitha?

4 A. Yes.

5 Q. Okay. Hold on just a second, okay? I'm going to check with Ms. Kelly  
6 real quick.

7 MS. MILES: Beg the Court's indulgence.

8 (Off-The-Record Comments)

9 Q. (By Ms. Miles) Child 5 you said that -- that juice comes out of your  
10 peepee. How does the juice come out of your peepee?

11 A. You have to squeeze it.

12 Q. You have to squeeze it? What do you squeeze it with?

13 A. My fingers.

14 Q. Okay. How many times? One time or more than one time?

15 A. More than one time.

16 MS. MILES: Okay. That's all the questions I have for you,  
17 okay? Mr. Henry right here might ask you a couple. All right?

18 THE WITNESS: Okay.

19 MS. MILES: Okay. Just answer anything he has for you.

20 MR. HENRY: May I approach, Judge?

21 THE COURT: Yes, sir.

22 (Ms. Miles starts stepping toward the bench.)

23 (Off-The-Record Comments)

24 CROSS-EXAMINATION by MR. HENRY:

10:43 A.M.

25 Q. Just a couple of things, okay? Now, you said that Ms. Ronasha had a

1 shirt on; is that right?

2 A. Yes.

3 Q. You remember saying that? Okay. And she pulled her shirt up over  
4 her boobies?

5 A. Yes.

6 Q. Okay. And so you could see -- could you see her skin from above her  
7 boobies?

8 A. Yes.

9 Q. And down to her bellybutton?

10 A. Yes.

11 Q. Okay. Did she have anything else under her shirt that she took off?

12 A. No.

13 Q. Okay. And was there anything else on her skin between her boobies  
14 and her bellybutton that you saw?

15 A. No.

16 Q. Okay.

17 (Brief Pause)

18 MR. HENRY: Thank you very much.

19 MS. MILES: No further questions, Your Honor. May the  
20 witness step down?

21 THE COURT: You may stand down.

22 MS. MILES: Thank you.

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

24 MS. MILES: A brief recess, Your Honor? We'll get things reset  
25 for the next witness.

1           **THE COURT:**       Okay. All right. Mr. Foreman, ladies and  
2 gentlemen of the jury panel, let's take another short break.

3           **(The jury exited the courtroom at 10:44 a.m.)**

4           **(Whereupon, a recess was taken from 10:44 a.m. until 10:51 a.m.)**

5           **THE COURT:**       I want to explain my ruling on the objections as to  
6 leading. I want to, again, reiterate the fact that the judge is supposed to take  
7 into consideration the witnesses, particularly very young witnesses, in — in  
8 deciding how to proceed with them as far as the Rules are concerned.

9           And that -- and -- and, in the first place in my ruling, I don't think it was  
10 leading to say, "I'm going to show you this chart of a girl and ask you if you  
11 can identify the parts," or "I'm going to show you one of a boy and see if you  
12 can identify these parts," and "what do you call these parts," and, then, go  
13 through that. I don't see that as leading at all and an objection was made to  
14 that.

15           Secondly, with -- with regard to the question about juice, I think that  
16 you can not know what juice is and still know where juice comes from.

17           And so the objection was made when he said he didn't know what  
18 juice was. And, then, he was asked, "Do you know where -- where juice  
19 comes from?"

20           And that's a separate question. And I think it's -- he can answer "yes"  
21 or "no" as to -- as to that question. And I think that's a different question  
22 than, "Do you know ..." -- I mean, he could easily not know what juice is and  
23 still know where -- the source of the juice.

24           So there was an objection to leading on that. I did not -- the Court did  
25 not think that was leading at all because that calls for two different answers.

**MS. TABITHA WEBER - DIRECT by MS. MILES****Page 859**

1 And it was a "yes" or "no" answer. So I did not consider that leading.

2 All right. I just wanted to explain my ruling on the record for the  
3 Appellate Courts. All right. We -- you can bring everybody back in.

4 **MS. MILES:** All right.

5 **MS. HALL:** Thank you, Your Honor.

6 **(Brief Pause)**

7 **THE COURT:** We're waiting on Ms. Hall or ---

8 **MS. MILES:** Yeah. We can probably go ahead and bring the  
9 jury in.

10 **(Off-The-Record Comments)**

11 **MS. MILES:** We're ready.

12 **(Brief pause while waiting for Ms. Hall to return to the courtroom.)**

13 **THE COURT:** Okay. Please, bring the jury in.

14 **(The jury was summoned and entered the courtroom at 10:53**  
15 **a.m.)**

16 **THE COURT:** You may proceed.

17 **MS. MILES:** Yes, sir, Your Honor. The State calls Tabitha  
18 Weber back to the stand, please.

19 **THE COURT:** Ma'am, you were previously sworn. You continue  
20 to be sworn and under oath.

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

22 **(The witness, having been previously sworn, returned to the**  
23 **stand.)**

24 **DIRECT EXAMINATION by MS. MILES:**

**10:53 A.M.**

25 **Q.** Good morning.

MS. TABITHA WEBER - DIRECT by MS. MILES

Page 860

1       A.       Good morning.

2       Q.       Ms. Weber, on what dates did you conduct forensic interviews with

3 Child 5

4       A.       It was on January 5<sup>th</sup> and January 19<sup>th</sup> of 2011.

5       Q.       Okay. And what person or agency referred Child 5       for the forensic  
6 interview?

7       A.       It was Detective Burrell from the Spartanburg County Sheriff's office.

8       Q.       Okay. How old was Child 5       at the time of his forensic interviews?

9       A.       He was four (4).

10      Q.       Okay. Was he assessed for competency at the initial interview?

11      A.       Yes, he was.

12      Q.       Okay. In your opinion, did he appear competent?

13      A.       Yes, he did.

14      Q.       How was that determined?

15      A.       Through using a truth and lie book and using pictures and see if he  
16 understands when different children --- what children are saying about different  
17 pictures. And he demonstrated the ability to differentiate between the truth and a  
18 lie.

19      Q.       Okay. What, if any, observations did you make concerning his ability  
20 to comprehend truthfulness?

21      A.       He did comprehend.

22      Q.       Okay. Was Child 5       able to communicate personal information to  
23 you about his family members, pets?

24      A.       Yes, he did.

25      Q.       Okay. And was that information independently verified through other



1 sources?

2 A. Yes.

3 Q. Okay. How might his age have been a factor in his ability to  
4 communicate the difference between a truth and a lie?

5 A. He understood the difference. And he was able to understand it in ---  
6 in his language.

7 Q. Okay. What's your opinion regarding his present ability to differentiate  
8 the truth and a lie?

9 A. He is able to.

10 Q. Okay. What's your opinion regarding his understanding of the moral  
11 responsibility of telling the truth versus telling a lie?

12 A. He understands.

13 Q. What, if any, safeguards were used when interviewing Child 5 to  
14 prevent any type of influence?

15 A. Checking to see if he used age-appropriate language, to see if he  
16 used his own words, and see if there's any alternative explanations for the things  
17 he's --- he's say — he was saying; if there's a misunderstanding of some kind for  
18 trying to figure out and clarify the truth behind what he is saying.

19 Q. Okay.

20 MR. HENRY: Objection, Your Honor.

21 THE COURT: Sustained as to truth, Counsel.

22 MS. MILES: Okay.

23 Q. (By Ms. Miles) And can you tell us whether or not Child 5 made a  
24 disclosure of sexual abuse to you during the forensic interviews?

25 A. He did.

MS. TABITHA WEBER - DIRECT by MS. MILES

Page 862

1 Q. Okay. What, if anything, did Child 5 relate to you concerning the  
2 time or time frame that the abuse occurred?

3 A. It was while he was at Kids "R" Kids Daycare.

4 Q. Okay. And what, if anything, did Child 5 relate to you concerning the  
5 place or places that the abuse occurred?

6 A. It was in the bathroom.

7 Q. Okay.

8 A. At the --- at the daycare.

9 Q. At the daycare? Okay. Did you document Child 5 disclosure in  
10 any way?

11 A. I did. It was videoed an audio recorded.

12 Q. Okay. And has that audio and video recording been preserved?

13 A. Yes.

14 Q. Okay.

15 MS. MILES: Your Honor, may we approach briefly?

16 THE COURT: You may.

17 MS. MILES: Thank you.

18 (Whereupon, a bench conference was had with all attorneys  
19 present.)

20 Q. (By Ms. miles) Ms. Weber, I'm going to show you what's been marked  
21 at State's Exhibit 19. And what is that?

22 A. It's the recording of Child 5 forensic assessment.

23 Q. Okay. And does that fairly and accurately represent the forensic  
24 interview done on that day?

25 A. Yes.

1 Q. Okay. And is that the video of your interviews?

2 A. Yes.

3 Q. Okay. Has that been altered in any way?

4 A. No, it has not.

5 Q. Okay. And have you had an opportunity to review it?

6 A. Yes.

7 Q. Okay.

8 MS. MILES: At this time, Your Honor, the State requests to  
9 admit State's Exhibit Number 19 pursuant to *Jessie's Law* and permission to  
10 publish to the jury.

11 THE COURT: All right. Standard objection, Counsel?

12 MR. HENRY: Yes, sir.

13 THE COURT: All right. And the Court will admit -- admit it over  
14 objection and we will put the factual findings by the Court in at -- at a later  
15 time so we can proceed on.

16 MS. MILES: Okay. Thank you, Your Honor.

17 THE COURT: And that will be timely made then.

18 MS. MILES: Okay. At this time ---

19 THE COURT: You -- you may publish, yes, ma'am.

20 MS. MILES: Thank you.

21 (Whereupon, State's Exhibit Number 19 was admitted into  
22 evidence over objection and published to the jury.)

23 MS. HALL: Your Honor, this first one is 44 minutes just so the  
24 Court is aware.

25 THE COURT: Okay.

1 (DVD began playing at 10:59 a.m.)

2 (Off-The-Record Comments)

3 THE COURT: Okay. Let's just take a short break and we'll come  
4 right back. Thanks.

5 (The jury exited the courtroom at 11:44 a.m.)

6 (Whereupon, the recess was taken from 11:44 a.m. until 11:58  
7 a.m.)

8 THE COURT: Keep your seats, please. Thank you.

9 (Brief Pause)

10 (Off-the-Record Comments)

11 THE COURT: All right. I guess we can proceed. I was trying to  
12 make sure everybody was allowed to be back in that wanted to be in. Bring  
13 the jury in.

14 (The jury was summoned and entered the courtroom at 11:59  
15 a.m.)

16 (Off-the-Record Comments)

17 THE COURT: All right. Please proceed, Counsel.

18 (The second DVD began playing at 12:00 p.m.)

19 (Ms. Weber returned to the witness stand after DVD concluded.)

20 CONTINUED DIRECT EXAMINATION by MS. MILES at 12:31 P.M.

21 Q. Ms. Weber, what do you look for during a forensic interview as far as  
22 third-party influence or suggestibility?

23 A. Seeing if it seems like the child has been coached, if there's an  
24 alternative explanations for why the child might be saying the things he saying,  
25 seeing if there is -- if it's plausible for what is being disclosed could have actually

MS. TABITHA WEBER - DIRECT by MS. MILES

Page 865

1 happened.

2 MR. HENRY: Objection, Your Honor.

3 THE COURT: Overruled. Proceed.

4 Q. (By Ms. Miles) And what different things would you have looked at in  
5 this video specifically with Child 5 during his interview?

6 A. I'm seeing if he had age-appropriate language, if he was able to  
7 describe incidents of an adult nature in a — in a childlike manner.

8 Q. Okay. What avoidant tactics, if any, did Child 5 display during your  
9 interviews?

10 A. Oh, he's used numerous avoidance tactics. He would turn away, go  
11 away from the table or change the subject; he was ready to go. Often he would  
12 change the subject and — and start distracting me into another subject matter so  
13 not to have to talk about the things that I was asking him about.

14 Q. Okay. How common is refocusing necessary with children of  
15 Child 5 age?

16 A. It's very common, particularly with preschool-aged children.

17 Q. Okay. Why may a child, who is in for a forensic interview, for  
18 something along the nature of sexual abuse, giggle at different points during the  
19 interview?

20 A. An anxious giggle or to look at — if there's some anxiety, sometimes  
21 some giggling can happen, particularly with this age group. And to see a — a  
22 drawing, when he realized the drawing was representing somebody without clothes  
23 on, for this age range that can be funny to him and he would giggle.

24 Q. And how common is it to have to take breaks on the topic of the  
25 disclosure?

MS. TABITHA WEBER - DIRECT by MS. MILES

Page 866

1       A.       Oh, it's very common. And it's very obvious, when you see that they  
2       can't — they can't attend to continuing to talk about it. They have to pull back and  
3       talk about something else.

4               And, then, sometimes you can bring them back, to help clarify some  
5       information, and sometimes you can't. They — they just can't do it.

6       Q.       Okay. How common is it for the children to change the subject back to  
7       a topic that they like?

8       A.       Very common.

9       Q.       Okay. What about super heroes and bad guys that Child 5       talked  
10      about?

11      A.       Oh, particularly for a four-year-old, yes. That's very common to — to  
12      change the subject to something that's fun to talk about.

13      Q.       Okay. During the first video, when you asked Child 5       where he had  
14      to pinch on Ms. Ronasha, what part did he point to?

15      A.       He pointed to the breast area.

16      Q.       Okay. And we've heard during the video a different name, Child 6  
17      mentioned. What did you do, if anything, regarding any names such as Big Child 6  
18      that was mentioned by Child 5

19      A.       I notified law enforcement that he had disclosed about another child.

20      Q.       Okay. What, if any, recommendation did you make following  
21      Child 5       forensic interview?

22      A.       That he not have any contact with Ronasha Taylor and that he begin  
23      therapy.

24      Q.       Okay. In your experience, what are the different factors regarding time  
25      lapses that you see during these forensic interviews or after?

**MS. TABITHA WEBER - DIRECT by MS. MILES****Page 867**

1       **A.**       When things like this go on with children that are very young and, then.  
2 maybe later, say in this case it's been over a year later, they're having to talk about it  
3 again, due to the way they retain information, it can be hard to remember those  
4 kinds of things. So there's going to be bits and pieces they remember and there's  
5 going to be things that they forget.

6       **Q.**       And how common is that?

7       **A.**       That 's very common.

8       **MS. MILES:**       Beg the Court's indulgence.

9       **(Brief Pause)**

10       **MS. MILES:**       I don't have any further questions for you. Please  
11 answer any questions Mr. Henry may have.

12       **THE WITNESS:**   Okay.

13       **MR. HENRY:**       No questions, Your Honor.

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

16       **MS. MILES:**       Permission to recall, Your Honor, as the  
17 case —

18       **THE COURT:**       You may recall if you need to.

19       **MS. MILES:**       Thank you.

20       **THE COURT:**       Yes, ma'am.

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

22       **THE COURT:**       All right. Are you about ready to get some lunch?

23       **MS. MILES:**       Yes, sir, Your Honor.

24       **THE COURT:**       Mr. Foreman, ladies and gentlemen of the jury  
25 panel, it's about, by the courtroom clock — I don't know how we do this every

## Motions &amp; Matters

Page 868

1 time, but it's twenty-five (25) minutes till one (1:00), the same time as the last  
2 two days when we arrived at a convenient time to take lunch.

3 So we'll take lunch at this time. I'm going to ask you, please, to get  
4 lunch and be back in the jury room at twenty (20) minutes till two (2:00), the  
5 same time as yesterday, twenty (20) minutes until two (2:00). Thank you.

6 (The jury exited the courtroom for the luncheon recess at 12:35  
7 p.m.)

8 THE COURT: All right. At this time, will take up any objections to  
9 the video which we reserved until now.

10 MS. MILES: Okay.

11 MR. HENRY: Just on constitutionality, Judge. That's all.

12 THE COURT: Okay. All right. And that — and that is preserved  
13 all the way through the — the objection based on constitutional — that, that  
14 statute is unconstitutional. And, so — but nevertheless, based on the  
15 Appellant Court instructions, I feel like I need to address these issues under  
16 *Jessie's Law*.

17 And I understand that Counsel is not really objecting on that basis, but  
18 of course, the objection is noted on the constitutionality grounds and  
19 overruled. I'll hear you with regard to *Jessie's Law*.

20 MS. MILES: Yes, sir, Your Honor. The State offers the  
21 following evidence in support of entering the forensic evaluation of Child 5  
22 Salazar, date of birth February 21<sup>st</sup>, 2006. He was four years old at the time  
23 of his forensic evaluations.

24 Child 5 made statements, during recorded forensic evaluations to  
25 Tabitha Weber, who has been qualified as an expert in child abuse and



1 forensic assessment. Child 5 provided these statements in response to  
2 questioning conducted during an investigative forensic interview. These  
3 interviews were recorded and have been preserved throughout this time  
4 period.

5 Child 5 has testified today and was subjected to cross examination.  
6 He did testify to having to touch Ronasha's boobies, which is what he calls  
7 the breast area.

8 During Child 5 forensic interview as to what specifically he did  
9 disclose, the State submits the following factors in support of admitting  
10 Child 5 recorded forensic interviews:

11 Theses statements were not elicited by leading questions but by the  
12 proper questioning technique that is used by the forensic interviewers. The  
13 forensic interviewer has been qualified as an expert in child abuse and  
14 forensic assessment and has been trained for many years in conducting  
15 investigative interviews with children.

16 The forensic evaluation did contain an account of the offense as  
17 described by Child 5 when he testified, specifically to touching the  
18 Defendant's breast area.

19 Child 5 terms are the same. What he says is the same. And the  
20 State submits that the statement has internal coherence.

21 **THE COURT:** All right. Thank you. In looking at the admissibility  
22 of an out-of-court statement of a child under — under 12, pursuant to Section  
23 17-23-175, which — which makes it admissible wherein otherwise it would  
24 not be admissible under our Rules, the Court is required to make certain  
25 findings in order to admit them.

1 And I have determined that — that, of course, that it should be  
2 admitted. And we — and we have already published that to the jury.

3 It says that — in Subsection (a) Of that section, "...General Sessions  
4 Court proceeding that an out-of-court statement by a child is admissible if the  
5 following is met: one, the statement was given in response to questioning  
6 conducted during an investigative interview of the child," which was done in  
7 this case.

8 "An audio and visual recording of the statement was preserved on film,  
9 videotape, et cetera," and that was done in this case. "Third, that the child  
10 testifies at the proceeding and is subject to cross examination on the  
11 elements of the offense and the making of the out-of-court statement," and  
12 that was done in this case.

13 Fourth, "That the Court finds, in a hearing conducted outside of the  
14 presence of the jury, the totality of the circumstances surrounding the making  
15 of the statement provides particularized guarantees of trustworthiness."

16 Subsection (b) of that section, it says, "In determining whether a  
17 statement possesses particularized guarantees of trustworthiness, the Court  
18 may consider, but is not limited to the following factors: one, whether the  
19 statement was elicited by leading questions." I find that it was not.

20 "Two, whether the interviewer has been trained in conducting  
21 investigative interviews of children," I find that she has.

22 "Whether the statement represents a detailed account of the alleged  
23 offense," and I — to the extent that a four-year-old child can give details, I  
24 think it was a detailed account of the alleged offense.

25 "Whether the statement has internal coherence," and I'll talk about that

1 more in just a second. "Sworn testimony of any participant which may be  
2 determined as necessary by the Court." And we had the testimony of the  
3 interviewer in this case, who has been qualified as an expert in the field of  
4 investigative interviews with children in sex — sex abuse cases.

5 And, with regard to internal coherence, again I'll say that, you know, I  
6 listened to the tapes and — in private and — and in chambers on the  
7 weekend and — and scrutinized them very carefully to determine one,  
8 whether — with regard to looking at leading questions, suggestiveness in  
9 them, and was not at all concerned about that in listening to them and  
10 observing them and — and the conduct.

11 I've found that the — the child in this case revealed this information,  
12 without any suggestion with regard to the original statement, about being  
13 required to touch the Defendant's breast, and the lights out in the bathroom.

14 I find that there was a great deal of avoidance as there were by the  
15 children in all of these cases. And — and, to the extent that they were very  
16 cooperative and just talking and chitchatting and that with the interviewer,  
17 until you got to the part that they really didn't want to talk about in this case.

18 And, then, they tried a number of avoidance techniques, which are —  
19 that's true of adults too I think. But in — in children it was obvious by  
20 distracting and trying to change the subject; getting up and moving around,  
21 showing a drawing, doing anything to distract. And that's real obvious in — in  
22 observing the tapes.

23 And therefore — and — and it was necessary to try to get the child to  
24 refocus after some period of time; let them talk about other things for a while.

25 And so that — that is in a normal course. And I find that there is

## Motions &amp; Matters

Page 872

1 internal coherence from the beginning to the end of the tapes. They're long  
2 and there's a lot of just time that — that goes forward on the video while the  
3 interviewer is — is trying to make the child more comfortable and willing to  
4 talk with her and — and develop some trust there, which is normal in these  
5 kinds of interviews.

6 So I find there is internal coherence. And, for all of the reasons I've  
7 just given, I find that the tape should be — the — the taped interview should  
8 be admissible under section 17–23–175, otherwise known as *Jessie's Law*.

9 All right. Thank you. Let's get some lunch and we'll — we'll resume  
10 — let's do like we did yesterday. I should have allowed a few more minutes,  
11 but let's resume about ten (10) minutes till 2:00, ten (10) minutes till 2:00.

12 **MS. MILES:** Thank you, Your Honor.

13 **THE COURT:** All right. Thank you.

14 **(Whereupon, a luncheon recess was taken by the court staff from**  
15 **12:42 p.m. until 1:50 p.m.)**

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

17 **(Brief Pause)**

18 **THE COURT:** All right. Please bring the jury in.

19 **(The jury entered the courtroom at 11:47 p.m.)**

20 **THE COURT:** Good afternoon, Mr. Foreman, ladies and  
21 gentlemen of the jury panel. I hope **you** enjoyed your lunch. We're ready  
22 now to resume with the trial. Counsel, ready to proceed?

23 **MS. HALL:** The State's ready, Your Honor. The State calls  
24 Pamela Davis.

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

**MS. PAMELA DAVIS - DIRECT by MS. HALL**

**Page 873**

1 (Whereupon,

2 **PAMELA DAVIS**

3 first being duly sworn, testified as follows:)

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

**1:48 P.M.**

5 **Q.** What is your name?

6 **A.** Pamela Davis.

7 **Q.** How old are you, Ms. Davis?

8 **A.** Forty-two (42).

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

10 **A.** At a company called Resurgent Capital Services (phonetic). I'm an  
11 accountant for them.

12 **Q.** Make sure you speak right into the microphone so she can hear you. I  
13 know it's hard.

14 **A.** All right.

15 **Q.** Thank you. Ms. Davis, who lives with you?

16 **A.** My son Child 6

17 **Q.** Are you a single mother?

18 **A.** Yes.

19 **Q.** What about a boyfriend? Do you have a boyfriend?

20 **A.** Yes, I do.

21 **Q.** What is his name?

22 **A.** Dennis Fant (phonetic).

23 **Q.** And does Mr. Fant live with you?

24 **A.** No, he does not.

25 **Q.** Does Mr. Fant have any children?

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 874

1 A. Yes, he does.

2 Q. Who are they?

3 A. A son and a daughter, Courtney and EJ(phonetic).

4 Q. Courtney and EJ?

5 A. Uh-huh (affirmative).

6 (Brief Pause)

7 Q. How old is Child 6

8 A. Child 6 is six (6) years old.

9 Q. When is his birthday?

10 A. March 12<sup>th</sup>, 2006.

11 Q. And where does Child 6 go to school?

12 A. Legacy Charter.

13 Q. What grade?

14 A. He's in the first grade.

15 Q. Okay. Would you tell the jury a little bit about Child 6 background?

16 A. Child 6 was placed in DSS custody when he was born. And I became  
17 a licensed foster parent. And, when Child 6 was two years old, he was placed in my  
18 care. And when he was legally able to be adopted, at the age of three, that's when  
19 I adopted him, June 2009.

20 Q. How do you go about becoming a licensed foster care provider?

21 A. Well, you have to take foster care classes. You have to have home  
22 evaluations, home visits, various phases to go through before you're approved.

23 And I started in maybe February 2008. And then I was finally  
24 approved by -- in November of 2008.

25 Q. So, in November 2008, you were approved?

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 875

1 A. Uh-huh (affirmative)..

2 Q. And when did you get Child 6

3 A. In 2007 -- sorry, the year before. I got Child 6 in May of 2008.

4 Q. Okay. And had Child 6 been placed with any other foster care  
5 providers prior to coming to you?

6 A. Yes, he had. He had been in two other foster homes and in two  
7 temporary homes.

8 Q. And how old was Child 6 when he came to you?

9 A. He was a little bit over two (2), like two years and two months.

10 Q. Two years and two months?

11 A. Yes.

12 Q. Do you know why Child 6 was initially placed into DSS custody?

13 A. Well his mom used drugs and, when she went into labor, she told the  
14 hospital staff that she had actually used drugs the day before delivering.

15 Q. And did Child 6 test positive for drugs?

16 A. Yes.

17 Q. What were they?

18 A. Cocaine.

19 Q. Okay. And when was Child 6 formally adopted?

20 A. In 2009.

21 Q. Okay.

22 (Brief Pause)

23 Q. And, as part of that licensure — did that licensure include a criminal  
24 background check?

25 A. Yes, it does.

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 876

1 Q. Okay. Has any adult had access to your child at home other than  
2 you?

3 A. Well I have, you know, various relatives that visit. Obviously, my grand  
4 -- you know, my parents, his grandparents, my brother, uncles, and, of course, my  
5 boyfriend, Dennis.

6 Q. Okay. How do you know Defendant Ronasha Taylor?

7 A. She was a teacher at the daycare that Child 6 attended.

8 Q. What daycare was that?

9 A. Kids "R" Kids.

10 Q. And where is that?

11 A. In Greer.

12 Q. When did you first meet Ms. Taylor?

13 A. As soon -- you know, at the same time Child 6 was enrolled. It was  
14 August of 2009.

15 Q. How old was Child 6 when he first started at Kids "R" Kids?

16 A. He was three (3) years old.

17 Q. Three (3) years old? And when did he begin in the 4-K class?

18 A. Around August of 2010 is when he officially -- officially started 4-K.

19 Q. Who was his teacher in the 4-K class?

20 A. He was in Ronasha Taylor's class.

21 Q. What about Ms. Laurie? Did he ever have Ms. Laurie?

22 A. When their classes combined, he did have Ms. Laurie. And, then, of  
23 course, when she was no longer at Kids "R" Kids, he was assigned to Ms. Laurie's  
24 class.

25 Q. Okay. So what was your impression regarding when Ms. Taylor, the



MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 877

1 Defendant, would be responsible for your child?

2 A. She was a substitute teacher quite frequently. And even, when Child 6  
3 first started there, he wasn't in her class, but she -- she was his teacher a lot  
4 because a lot of times, when they had teachers out, they would pull her into classes.

5 Q. And what about when she became his assigned teacher?

6 A. When she was his assigned teacher, you know, every day when she  
7 was assigned.

8 Q. What times of day generally was Child 6 at Kids "R" Kids?

9 A. I'd drop him off between 7:15 to 7:30 in the morning and pick him up  
10 about 5:30 in the evening after I got off of work Monday through Friday.

11 Q. Ms. Davis, what was your impression of what the Defendant, Ms.  
12 Taylor, thought about your child?

13 A. Oh, she seemed really -- I mean, she seemed really good with kids.  
14 And she seemed to be really good with him in calming him down. And she took a  
15 special interest in his background. And she always seemed to like to see him every  
16 day.

17 Q. Was Ms. Taylor familiar, then, with Child 6 background?

18 A. Yes, she was.

19 Q. Okay. How was she with the other children from your observation?

20 A. She was very playful with all the children. I'd see her a lot first thing in  
21 the morning when I dropped Child 6 off. And she would -- sometimes she was  
22 rotated with cafeteria -- cafeteria duty at breakfast. And I'd always see her talking to  
23 all the kids and playing with all the kids.

24 (Brief Pause)

25 Q. When were you first made aware that something may have been going

1 on with the Defendant?

2 A. I received a letter from the daycare. It was late October. It was  
3 around October 29<sup>th</sup> that I received a letter saying that there were allegations  
4 against the Defendant.

5 It was very generic. It didn't specify what the allegation was or that there was  
6 any kind of criminal investigation.

7 Q. And was that the first time you were made aware that something was  
8 going on with her?

9 A. Yes.

10 Q. Okay.

11 (Brief Pause)

12 Q. At that point, how was Child 6 behavior overall?

13 A. Child 6 has always been very temperamental, but he had started  
14 having really bad tantrums again, tantrums that lasted, you know, even hours. And  
15 they -- they just couldn't get him to calm down. He was doing a lot of kicking and  
16 screaming. And he was starting to refuse to have naps.

17 Q. You said that he's always been temperamental.

18 A. Uh-huh (affirmative)..

19 Q. How -- if -- if at all, how did that change around that time period? Or  
20 did it change?

21 A. It increased. I mean, he had gotten a lot -- I mean, at two (2) he was  
22 --- he had a lot of tantrums. And at three (3) he did. But, you know, as he got closer  
23 to four (4), those tantrums started to decrease.

24 They weren't daily or weekly. You know, it was just -- it was just  
25 maybe once a month or once -- once every other week.

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 879

1 And, by the time he was in Ms. Phyliss' four-year-old class, he was  
2 doing very well. But now they have started picking back up almost daily.

3 Q. And when did they start picking back up to being almost daily? Do you  
4 recall?

5 A. It was that fall of 2010.

6 Q. Okay. When --- you mentioned the first letter you got was very  
7 generic. It didn't mention any allegations; is that correct?

8 A. Right, any criminal ---

9 Q. Any criminal allegations?

10 A. Uh-huh (affirmative).

11 Q. When did you first learn of any criminal allegations against the  
12 Defendant?

13 A. When I was watching the news. It was late one night. I think it was  
14 December 22<sup>nd</sup> or 23<sup>rd</sup>. I mean, it --- I think it was the 22<sup>nd</sup>. I was watching the news  
15 when I lay down and I saw, you know, the news report.

16 Q. Okay. You said that was late December 2010?

17 A. Uh-huh (affirmative).

18 Q. And how was Child 6 behavior at that point?

19 A. Child 6 was still having very bad tantrums. In fact, I had started getting  
20 calls from the daycare to come and pick him up. They -- they refused or they said  
21 they couldn't handle him and I had to come get him out of school. And he was still  
22 refusing to take naps.

23 Q. So tantrums and refusing to take naps?

24 A. Exactly.

25 Q. When, if at all, did you question Child 6 about the Defendant?

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 880

1       A.       I asked him the next day after I saw the news report because it was  
2       scaring me very badly. And I -- you know, I called the daycare first that morning.  
3       And, then, later that afternoon I asked Child 6    you know, "Has anybody touched you  
4       inappropriately?" And he just kind of shook his head and put his head down.

5       Q.       So you asked him, if he had ever been touched, and he shook his  
6       head no?

7       A.       Uh-huh (affirmative).

8       Q.       At this point what, if anything, did you do about Child 6    behavioral  
9       issues?

10      A.       Well, like I said, I was getting calls from the daycare to come pick him  
11      up. So I knew I had to do something. You know, I really hadn't -- I've always  
12      thought about taking Child 6    to be seen by a professional, a psychiatrist or  
13      something, and I felt at that age he was able to, you know, communicate one-on-  
14      one with, you know, with someone.

15                So I made an appointment with a psychiatrist, Doctor Bernat.

16      Q.       How do you spell Bernat?

17      A.       B-E-R-N-A-T.

18      Q.       Okay. And you said he's a psychiatrist?

19      A.       Yes.

20      Q.       What did Doctor Bernat want you to do?

21      A.       Well, the first thing he did was he gave me an evaluation form, a  
22      typical evaluation form, that they complete for testing for ADHD.

23      Q.       Okay. And who --- who did he want to fill that form out?

24      A.       One form was for me and he wanted the teachers to fill the other form  
25      out.

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 881

- 1 Q. And who were the teachers you asked to complete the other form?
- 2 A. Actually, Ms. Laurie and Ms. Kori at Kids "R" Kids completed the form.
- 3 Q. Okay. And you said at that point Ms. Laurie was his primary teacher?
- 4 A. Yes.
- 5 Q. Okay.
- 6 A. And Ms. Kori was kind of a sub in the class too.
- 7 Q. Okay. And when was that? Do you recall?
- 8 A. His appointment with Doctor Bernat was on January the 17<sup>th</sup>, 2011.
- 9 Q. Uh-huh (affirmative).
- 10 A. And I actually took the forms to them the following day. And they
- 11 completed them that day, on January 18<sup>th</sup>.
- 12 Q. Without going into what anyone else said, was there a period in time
- 13 when you became aware that something inappropriate may have happened to
- 14 Child 6
- 15 A. Yes.
- 16 Q. And, without telling me what was said, who did you learn this
- 17 information from?
- 18 A. From Detective Burrell from the Spartanburg County Sheriff's Office.
- 19 Q. When did you speak with Detective Burrell?
- 20 A. She actually called me when I was at work on January 19<sup>th</sup>.
- 21 Q. Two thousand, eleven (2011), January 19<sup>th</sup>?
- 22 A. Yes.
- 23 Q. What, if anything, did you ask Child 6 then?
- 24 A. I didn't ask him anything. I was too upset and I didn't have any -- you
- 25 know, she didn't give me any details. She just said that, you know --

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 882

1 Q. Don't tell me what she said. Did you ask Child 6 anything?

2 A. No, I didn't.

3 Q. Okay. And what behaviors, at this point in time, are you still noticing if  
4 anything?

5 A. He was still having very bad tantrums and still having a lot of difficulty  
6 taking naps, refusing to take naps. He wouldn't lay down.

7 Q. How old is Child 6 at this time?

8 A. He was four years old.

9 Q. Okay. When was Child 6 last day at Kids "R" Kids?

10 A. It was that day, January 19<sup>th</sup>, when I went to pick him up. After  
11 receiving a call from Detective Burrell, I told them I would no longer be bringing  
12 Child 6 back.

13 Q. And why did you make the decision to remove Child 6 from Kids "R"  
14 Kids?

15 A. Because, you know, I was upset and I felt like that environment could  
16 not possibly -- if something had happened, that environment would just remind him  
17 daily. And it would remind me daily.

18 Q. So you were concerned about the environment's effect on Child 6

19 A. Right.

20 Q. Okay.

21 A. I was concerned that there's no way the investigation could be done if  
22 he still attended the daycare.

23 (Brief Pause)

24 Q. What, if any, was your interaction with Bobby Seepersaud from  
25 OHAN?

**MS. PAMELA DAVIS - DIRECT by MS. HALL**

**Page 883**

1       **A.**       I haven't had any --- any interaction with Bobby. I've just heard his  
2 name through the course of this investigation.

3       **Q.**       Okay. What did law enforcement, specifically Detective Burrell, tell  
4 you regarding where a child who had disclosed abuse would typically go in these  
5 cases?

6       **A.**       Detective Burrell said that most -- they refer kids in these kind of cases  
7 to the Spartanburg Children's Advocacy Center. And that I could take him there to  
8 let professionals talk to him and -- and do like forensic interview. And they would  
9 know how to, you know, speak to children.

10      **Q.**       And what was your impression of why a forensic interview was  
11 necessary for Child 6

12      **A.**       Well, in these types of cases, it's just --- and in kids that young, it --  
13 they're the ones that are professionals that are trained to speak to kids on their level  
14 and to find out exactly what happened.

15               **MR. HENRY:**       Objection to that last part, Your Honor.

16               **(Brief Pause)**

17               **THE COURT:**       She's testifying about her knowledge. Overruled.

18      **Q.**       (By Ms. Hall) Okay. Ms. Davis, what did you do next?

19      **A.**       Well, Detective Burrell said that she would set up an appointment.  
20 And actually she told me it was my choice if I wanted to take him. But the  
21 appointment was set for the following Wednesday, January 26<sup>th</sup>.

22      **Q.**       Did you make a choice to take him to the CAC?

23      **A.**       Yes, I did.

24      **Q.**       And when was it you said you took him?

25      **A.**       January 26<sup>th</sup>.

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 884

1 Q. The 26<sup>th</sup>?

2 A. Uh-huh (affirmative)..

3 Q. Okay. What did you tell Child 6 regarding the reason why he was going  
4 to the CAC?

5 A. I was told not to say anything about the case, just tell him that he was  
6 going to go talk about his school. And they wanted whatever things -- you know,  
7 information about him and what he knew about Kids "R" Kids.

8 Q. So you mentioned that he was going to talk about Kids "R" Kids?

9 A. Exactly.

10 Q. What about the Defendant, Ronasha Taylor, did you mention her at all  
11 to him?

12 A. I did not.

13 Q. Okay. What did you tell Child 6 about what he should or should not say  
14 in the forensic interview?

15 A. I told him to just speak the truth, just say what you know, and that's -- I  
16 mean, that's all they want to know.

17 (Brief Pause)

18 Q. What information did you provide the CAC about these allegations?

19 A. Well, I met with Tabitha Weber before, you know, she spoke to Child 6  
20 And she wanted to know some basic information about his background. So, you  
21 know, we talked about his adoption. Of course, about, you know, he's being in  
22 foster care.

23 She wanted to get an idea of his background., his medical history.  
24 She wanted to get kind of an idea if he had any special names for body parts.

25 (Brief Pause)



MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 885

1 Q. What information did you provide the CAC regarding Child 6 exposure  
2 to things of a sexual nature?

3 A. She asked general questions of, you know, who lived in the home,  
4 what kind of TV did he watch, movies, internet, those types of questions.

5 And, at that point, Child 6 didn't have access to anything; any internet,  
6 only watched G rated, PG movies. And I told her that.

7 Q. What exposure at that point had Child 6 had to adult breasts?

8 A. None that I knew of. I always change my clothes in the bathroom.

9 Q. Okay. What about the internet?

10 A. None at that point.

11 Q. How about now?

12 A. Now he does. He spends -- since he started kindergarten, they have a  
13 lot of training on how to use a computer. So they're more familiar -- you know, he's  
14 more familiar with operating a computer and knowing how to not tear it up, what  
15 parts, you know, to be able to use. So, I do let him get on to like Cartoon Network  
16 or, you know, Legos.com to play games.

17 Q. What information were you given about what took place during the  
18 forensic interview?

19 A. Well, we didn't -- she didn't give me a whole lot of information. She  
20 just kind of told me that he did disclose -- he did disclose something about what  
21 happened at Kids "R" Kids.

22 And, then, she just told me that, "I was very proud of him," and that he  
23 was very helpful with her in the interview; his information was very helpful.

24 Q. And "she" that is Tabitha Weber?

25 A. Exactly.

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 886

1 Q. How many times did Child 6 go in for a forensic interview?

2 A. Child 6 went twice.

3 Q. Okay. What was your impression regarding why multiple visits would  
4 be necessary for Child 6

5 A. I was told that, you know, sometimes it's hard for a kid if they don't --  
6 they're not really comfortable with the interviewer person or a lot shyer. And they  
7 won't talk or maybe sometimes it's hard to pull information out of a kid in one  
8 session, especially a child that young.

9 (Brief Pause)

10 Q. What, if anything, did Ms. Weber advise you to discuss with Child 6  
11 prior to his next forensic interview?

12 A. She just told me to tell him he did a great job and that his information  
13 was very helpful.

14 Q. Where, if anywhere, did you take your child to be medically examined?

15 A. I actually took him to his pediatrician first, but it was with the Greenville  
16 Hospital System. And they said they make referrals out to the Children's Advocacy  
17 Center. And since he had already had a forensic interview there, they preferred  
18 that the specialist there, who performed those kinds of evaluations, was the one to  
19 do it -- that did it. So Doctor Henderson at the Children's Advocacy Center did it.

20 Q. Doctor Henderson you said?

21 A. Yes.

22 Q. What information did you provide to Doctor Henderson?

23 A. She asked kind of similar questions that Tabitha had asked about his  
24 medical background, any special names of body parts, just to get a general idea  
25 again -- you know, if -- whether or not did I know that it happened or if he had made

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 887

1 any kind of disclosures to me.

2 Q. And what was the result of his physical exam -- or his medical  
3 examination?

4 A. His medical examination was negative.

5 Q. What about Doctor Bernat, the psychiatrist you mentioned? Has  
6 Child 6 had any follow up with him?

7 A. Let's see, January -- after our visit to the CAC, the following Monday,  
8 we had a visit with Doctor Bernat. It was February 2<sup>nd</sup>. We had a follow-up visit with  
9 him.

10 And, you know, he had already received the forms, the teacher  
11 evaluation on him. And he looked at the evaluations and tried to read, you know,  
12 what he could from the results.

13 But he told me that everything looked -- the results were askew and he  
14 could not make out -- you know, nothing looked like it was within --

15 MR. HENRY: I'm going to object to this hearsay, Judge.

16 THE COURT: Well sustained as to hearsay.

17 Q. (By Ms. Hall) What was your general impression regarding that follow-  
18 up appointment? Was Child 6 diagnosed with anything?

19 A. No, he wasn't.

20 Q. Okay. What about now?

21 A. Now he is. Now just recently, August -- August 31<sup>st</sup> we met with his  
22 pediatrician and he did diagnose him with ADHD. And we started some medicine.

23 Q. So Child 6 is currently diagnosed with ADHD?

24 A. Yes.

25 Q. And for those of us who are not familiar, what does ADHD stand for?

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 888

1 A. Attention Deficit Hyper -- Hyperactivity Disorder.

2 Q. Okay. And you mentioned Child 6 was on some medication?

3 A. Yes.

4 Q. What is that?

5 A. It's the generic for Ritalin.

6 Q. Ritalin?

7 A. Uh-huh (affirmative).

8 Q. How long has he been on -- been on that medication?

9 A. Just about two (2) weeks now.

10 Q. Two (2) weeks?

11 A. Yes.

12 Q. Okay. After your child left Kids "R" Kids, what daycare did he go to  
13 next?

14 A. Well, first I put him in a daycare that he had attended when he was  
15 two years old. It's called The Sunshine House. But, after four days there, they  
16 called me the fourth day and told me to come pick him up; that they couldn't no  
17 longer take care of him because he was having a tantrum, running in and out of the  
18 closets during nap time, yelling and screaming like he didn't want the other kids to  
19 sleep.

20 So I had to remove him there. And, then, I looked up a facility called  
21 Child's Haven. It's like a therapeutic daycare. And I enrolled him -- and so I  
22 enrolled him in that.

23 I had to wait for an open spot, but they had an open spot like two  
24 weeks later. So I enrolled him there.

25 Q. And how long did he stay at the Child's Haven?

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 889

1 A. Until he started kindergarten. And, then —

2 Q. And where -- where did he start kindergarten?

3 A. At Legacy Charter.

4 Q. And that's the same school he's at now?

5 A. Correct.

6 Q. Okay. Where else have you taken Child 6 to speak with someone  
7 regarding this case?

8 A. About March or February -- late February and March, they started  
9 having therapy sessions with Meredith Loftis.

10 (Brief Pause)

11 Q. And how much information did you provide to Meredith about these  
12 allegations?

13 A. Meredith and I met one-on-one before she had a session with Child 6  
14 She did the same thing, wanted some general background information about his  
15 medical history. And in particular about his foster care history just so she could get  
16 an idea of his personality.

17 Q. When, if at all, did Child 6 disclose to you that something inappropriate  
18 may have happened to him?

19 A. Child 6 has not talk to me. He's talked -- the first time he ever said  
20 anything specific about Kids "R" Kids in this case was this year, actually January.

21 It was around January 26<sup>th</sup> of this year. And we were leaving a  
22 session with Meredith and he actually started talking in the backseat of the car.

23 Q. And you said Child 6 did not disclose that something inappropriate had  
24 occurred or he did disclose?

25 A. That's the first time he disclosed it to me.

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 890

1 Q. Okay.

2 A. On January the 26<sup>th</sup>.

3 Q. And where did Child 6 disclose that the abuse had taken place?

4 A. In the bathroom.

5 Q. At...? The bathroom...?

6 A. Kids "R" Kids.

7 Q. Okay.

8 (Brief Pause)

9 Q. Ms. Davis, what are some of the reasons why you chose Kids "R" Kids  
10 in the beginning?

11 A. It was a good facility. It was a large facility. They have a lot of  
12 activities for the kids. They have a water park.

13 They had — and the camera system was a huge part, the Watch Me  
14 Grow system.

15 Q. How often did you watch Child 6 on the camera system?

16 A. When he first started, I watched it very often. I couldn't watch it at  
17 work because our --- you know, our internet service blocks a lot of because it's ---  
18 we're at a company where we have a lot of personal data on people. So our internet  
19 blocks a lot of sites like that.

20 But at lunch time, and if I had my laptop, I would go in and I would  
21 actually log on or in the evenings I would log on.

22 Q. So at lunch time and in the evenings?

23 A. Uh-huh (affirmative).

24 Q. How often would you say you watched the video feed?

25 A. In the beginning, at — you know, three (3) or four (4) times a week

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 891

1 when he was first enrolled. And, then, by the time he was in 4-K, maybe once or  
2 twice.

3 Q. A week?

4 A. A week.

5 Q. What part of the rooms could you see in his 4-K classroom?

6 A. You could see --- they have two camera angles, so you could see the  
7 area they -- well I would usually see them through circle time, with the books, and  
8 you know, other information.

9 And then you -- they have another area where they have tables lined  
10 up. And sometimes they eat lunch in there on the tables. Other times they do  
11 schoolwork. You could see that on from the camera.

12 Q. What about the door to the bathroom; could you see that?

13 A. You can tell generally where the bathrooms are from the camera.

14 Q. What about inside the bathroom?

15 A. You can't see inside the bathroom.

16 Q. What was the lighting like at nap time?

17 A. Well it was very dark, especially in Ms. Laurie's class. And which most  
18 of the time they combined in there for nap time. And, when they turned off the  
19 lights, the cameras didn't pick up a whole lot.

20 It was hard to see unless you --- your child was right there up under a  
21 camera angle and you knew what type of blanket or something he might -- he or she  
22 may have. But I had a hard time. I never could see Child 6 during nap time.

23 Q. How often did Child 6 play in the bathroom at home?

24 A. Child 6 doesn't play in the bathroom. He plays -- if I can get him in the  
25 tub, which, you know, whenever I'm trying to do bath time, you -- you have a hard

MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 892

1 time getting him in there, but if you give him something to play with, he will -- you  
2 know, he likes to play in the tub.

3 But, in the bathroom, it is like in and out. He don't play in the  
4 bathroom.

5 Q. What about the Kids "R" Kids? How often were you made aware that  
6 Child 6 played in the bathroom at Kids "R" Kids?

7 A. No teacher ever said that Child 6 was playing in the bathroom at Kids  
8 "R" Kids.

9 Q. How long -- when these allegations came out, how long had Child 6  
10 been potty trained at that point?

11 A. He was potty trained when he turned three (3) actually, in the month of  
12 March, at The Sunshine House when he left there. That's when he was, you know,  
13 totally potty trained.

14 Q. So it had been about 18 months when he started 4-K he had been  
15 potty trained?

16 A. Uh-huh (affirmative), yes.

17 Q. Okay. What type of assistance did Child 6 require from you in the  
18 bathroom?

19 A. None.

20 Q. When did Child 6 turn four (4)?

21 A. Child 6 turned four ----

22 Q. Uh-huh (affirmative).

23 A. --- at -- in 2010.

24 Q. March of 2010?

25 A. March, uh-huh (affirmative).



MS. PAMELA DAVIS - DIRECT by MS. HALL

Page 893

1 Q. What about others? To your knowledge, what assistance, if any, did  
2 Child 6 require from others in the bathroom?

3 A. No one ever told me they were having problems. Even when he first  
4 started, he was in the three-year-old class and they -- they had told me they don't  
5 allow kids in that class unless they were fully potty trained.

6 The teachers didn't want to be assisting kids in the bathroom. If they  
7 would make mistakes, in the 2 ½ years, or bump them down to a lower age level  
8 class.

9 Q. And was Child 6 bumped down because he was not potty trained?

10 A. No, he was not.

11 Q. No? Okay. What were your feelings towards the Defendant prior to  
12 these allegations coming out?

13 A. I liked Ms. Taylor. She seemed like she was very comfortable with all  
14 the kids. She seemed like she enjoyed being around kids. And it seemed like she  
15 really took a special interest in Child 6

16 Q. Ms. Davis, who have you spoken with, if anyone, regarding you and  
17 your family's legal rights in this case?

18 A. I have retained an attorney.

19 Q. And for what purpose?

20 A. To protect my child's interest as a victim in this case and to make sure  
21 that the case was fully investigated.

22 (Brief Pause)

23 Q. What is your relationship like with the other families in this case?

24 A. Before this case began, I only knew them as, you know, kids' mom  
25 and dad; you know, Child 3 mom, Child 3 dad when we ran into them at the

1 daycare.

2 Q. And what about since the case?

3 A. Since the case — and the only time I've seen them is during meetings  
4 when we were called together by law enforcement for update meetings.

5 Q. How close are your children? How close is Child 6 to the other children  
6 in this case?

7 A. He was close to them at the school, but he hasn't been -- you know, he  
8 doesn't have anything -- any business outside of the school with any of the kids.

9 Q. Was Child 6 in the same class assigned as the other children in this  
10 case?

11 A. I think Child 1 was in his class. That's the only one. I'm thinking the  
12 rest of the kids were actually in Ms. Laurie's class. But in Ms. Taylor's class there  
13 were actually only like eight (8) kids, which I thought was great for Child 6 because  
14 he is kind of hyperactive. So I wanted him in a small ratio class.

15 Q. So Child 6 was in the class with Ms. Taylor and you said Child 1 was the  
16 only other child in that class?

17 A. Right.

18 Q. Okay. Did he know the other children?

19 A. Yes. He knew them. I mean, they had been there through -- you  
20 know, for a while at Kids "R" Kids. And they had been in — in other classes  
21 together.

22 Q. Okay.

23 (Brief Pause)

24 Q. What behaviors has Child 6 exhibited since beginning in the 4-K class  
25 that you've not already talked about, if any?

MS. PAMELA DAVIS - CROSS by MR. HENRY

Page 895

1       A.       The main things I've seen -- he's always been temperamental, but  
2 those tantrums got worse. I mean, they were almost daily. And it was --- it wasn't  
3 just a few minutes, 10 or 15 minutes, to calm him down. He would have long spells  
4 where it took almost an hour or so to get him calmed.

5               He's -- even at Child's Haven, where, you know, it's a therapeutic  
6 center, I would get daily notes or updates on his eval -- you know, on his evaluation.  
7 He was still having trouble taking naps. He would refuse to lay down. He would  
8 have outbursts during nap time.

9       Q.       What about his sleeping habits?

10      A.       Well, right now we don't do nap time anymore. But at night, you know,  
11 his -- his nightmares and stuff increased during this time. They've gotten a lot  
12 better.

13      Q.       What about sexualized behavior if any? Have you noticed any of that?

14      A.       I haven't noticed anything -- you know, anything unusual in Child 6 of  
15 that nature.

16      Q.       All right.

17               MS. HALL:       The Court's indulgence for just a moment.

18               (Brief Pause)

19               MS. HALL:       I don't have any other questions for you. If you  
20 will, answer any Mr. Henry may ask.

21      A.       Okay.

22               CROSS EXAMINATION by MR. HENRY:

2:19 P.M.

23      Q.       Hi, Ms. Davis.

24      A.       Hello.

25      Q.       Tell me if I'm wrong, but Child 6 was in Ronasha's class starting August

1 2010?

2 A. Uh-huh (affirmative), yes.

3 Q. Okay. And they got along well together?

4 A. They got along as far as I could see.

5 Q. Did he have tantrums while he was in her class?

6 A. Not very often. He would -- not that she told me. She would always  
7 give me updates and said that she thought he was doing a great job and that she  
8 was very proud of him.

9 Q. So, during that time when she had him at Kids "R" Kids, they didn't  
10 have to call you to come and pick him up because he was out of control or nothing  
11 like that?

12 A. No, not really.

13 (Brief Pause)

14 Q. Did he ever get in any trouble for hitting any teachers?

15 A. Yeah, Child 6 did a lot of kicking and hitting.

16 Q. At Kids "R" Kids?

17 A. Yes, he did.

18 Q. Okay. And did they let you know about that when that happened?

19 A. Uh-huh (affirmative), yes, they did, several times.

20 Q. Okay. Did you ever watch any of that on the Watch Me Grow program  
21 to see if that had happened or what he was doing, that kind of thing?

22 A. Well, I could see. I mean last — I know I remember his kicking and  
23 screaming going up the hallway and you couldn't see a hallway. So, you know...

24 Q. Did you have any talks with Sally, the director, or with Ms. Ronasha  
25 about his behavior while he was there in the — in the 4-K class?

1       A.       I — I would get notes from Ronasha. She — she was really good  
2 about telling me about daily — giving me daily updates.

3       Q.       Did you get the impression that she was pretty good at controlling  
4 Child 6 outbursts in class?

5       A.       She seemed to get along very well with him.

6       Q.       Okay. And you didn't have anything brought to your attention by your  
7 son or by the school or by other teachers until after Ronasha had left Kids "R" Kids,  
8 right?

9       A.       Right.

10      Q.       And that was not until you said the end of October you got that letter in  
11 the mail? That was the first information you had that something might be wrong?

12      A.       When I got the letter, right.

13      Q.       And nothing about what your son was doing, in terms of behavior, was  
14 a problem at that point?

15      A.       Well, I mean, he was always temperamental.

16      Q.       Okay.

17      A.       So, at that point, nothing seemed odd. It was just when the temper  
18 tantrums started happening daily, then, I started getting concerned.

19      Q.       Okay. But not until the end of October did you — did you think there  
20 was anything wrong at Kids "R" Kids?

21      A.       And not at that point either. It was more like the tantrums started  
22 increasing at around that time.

23      Q.       Right.

24      A.       And, then, they kept increasing to the point where I started getting  
25 calls from the daycare to come pick him up.

**MS. PAMELA DAVIS - REDIRECT by MS. HALL****Page 898**

1       **Q.**       And he's doing better now?

2       **A.**       Yes, he's doing much better.

3       **MR. HENRY:**     That's all I have. Thanks.

4       **MS. HALL:**       Just one question.

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

**2:22 P.M.**

6       **Q.**       Ms. Davis, who would have let you know if Child 6 had, had temper  
7 tantrums in the Defendant's class?

8       **A.**       The teacher.

9       **MS. HALL:**       No further questions.

10      **MR. HENRY:**     Nothing further.

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

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

13      **MS. HALL:**       May — may I approach, Your Honor?

14      **THE COURT:**     Uh-huh (affirmative).

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'll take a short break at this time. We'll be back in just a few  
19 minutes. Thank you.

20      **(The jury exited the courtroom 2:23 p.m.)**

21      **THE COURT:**     I want to remind everybody, please keep your  
22 seats when the jury is going out or coming in. Please observe that.

23             And also, if you're going out on a break and you're coming back in,  
24 please, try to get back in and be seated before the jury comes out or after  
25 they get seated, then, come in.

1 I do not like to have anyone up and moving around with the jury is  
2 going out or coming in, please. Any other time as okay. Thank you. We'll  
3 take a short break at this time to prepare the courtroom.

4 (Whereupon, a recess was taken from 2:23 p.m. until 2:32 p.m.)

5 (Whereupon, a bench conference was had with all attorneys  
6 present.)

7 (Off-The-Record Comments)

8 THE COURT: Let's — let's just go ahead and let the  
9 record reflect, with regard to — you were calling Child 6 correct?

10 (Attorneys nod in the affirmative.)

11 THE COURT: And he was in the courtroom, but he appeared to  
12 be obviously breaking down and appeared to be unable to be able to testify.  
13 And that — Counsel has explained that to me.

14 I think Defense Counsel — and he can speak for himself — I think he  
15 observed the same.

16 I had serious doubts as to whether he could testify in court anyway.  
17 But we were going to give it a try. But he — he now says he — previously  
18 when I asked him, he said he could do it, but now he says he cannot.

19 And, so, the Court is going to — let me hear from each of you though.  
20 Do you wish to be heard, Counsel?

21 MS. HALL: Your Honor, the State just renews its motion for  
22 closed circuit television testimony via SC Code 16–3-1550 (e) (phonetic),  
23 *State v. Murrell* and *State v. Bray*.

24 As Your Honor had indicated earlier, we thought we might give it a try  
25 and see how it went. He came out here and clearly was not able to do so.

## Motions &amp; Matters

Page 900

1 The State really appreciates Mr. Henry noticing that and — and offering to go  
2 up there and — and mention to you the CCTV; he would not oppose it. And  
3 I'll let him speak on the record as well.

4 **THE COURT:** Yes, sir?

5 **MR. HENRY:** I — I don't think it's in anybody's best interest to  
6 have Child 6 testify in open court, Judge, after what I've seen. I — I mean,  
7 this may be arguably against my client's interest in a way, but I don't think so.

8 I think what — what would happen, if he testified, is he would fall apart  
9 and no one would benefit. So I didn't want to see that happen. So that's why  
10 I suggested the video.

11 **THE COURT:** All right. And I — and I think possibly because of  
12 the ADHD. But — but he — also I think it's pretty — pretty obvious that he  
13 was kind of breaking down before we ever even brought the jury in. So —  
14 and, you know, I think that would have affected him.

15 So thank you. I appreciate that. And I'm going to grant the motion.  
16 And, you know, I tentatively was leaning that way before, but he said he  
17 thought he could testify, but it's obvious he cannot do that.

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

19 **THE COURT:** Thank you.

20 **MR. HENRY:** Thank you, Judge.

21 **MS. HALL:** Thank you, Your Honor.

22 **(Brief Pause)**

23 **THE COURT:** They're going to have to set everything up. Let's  
24 just go ahead and take about ten (10) minutes to set up.

25 **(Off-The-Record Comments)**



1 (Pause while the other room is set up for closed circuit  
2 testimony.)

3 THE COURT: Counsel, are you all ready to proceed?

4 MS. MILES: I think so, Your Honor.

5 THE COURT: Okay.

6 MS. MILES: I'm not sure how they're —

7 MR. HENRY: We're all set.

8 THE COURT: Okay. All right. If you want to go on back with  
9 them please, Mr. Henry, and — and bring the jury in.

10 (Counsel was present in the courtroom with Ms. Taylor while Mr.  
11 Henry was in the other room with the witness.)

12 (The jury was summoned and entered the courtroom at 2:54 p.m.)

13 THE COURT: All right. Mr. Foreman, ladies and — let me turn  
14 the sound on.

15 Mr. Foreman, Ladies and gentlemen of the jury panel, the Court — the  
16 delay was caused by the Court made a determination that this child would be  
17 overwhelmed by the courtroom situation. And the Court has granted a  
18 motion to allow his testimony by closed circuit t.v. in an adjoining room. So  
19 we'll hear his testimony now by closed circuit t.v. Please proceed.

20 MS. MILES: Your Honor, The State calls Child 6 to the  
21 stand.

22 (Off-The-Record Comments)

23 MADAM CLERK: Will you raise your right hand and put your left  
24 hand on the Bible?

25 (Off-The-Record Comments)

MASTER Child 6

- DIRECT by MS. HALL

Page 902

1 (Witness complied with the request.)

2 MADAM CLERK: Do you promise to tell the truth and the whole  
3 truth?

4 THE WITNESS: Yes.

5 MADAM CLERK: Okay. You can have a seat.

6 (Witness complied with the request.)

7 MADAM CLERK: Do you know the difference between telling the  
8 truth and telling a lie?

9 THE WITNESS: Yes.

10 MADAM CLERK: What happens if you tell a lie at home?

11 THE WITNESS: You get in trouble.

12 MADAM CLERK: What happens if you tell a lie at school?

13 THE WITNESS: You get in trouble.

14 MADAM CLERK: What happens if you tell a lie in court?

15 THE WITNESS: You go to jail.

16 MADAM CLERK: Do you understand that you have to tell the truth  
17 today in court?

18 THE WITNESS: Yes.

19 MADAM CLERK: Do you promise to tell the truth?

20 THE WITNESS: Yes.

21 MADAM CLERK: Okay.

22 (Off-The-Record Comments)

23 DIRECT EXAMINATION by MS. HALL:

2:54 P.M.

24 Q. What is your name?

25 A. Child 6

MASTER Child 6

- DIRECT by MS. HALL

Page 903

- 1 Q. Child 6 what is your last name?
- 2 A. Davis.
- 3 Q. Davis?
- 4 A. Yes.
- 5 Q. How are old are you, Child 6
- 6 A. Six (6).
- 7 Q. When is your birthday?
- 8 A. March 12<sup>th</sup>.
- 9 Q. March what?
- 10 A. March 12<sup>th</sup>.
- 11 Q. March 12<sup>th</sup>? Can you look up at me so I can see your mouth.
- 12 (Witness complied with the request.)
- 13 Q. Thank you. Child 6 what do you like to do for fun?
- 14 A. Play with my friends.
- 15 Q. Play with your friends? What kinds of things do you like to play?
- 16 A. Tag.
- 17 Q. Tag? That's a good game. Child 6 what do you like to eat?
- 18 A. Corn and carrots and chicken nuggets ---
- 19 Q. I can't hear you. What did you say?
- 20 A. Corn and carrots and chicken nuggets and a hog dog.
- 21 Q. Corn, carrots, chicken nuggets, and hot dog?
- 22 A. Yes.
- 23 Q. All right. Child 6 do you have any brothers or sisters?
- 24 A. No.
- 25 Q. Who lives at your house?

MASTER Child 6

- DIRECT by MS. HALL

Page 904

- 1 A. My mom.
- 2 Q. You mom? Do you have any pets?
- 3 A. No.
- 4 Q. No?
- 5 A. Yes.
- 6 Q. Yes, you have a pet?
- 7 A. Yes.
- 8 Q. What's your pet?
- 9 A. A baby turtle.
- 10 Q. A baby turtle. What's the baby turtle's name?
- 11 A. Christian -- Christian.
- 12 Q. Christian. What color is it?
- 13 A. Green.
- 14 Q. Green? Where do you go to school?
- 15 A. Legacy Charter Elementary School.
- 16 Q. What grade are you in?
- 17 A. First.
- 18 Q. Who's your teacher at Legacy Charter?
- 19 A. Huh?
- 20 Q. Who is your teacher?
- 21 A. Ms. Holland (phonetic).
- 22 Q. Ms. Holland? Where did you go to school before you went to Legacy
- 23 Charter?
- 24 A. Kids "R" Kids.
- 25 Q. Kids "R" Kids?

MASTER Child 6

- DIRECT by MS. HALL

Page 905

- 1 A. Yes.
- 2 Q. Who was your teacher Kids "R" Kids?
- 3 A. (No Response)
- 4 Q. What about Ms. Kori? Was she a teacher there?
- 5 A. Yes.
- 6 Q. What about Ms. Phyllis?
- 7 A. Yes.
- 8 Q. What about Ms. Michele?
- 9 A. Huh?
- 10 Q. Do you remember Ms. Michelle?
- 11 A. (Shakes head negatively.)
- 12 Q. No? What about Ms. Laurie?
- 13 A. Yes.
- 14 Q. Is that "yes"?
- 15 A. Yes.
- 16 Q. Yes? What about Ms. Ronasha?
- 17 A. Yes.
- 18 Q. Yes? What kinds of things did you do for fun at Kids "R" Kids?
- 19 A. Play with Child 5 and my friends.
- 20 Q. Play with Child 5 and your friends?
- 21 A. Yes.
- 22 Q. What kind of playing did you like to do for fun?
- 23 A. I like to play with the puzzles.
- 24 Q. The puzzles? That is fun. Child 6 who was your teacher when you
- 25 were at Kids "R" Kids?

MASTER Child 6

- DIRECT by MS. HALL

Page 906

- 1 A. Ms. Ronasha.
- 2 Q. Ms. Ronasha? How do you feel about Ms. Ronasha?
- 3 A. Bad.
- 4 Q. Bad? Why do you feel bad about Ms. Ronasha?
- 5 A. Because she's going to jail.
- 6 Q. She went to jail?
- 7 A. Yeah, because she's going to jail.
- 8 Q. She's going to jail?
- 9 A. Yes.
- 10 Q. Why?
- 11 A. Because she touched my private parts.
- 12 Q. She touched your private parts?
- 13 A. Yes.
- 14 Q. Yes? Can you tell me which private parts?
- 15 A. This one (indicating) and ---
- 16 Q. How about -- can I show you a picture?
- 17 A. Yes.
- 18 Q. All right. Let me see if I can find a picture of a boy, okay? Sit down,
- 19 please. Sit down please.
- 20 (Witness complied with the request.)
- 21 Q. All right. Can this be Child 6
- 22 A. Yes.
- 23 Q. Can I write your name on the top?
- 24 A. Yes.
- 25 Q. All right.

MASTER Child 6

- DIRECT by MS. HALL

Page 907

1 A. Write my name at the top.

2 Q. Child 6 tell me what this part is, right here (indicating)? What is this?

3 A. Hair.

4 Q. Hair.

5 (Ms. Hall writes on diagram.)

6 Q. I'm going to pick just a few. We'll see what parts we know. What are  
7 these (indicating)?

8 A. Eyes.

9 Q. Eyes?

10 (Ms. Hall writes on diagram.)

11 Q. What is that (indicating)?

12 A. Nosey.

13 Q. Nose?

14 (Ms. Hall writes on diagram.)

15 Q. And that (indicating)?

16 A. Mouth.

17 Q. Mouth?

18 A. Mouth, yeah.

19 (Ms. Hall writes on diagram.)

20 Q. All right. What are these on you (indicating), what do you call them?

21 A. Boobs.

22 Q. What do you call them?

23 A. Boobs.

24 Q. Boobs?

25 A. Yes.

1 Q. Okay.

2 (Ms. Hall writes on diagram.)

3 (Witness drops something.)

4 Q. You can pick it up. Got it?

5 A. Yes.

6 Q. Okay. What is this part (indicating)?

7 A. Belly button.

8 Q. Belly button?

9 A. Yes.

10 (Ms. Hall writes on diagram.)

11 Q. What are these (indicating)?

12 A. Hands.

13 Q. Hands?

14 A. Hands.

15 (Ms. Hall writes on diagram.)

16 Q. And what are these (indicating)?

17 A. Feet.

18 Q. Okay. What is this part here (indicating)? What do you call that?

19 A. Peepee.

20 Q. Peepee?

21 (Ms. Hall writes on diagram.)

22 Q. Now what about on the back side? What are all the parts on the back  
23 called?

24 A. Bottom (phonetic).

25 Q. Where is the bottom? Put your chair down.



MASTER Child 6

- DIRECT by MS. HALL

Page 909

1 A. (Indicating)

2 Q. That's the bottom?

3 A. Yes.

4 Q. Okay.

5 (Ms. Hall writes on diagram.)

6 Q. All right. You said that Ms. Ronasha touched your private parts. Can  
7 you tell me what private parts Ms. Ronasha touched? Can you show me?

8 A. (No Response)

9 Q. All right. Let's start with your boobs. Where did Ms. Ronasha touch  
10 your boobs?

11 A. In the bathroom.

12 Q. In the bathroom?

13 A. Yes.

14 Q. Okay.

15 (Ms. Hall writes on diagram.)

16 Q. What about this part, your peepee (indicating)?

17 A. In the bathroom.

18 Q. In the bathroom? What were you doing when she touched your  
19 peepee?

20 A. Using the bathroom.

21 Q. What were you doing?

22 A. When I was done, then, she touched it.

23 Q. When you were going to the bathroom?

24 A. No, when I was done.

25 Q. When you were done going to the bathroom?

MASTER Child 6

- DIRECT by MS. HALL

Page 910

- 1 A. Yes.
- 2 Q. So why did -- did you go into the bathroom to use the potty?
- 3 A. Yes.
- 4 Q. Yes? And, then, who was in there?
- 5 A. Ms. Ronasha.
- 6 Q. Okay. And what did she do?
- 7 A. Squeezed it.
- 8 Q. She came in the bathroom and squeezed this part (indicating)?
- 9 A. Yes.
- 10 (Ms. Hall writes on diagram.)
- 11 Q. Okay. Now you also said the bottom. What happened with the
- 12 bottom?
- 13 A. She --- she squeezed it too.
- 14 Q. She squeezed it too?
- 15 A. Uh-huh (affirmative).
- 16 (Ms. Hall writes on diagram.)
- 17 Q. All right. When Ms. Ronasha touched your private parts, Child 6 what
- 18 were you wearing?
- 19 A. I was wearing my shirt and ---
- 20 Q. I can't hear you.
- 21 A. I was wearing my shirt and my pants were down.
- 22 Q. You were wearing your shirt and your pants were down?
- 23 A. Yes.
- 24 Q. Where was your shirt?
- 25 A. (Indicating)

1 Q. There?

2 A. Yes.

3 Q. Okay.

4 (Ms. Hall writes on diagram.)

5 Q. And your pants were down?

6 A. Yes.

7 Q. Show me where. Do you want to draw it for me?

8 A. Yes.

9 (Witness complied with the request.)

10 Q. What about your underwear?

11 A. (Indicating)

12 Q. Okay. Can I write that down?

13 (Ms. Hall writes on diagram.)

14 Q. And you said you were going to the bathroom?

15 A. Yes.

16 Q. Were you standing up to go to the bathroom or were you sitting down  
17 to go to the bathroom?

18 A. Standing.

19 Q. You were standing up?

20 A. Yes.

21 Q. And were you looking -- where were you looking at or what were you  
22 looking at?

23 A. The toilet.

24 Q. The toilet? So you were going number one (1)?

25 A. Yes.

MASTER Child 6

- DIRECT by MS. HALL

Page 912

1 Q. Yes? Why did Ms. Ronasha come into the bathroom while you were  
2 going number one (1)?

3 A. I don't know.

4 Q. Did you ask for help?

5 A. No.

6 Q. No? All right. And what about the bottom? Where were you when  
7 she touched the bottom?

8 A. In the bathroom.

9 Q. In the bathroom? Was that when you were going potty?

10 A. Yes.

11 Q. Okay. All right. Child 6 when you were in the bathroom, and Ms.  
12 Ronasha touch your body parts did anyone else -- was anyone else in the  
13 bathroom?

14 A. No.

15 Q. No?

16 A. Except for Child 5

17 Q. Except for Child 5

18 A. Yes. When he came into the bathroom, Ms. Ronasha made me  
19 squeeze his peepee. And I did not like to make him cry.

20 Q. So Child 5 came into the bathroom while you were in the bathroom?

21 A. Yes.

22 Q. All right. I'm going to get another boy, okay?

23 (Ms. Hall retrieves exhibit.)

24 Q. Can this be a boy?

25 A. Yes.

MASTER Child 6

- DIRECT by MS. HALL

Page 913

- 1 Q. If this is Child 5 is that okay?
- 2 A. Yes.
- 3 Q. All right.
- 4 A. After this, then, we're done.
- 5 Q. Yes. As soon as you finish telling the truth about whatever you're
- 6 telling the truth about, you're done.
- 7 A. Thanks.
- 8 Q. You said you did something to Child 5 Can you tell me what it was?
- 9 A. I squeezed his peepee because Ms. Ronasha told me to do it.
- 10 Q. Can you show me what part you squeezed? Use the marker.
- 11 A. (Indicating)
- 12 Q. Okay. And what part do you call that?
- 13 A. Peepee.
- 14 Q. Peepee part? And you said you squeezed?
- 15 A. Yes.
- 16 Q. Okay. And why did you say you squeezed that peepee part of
- 17 Jonathan's?
- 18 A. Because Ms. Ronasha made me do it.
- 19 Q. What did she say?
- 20 A. She said, "Squeeze Child 5 private part."
- 21 (Ms. Hall writes on diagram.)
- 22 Q. Okay.
- 23 A. Why is this camera here?
- 24 Q. So we can watch what's happening.
- 25 A. Is it on?

MASTER Child 6

- DIRECT by MS. HALL

Page 914

1 Q. It's on.

2 A. Yay.

3 Q. Child 5 -- I mean, Child 6 when you were in the bathroom with  
4 Child 5 was Child 5 wearing clothes?

5 A. Yes.

6 Q. Yes? Where were his clothes?

7 A. Up.

8 Q. Up? His pants were up?

9 A. Yes.

10 Q. Okay. Draw on here where his pants were.

11 (Witness complied with the request.)

12 Q. Okay. Where were you before you went into the bathroom with  
13 Child 5 and Ms. Ronasha?

14 A. Out -- out in the classroom.

15 Q. Out in the classroom? Whose classroom?

16 A. Ms. Ronasha's.

17 Q. Ms. Ronasha's? And who called you in the bathroom or did you go in  
18 by yourself?

19 A. I went in by myself.

20 Q. You went in by yoyourself?

21 A. Yes.

22 Q. Who else was in the classroom?

23 A. Child 5 and everybody else.

24 Q. Where -- what was everybody else doing?

25 A. They were mostly -- they were mostly working.

MASTER Child 6

- DIRECT by MS. HALL

Page 915

1 Q. Mostly working?

2 A. Yeah.

3 Q. Yeah? All right. I want to ask you about Ms. Ronasha, okay? When  
4 you were in the bathroom with Ms. Ronasha, what was she wearing?

5 A. Clothes.

6 Q. Clothes? Were you able to see any body parts other than Child 5  
7 parts?

8 A. I don't want to talk about it.

9 Q. You don't want to talk about it?

10 A. No.

11 Q. Okay. Have you ever seen a grown-up woman's body parts, Child 6

12 A. No.

13 Q. No? What if I showed you a picture of a grown-up woman, would you  
14 be able to tell me if you've seen any of those parts before?

15 A. Yes.

16 Q. Okay.

17 MR. HENRY: I'm going to object to that, Your Honor, if we can  
18 approach.

19 Q. Hold on just a minute, okay?

20 A. Okay. Who is he?

21 (Brief pause while Ms. Hall and Mr. Henry step back into the  
22 courtroom for Court's ruling.)

23 MR. HENRY: May we approach, Judge?

24 THE COURT: Yeah.

25 (Whereupon, a bench conference was had with all attorneys

1 present.)

2 (Brief pause while Ms. Hall and Mr. Henry return to closed circuit

3 t.v. room.)

4 (Off-The-Record Comments)

5 Q. (By Ms. Hall) All right. Child 6 earlier I ask you about a grown-up  
6 woman. I said, if I showed you a grown-up woman, would you be able to tell me if  
7 you've seen any parts, okay? This is a grown-up lady, okay?

8 A. Okay.

9 Q. Can you tell me if you've ever seen any of these parts?

10 A. Yes, yes.

11 Q. All right. Which parts have you seen?

12 A. (Indicating)

13 Q. All right. Tell me what these — what you call these?

14 A. Boobs and peepee.

15 Q. Which part are the boobs?

16 A. (Indicating)

17 Q. Boobs? You said you've seen these before?

18 A. Yes.

19 Q. Okay. Which part is the peepee?

20 A. (Indicating)

21 Q. Okay. When did you see boobs and peepee?

22 A. When I was in the bathroom.

23 Q. What did you say?

24 A. When I was in the bathroom.

25 Q. When you were in the bathroom? Which bathroom were you in?



- 1 Were you at home?
- 2 A. Boys. I was in the boys bathroom.
- 3 Q. The boys bathroom where?
- 4 A. In the classroom.
- 5 Q. The boys bathroom in the classroom?
- 6 A. Yes.
- 7 Q. Where?
- 8 A. At school.
- 9 Q. At the school you're at now?
- 10 A. Not Legacy.
- 11 Q. At Legacy?
- 12 A. No.
- 13 Q. Not a Legacy?
- 14 A. Uh-huh (affirmative).
- 15 Q. Was it at Kids "R" Kids or some other school?
- 16 A. Kids "R" Kids.
- 17 Q. Okay.
- 18 (Ms. Hall writes on diagram.)
- 19 Q. Okay. When you saw the bobbies and the peepee in the boys
- 20 bathroom at Kids "R" Kids, who were you with?
- 21 A. (No Response)
- 22 Q. Who was with you?
- 23 A. Ms. Ronasha.
- 24 Q. Ms. Ronasha?
- 25 A. Yes.

1 Q. All right. And, when you saw these parts, the boobs and the peepee,  
2 were there clothes on them?

3 A. I don't want to talk about this part.

4 Q. You don't want to talk about this part?

5 A. No.

6 Q. Can you try for me?

7 A. Yes, but I don't like this part.

8 Q. Just tell me what you — what the truth is, okay? I just want to know  
9 what you know.

10 A. Huh?

11 Q. I just want to know what you know and what you saw.

12 A. Shirt was down.

13 Q. The shirt was down?

14 A. I mean up.

15 Q. Show me -- show me where.

16 A. (Indicating)

17 Q. Okay. So what could you see when the shirt was up?

18 A. Just like that (indicating).

19 Q. All right. Was there anything underneath the shirt?

20 A. Yes.

21 Q. Yes? What was it?

22 A. Boobs.

23 Q. Boobs? What about anything else?

24 A. Peepee.

25 Q. I'm asking you about these (indicating). What about anything else

1 beside the shirt and the boobs?

2 A. No.

3 Q. No? Where was the shirt? Can you draw it for me?

4 A. Uh-huh (affirmative).

5 (Witness complied with the request.)

6 Q. Okay. And what about the peepee, when you saw the peepee were  
7 there clothes covering it?

8 A. No.

9 Q. No? Okay. What about underwear?

10 A. (Indicating)

11 Q. Okay. Now, when you saw Ms. Ronasha's boobs and her peepee, did  
12 you do anything or did you touch them? Did you see them? What happened?

13 A. I saw them — saw them.

14 Q. You saw them?

15 A. Yes.

16 Q. Did you use any of your parts on any of her parts?

17 MR. HENRY: Objection.

18 Q. Hang on a minute, okay?

19 (Brief pause while Ms. Hall and Mr. Henry return to the  
20 courtroom.)

21 THE COURT: Counsel, you need not come up. I'm — I'm — I'm  
22 going to sustain the objection in that form. However, you can rephrase if you  
23 wish. But, in that form, I sustain the objection.

24 MS. HALL: Thank you.

25 (Brief pause while Ms. Hall and Mr. Henry return to room.)

MASTER Child 6

- DIRECT by MS. HALL

Page 920

- 1 Q. (By Ms. Hall) All right. Child 6 when you saw the boobs and the  
2 peepee, what happened?
- 3 A. Nothing.
- 4 Q. Nothing?
- 5 A. No -- no -- no, nothing.
- 6 Q. What about any of -- any part of you?
- 7 A. No.
- 8 Q. No?
- 9 A. She only showed me adult parts that I don't like (phonetic).
- 10 Q. You what?
- 11 A. She showed this (indicating).
- 12 Q. She saw that?
- 13 A. Yes.
- 14 Q. Yes? Okay. What about this part (indicating)? What happened with  
15 her parts?
- 16 A. Nothing.
- 17 Q. Nothing? You just saw them?
- 18 A. Yes.
- 19 Q. Okay.
- 20 A. I don't want to talk about this no more.
- 21 Q. I know.
- 22 A. I don't like it.
- 23 Q. Child 6 have you talked to Mommy about this?
- 24 A. Yes.
- 25 Q. Yes? About what -- who else have you talked to?

MASTER Child 6

- DIRECT by MS. HALL

Page 921

1 A. You.

2 Q. Me? What about Ms. Meredith?

3 A. Yes.

4 Q. Yes? What about Ms. Tabitha?

5 A. Yes.

6 Q. Have you talked to anybody else?

7 A. No.

8 Q. No? All right. Will you answer any questions Mr. Henry needs to ask  
9 you?

10 A. Yes.

11 MS. HALL: All right.

12 (Off-The-Record Comments)

13 MS. HALL: You can sit right here. Sit right there.

14 MR. HENRY: I'm going to take a break first.

15 MS. HALL: Okay.

16 MR. HENRY: I'll be right back.

17 (Brief pause while Mr. Henry returns to the courtroom.)

18 MR. HENRY: The Court's indulgence?

19 THE COURT: Sure, yes, sir.

20 (Off-the-Record Discussion)

21 MR. HENRY: Thank you, Your Honor.

22 THE COURT: Yes, sir.

23 (Brief Pause while Mr. Henry returns to room.)

24 MR. HENRY: I'm just going to stand here so it's a little bit closer.

25 CROSS EXAMINATION BY MR. HENRY:

3:15 P.M.

MASTER Child 6

- CROSS by MR. HENRY

Page 922

1 Q. Child 6 let me ask you a — a question, okay?

2 A. Okay.

3 Q. Can you sit up — can you sit up for me so you can see what I'm doing?

4 You can sit in that chair; just sit up for me.

5 (Witness complied with the request.)

6 Q. There you go. Can you see on this picture ---

7 A. Yes.

8 Q. — that you drew on?

9 A. Yes.

10 Q. Did you see Ms. Ronasha's skin? Look — look at me now, from here  
11 down to past her belly button (indicating)?

12 A. Yes.

13 Q. You did? You saw her skin?

14 A. (Nods affirmatively.)

15 Q. Okay. Was there anything on her skin besides her boobies and her  
16 belly button?

17 A. No.

18 Q. Okay.

19 MR. HENRY: I'll need to check back with her and I'll be right  
20 back.

21 MS. HALL: Okay.

22 (Off-The-Record Comments)

23 (Brief pause while Mr. Henry returns to the courtroom.)

24 MR. HENRY: I don't have any more questions. That was  
25 unintentional. I think that was just lawyers being on camera.

MASTER Child 6

- CROSS by MR. HENRY

Page 923

1 THE COURT: Just like cable at home.

2 (Laughter)

3 THE COURT: I need to know if the State is going to have any  
4 more questions for Child 6

5 MS. MILES: I — I don't believe so. Beg the Court's  
6 indulgence.

7 THE COURT: Yes, ma'am.

8 MR. HENRY: I asked her the question, Your Honor.

9 THE COURT: Okay. All right. We — we can move on then.

10 (Brief pause while Ms. Hall returns to the courtroom.)

11 MS. HALL: None, Your Honor.

12 THE COURT: Okay. All right.

13 MR. HENRY: Judge, could I ask that Mr. Harland (phonetic) be  
14 excused?

15 THE COURT: Absolutely. No objection?

16 MS. HALL: No, Your Honor.

17 THE COURT: Thank you very much for helping us out, sir.

18 MR. HARLAND: No problem, Your Honor.

19 (Whereupon, Mr. Harland was excused and exited the courtroom.)

20 MS. HALL: The State is ready to call our next witness, Your  
21 Honor.

22 THE COURT: Please.

23 MS. HALL: The State calls Tabitha Weber.

24 (The witness stepped forward and returned to the witness stand.)

25 DIRECT EXAMINATION by MS. HALL:

3:20 P.M.

**MS. TABITHA WEBER - DIRECT by MS. HALL****Page 924**

1           **Q.**       Ms. Weber, on what days did you conduct forensic interviews with  
2 Child 6

3           **A.**       On January 26<sup>th</sup> and February 2<sup>nd</sup> of 2011.

4           **Q.**       Okay. And what person or agency referred him for forensic  
5 interviews?

6           **A.**       Detective Burrell from the Spartanburg County Sheriff's office.

7           **Q.**       How old was Child 6 when he came in for those forensic interviews?

8           **A.**       He was four (4), almost five (5).

9           **Q.**       Was Child 6 assessed for competency at his initial assessment?

10          **A.**       He was.

11          **Q.**       And, in your opinion, did Child 6 appear to be competent?

12          **A.**       He did.

13          **Q.**       How did you go about determining whether he was competent?

14          **A.**       To assess if he could tell the difference between the truth and a lie.  
15 And he was able to do that.

16          **Q.**       And what about his ability to communicate personal information to you  
17 concerning the identities of family members, pets, or any other personal information  
18 that would indicate he was aware of those ----

19          **A.**       Yes, he was able to do that.

20          **Q.**       And were you able to verify any of that information independently from  
21 other sources?

22          **A.**       Yes.

23          **Q.**       Who was that?

24          **A.**       Through his mom.

25          **Q.**       Okay. How might his age have been a factor in his ability to



MS. TABITHA WEBER - DIRECT by MS. HALL

Page 925

1 communicate concerning truth and lie?

2 A. He was young, and in determining whether or not he understood what  
3 it meant to tell the truth, was a factor. And he was able to understand.

4 Q. What is your opinion concerning Child 6 present ability to differentiate  
5 between telling the truth and telling a lie?

6 A. He is able to.

7 Q. All right. What about your opinion regarding his understanding of the  
8 moral responsibility to tell the truth?

9 A. He understands that as well.

10 Q. What is your opinion regarding his understanding of negative  
11 consequences when people do not tell the truth?

12 A. He understands.

13 Q. What, if any, safeguards were used when assessing Child 6 to prevent  
14 any type of third-party influence?

15 A. Being careful about not using any -- any leading or suggestive  
16 questions and to assess his language and see if he was using childlike terms and to  
17 search for any alternative explanations for the things that he was saying.

18 Q. Without going into what he said, did Child 6 make a disclosure of  
19 abuse when you interviewed him?

20 A. He did.

21 Q. What, if anything, did Child 6 relate to you concerning the time or time  
22 frame of the abuse?

23 A. That it happened at the Kids "R" Kids daycare in the bathroom.

24 Q. Okay. And did you document his disclosure in any form?

25 A. I did. It was videoed and audio recorded.

MS. TABITHA WEBER - DIRECT by MS. HALL

Page 926

1 Q. Okay. I am handing you what has been previously marked as State's  
2 Exhibit 22. Can you —

3 MS. HALL: Permission to approach. Excuse me.

4 THE COURT: Yes, ma'am, certainly.

5 Q. (By Ms. Hall) Can you take a look at that?

6 (Brief pause while witness examines exhibit.)

7 A. Okay.

8 Q. What is that?

9 A. It's the DVD recording of Child 6 forensic assessment.

10 Q. And have you had the opportunity to review that video?

11 A. Yes.

12 Q. Has it been altered in any form from the original interviews?

13 A. No, it has not.

14 Q. Is that video a fair and accurate reflection of the forensic interviews  
15 between you and Child 6 on January 26<sup>th</sup> and February 2<sup>nd</sup>, 2011?

16 A. It is.

17 MS. HALL: Your Honor, permission to approach?

18 THE COURT: Yes, ma'am.

19 (Whereupon, a bench conference was had with all attorneys  
20 present.)

21 MS. HALL: Your Honor, at this time, the State request  
22 permission to enter State's Exhibit 22 into evidence.

23 THE COURT: All right. It will be admitted over objection. And  
24 we will take up the objections a little later so we can just pro --- proceed on.  
25 The Court will overrule the objections. Proceed.

**MS. TABITHA WEBER - DIRECT by MS. HALL**

**Page 927**

1                   **MS. HALL:**           We also request permission to publish these  
2 forensic interviews to the jury.

3                   **THE COURT:**       You may publish.

4                   **(Whereupon, State's Exhibit Number 22 was admitted into**  
5 **evidence over objection and published to the jury.)**

6                   **MS. HALL:**           Thank you, Your Honor. The first is forty-three  
7 (43) minutes.

8                   **(First DVD played at 3:24 p.m.)**

9                   **MS. HALL:**           Your Honor, the next video is thirty-two (32)  
10 minutes. Do you want me to play on through would you want to take a  
11 break?

12                  **THE COURT:**       We probably ought to take a break. Mr. Foreman,  
13 ladies and gentlemen of the jury panel, if you would, let's just take a short  
14 break at this time. Refresh yourselves during the break. Thank you.

15                  **(The jury exited the courtroom at 4:09 p.m.)**

16                  **THE COURT:**       All right. Everybody let's --- let's just take a short  
17 break if we will. And I probably need to remind the witness that you can't talk  
18 about the case during the break, okay —

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

20                  **THE COURT:**       — with anyone. Thank you. Thank you.

21                  **(Whereupon, the recess was taken from 4:09 p.m. until 4:22 p.m.)**

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

23                  **(The jury was summoned and entered the courtroom at 4:23 p.m.)**

24                  **THE COURT:**       Please proceed.

25                  **(Second DVD played at 4:23 p.m.)**

MS. TABITHA WEBER - DIRECT by MS. HALL

Page 928

(The witness returned to the witness stand.)

CONTINUED DIRECT EXAM by MS. HALL:

4:56 P.M.

Q. Ms. Weber, were there any examples of avoidance in Child 6 video?

And, if so, what — what might some of those have been?

A. Yes, there were numerous examples of avoidance. He would change the subject. He would try to distract me to other things. He would turn away.

He would walk away. He would put his head down, put his hands on his face, talk real low, or not answer, or say "I don't remember" or "I don't know."

Q. How often, in your profession, both in what you do currently and what you used to do at the hospital, did you work with children who had either ADD or ADHD?

A. Often, very often.

Q. Okay. How — how might that affect your ability to perform your forensic assessments?

A. To pay particular attention to that and to give — make sure I'm being very patient and try to limit distractions, but also sometimes children, especially that have attention deficit hyperactivity disorder, they need something to do when they're talking to you because they need to feel busy. And so that helps kids sometimes to be able to focus better if they have something to do with their hands.

Q. How, if at all, do you have to adjust your questioning techniques when dealing with those types of children?

A. Just to be very careful and to slow them down and make sure you're not asking too many questions within one question.

Q. What about the use of detail or focused narrative questions?

A. Yeah. Sometimes you have to bring them around and refocus on

**MS. TABITHA WEBER - DIRECT by MS. HALL****Page 929**

1 because they're easily distracted to talk about another subject. Or, if something  
2 catches their eye or catches their attention, they're going to jump to that. And so  
3 often they have to be refocused to the subject at hand.

4 **Q.** Who were — who in your understanding where Harrison, Shawn, and  
5 Carson?

6 **A.** Other kids in the Kids "R" Kids Daycare.

7 **Q.** What about all the business with Carson and the shovel? What did  
8 you understand that to be?

9 **A.** That, that was more of a — I didn't see that as being anything sexual  
10 in nature. But it could have been possibly inappropriate in that it — it sounded more  
11 like an accidental thing that he was trying to poke him in the belly and he ended up  
12 poking him in his private area.

13 **Q.** How common is it for children to associate, you know, different things  
14 with the subject you're discussing?

15 **A.** Very common.

16 **(Brief Pause)**

17 **Q.** What do you look for in forensic assessments to see if they may be the  
18 result of third-party influence or suggestibility?

19 **A.** To see if there are some alternative explanations, to see if a child is  
20 — comes in making a repeated statement but can't give any detail or any other  
21 information about it.

22 And, then, looking to see their behavior; did they -- is there something  
23 in particular that they are avoiding that they are — that it's obvious that there's  
24 something that they're not wanting to talk about and trying to determine why that  
25 might be.

**MS. TABITHA WEBER - CROSS by MR. HENRY****Page 930**

1       **Q.**       And what about Child 6 disclosure?

2       **A.**       He was very avoidant. And he did make a disclosure.

3       **Q.**       What, if any, recommendation did you make following Child 6  
4 disclosure of abuse?

5       **A.**       That he have no contact with Ronasha Taylor and that he begin  
6 therapy.

7               **MS. HALL:**       Beg the Court's indulgence for just one moment.  
8               **(Brief Pause)**

9               **MS. HALL:**       That's everything I have. Please — please  
10 answer any questions Mr. Henry may have.

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

**4:59 P.M.**

12       **Q.**       Ms. Weber, you gave some examples of avoidance by Child 6 in the  
13 video.

14       **A.**       Yes.

15       **Q.**       Any examples of leading questions you asked in the video?

16       **A.**       No.

17       **Q.**       There were none?

18       **A.**       No.

19       **Q.**       Okay. So, when you showed him the picture of the body part before  
20 he made the disclosure, that wasn't leading?

21       **A.**       No.

22       **Q.**       And, when he said nobody touched him, why did you keep going?

23       **A.**       I — I would have to know which time in the video.

24       **Q.**       How about the first time?

25       **A.**       And later he did say that somebody touched him.

1 Q. Okay. So, when —

2 A. So it would be my job to clarify what he was talking about.

3 Q. To clarify?

4 A. Yes.

5 Q. Okay. And that's what you're doing, clarifying?

6 A. Yes.

7 Q. All right. When he said that there were some things that Ms. Roe  
8 wanted him to do that he didn't want to do, and he listed coloring and circle time,  
9 why didn't you stop then?

10 A. Why didn't I — what's your question?

11 Q. Why didn't you stop questioning then? That was a nonsexual  
12 response.

13 A. Well there — because were other things.

14 Q. Okay.

15 (Brief Pause)

16 Q. He didn't like the fact that he had — had to take naps that she made  
17 him take, right?

18 A. That's what he said.

19 Q. Okay. And he didn't — and she took him to the gym and he wasn't  
20 happy about that sometimes?

21 A. I don't recall about the gym.

22 Q. All right. When you used the picture to introduce the boobies into the  
23 conversation, he hadn't said anything about them yet, had he?

24 A. Yes, he had.

25 Q. He had? That's your recollection?

1           A.       Yes.

2           Q.       Okay. And, when you said, "What do you call those on Ms. Roe," that  
3 wasn't leading?

4           A.       No.

5           Q.       Okay.

6                    (Brief Pause)

7           Q.       And, at some point, he said he — that Ms. Roe took her shirt off; do  
8 you recall that?

9           A.       Yes.

10          Q.       And then you guided him back to saying that she pulled it up?

11          A.       I asked him. I gave him options, "Did she take it off?" "Did she pull it  
12 off?" "Did she do something else?" So that he could clarify me if — if that was  
13 incorrect.

14          Q.       So, when he — he said that she took her shirt off, you weren't clear  
15 about that?

16          A.       Right.

17          Q.       Okay. How about, when he began to pull his shirt up behind — from  
18 behind his neck? You weren't sure he was — he was taking his shirt off then to  
19 demonstrate?

20          A.       That was later when he — when he did that.

21          Q.       And he — he said that she took her shirt off a third time later, didn't  
22 he?

23          A.       I don't recall. But, for a four-year-old to say — to — to differentiate  
24 between taking your shirt off and pulling your shirt up, that's getting pretty detailed  
25 for a four-year-old. That can all mean the same thing for a four-year-old.



- 1 Q. Okay. But he did say she took her shirt off?
- 2 A. Initially, yes.
- 3 Q. Right. Until you fixed that?
- 4 A. I didn't fix it. I just clarified what he was saying —
- 5 Q. I understand. You clarified it?
- 6 A. — to try to — to try to get a better understanding.
- 7 Q. Did he — he also said that Ronasha showed her boobs to all her — to
- 8 all of his friends during circle time; remember that?
- 9 A. I believe he did.
- 10 Q. Okay.
- 11 A. Uh-huh (affirmative).
- 12 Q. Circle time, did you find out what circle time was?
- 13 A. He pointed to one of the classrooms being circle time.
- 14 Q. So basically he was selling you that Ronasha flashed his friends during
- 15 circle time out in the classroom?
- 16 A. He did.
- 17 Q. Okay. And he said a teacher saw it too?
- 18 A. And then he said no.
- 19 Q. Okay.
- 20 (Brief Pause)
- 21 Q. And he said someone cut off her boobies?
- 22 A. Yes, he did say that, which is common for children who have — who
- 23 have experienced this kind of thing to add a detail like that.
- 24 Q. And much later in the interview, after all this stuff was said, he also
- 25 said, "And she never done it."

**MS. TABITHA WEBER - REDIRECT by MS. HALL**

**Page 934**

**A.** I don't recall that.

**MR. HENRY:** Okay. Thank you very much.

**THE WITNESS:** You're welcome.

**REDIRECT EXAMINATION by MS. HALL:**

**5:03 P.M.:**

**Q.** Would you elaborate a little bit on the children who — you said children who have been through something like this often add a detail like that. Would you elaborate on that, please?

**A.** A lot of times children, who have experienced sexual abuse particularly, especially in the three, four, five-year-old range, they want to create a memory that is not as negative as reality or as harmful as reality.

And they will create a way for it to have ended — sometimes kids will say, "And, then, they did that to me and then I punched them." Or "They did that to me and then their peepee fell off," because they're trying to create a way for it to have ended that they were not at fault and that there was something that ended differently than reality.

**Q.** And, in your opinion, is that what <sup>Child 6</sup> was doing there when he talked about cutting her boobs off?

**A.** It — it could have been.

**Q.** Okay.

**A.** It could have been..

**MS. HALL:** Okay. I don't have any other questions.

**MR. HENRY:** No follow-up, Judge.

**THE COURT:** All right.

**MS. HALL:** Permission to recall if necessary.

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

MS. TABITHA WEBER - REDIRECT by MS. HALL

Page 935

(Witness complied with the Court's request.)

**THE COURT:** Well, Counsel, it's a good time to adjourn I think and so we — there are some matters we can take up out of the presence of the jury.

Mr. Foreman, ladies and gentlemen of the jury panel, we're going to go ahead and adjourned for the day. It's about five minutes after 5:00 by the courtroom clock.

And I apologize for keeping you so late. And I appreciate your patience this week. It's been a long week for all of us. And I know for you it's been a long week.

So I appreciate your patience. Please have a pleasant weekend this weekend. And let me remind you, particularly since you're going to be out of court for the weekend, please, do not read, listen to, or watch any media account of this trial if there should be any media account of the trial.

Please do not go onto any kind of electronic device and try to find out anything about this case or get any kind of media account of this trial.

It's very important that you decide this case solely on the sworn testimony and evidence that comes in during the course of the trial and not from any other source.

Please do not discuss the case among yourselves or with anyone else you might see over the weekend. Just tell them you'll talk to them about it later if you need to do that. But, please, do not do that. We're not ready to do that.

If anyone should try to discuss the case with you, please, do not discuss it with them. Make note of that person and let the bailiff and the clerk

**Motions & Matters.****Page 936**

1 of court know upon your return. They'll let me know and I'll deal appropriately  
2 with that person.

3 No one should try to discuss the case with you. If they do, I certainly  
4 wish to be made aware of it.

5 Please have a pleasant weekend and be back in the jury room ready  
6 to go at 930 on Monday morning; 9:30 Monday morning. Thank you.

7 **(The jury was excused for the evening and exited the courtroom**  
8 **at 5:06 p.m.)**

9 **THE COURT:** All right. I'll hear you with regard to any — with  
10 regard to the objections that we agreed to withhold until after we had taken  
11 the video in.

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

13 **THE COURT:** And a — yes, sir?

14 **MR. HENRY:** Under the statute, Judge, I'm --- my position is that  
15 there were leading questions and also not internal coherence. And that's why  
16 I'm objecting on — on that video.

17 **THE COURT:** All right.

18 **MS. MILES:** Yes, sir, Your Honor. The State offers the  
19 following evidence in support of entering the forensic evaluation of Child 6  
20 Davis, date of birth March 12, 2006. He was age four (4) at the time of his  
21 forensic interviews.

22 Child 6 made statements to Tabitha Weber, who was qualified as an  
23 expert in this trial in child abuse and forensic assessment. He provided these  
24 statements during an investigative forensic evaluation conducted by Ms.  
25 Weber. That evaluation was recorded and has been preserved.

## Motions &amp; Matters

Page 937

Child 6 testified earlier today and was subjected to cross examination.

He testified that Ronasha Taylor, the Defendant, touched his private parts, referring to his chest area, genital area, and backside area. He identified all of this happening at Kids "R" Kids.

He also testified to seeing Ronasha's breasts and private area and also testified regarding Child 5 being present with him and Ronasha

In Child 6 forensic interview, he also discloses the Defendant touching his private area when his pants were down. He also discusses the Defendant showing him her breast and also discloses Child 5 being present with him and Ms. Ronasha.

The State submits the following factors in support of admitting Child 6 recorded forensic interviews: These statements were not elicited by leading questions, but by the proper forensic interviewing different questioning techniques that are used by forensic interviewers.

The forensic interviewer has been qualified as an expert in child abuse and forensic assessments and has been trained for many years in conducting these investigative interviews with children.

The forensic evaluation did contain an account of the offense as described by Child 6 when he testified, specifically to the Defendant touching Child 6 private parts, including his breast, genital, and backside area, which is also what he testified to.

The State submits that the statement has internal coherence and requests that Child 6 forensic interviews be admitted into evidence pursuant to *Jessie's Law*.

**THE COURT:** All right. To say that because — because each

## Motions &amp; Matters

Page 938

1 — each of these is an individual case, from the direction of the Appellate  
2 Court, I feel like I need to make a factual finding as to each of these in each  
3 case in order to put that information on the record so the Appellate Court will  
4 know the Court's findings.

5 So, with regard to Section 17-23- 75, also called *Jessie's Law*,  
6 entitled, "Admissibility of Out-of-Court Statements of a Child Under 12, the  
7 determination of the trustworthiness and notice to the adverse party."

8 And notice was given and the Court was given the — the videos some  
9 time ago, some weeks ago. The Court has had an opportunity to review  
10 them in private before we started the trial today.

11 The Court did that on the weekends and — and — with no one else  
12 present at the courthouse so as not to be interrupted. And the Court  
13 scrutinized them very carefully.

14 The Court has an awful lot of experience in that in Family and Circuit  
15 court over more than twenty (20) years. And the Court finds that the  
16 statement was given in response to questions asked pursuant to Subsection  
17 (a).

18 The statement was given — and one, "The statement was given in  
19 response to questioning conducted being — during an investigative interview  
20 of the child." And that's — and that was done;

21 "An audio and video recording of the statement was preserved on film,  
22 videotape, or other electronic means." That was done.

23 "The child testifies at the proceeding and is subject to cross  
24 examination on the elements of the offense and the making of the out-of-  
25 court statement." And that was done.

## Motions &amp; Matters

Page 939

1 "The Court finds, in a hearing conducted outside the presence of the  
2 jury, that the totality of the circumstances surrounding the making of the  
3 statement provides particularized guarantees of trustworthiness."

4 Some of the things in Subsection (b), that the Court would consider  
5 with regard to particularized guarantees of trustworthiness, Subsection (b)  
6 says, "In determining whether the statement possesses particularized  
7 guarantees of trustworthiness, the Court may consider, but is not limited to  
8 the following factors: One, whether the statement was elicited by leading  
9 questions."

10 The Court finds that they were not elicited by leading questions. And  
11 in doing so, I'll qualify that finding by saying that we're dealing with — when  
12 you're dealing with a four-year-old child, at that time who suffers from ADHD,  
13 I would say had trouble even being still throughout the interview. And so  
14 obviously I take that into consideration; also, the age of the child.

15 And the child was so — I guess it's because of the ADHD, seemed to  
16 be the child couldn't be still and — and had to constantly be refocused.

17 And any time you refocus a child and go back to a question and try to  
18 get an answer to it, the interviewer naturally — it may look like leading. And  
19 you may consider it somewhat leading, but it's also necessary to refocus the  
20 child or they would have been there all day trying to get the child back to the  
21 subject at hand.

22 And so I — the Court does not find those were leading questions given  
23 all of the totality of the circumstances of the — of the child, age, et cetera,  
24 and the — and the inability of the child to stay on — its attention on what --  
25 the interview.

## Motions &amp; Matters

Page 940

1 "Two, whether the interviewer has been trained in conducting  
2 investigative interviews with children." And the Court — and she has.  
3 "Whether the statement represents a detailed account of the alleged  
4 offense," to the best of the interviewers ability at least, it certainly provides a  
5 lot of information with regard to details of — concerning the alleged offense.

6 "Whether the statement has internal coherence and the sworn  
7 testimony of any participant which may be determined as necessary by the  
8 Court."

9 The Court certainly wanted to hear the testimony of the interviewer  
10 and subject them to direct and cross examination by — by the parties and  
11 hear what they had to say as well.

12 And the Court has done that. And the Court finds internal coherence  
13 in that. Again, in considering internal coherence, you have to look at the  
14 totality of the circumstances; that being the age of the child, the child suffers  
15 from ADHD, the — the difficulty in getting the child to — to concentrate,  
16 obvious avoidance by the child.

17 Any time matters that they really didn't want to talk about came up,  
18 their conduct changed significantly. And it was obvious that there was  
19 avoidance in answering difficult questions, the ones that they wanted to avoid  
20 and not answer.

21 That's true of adults and in particular was obvious when they — in this  
22 case when it came to a five-year-old child — four or five years old at — at the  
23 age at the time.

24 So based on all of that I certainly can see where anybody could say —  
25 and, if it was an adult you might consider it leading or going back and — and



**Motions & Matters****Page 941**

1 — and say asked and answered or something. But sometimes with a child,  
2 it's hard to keep them focused. And we take the totality of the circumstances  
3 in — in review.

4 But overall the totality of circumstances, I find the statement and the  
5 — in the video interview was not — the answers were not elicited by leading  
6 questions.

7 And the Court finds that the — there is particularized guarantees of  
8 trustworthiness to the extent that as far as the details went, and as far as the  
9 child's testimony in that video, therefore the Court finds it should be  
10 admissible under Section 17-23-175.

11 **MS. MILES:** Thank you, Your Honor. There's nothing further  
12 from the State.

13 **THE COURT:** All right. Counsel, anything you want — you think  
14 we need to address at this point?

15 **MR. HENRY:** I just want — if I could get a clue as to when I  
16 need to have witnesses available for next Monday.

17 **THE COURT:** How long do you think you're going to be on  
18 Monday?

19 **MS. HALL:** We anticipate wrapping up our case on Monday,  
20 Your Honor.

21 **THE COURT:** Any time Monday?

22 **MS. HALL:** The end of the day — probably at the end of the  
23 day.

24 **THE COURT:** It will probably take the whole day?

25 **MS. HALL:** Maybe — maybe you may have time for one

**Motions & Matters****Page 942**

witness Monday afternoon, I don't know how long our witnesses on Monday will take. They're not as easy to predict as these have been.

**THE COURT:** It's going to be at least after lunch you think?

**MS. HALL:** Yes, sir. It will be at least after lunch.

**THE COURT:** So you'll probably not need more than one or two witnesses —

**MR. HENRY:** Right.

**THE COURT:** — it would appear to me. That's about the best we can do at this point. If it — if it — if it turns out we got a little more time and you can't get your witnesses here, I'll bear with you on — on Tuesday.

And, for the Court's own mind, do you think we may be able to finish it on Tuesday as far as the testimony?

**MR. HENRY:** I hope so.

**THE COURT:** You hope so? Okay.

**MS. HALL:** And I would assume, Your Honor, there will be some matters of law we will need to take up after the State's case anyway, so...

**THE COURT:** Well, I'm quite sure that.

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

**THE COURT:** Okay. All right. All right. I think everybody has a pretty general idea.

**MR. HENRY:** I think so.

**THE COURT:** We've got some — we've got a couple of jurors who — one would like to be out of here by Wednesday. We've got one that has a trip planned leaving out Thursday morning on a plane for vacation.

## Motions &amp; Matters

Page 943

1 And so we may have to address that a little bit later on. I wanted to see just  
2 how far we were going to get with that.

3 We may have to address that and we may have to — you know, we do  
4 have a couple of alternates in this case. One of them I think is an alternate,  
5 so, it won't be a problem if we make it through without an emergency  
6 developing where we have to excuse one of the first twelve (12)).

7 So that wouldn't be a problem. But with the other one, we might want  
8 to consider whether we could use an alternate. They've been very attentive,  
9 all of them have made their notes and that sort of thing. So maybe we can  
10 do that. But I'll — I'll certainly have to have input from you before I make that  
11 decision.

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

13 **THE COURT:** So here I'm just — I'm telling you ahead of time  
14 that they're letting the bailiff know that. All right. Thank you —

15 **MS. MILES:** Thank you.

16 **THE COURT:** — Counsel. It's been a long week. You all have  
17 worked hard and I appreciate that.

18 **MR. HENRY:** Thank you, judge.

19 **MS. HALL:** Thank you, judge.

20 **THE COURT:** All right. Thank you. We'll see you Monday  
21 morning.

22 **MS. MILES:** Have a good weekend.

23 **(Whereupon, court was adjourned for the day at 5:18 p.m.)**  
24  
25

Motions & Matters  
September 17, 2012

Page 944  
9:32 A.M.

**THE COURT:** Good morning, counsel. Good morning everybody. Hope you had a nice weekend and can get started back with the trial. Is there anything I -- we need to take up out of the presence of -- of the jury at this time before we get started?

**MS. HALL:** Your Honor, if we may approach just briefly?

**THE COURT:** Yes, ma'am.

**(Whereupon, a bench conference was had with all attorneys present.)**

**THE COURT:** Let me ask you: I -- I -- I think the witness would still need to be --- I can't remember if she testified pretrial or if she testified during the trial --- pretrial.

**MS. HALL:** It was pretrial, Your Honor.

**THE COURT:** All right. So we'll need to get her ---

**MS. HALL:** This is a continuation.

**THE COURT:** We need to swear her this morning before -- if she's going to be a witness.

**MR. HENRY:** Yes, sir. I -- I will -- will be asking about the qualifications part of it. The licensed -- licensed practice counselor, I have no problem with qualifications.

**MS. HALL:** We'll touch on a very few little things generally and then move --- move into the -- the meat of her testimony.

**THE COURT:** That's fine. All right. But we'll still need to place her under oath because she's not ----

**MS. HALL:** Yes, sir.

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 945**

1                   **THE COURT:**       --- one of those witnesses who were sworn during  
2                   the regular testimony. All right, sir, please, bring them in.

3                   **(The jury was summoned and entered the courtroom at 9:33 a.m.)**

4                   **THE COURT:**       Good morning, Mr. Foreman, ladies and  
5                   gentlemen of the jury panel. I hope you had a pleasant weekend. We're ready  
6                   now to resume with the trial. Counsel, ready to proceed?

7                   **MS. HALL:**           The State's ready, Your Honor. The State calls  
8                   Meredith Loftis.

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

10                  **THE CLERK:**       Raise your right hand and put your left hand on  
11                  the Bible.

12                  (Whereupon,

13                                   **MEREDITH THOMPSON-LOFTIS**

14                  having been duly sworn, testified as follows:)

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

**9:33 A.M.**

16                  **Q.**           What is your name?

17                  **A.**           Meredith Loftis.

18                  **Q.**           And where are you currently employed?

19                  **A.**           I'm a licensed professional counselor at North Main Counseling in  
20                  Greenville.

21                  **Q.**           And what do you do there?

22                  **A.**           I do child, adolescent, individual, and family therapy.

23                  **Q.**           Would you just briefly give us your educational background?

24                  **A.**           Sure. I have a Bachelor of Science degree from Pennsylvania State  
25                  University. I have a Master of Arts Degree from Webster University in counseling,

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 946**

1 I'm a -- and I'm licensed as a professional counselor in the State of South Carolina.

2 **Q.** How long have you been a -- a licensed professional counselor?

3 **A.** Since 2001, so about ten (10), eleven (11) years.

4 **Q.** And would you give us your employment background?

5 **A.** I've worked in therapeutic foster care as a clinical counselor. I've also  
6 worked as a domestic violence counselor for the Safe Home in Laurens County.

7 I've taught psychology at Greenville Technical College. I've worked for  
8 five (5) years as an independent therapist, forensic sensitive therapist, for the  
9 Children's Advocacy Center of Spartanburg. And, then, I've been in private practice  
10 ever since.

11 **Q.** Ms. Loftis, what is child abuse assessment?

12 **A.** It's the ability to determine whether or not a child has been abused  
13 physically, emotionally, or -- or sexually.

14 **Q.** And how are you involved in the field of child abuse assessment and  
15 treatment?

16 **A.** I do assessment on any client that comes into my office, just a brief  
17 overview, an intake evaluation. But often I get referrals from the Children's  
18 Advocacy Center or the Julie Valentine Center in Greenville regarding children who  
19 have been assessed for abuse. And I provide treatment to those children.

20 **Q.** What is forensic sensitive therapy?

21 **A.** Forensic sensitive therapy is a -- is a non-judgmental, non-suggestive  
22 way of talking to children about what's happened to them, a non-leading very soft  
23 directive.

24 **Q.** What is delayed disclosure?

25 **A.** Delayed disclosure is when children usually wait to -- wait to tell about

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 947**

1 abuse or details of abuse. It just depends on each child and -- and their personality.

2 **Q.** And what about partial or tentative disclosure?

3 **A.** The difference is, is that, when you have tentative disclosure, you have  
4 bits and pieces over time. Kids will give you bits and pieces of -- of a disclosure  
5 over a period of time, not all at once.

6 **Q.** What method do you use in your forensic sensitive therapy?

7 **A.** I use what they call trauma focused cognitive behavioral therapy.

8 **Q.** Is there an abbreviation for that?

9 **A.** TFCBT.

10 **Q.** Okay. What is TFCBT or trauma focused cognitive behavioral  
11 therapy?

12 **A.** It's a soft directive approach which basically is where I provide  
13 treatment for expression of feeling and treatment of behaviors that are often  
14 exhibited after a child's been assessed for abuse and neglect.

15 We do play therapy with a five and six year old. We do a lot of  
16 therapeutic games that elicit expression of feelings. We also try to make sure that  
17 we have a very open and safe environment for the child to disclose and to feel  
18 trusted and safe.

19 **Q.** Okay. And does TFCBT have a specific order of events in that type of  
20 therapy?

21 **A.** They do, but with every child it's different. I think you have to do it on a  
22 case-by-case basis. There are certain recommendations for therapy as far as what  
23 you can use with each particular child. So it really just depends on the child  
24 themselves and their intellectual level and their emotional level.

25 **Q.** How common is TFCBT?

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL****Page 948**

1       **A.**       It's extremely common. Most people in this -- in this field are practicing  
2 it now.

3       **Q.**       And are you trained and certified in TFCBT?

4       **A.**       Yes, ma'am.

5       **Q.**       Okay. What would you estimate is the total number of clients you  
6 have seen as a licensed professional counselor?

7       **A.**       Several -- well I would -- I would say several hundred; maybe five  
8 hundred (500). I'm -- I'm not really sure of -- of the exact number.

9       **Q.**       Okay. And, of -- of the approximately five hundred (500) or so, how  
10 many would you say you've seen in the past year?

11      **A.**       I would say over a hundred (100).

12      **Q.**       How many of those hundred (100) clients you've seen in the past year  
13 involve cases of child abuse?

14      **A.**       I would say probably about fifty percent (50%).

15      **Q.**       And what types of abuse does that fifty percent (50%) entail?

16      **A.**       Sexual abuse, physical abuse, emotional abuse.

17      **Q.**       Okay. How many of those sexual abuse cases also involve the issue  
18 of delayed disclosure or delayed reporting?

19      **A.**       I would say about ninety percent (90%); ninety (90) to a hundred  
20 percent (100%).

21      **Q.**       And how many of those also involve the issue of tentative or delayed  
22 disclosure?

23      **A.**       About the same.

24      **Q.**       Okay. And how many of those cases involving the delayed or the  
25 tentative disclosure was the perpetrator a family member or in a position of authority



**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 949**

over the victim?

**A.** I would say that the majority of -- of those victims it was somebody they knew or someone of authority.

**Q.** Okay. What procedures or methods do you undertake to ensure reliability in your therapeutic sessions?

**A.** I provide kind of a -- a sub-role --

**MR. HENRY:** I would object to this one, Your Honor.

**THE COURT:** I'm sorry. What was -- repeat the question.

**MS. HALL:** I said, "What procedures or methods are undertaken to ensure reliability in therapeutic sessions?"

**THE COURT:** All right. Counsel approach just a second.

**(Whereupon, a bench conference was had with all attorneys present.)**

**THE COURT:** I sustain the objection in -- with the question in that form. You may rephrase it if you wish.

**Q.** (By Ms. Hall) Ms. Loftis, what rules do you use in your therapy sessions with the children?

**A.** We have some general rules which are that it's --- that anything we say in therapy stays in therapy; that I don't talk to anyone about what it is that the child says; that they always tell the truth.

And, then, I have some very specific rules that they call sexual behavior rules. And those rules are it's not okay for anyone to touch your private parts. It's not okay for you to touch anybody else's private part. And it is okay to touch your own private parts as long as you're alone like going to the bathroom, bath, et cetera.

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL****Page 950**

1       **Q.**       Are -- are children informed of these guidelines when they come to see  
2 you for therapy?

3       **A.**       Yes, ma'am.

4       **Q.**       What about the child -- children's parents or guardians? Are they  
5 present for therapeutic sessions?

6       **A.**       The parents usually present the child for a session, but they're not  
7 present during the actual session. I'll meet with them briefly if I need to, to discuss  
8 any behaviors or concerns.

9       **Q.**       And where do you meet the children?

10      **A.**       In my office in Greenville.

11      **Q.**       Who may be allowed to observe your sessions?

12      **A.**       No one.

13      **Q.**       Is the child's family or social history obtained prior to beginning  
14 therapy?

15      **A.**       Yes.

16      **Q.**       Why is that?

17      **A.**       Just to have an overview of any other particular concerns or behaviors  
18 or anything else that may need to be addressed along with what's been reported.

19      **Q.**       What about a medical history?

20      **A.**       I do a general medical history which is finding out, you know, what  
21 doctor they see and if there's any kind of special issues that the child would need to  
22 -- that I would need to be aware of.

23      **Q.**       When you're assessing a child for physical or sexual abuse, how do  
24 you determine the child's knowledge of his or her anatomy?

25      **A.**       We do what we call body part identification where we just kind of go

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 951**

1 over what you call certain parts of the body, whether it be, you know, "What is this?"

2 "This is your head." "What are these?" "These are your hands." "What do you call  
3 this part," so I understand what they refer to because every child calls different parts  
4 differently, call their parts differently.

5 **Q.** What, if any, measures are used to assess the child's level of  
6 competency or mental health?

7 **A.** Essentially I — I rely a lot on from what the parents tell me, but in  
8 general, I do my own assessment as to what emotional level they are on; you know,  
9 are they verbal, are they nonverbal, are they able to read, are they not able to read.  
10 And it all depends upon their age.

11 **Q.** How do you explain different emotions a child may have towards a  
12 perpetrator?

13 **A.** In order to explain different emotions, I think you have to look at the  
14 child themselves. I think some children are very fond of their perpetrators so they  
15 may not have anger or fear.

16 Some children do have just that. They have fear. They have anxiety.  
17 They have depression. Some children have anger. Like I said, every child is  
18 different, so each reaction is going to be different.

19 Also, the way that the perpetrator would have treated the child affects  
20 how the child feels about them.

21 **Q.** In your initial therapy sessions with children, do they necessarily  
22 disclose all details of past abuse?

23 **A.** No, not at all.

24 **Q.** Why is that?

25 **A.** Well, I think it becomes a trusting relationship. They have to feel safe

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 952**

1 in the situation and in the environment that they're in. Also you have to look at the  
2 age of the child and — and what may currently be on their mind at a given time.

3 **Q.** How many sessions might it take to get a complete disclosure from a  
4 child?

5 **A.** I would say on average about ten (10), but give or take the specific  
6 child.

7 **Q.** At what point, if ever, do children finish disclosing?

8 **A.** I think there comes a point where children disclose -- have disclosed  
9 the majority of their abuse. And they feel a lot more safe and comfortable. And,  
10 then, they usually end up going back and talking in more detail about what's  
11 happened.

12 But sometimes it — it can be years. It just depends on each child.

13 **Q.** What about chronology? Are children able to recall the chronological  
14 order of events in cases of chronic or ongoing sexual abuse?

15 **A.** I think you have to look at their age. Most children can't recall a — a  
16 year specifically. They can't -- but they can recall specific events in their life. Was it  
17 -- or -- or specific times of the day.

18 "Was it daytime or night time?" "Was it before Christmas or after  
19 Christmas?" "Was it..." -- you know, you can ask them how old they were, but they  
20 may not be able to -- they may just think that things happened a year ago.  
21 Everything can be just a year ago. It just -- it just depends on the child.

22 **Q.** What dialogue do you have with parents?

23 **A.** My dialogue with parents is -- is very open. I try to explain to them  
24 exactly what I'm doing for their child, but at the same time, I try to keep it very  
25 separate.

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL****Page 953**

1 I keep their sessions extremely separate. I address behaviors that —  
2 that come up and help them be able to provide intervention for their children.

3 Q. What about forensic interviews? Do you watch -- or do you view  
4 forensic interviews if you have children who have been referred to you from a -- a  
5 children's advocacy center?

6 A. No.

7 Q. Why is that?

8 A. I try not to. I try to have my own objective view on things. Sometimes  
9 I do. There are times where I've received forensic reports, but for the most part I try  
10 to just meet with the child and have my own separate objective opinion.

11 Q. In this particular case, what person or agency referred these children  
12 to you for therapy?

13 A. The Children's Advocacy Center of Spartanburg.

14 Q. And what did these children present with?

15 A. They all presented with disclosures of sexual abuse.

16 Q. Were you -- were they assessed for competency and/or mental health  
17 prior to coming to see you?

18 A. I believe that's part of the protocol that the CAC completes.

19 Q. And what does a -- a typical therapeutic session look like?

20 A. In my office?

21 Q. Uh-huh (affirmative).

22 A. Typically what would happen would be, if -- if we're past the first initial  
23 session or two, I will call the parent and the child in. And, if I need to meet with the  
24 parents separately; if there's something private they need to let me know, I let the  
25 child play in my office and I will go meet with them in a separate room.

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 954**

1 But most of the time, they come in and talk about any kind of  
2 behaviors or even positive things that have happened for the child. And, then, I  
3 address those and then I send the parent out and I meet with the child separately.

4 You know, we usually -- I usually have a plan of what I want to do on  
5 the day that they come in. But not -- that doesn't always work. Kids have their own  
6 minds and they like to try and change things.

7 So I usually -- that's why I have what they call a soft directive approach  
8 where I'm able to adjust it to the specific child.

9 **Q.** And what do you talk about generally with that soft directive approach?  
10 What kinds of things do you talk about?

11 **A.** We talk about how they feel. We talk about how they feel about  
12 everything. It could be about school. It could be about friends. It could be about  
13 family.

14 We talk about the perpetrator. We talk about things they remember,  
15 how they felt, and ways to feel better.

16 **Q.** When did you conduct therapy sessions with Child 1

17 **A.** Child 1 was first seen on April 8<sup>th</sup>, 2011.

18 **Q.** And how long did you continue to see her?

19 **A.** I saw her for about a month and-a-half.

20 **Q.** Okay. And, in your opinion, did Child 1 appear to be competent?

21 **A.** Yes, she did.

22 **Q.** What age was Child 1 when she first came in for therapy?

23 **A.** She was four (4).

24 **Q.** Was Child 1 able to communicate personal information to you  
25 concerning the identities of family members or pets?

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL****Page 955**

1       **A.**       She was. She was very personable, very easy to understand, very  
2 clear about who she lived with and who was in her family.

3       **Q.**       Were you able to verify any of the answers she gave you?

4       **A.**       I had verified through her parents, yes.

5       **Q.**       What, if any, safeguards were used during therapy to prevent any type  
6 of suggestibility or third-party influence?

7       **A.**       I would say -- you know, I -- I separated the child from their parent. I  
8 didn't view the forensic interview ahead of time. And I conducted my own mental  
9 health assessment at the beginning.

10      **Q.**       So you did not view the forensic video for Child 1

11      **A.**       No, I did not.

12      **Q.**       Okay.

13      **A.**       Nor did I read a report either.

14      **Q.**       What, if any, recommendations have you made for Child 1

15      **A.**       That she continued for therapy if she needs to. That it be  
16 developmental over time. Right now, according to what I understand, she has been  
17 doing very well and has adjusted very well, but that could be -- that could change  
18 over time.

19               As she gets older, hormones, anything that could happen that could  
20 trigger feelings of -- of anger or fear, that's she's welcome to come back at any  
21 time.

22      **Q.**       All right. What about Child 2               When did you conduct therapy  
23 sessions with Child 2

24      **A.**       Child 2 was first seen on March 9<sup>th</sup>, 2011.

25      **Q.**       And what about now?

MS. MEREDITH LOFTIS - DIRECT by MS. HALL

Page 956

1       A.       She continues to attend therapy.

2       Q.       In your opinion, did Child 2 appear to be competent?

3       A.       She did.

4       Q.       How old was Child 2 when she first came to therapy?

5       A.       She was four (4).

6       Q.       And was Child 2 able to communicate personal information to you  
7 concerning the identities of family members?

8       A.       She is -- or she was. She talked about both of her parents, her  
9 brother, her grandparents, her school, friends, things she likes, things she doesn't  
10 like. She was very personable.

11      Q.       What information -- or was any of the information she gave you  
12 independently verified through other sources?

13      A.       Through her parents.

14      Q.       What, if any, safeguards were used when counseling Child 2 to prevent  
15 any type of third-party influence or suggestibility?

16           MR. HENRY:       I'm going to object to this, Your Honor. Can I be  
17 heard on that just at the bench?

18           THE COURT:       Yes. Approach, please.

19           (Whereupon, a bench conference was had with all attorneys  
20 present.)

21           THE COURT:       All right. For the record, I would sustain the  
22 objection. We can just move on from there, please.

23           MS. HALL:       Thank you.

24      Q.       (By Ms. Hall) Ms. Loftis, what about Child 2 forensic videotape? Did  
25 you watch those prior to beginning ---



MS. MEREDITH LOFTIS - DIRECT by MS. HALL

Page 957

1 A. No, I did not.

2 Q. What, if any, recommendations have you made for Child 2

3 A. That she continue in therapy as needed; that she still has a  
4 tremendous amount of depression, some anger and confusion. So that she  
5 continue as long as she needs to.

6 Q. On what dates did you conduct therapy sessions with Child 3

7 A. Child 3 Child 3 was presented for therapy on February 3<sup>rd</sup>,  
8 2011.

9 Q. And what about now?

10 A. She continues to attend therapy every other week.

11 Q. In your opinion, did Child 3 appear to be competent?

12 A. She did.

13 Q. How old was Child 3 when she first came in for therapy?

14 A. She was four (4).

15 Q. Was Child 3 able to communicate personal information to you about  
16 family members and/or pets?

17 A. She did. Child 3 was extremely personable, very independent. She  
18 was able to tell me who her mom and dad and -- were and who lived in her home  
19 and her favorite things.

20 She's a very much a girly girl, likes to be involved in anything that  
21 involves sparkles or princesses or anything like that. She's very personable.

22 Q. Was any of the information she gave you independently verified  
23 through other sources?

24 A. It was, through her parents.

25 Q. What about Child 3 forensic videos? Did you have the opportunity to

1 view those prior to beginning therapy?

2 A. No, I did not.

3 Q. What, if any, recommendations have you made for Child 3

4 A. That Child 3 continue in therapy as — as needed and also

5 developmentally over time for as long as she needs to.

6 Q. Okay. When did you conduct therapy sessions with Child 4

7 A. Child 4 was first seen on March 3<sup>rd</sup>, 2011.

8 Q. What about now?

9 A. Child 4 continues to attend regularly, every week -- or every two weeks,  
10 every three weeks.

11 Q. In your opinion, did Child 4 appear to be competent?

12 A. He did.

13 Q. How old was Child 4 when he first started coming to therapy?

14 A. He was four (4).

15 Q. Was he able to communicate personal information to you concerning  
16 family members, pets, et cetera?

17 A. Yes, he was. He was able to identify his parents, where he lives,  
18 where he goes to school, what he likes; very much into Legos and cars and, you  
19 know, trucks and anything that — that moves fast.

20 Q. Okay. Was any of that information independently verified through  
21 other sources?

22 A. It was through his parents.

23 Q. What about Child 4 forensic videos? Did you view those prior to  
24 beginning therapy?

25 A. No, I did not.

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL****Page 959**

1       **Q.**       What, if any, recommendations have you made for Child 4

2       **A.**       Pretty much the same. Child 4 still has some anger so I still continue to  
3 address those anger outbursts, whether it be in a school setting, you know, or just  
4 his anger about abuse all together. So he's able to continue as much or as little as  
5 he needs to.

6       **Q.**       When did you conduct therapy sessions with Child 5

7       **A.**       Child 5 was first seen on April 5<sup>th</sup>, 2011.

8       **Q.**       What about now?

9       **A.**       He continues to attend about once a month.

10      **Q.**       In your opinion, did Child 5 appear to be competent?

11      **A.**       He did.

12      **Q.**       How old was he when he first came to therapy?

13      **A.**       He was four (4). He was almost five (5), but he was still four (4) years  
14 old.

15      **Q.**       Was he able to communicate personal information to you concerning  
16 the identities of family members or pets?

17      **A.**       He — he was. He was extremely personable. He was able to identify  
18 his mother and his father and his brother. Also told me about the things he likes.  
19 Also very much into "Cars," the movie and Batman and anything with — that had to  
20 do with super heroes. He -- he likes that.

21      **Q.**       And was any of that information independently verified?

22      **A.**       It was through his parents.

23      **Q.**       Okay. What about his forensic videos? Did you view those prior to  
24 beginning therapy with him?

25      **A.**       No, I did not.

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL****Page 960**

1           **Q.**       What, if any, recommendations have you made for Child 5

2           **A.**       That Child 5       continue in therapy as often or as little as he needs.

3       He still has some confusion and some anger. At times feels — often feels guilty so  
4       we're trying to still work through some of that.

5           **Q.**       And what about Child 6       ,       On what dates did you conduct therapy  
6       sessions with Child 6

7           **A.**       Child 6       was first seen on February 22<sup>nd</sup>, 2011.

8           **Q.**       What about now?

9           **A.**       Child 6       continues about once every three weeks, three or four weeks.

10          **Q.**       In your opinion, did Child 6       appear to be competent?

11          **A.**       He did.

12          **Q.**       How old was Child 6       when he first came to therapy?

13          **A.**       He was four (4). He was almost five (5), but he was four (4) years old  
14       at the time.

15          **Q.**       Was Child 6       able to communicate personal information to you about his  
16       family and pets?

17          **A.**       He was. He was able to talk about where he lives, living with his  
18       mother, where he goes to school, things he likes. Very personable, very much into  
19       video games and super heroes and cars.

20          **Q.**       Okay. And was any of that information verified through other sources?

21          **A.**       Through his mother.

22          **Q.**       What about Child 6       videos? Did you view those prior to beginning  
23       therapy with him?

24          **A.**       No, ma'am.

25          **Q.**       What about Child 6       ADHD? How does that affect your therapy

**MS. MEREDITH LOFTIS - DIRECT by MS. HALL**

**Page 961**

1 sessions with him?

2 **A.** Well, you know, with Child 6 one-on-one he does much better, but we  
3 do have to redirect him at times. Sometimes, when he gets very nervous, he will  
4 often become quiet and it's difficult to understand him.

5 So I usually redirect him. And, for the most part, he does very, very  
6 well as long as, you know, he does not get upset. And, at that point, then usually I  
7 get help from his mother.

8 But that hasn't -- I think that's only happened once or twice.

9 **Q.** And what, if any, recommendations have you made for Child 6

10 **A.** That he also continue in therapy, mainly to address anger and  
11 confusion and -- and guilt.

12 **MS. HALL:** Beg the Court's indulgence for just a minute.

13 **(Brief Pause)**

14 **MS. HALL:** No further questions at this time. Please answer  
15 any questions Mr. Henry may have.

16 **MR. HENRY:** I have none, Your Honor.

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

19 **THE WITNESS:** Thank you.

20 **(Witness complied with the request.)**

21 **MS. HALL:** Your Honor, may this witness be excused? She's  
22 got a practice ---

23 **THE COURT:** No objection?

24 **MR. HENRY:** No objection, Judge.

25 **THE COURT:** Thank you for coming, ma'am. You may be

**MS. KORI KNISELY - DIRECT by MS. HALL**

excused at this time.

**THE WITNESS:** Thank you.

**(Off-The-Record Comments)**

**MS. HALL:** The State calls Kori Knisely to the stand.

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

(Whereupon,

**KORI KNISELY**

having been duly sworn, testified as follows:)

**DIRECT EXAMINATION by MS. HALL:**

**10:10 A.M.**

**Q.** What is your name?

**A.** Kori Knisely.

**Q.** And get real close to the microphone so she can hear you.

**A.** Sorry, Kori Knisely.

**Q.** And how do you spell your last name, Ms. Knisely?

**A.** K-N-I-S-E-L-Y.

**Q.** Where do you currently work?

**A.** At Kids "R" Kids.

**Q.** How long have you worked at Kids "R" Kids?

**A.** Two years. July 6<sup>th</sup> was two years.

**Q.** What age do you currently teach?

**A.** Currently I teach the K-5 program, which is five and six year olds.

**Q.** Kindergarten?

**A.** Uh-huh (affirmative).

**Q.** What age did you teach in 2010, if it was different?

**A.** I first started on July 6<sup>th</sup> and I taught the younger fours (4's).

MS. KORI KNISELY - DIRECT by MS. HALL

Page 963

- 1 Q. The younger fours (4's)? So what suite was that?
- 2 A. Four-fifty (450).
- 3 Q. Four-Fifty (450)?
- 4 A. Uh-huh (affirmative).
- 5 Q. And you said now you teach kindergarten?
- 6 A. Yes, ma'am.
- 7 Q. What suite is that?
- 8 A. Six hundred (600).
- 9 Q. Okay. Where did you work prior to coming to Kids "R" Kids?
- 10 A. I was a nanny for a year. And before that I worked at RE/MAX Realty
- 11 in Delaware.
- 12 Q. How do you know the Defendant in this case, Ronasha Taylor?
- 13 A. I worked with her at Kids "R" Kids.
- 14 Q. And is she here today?
- 15 A. Yes, ma'am.
- 16 Q. Would you please identify her?
- 17 **(Witness complied with the request.)**
- 18 Q. When -- what was the first day you met her? Do you recall?
- 19 A. The first day I worked there. She worked right next door to me.
- 20 Q. Okay.
- 21 A. In 400.
- 22 Q. So you -- you two taught together?
- 23 A. Yes.
- 24 Q. For how long?
- 25 A. I mean, I talked -- I talked with her the whole time I worked there.

**MS. KORI KNISELY - DIRECT by MS. HALL****Page 964**

1 Q. Oh, excuse me, taught -- taught together.

2 A. Oh, sorry. I thought you said talked. I taught with her when we would  
3 have -- sometimes we would combine our classes just to do an art project, just to  
4 make things easier instead of doing them separately. So sometimes just for fun we  
5 would put our classrooms together and do an art project together.

6 Q. Okay. And where was your classroom in relationship to her classroom  
7 when you taught together?

8 A. Right next door.

9 Q. Okay. You were in four-fifty (450)?

10 A. Yes, ma'am.

11 Q. What room was she in?

12 A. Four hundred (400).

13 Q. Okay. And did those rooms -- were they adjoining rooms?

14 A. There's the glass, the glass wall. And there was a door there.

15 Q. Okay. When, if ever, would the Defendant watch over the children in  
16 your class?

17 A. When I was in four-fifty (450) and she was in four hundred (400), she  
18 -- if our class is combined for nap time and one of us went on break, then, she  
19 would watch over my children.

20 Q. What about in August 2010? Where did you move?

21 A. In August of 2010, I moved from four-fifty (450) to six hundred (600).

22 Q. Okay. And what about then? How often did your children -- were your  
23 children in that class watched over by the Defendant?

24 A. They were watched over every day for one hour at nap time.

25 Q. And why would your children also join Ms. -- the Defendant's children



MS. KORI KNISELY - DIRECT by MS. HALL

Page 965

1 during nap time?

2 A. So that I could take an hour break.

3 Q. Okay. Where would you typically go for your lunch break?

4 A. I'd usually go home at that point. I would go home and get a sausage  
5 burrito (phonetic).

6 Q. How often, if ever, would you go to lunch with the Defendant?

7 A. I went to lunch with her a few times. I went to McDonald's and one  
8 time when I took her to Ruby Tuesdays.

9 Q. Were you good friends with her?

10 A. At work, yes.

11 Q. What was your knowledge of where she went during lunch breaks?

12 A. My knowledge two years ago, but occasionally I think she would go to  
13 McDonald's maybe, but most of the time I -- she went upstairs in the break room.

14 Q. You said the break room?

15 A. Yes.

16 Q. Okay. What was your typical routine when you took your lunch break  
17 from the time it started until the time it was over?

18 A. I went and I clocked out. Usually I'd get in my car, drive the 15  
19 minutes to my house, sit down, watch a little TV, eat, and, then, get back in the car  
20 and drive the fifteen minutes back.

21 Q. Did you ever come back to work early?

22 A. No. I needed my —

23 Q. Where was the Defendant when you came back from break?

24 A. When I came back from break to wake my children up, she was  
25 usually at the table on the — on the linoleum floor. There was three tables, three or

**MS. KORI KNISELY - DIRECT by MS. HALL**

**Page 966**

1 four tables, and she was usually at one of those tables where she was sitting at the  
2 desk, the teacher's desk.

3 Q. Okay. What about the other 4-K teacher, Ms. Laurie? Was she ever  
4 there when you returned?

5 A. Occasionally, but usually she was on her break at that time.

6 Q. Okay. So some -- sometimes the breaks switched around?

7 A. Sometimes the breaks would switch or -- who knows what reasons, but  
8 sometimes one teacher would go before or -- or the other teacher would go.

9 Q. When you were teaching the four year old class in four-fifty (450), I  
10 believe you said, how often did you have to go into the bathroom with your  
11 students?

12 A. Very rarely. Only if they had an accident.

13 Q. And what were the lights like when you went into the bathroom?

14 A. On.

15 Q. What about the door to the bathroom?

16 A. Open.

17 Q. How often did toilet paper run out in the bathroom when you were  
18 teaching the four year old class?

19 A. Once -- once a week, I guess. I usually changed the toilet paper on  
20 Fridays after all my kids were gone. I would clean the bathrooms and change them  
21 on Fridays.

22 Q. What rules were there about flushing for the children?

23 A. Only flush toilet paper.

24 Q. What about for the adults?

25 A. Only flush toilet paper.

MS. KORI KNISELY - DIRECT by MS. HALL

Page 967

1 Q. Did you have an issue with any of the children in the four-year old  
2 class ever taking inappropriate items to the bathroom?

3 A. No.

4 Q. For the four-year old class?

5 A. No.

6 Q. What about your kindergartners?

7 A. No.

8 Q. What about paper towels? Did any of the children have access to  
9 paper towels while they were in the bathroom?

10 A. Paper towels were outside the bathrooms, next to the sinks on a  
11 dispenser so that they could wash their hands outside. So there was no reason for  
12 those to be brought in.

13 Q. What about toys?

14 A. No. They really weren't really supposed to bring toys to school. If they  
15 did, they were in their cubbies.

16 Q. What about pacifiers?

17 A. They're too old for that.

18 Q. Baby wipes?

19 A. Baby wipes? Only the teachers have access to baby wipes in the  
20 closet.

21 Q. So what did the children have access to in the bathroom?

22 A. Toilet paper.

23 Q. What kids, that you can remember, when you're -- were in your  
24 classroom the summer of 2010 when you were teaching the four year old room?

25 A. I had Child 6 in my class. I had other children, but none of them

**MS. KORI KNISELY - DIRECT by MS. HALL**

**Page 968**

involved in this.

**Q.** Okay. What about when you started teaching the five year old kindergarten? Do you remember any of those children?

**A.** I have four students. I had Molly and Akayla (phonetic) and Jacob and Alexander.

**Q.** Okay. What about the other 4-K classes? Do you recall any children that were in those classes?

**A.** There was a Alise (phonetic), a Harrison, a Child 6 Child 2 Child 3 Child 1 Child 5 There were probably more; I just don't recall them.

**Q.** How well do you know the children involved in this case?

**A.** Very well.

**Q.** And you testified you taught Child 6

**A.** Yes, ma'am.

**Q.** What about any of the others?

**A.** No. They were in -- they were in Laurie's and Ronasha's class.

**Q.** When did you first learn of any allegations against the Defendant?

**A.** After I got back from our field trip to the Niven's Apple Farm (phonetic). I saw Ms. Sally and Ms. Spicer talking. And I went back and got my students and, then, word got back around that something was going on.

**MR. HENRY:** I'm going to object to hearsay, Judge.

**THE COURT:** You can proceed.

**Q.** (By Ms. Hall) What happened -- tell us about that field trip.

**A.** We all went on a field trip to Niven's Apple Farm. By we all, I mean my class, my K-5 students, Ms. Laurie's class, and Ms. Ronasha's class.

We went and we picked apples, pumpkins, went on a hay ride. There

**MS. KORI KNISELY - DIRECT by MS. HALL****Page 969**

1 was one student who was too young to go on the bus and I had her mother's contact  
2 information.

3 **Q.** Who was that student?

4 **A.** Child 1

5 **Q.** Okay.

6 **A.** So her mother drove her to the apple farm and we all went together.

7 We broke up into groups, which made things easier, to have five or six children with  
8 a teacher and a couple chaperones rather than to have all of them in one group.

9 So we broke up into some groups and went about our day there; had  
10 lunch, and then I called the -- Child 1 mom and she came and picked her up. And  
11 we got all the rest of the kids on the bus.

12 **Q.** So did you have Child 1 mother's phone number?

13 **A.** Yes, ma'am.

14 **Q.** Okay. What interaction, if any, did you observe with Ms. Spicer when  
15 she picked her child up at the field trip site?

16 **A.** I called her and she came and picked her up. But, with the other 29 to  
17 30 children that I was getting on the bus, I don't really recall any other conversations  
18 with her and anybody. She was just picking her up.

19 **Q.** What interaction, if any, did you observe between Ms. Spicer and other  
20 parents at the field trip?

21 **A.** At the field trip? None.

22 **Q.** What about back at the school?

23 **A.** Well, at -- at school parents talk all the time, but I don't know any  
24 specific ---

25 **Q.** When you got back to the school, you said you observed Ms. Spicer

MS. KORI KNISELY - DIRECT by MS. HALL

Page 970

1 talking with Ms. Sally?

2 A. Yes, ma'am.

3 Q. What did you tell the Defendant about that?

4 A. Nothing. I went back to the classroom and got my children.

5 Q. When did you find out there were actual allegations against the  
6 Defendant?

7 A. After word got around and came back to the classroom.

8 Q. And what did you think those allegations involved?

9 A. Something sexual.

10 Q. Did you know which children were involved?

11 A. Not at that time.

12 Q. What about the note Sally asked you to write?

13 A. Sally came to me and asked me to write ---

14 Q. Don't tell me what she said. Just generally what -- what was the  
15 nature of the note she asked you to write?

16 A. A note about Ronasha.

17 Q. What type of note did she want?

18 A. A note how -- how I taught with her.

19 Q. And did you write one?

20 A. Yes, ma'am.

21 Q. When did you first learn of the full actual nature of these allegations?

22 MR. HENRY: Objection to hearsay, Judge. This is going to be  
23 invited.

24 THE COURT: Yeah. You would not -- you'd -- you'd have to --  
25 she's have to be able to answer the source of it. And, if it's hearsay, then, I

**MS. KORI KNISELY - CROSS by MR. HENRY****Page 971**

1 sustain the objection.

2 **Q.** (By Ms. Hall) Who did you learn the full actual nature of the  
3 allegations from?

4 **MR. HENRY:** Same objection, Judge. I mean, it's going in that  
5 direction. It may not be there quite yet ---

6 **MS. HALL:** I'm not asking what anyone told her. I'm just  
7 asking when she learned ---

8 **MR. HENRY:** Oh, I'm sorry. I'll withdraw the objection.

9 **MS. HALL:** --- what she learned.

10 **Q.** (By Ms. Hall) When did you learn what you learned?

11 **A.** When I saw it on the news I guess.

12 **Q.** Was that before or after you wrote the letter?

13 **A.** After I wrote the letter.

14 **Q.** Okay. What about a later conversation with you and the Defendant  
15 when you told her you would have her back?

16 **A.** I never told her that I had her back. She -- she had told me that she --  
17 that -- she told me what had happened, about the allegations, and I simply said that  
18 I didn't believe it at first. And, then, I said -- or she said, "Well, they don't know who  
19 they're messing with."

20 **(Brief Pause)**

21 **MS. HALL:** No further questions. Please answer any  
22 questions Mr. Henry may have.

23 **CROSS-EXAMINATION by MR. HENRY:**

**10:17 A.M.**

24 **Q.** Okay. You wrote a letter at Sally's request?

25 **A.** Yes, sir.

MS. KORI KNISELY - CROSS by MR. HENRY

Page 972

1 Q. Is that right?

2 A. Yes, sir.

3 Q. And was that after Ronasha had left Kids "R" Kids?

4 A. I believe so.

5 Q. Okay. And is it correct that you -- is the letter that you wrote true?

6 A. Yes, sir.

7 Q. Okay. And -- and didn't -- did you say that you'd never seen Ronasha  
8 mistreat a child?

9 A. Yes, sir.

10 Q. And did you say that the children came up and hugged her a lot?

11 A. Yes, sir.

12 Q. And she was a good teacher?

13 A. Yes, sir.

14 Q. And all of those things were true?

15 A. Yes, sir.

16 MR. HENRY: That's all I have.

17 MS. HALL: Nothing else.

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

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

20 MS. HALL: The State calls Laurie Frady.

21 (The witness stepped forward to be sworn.)

22 (Whereupon,

23 LAURIE FRADY

24 having been duly sworn, testified as follows:)

25 DIRECT EXAMINATION by MS. HALL:

10:19 A.M.



**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 973**

- 1 Q. What is your name?
- 2 A. Laurie Frady.
- 3 Q. And where do you work?
- 4 A. Kids "R" Kids.
- 5 Q. How long have you worked there?
- 6 A. Almost — August will be three (3) years.
- 7 Q. Where did you work prior to coming to Kids "R" Kids?
- 8 A. I worked at Precious People for two and-a-half (2 ½) years and before
- 9 that I was a stay-at-home mom.
- 10 Q. What age do you currently teach at Kids "R" Kids?
- 11 A. Twos (2's).
- 12 Q. What age did you teach in 2010?
- 13 A. K-4.
- 14 Q. What suite number were you in?
- 15 A. At that time, I had moved into five hundred (500).
- 16 Q. How did you know the Defendant?
- 17 A. I worked with her.
- 18 Q. When did you first meet her? Do you recall?
- 19 A. Shortly after I started working there.
- 20 Q. When, if ever, did you work in a classroom with the Defendant?
- 21 A. When she became the K-5 teacher, she moved into Suite 550. That's
- 22 when we started working together.
- 23 Q. So you said you were in 500 and she was in 550?
- 24 A. Yes, ma'am.
- 25 Q. Where are those two suites?

**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 974**

1       **A.**       At the end of the hall, side-by-side.

2       **Q.**       Who was at the very end of the hall?

3       **A.**       Ronasha.

4       **Q.**       And you were right before her?

5       **A.**       Right before her.

6       **Q.**       When, if ever, would the Defendant watch over the children in your  
7 four-year old class?

8       **A.**       When they would — had to go for nap time. Our classes would  
9 combine together and we would sleep together.

10      **Q.**       What about other times?

11      **A.**       If we went outside, we'd do outside together, lunch, or just something  
12 like that.

13      **Q.**       What was your class's schedule like in terms of lunch and nap? How  
14 did it work?

15      **A.**       We went to lunch I think around eleven (11:00). I remember we would  
16 go and eat lunch and, then, they would get on their mats. And, then, either I or  
17 Ronasha would, then, go to break.

18      **Q.**       So they pottied before they went down for a nap?

19      **A.**       Yes, ma'am. That was ---

20      **Q.**       How often would you and the Defendant combine classes?

21      **A.**       Normally just for nap time.

22      **Q.**       And was that every day for nap?

23      **A.**       For the most part, unless they could find somebody else to break us  
24 separately.

25      **Q.**       Who would be present in the classroom with the children during this

**MS. LAURIE FRADY - DIRECT by MS. HALL**

1 nap time while everyone was on break?

2 **A.** The teacher was by herself.

3 **Q.** So either you by herself or Ronasha by herself?

4 **A.** Yes, ma'am.

5 **Q.** Where would you typically go for your lunch break?

6 **A.** I would clock out. I would either leave campus, go eat with someone,  
7 or I would go upstairs to the break room.

8 **Q.** What was your knowledge of where the Defendant went during her  
9 lunch break?

10 **A.** Maybe occasionally leave or mostly go upstairs to the break room like  
11 most of us.

12 **Q.** When would you return to the classroom?

13 **A.** After my hour was up.

14 **Q.** Did you ever come back early?

15 **A.** No, ma'am.

16 **Q.** Where was the Defendant when you came back from break?

17 **A.** I have three tables that sit on the linoleum right, in front of both of the  
18 bathrooms, and she was generally sitting at one of those doing work or curriculum or  
19 something like that.

20 **Q.** When you were teaching 4-K, how often did you go into the bathroom  
21 with your students?

22 **A.** Very rarely.

23 **Q.** Why would you go in the bathroom?

24 **A.** If they needed assistance with wiping.

25 **Q.** How often was that?

**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 976**

1       **A.**       Very rarely. My children were independent. And, by that point in time,  
2 they could do it by themselves.

3       **Q.**       When you went in to wipe your children, where would you go?

4       **A.**       Inside the bathroom.

5       **Q.**       What about the door? How was the door?

6       **A.**       Left open.

7       **Q.**       And what about the lights?

8       **A.**       They were on.

9       **Q.**       How often did your children in 4-K have accidents when you had to go  
10 with -- go into the bathroom with them to change their clothes?

11       **A.**       Very seldom.

12       **Q.**       How often did the children wake up during nap and need to go to the  
13 bathroom?

14       **A.**       Occasionally.

15       **Q.**       How often would you say?

16       **A.**       Once or twice a week maybe.

17       **Q.**       Each child once or twice a week?

18       **A.**       For the most part.

19       **Q.**       And when would they wake up and need to go to the bathroom? Was  
20 it the beginning of nap, at the end of nap, or in the middle or all over?

21       **A.**       It was all over.

22       **Q.**       Would you go with them?

23       **A.**       No, ma'am.

24       **Q.**       How often did the toilet paper run out in the bathroom?

25       **A.**       Once a week.

**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 977**

1       **Q.**       Did you ever have an issue with any of your four-year olds taking items  
2 into the bathroom?

3       **A.**       No, ma'am.

4       **Q.**       How about following any of your children in the bathroom to make sure  
5 they didn't put anything in the toilet? Did you ever do that?

6       **A.**       No, ma'am.

7       **Q.**       What children that you can remember were in your class during the fall  
8 of 2010?

9       **A.**       I had Child 3 and Child 2 and Child 4 and Child 5       Tyler and Shawn,  
10 Elissa, Titus (phonetic) -- well, that's been two years ago.

11       **Q.**       What about the other four children -- 4-K class? Do you remember  
12 any children from that class?

13       **A.**       Harrison, and I think Child 6 was in there and Child 1 Reese (phonetic),  
14 and a little girl named Marissa.

15       **Q.**       How do you know Child 1

16       **A.**       She was in Ronasha's class.

17       **Q.**       So you were not her teacher?

18       **A.**       No.

19       **Q.**       When were you with Child 1 during the day?

20       **A.**       At lunch time, we went outside together and nap time.

21       **Q.**       When you were with Child 1 in a classroom, how often did you have to  
22 assist her in the bathroom?

23       **A.**       Never. She's very independent.

24       **Q.**       How often did you have to stop Child 1 from playing in the bathroom?

25       **A.**       Never.

MS. LAURIE FRADY - DIRECT by MS. HALL

Page 978

1 Q. And how did Child 1 seem around the Defendant?

2 A. She loved her.

3 Q. She loved her?

4 A. Uh-huh (affirmative).

5 Q. How do you know Child 2

6 A. I was her teacher.

7 Q. When were you with Child 2

8 A. All day.

9 Q. When you were in a classroom with Child 2 how often did you have to  
10 assist her in the bathroom?

11 A. Never.

12 Q. How often did you have to stop Child 2 from playing in the bathroom?

13 A. I didn't.

14 (Brief Pause)

15 Q. What unusual behavior, if any, did you notice from Child 2 while she  
16 was in the 4- K class?

17 A. At nap time, I caught her playing on her mat. She was -- had her  
18 hands in her pants and she was playing doctor.

19 Q. And -- and what did you do about that?

20 A. I wrote a note to her parent home and asked them to call me.

21 Q. Do you recall when that was?

22 A. It was -- I believe it was sometime in October. I -- I don't -- I'm not  
23 really sure.

24 Q. Was that while Ronasha was still employed at Kids "R" Kids?

25 (Brief Pause)

MS. LAURIE FRADY - DIRECT by MS. HALL

Page 979

- 1 A. I don't remember.
- 2 Q. What about -- was Ronasha still in her own classroom at that point?
- 3 A. No, she was not.
- 4 Q. Where was she then? Do you recall?
- 5 A. By that point in time, she had been moved out and she was
- 6 somewhere else in the building.
- 7 Q. Okay. How did Child 2 seem around the Defendant?
- 8 A. She liked her.
- 9 Q. How do you know Child 3?
- 10 A. I was her teacher.
- 11 Q. When were you with Child 3 during the day?
- 12 A. All day.
- 13 Q. When you were with Child 3 how often did you have to assist her in
- 14 the bathroom?
- 15 A. Never.
- 16 Q. How often did you have to stop Child 3 from playing in the bathroom?
- 17 A. I didn't.
- 18 Q. What unusual behaviors, if any, did you notice from Child 3 while she
- 19 was in your class?
- 20 A. I think there was a time that I had to get onto her and Child 2 because
- 21 of something.
- 22 Q. Do you recall what that was?
- 23 A. I know -- I know I had to write a note home to her parents, but I don't
- 24 really remember.
- 25 Q. How did Child 3 seem around the Defendant?

- 1 A. She loved her.
- 2 Q. She loved her?
- 3 A. Uh-huh (affirmative).
- 4 Q. How do you know Child 4
- 5 A. He was in my class.
- 6 Q. When were you with Child 4 during the day?
- 7 A. All day.
- 8 Q. When you had Child 4 with you all day, how often did you have to assist
- 9 him in the bathroom?
- 10 A. Never.
- 11 Q. How often did you have to stop Child 4 from playing in the bathroom?
- 12 A. I didn't.
- 13 Q. What about accidents? Did Child 4 ever have any accidents?
- 14 A. He did.
- 15 Q. When did that start?
- 16 A. That started after Ronasha was removed from the classroom.
- 17 Q. What would you do when Child 4 would have an accident?
- 18 A. I would have him go to the bathroom. I would bring him his clothes
- 19 and have him change himself.
- 20 Q. Would you go into the bathroom with him?
- 21 A. I would not.
- 22 Q. How did Child 4 seem around the Defendant?
- 23 A. He didn't like her.
- 24 Q. What would he do to let you know he didn't like her?
- 25 A. If he had to go to her classroom, he would grab onto my leg and say



**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 981**

1 "Please, don't make me go in there, Ms. Laurie. I don't want to go."

2 Q. Was there anything unusual about that?

3 A. Child 4 just -- I just assumed it was because Child 4 was attached to me.

4 I didn't think anything else. He just didn't want to go with her. He wanted to stay  
5 with me.

6 Q. Would you ever observe Child 4 acting that way with any other teacher?

7 A. No.

8 Q. How do you know Child 5

9 A. I was his teacher.

10 Q. When were you with Child 5 during the day?

11 A. All day.

12 Q. When were you in the bathroom -- oh, excuse me. When you were  
13 with Child 5 all day, how often did you have to assist him in the bathroom?

14 A. I didn't.

15 Q. How often did you have to stop Child 5 from playing in the  
16 bathroom?

17 A. Never.

18 Q. What about unusual behaviors from Child 5

19 A. There was some behavioral issues that I addressed with his mom.  
20 And, then, he started wetting his pants.

21 Q. I going to ask you about the behavioral issues first. What were they;  
22 do you recall?

23 A. He would get angry, have outbursts frequently, very unusual.

24 Q. When did that start?

25 A. After Ms. Ronasha was out of the classroom.

**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 982**

1       **Q.**       Okay. And what about -- you said he started wetting his pants?

2       **A.**       Yeah.

3       **Q.**       When did that start?

4       **A.**       After Ronasha had left.

5       **Q.**       How did Child 5       seem around the Defendant?

6       **A.**       He didn't like her.

7       **Q.**       How do you know?

8       **A.**       They were trying to send him to her classroom and he was crying, not  
9       wanting to go, and I literally had to ---

10               **MR. HENRY:**       Objection to hearsay, Your Honor.

11               **MS. HALL:**       Excited utterance.

12               **THE COURT:**       Well, I'll -- I don't think it falls into that category. I'll  
13       sustain the objection. She can testify about what she saw.

14       **Q.**       (By Ms. Hall) Tell us about his behavior.

15       **A.**       He would have angry outbursts, hit friends and things like that.

16       **Q.**       What about his behavior specifically when you saw Child 5       -- when  
17       you were trying to get Child 5       to go into the Defendant's room? What behavior did  
18       you observe?

19       **A.**       Kicking and screaming, not -- not wanting to go. I remember one time  
20       I had to literally pick him up and sit her [sic] in his [sic] room.

21       **Q.**       How do you know Child 6

22       **A.**       I got him after Ronasha left.

23       **Q.**       Okay. So, when were you with Child 6       during the day prior to getting --  
24       getting him as a child, a student?

25       **A.**       Before -- when he was with Ronasha?

**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 983**

- 1       **Q.**       Uh-huh (affirmative).
- 2       **A.**       Outside, lunch time, when we combined together at nap time.
- 3       **Q.**       And what about after?
- 4       **A.**       I had him all day.
- 5       **Q.**       Okay. Both before and after, when you were in the classroom with
- 6 Child 6 how often did you have to assist him in the bathroom?
- 7       **A.**       I didn't.
- 8       **Q.**       How often did you have to stop him from playing in the bathroom?
- 9       **A.**       I didn't.
- 10      **Q.**       How did Child 6 seem around the Defendant?
- 11      **A.**       He didn't really care for her.
- 12      **Q.**       What behaviors did you observe to make you think that?
- 13      **A.**       He was terrified of her.
- 14      **Q.**       What would he do?
- 15      **A.**       He would -- he didn't want anything to do with her. And he didn't want
- 16 to be around her. If he got in trouble, he just -- he wanted nothing to do with her.
- 17 He was -- he was scared of her.
- 18      **Q.**       What about other children either in her class or your class? Were they
- 19 frightened of the Defendant that you observed?
- 20      **A.**       No.
- 21      **Q.**       What about other children in your class or her class? When you were
- 22 both together, when you were combined and you were both present, how did you
- 23 observe the Defendant with those children?
- 24      **A.**       She loved them. She was just like any of the rest of us. If, you know,
- 25 we was outside on the playground, she was running around with them, playing,

**MS. LAURIE FRADY - DIRECT by MS. HALL****Page 984**

1 kicking the ball, swinging. You know, she was just like the rest of us.

2 Q. When did you last speak to the Defendant?

3 A. Right before she left Kids "R" Kids.

4 Q. And what was that conversation about?

5 A. There had been an incident in my classroom that I had to send one of  
6 her parents to talk to her, and I went and talked to her about it.

7 Q. Was that incident related to this in any way?

8 A. No.

9 Q. When did you first learn there were any allegations against the  
10 Defendant?

11 A. After we came back from the apple farm.

12 Q. Who did you learn that from?

13 A. Ronasha.

14 Q. What did she say to you?

15 A. I had come back in the classroom. I was getting ready to leave. Our  
16 classes had combined because a lot of them had went home after the apple farm.  
17 And she opened up the door and she asked me to come in the classroom with her  
18 because Garrison had to use the restroom and she wanted me to come in the  
19 restroom with her because she had to assist him because apparently there had  
20 already been a child make accusations against her.

21 Q. And how soon after the field trip was that?

22 A. That she needed me to come to the classroom?

23 Q. Uh-huh (affirmative).

24 A. That day.

25 Q. How long after you returned; do you recall?

**MS. LAURIE FRADY - DIRECT by MS. HALL**

1       **A.**       Thirty (30) minutes, an hour maybe.

2       **Q.**       Okay. Did the Defendant tell you who she had learned that from, that  
3 there had been an accusation made against her?

4       **A.**       She did.

5       **Q.**       What did you think they involved at that point?

6       **A.**       I knew it involved a child, but I wasn't -- at that point I wasn't exactly  
7 sure of what the allegations were.

8       **Q.**       Okay. Did you know which child?

9       **A.**       I did.

10      **Q.**       Was it one of your children?

11      **A.**       It was not.

12      **Q.**       What about the note that Sally asked you to write?

13      **A.**       I had to write a note about Ronasha.

14      **Q.**       What type of note did she want?

15      **A.**       She wanted a note; for me to write about what type of teacher she  
16 was.

17      **Q.**       What did Sally tell you that the letter was for?

18      **A.**       She didn't.

19      **Q.**       And when did you first learn of the full actual nature of these  
20 allegations?

21                   **MR. HENRY:**       Objection, Your Honor.

22                   **THE COURT:**       Overruled. She just asked her when she learned.  
23 You may answer.

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

25      **A.**       The following week.

**MS. LAURIE FRADY - CROSS by MR. HENRY****Page 986**

1       **Q.**        (By Ms. Hall) After you wrote your letter or before?

2       **A.**        After I wrote the letter.

3               **MS. HALL:**        The Court's indulgence for just a moment.

4               **(Brief Pause)**

5               **MS. HALL:**        I don't have any other questions at this time.

6               Please answer any questions Mr. Henry has.

7       **CROSS-EXAMINATION by MR. HENRY:**

**10:35 A.M.**

8       **Q.**        The statement you -- that you wrote, was that written after Ronasha  
9       was gone?

10       **A.**        Yes, sir.

11       **Q.**        Okay.

12       **A.**        I believe so.

13       **Q.**        Okay. And you said Sally didn't tell you what to write?

14       **A.**        She didn't tell me what it was for. She just told me to write about  
15       Ronasha and -- and about her being a teacher.

16       **Q.**        Okay. Okay. About whether she was a good teacher or not?

17       **A.**        Yes, sir.

18       **Q.**        Okay. At that time when you wrote the note, you already were aware  
19       of what happened -- or what was alleged to have happened as of the apple farm  
20       field trip date, right? That came before you wrote the letter?

21       **A.**        I guess. I don't --

22       **Q.**        Which came first, the apple farm field trip or writing the letter?

23       **A.**        The field trip.

24       **Q.**        Okay. And that makes sense, doesn't it, because that's when you  
25       found out about -- from Ronasha that she had been accused of something?

1           A.       Correct, but I wasn't aware of the full allegations against her at that  
2 time.

3           Q.       I understand that. Okay. And so your letter was not really about how  
4 she treated children?

5           A.       Well, I had to write about how she was with the children, whether or  
6 not she was a good teacher, did I suspect — you know, was she ever, you know,  
7 mean with the children, things like that.

8           Q.       Right. Kind of the things you've been talking about today?

9           A.       Correct.

10          Q.       Okay. And all those things you talked about today, they happened  
11 before you wrote the letter, didn't they?

12          A.       Yes, sir.

13          Q.       And you wrote none of that in this letter, did you?

14          A.       No.

15          Q.       About kids being afraid of her, having to bring a kid to the class,  
16 somebody hanging onto your leg, all this fear that you say these kids had. None of  
17 that's in the letter?

18          A.       No.

19          Q.       And all that happened before you wrote the letter?

20          A.       Yes.

21          Q.       And you -- okay. So you saved that information for today, didn't you?

22                    **(Brief Pause)**

23          A.       No.

24          Q.       Well, in your letter, did you say she's a wonderful teacher?

25          A.       I did because she was.

**MS. LAURIE FRADY - REDIRECT by MS. HALL****Page 988**

1       **Q.**       Did you say, "I've never seen her mistreat her students in any way"?

2       Did you say that?

3       **A.**       That was two years ago. I don't remember everything I said in the  
4       letter.

5               **MR. HENRY:**       Your Honor, may I approach the witness?

6               **THE COURT:**       You may.

7               **(Document shown to the witness.)**

8       **Q.**       (By Mr. Henry) Is that the letter you wrote?

9               **(Brief Pause)**

10       **A.**       Yes, sir.

11       **Q.**       Is it signed by you?

12       **A.**       Yes, sir.

13       **Q.**       Did you print your name to make sure everybody knew it was from  
14       you?

15       **A.**       I did.

16       **Q.**       And did you tell in that letter that you never saw Ronasha mistreat a  
17       student in any way?

18       **A.**       I never did see her mistreat a child.

19       **Q.**       Did you write anything in that letter about any children being afraid of  
20       her?

21       **A.**       No, I did not.

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

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

**10:37 A.M.**

24       **Q.**       When you testified earlier the kids were afraid of Ronasha, specifically  
25       the three boys, had you ever observed the Defendant do anything to those children?



**Motions & Matters**

Page 1013

1 the Court about needing to be somewhere, plans for this week. I think one  
2 was Wednesday and one was Thursday.

3 And we primarily have got to look at trying to get this -- this case  
4 finished. And -- but I nevertheless would -- would consider that and give it  
5 some consideration.

6 And so the two people who had requested -- have some plans for this  
7 week, I believe one Wednesday and one Thursday. Anyway, those two  
8 jurors, I think, if you'll write that down and give it to the bailiff before you go to  
9 lunch, those that were requesting -- have -- have a conflict this week, and so  
10 that we can at least look at it and see.

11 My primary concern has got to be about finishing the case. But we'll  
12 look at it. So -- and see if there's any way we can accommodate you.

13 So, if you'll write it down on a piece of paper back in the jury room and  
14 give that to the bailiff so the bailiff will bring it to me and -- all right. Thank  
15 you.

16 If you'll please go to lunch and be back at 1:30.

17 **(Whereupon, the jury exited the courtroom at 11:35 a.m.)**

**Motions & Matters**

18  
19 **THE COURT:** All right. Counsel, you want to get some lunch  
20 first and, then, come back and argue? It'll give you a little more time if you  
21 need to do that.

22 **MR. HENRY:** That'll be fine, Judge. Either way is fine.

23 **THE COURT:** All right. Well, we're -- we're going to have take  
24 up it looks like probably individually each of these charges ----

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

## Motions &amp; Matters

Page 1014

1           **THE COURT:**       — on directed verdict motions. And, so — and  
2           so...

3           **(Brief Pause)**

4           **THE COURT:**       What's the position of the State on that? I don't  
5           mind going ahead with them, whatever.

6           **MS. HALL:**       We just need a few minutes, Your Honor, to make  
7           a few notes. That's all. I mean, I don't think it will take us too long, ten (10)  
8           minutes ---

9           **THE COURT:**       All right. Why -- why don't we do this: Let's just go  
10          ahead and take ten (10) minutes at this point. We'll come back and do your  
11          motions.

12                 And that way, if I have some question about a legal --- needing a little  
13          bit more time, to think through it, I'll have a little additional time during lunch  
14          to do that. So that might work better.

15                 But we're going to have to address each of these charges separately.  
16          And, so, let's do that. Let's take about ten (10) minutes and we'll come back  
17          and address any motions you wish to make at that time.

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

19           **MS. HALL:**       Thank you.

20           **THE COURT:**       All right.

21           **(Whereupon, a brief recess was taken from 11: 37 a.m. until 11: 52**  
22           **a.m.)**

23           **THE COURT:**       All right. I'll hear you with regard to any motions.

24           **MS. HALL:**       Prior to the Defense's motions, Your Honor, the  
25          State would like to nol pros two indictments, 2012-GS-42-2639 -- 29, excuse

## Motions &amp; Matters

Page 1015

me, 2629 and 2012 -GS- 42-2632. Again, that's 2629 and 2632.

Both of those indictments, Your Honor, are for criminal sexual conduct with a minor under the age of eleven (11). Those two children did testify; they were expected to testify to sexual battery.

They -- they have talked about it in the past. They were not able to testify to that at trial. So, at this time, we are going to nol pros both of those indictments.

One is for Child 6 and one is for Child 5. Again, we did have probable cause to believe that -- we do believe those incidents occurred, but those two children were not able to testify to a sexual battery at trial. So we will nol pros both of those indictments.

**(Brief Pause)**

**THE COURT:** All right. Counsel, they are dismissing, nol-prossing 2012-GS-42-2629, which is criminal sexual conduct charge, and also 2012-GS-42-2632, which is also an indictment for criminal sexual conduct with a minor under eleven (11). Those two are being nol-prossed or dismissed.

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

**THE COURT:** So we won't be concerned about those. Now let me hear from you now.

**MR. HENRY:** Judge, could I take a look at a couple of the CSC indictments ----

**THE COURT:** Yes, sir.

**MR. HENRY:** --- the official versions?

**THE COURT:** Well, these are copies that were given to me. I'm

**Motions & Matters****Page 1016**

1 assuming these are not the indictments themselves. I think the solicitor -- the  
2 Attorney General has those. Those are copies that were given to me a  
3 couple of months ago.

4 **MR. HENRY:** I just want to make sure they match mine.

5 **(Brief pause while Mr. Henry examines documents.)**

6 **THE COURT:** Here are the two that are being nol prossed.

7 **MR. HENRY:** Yes, sir. Thank you.

8 **THE COURT:** Do you need those?

9 **MR. HENRY:** I -- I don't think I need to see those. Thank you  
10 any way.

11 **THE COURT:** Okay.

12 **(Brief Pause)**

13 **MR. HENRY:** That takes care of two of my motions.

14 **THE COURT:** Okay.

15 **MR. HENRY:** I'm also making a motion, Judge, for a directed  
16 verdict on the -- on 2630, which is the -- Child 2 is the victim charge.

17 **THE COURT:** Okay.

18 **MR. HENRY:** And I understand the standard for a directed  
19 verdicts, which I'm sure the Court is well aware of here, is that the Court is  
20 concerned with the existence or nonexistence of the evidence not its weight.  
21 But my -- my version of the -- my interpretation of what her testimony was  
22 there was no oral sex or penetration testified to.

23 And -- and, for all the motions, I would take the position that the  
24 forensic interviews did not reveal any penetration or oral sex in any of those  
25 interviews. So, I think we're limited to what the children testified to either in

## Motions &amp; Matters

Page 1017

1 open court or on TV.

2 **THE COURT:** Well, I don't know about that, but we -- we're going  
3 to take them individually, though, because I need to deal with them  
4 individually.

5 **MR. HENRY:** Sure.

6 **THE COURT:** So -- and let's take -- your first one was as to  
7 indictment number 2012-GS-42-2630.

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

9 **THE COURT:** Let me hear you with regard to that, Madam  
10 Attorney General.

11 **MS. HALL:** Yes, Your Honor. Our -- well, first of all, Child 2  
12 Garcia testified that she touched Ms. Ronasha's peepee and pooh-pooh with  
13 one finger. And she held up one finger.

14 When you take that testimony, according to both *State v. Mathis* and  
15 *State v. Johnson*, *State v. Mathis* 287 76 589, and *State v. Johnson*, 334, SE  
16 78, you can look -- the Court can look at circumstantial evidence to determine  
17 whether a penetration may have occurred.

18 We -- our position is that Child 2 testimony of one finger, Child 3  
19 testimony of mouth and one finger, and Child 4 testimony of mouth and one  
20 finger with clothes off, all have to be looked at in the same light, which is  
21 exactly what happened in the case of *State v. Johnson*.

22 In *State v. Johnson*, there were multiple victims. And what the —

23 **THE COURT:** If you've got that case, let me see that. I'm not  
24 familiar with it.

25 **MS. HALL:** I do, Your Honor.

1 (Document handed up to the Court.)

2 MS. HALL: And what the Court looked at in this case had to  
3 do with the place or the location the assaults occurred. Two or three of those  
4 children alleged that the incidents occurred in a bedroom. One child was  
5 able to talk about pants down. The other one was not.

6 One child was able to talk about outside clothes and another one was  
7 not. But the Court said that the circumstantial evidence was enough to create  
8 an issue of fact for the jury.

9 So our position is that, when you look at what Child 2 testified to, in the  
10 light of what Child 3 testified to and what Child 4 testified to, there is an issue  
11 of fact for the jury. And, additionally, her own testimony when she held up the  
12 one finger.

13 (Brief Pause)

14 MR. HENRY: Can I respond to that, Judge?

15 THE COURT: Yes, sir, yes, sir.

16 MR. HENRY: First of all, I think that's a very broad reading of  
17 those cases. In this situation -- and by the way I'm not making a motion with  
18 respect to the Child 3 indictment or the Child 4 indictment because I think  
19 there was testimony by the children of some form of oral contact.

20 And I think that -- that's enough to get to the jury on those cases. So  
21 I'm not making a motion on those.

22 Child 2 case is different. It's -- it's not the same kind of conduct as in  
23 those other two children because specifically she said there was no licking at  
24 all in her testimony.

25 And next, with respect to the touching, the prosecutor asked her

**Motions & Matters****Page 1019**

1 specifically, "inside or outside." And, if my recollection is correct, she said  
2 "outside" on both occasions. I think that would amount to a lewd act, but not  
3 penetration.

4 So I think there's no evidence of any licking, oral sex, and the only  
5 evidence is touching on the outside, I don't think that can survive the directed  
6 verdict motion.

7 **THE COURT:** Yeah. That's sort of the concern I had at the time  
8 of her testimony, at the conclusion of her testimony and the video is -- there's  
9 testimony about touching with one finger and testifying about touching with  
10 the hand.

11 And, in my mind at that time, I had a question as to whether that can  
12 be a sexual battery or not. And there would have had to have been some  
13 penetration.

14 The concern I got is it can't be based on inference or speculation, but  
15 rather would have to be based on some actual penetration. And what you  
16 would have to do here is infer it. She testified she touched her on her  
17 peepee I believe. And she also testified one finger on her butt.

18 **MR. HENRY:** She did.

19 **THE COURT:** And so -- and -- and arguably you can say with  
20 one finger the -- you know, it was -- there was to be penetration, but I don't --  
21 it can't be based on speculation. That's -- that's the whole question.

22 The concern I've got is -- and the State has the burden on that. I  
23 mean, you can argue that, that's what happened, but unless there's testimony  
24 to that effect -- I'll look at this case. This will be one that I'll look over, over  
25 lunch. Let me look at it some more.

## Motions &amp; Matters

Page 1020

1 I got her testimony and her notes from the interview and also from her  
2 testimony actually in court. So we'll see about that one. So, at any rate, I'll --  
3 I'll look at that one. And I'll rule on it after lunch.

4 **MS. HALL:** Your Honor, and if I may, the other case I cited  
5 was *State v. Mathis*. And in *State v. Mathis*, this particular child -- it was a  
6 six-year-old who could not remember if it was inside or outside. And I believe  
7 Child 2 testimony was outside I think.

8 She also did not testify that she touched the Defendant on her panties  
9 or on her pants. She testified that she touched the Defendant on her  
10 peepee. And I would ask that you take a look at that case as well, *State v.*  
11 *Mathis*.

12 **THE COURT:** All right. Let -- let me see it. I'll look at them over  
13 lunch.

14 (Document handed up to the Court.)

15 **THE COURT:** Do you have a copy of this or at least a cite,  
16 Counsel?

17 **MS. HALL:** I'll get it for you. I'm sorry.

18 **MR. HENRY:** No, sir, I don't have a copy of that I don't think.

19 **MS. HALL:** I'll print them for him.

20 **THE COURT:** You'll print him a copy? All right. I'll read those  
21 -- those cases over lunch and see what they say.

22 All right. Any other motions?

23 **MR. HENRY:** No, sir. I -- I think that, with respect to the forensic  
24 interviews and the testimony of the children, I think all six of the lewd act  
25 cases should go to the jury. And I don't like it ----



1 THE COURT: Okay.

2 MR. HENRY: — but that's a fact.

3 THE COURT: All right. I think clearly -- and, of course, you're  
4 not making a motion on the other two CSC's ---

5 MR. HENRY: No, sir, not based on the oral ---

6 THE COURT: Right. And -- and the six. And actually that's --  
7 that's where I was on those. They have not proessed or dismissed the two that  
8 I didn't think they offered enough evidence on. And they're -- and they  
9 agree and they're dismissing those. And there's one I have a question about  
10 it, the finger.

11 And I had a question about it. And so -- and that one has been in the  
12 back of my mind that, that was something we would have to take up at this  
13 point. And we are taking it up.

14 But I'll read these cases and see. But I -- you know, the State has the  
15 burden on that and we'll just have to see.

16 And so the others I think clearly there is some evidence. And, of  
17 course, in looking at the motion for a directed verdict, I'm required to look at  
18 the evidence in the light most favorable to the party against whom the motion  
19 is being made.

20 In this case, I have to look at the evidence in light most favorable to  
21 the State since it's being -- the motion is being made against the State in -- in  
22 making that determination. But I'll look at it.

23 That one I will rule on right after lunch before we get started back.

24 MR. HENRY: Yes, sir. Just -- just one -- I don't want to belabor  
25 it, but my recollection was that the -- the State attempted to clarify the inside

**Motions & Matters****Page 1022**

1 or outside, asked the question, and the child said outside on both -- on both  
2 touching occasions.

3 **THE COURT:** I think she did say on the outside or she might  
4 have said something about "I don't remember," but basically she didn't -- but  
5 she never testified that there was any penetration.

6 You would have to infer that from the use of a finger. And I'm not -- I  
7 don't think we can go forward on an inference.

8 But I'll look at these cases and see what they say.

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

10 **THE COURT:** All right?

11 **MS. HALL:** Thank you, Your Honor.

12 **THE COURT:** Any -- anything else with regard to a directed  
13 verdict motion?

14 **MR. HENRY:** No, sir. If you want to take up the question about  
15 my client testifying ---

16 **THE COURT:** I like to do that if she's ready to make that  
17 decision.

18 **MR. HENRY:** Can I take one second to ---

19 **THE COURT:** Yes, sir.

20 **MR. HENRY:** ---- discuss it with her?

21 **(Off-the-Record Discussion)**

22 **MR. HENRY:** All set, Judge.

23 **THE COURT:** All right. Please, ma'am, if you'll come around.

24 And let's place her under oath.

25 **(The Defendant stepped forward with her attorney.)**

Motions & Matters  
present.)

Page 1026

**THE COURT:** All right. Let's -- we'll start back at -- (turns on microphone) We'll start back at 1:30. And I'll still have to rule on this one motion for a directed verdict. And I'll look at that at lunch. Thank you.

**MR. HENRY:** Thank you, judge.

**MS. HALL:** Thank you, Your Honor.

(Whereupon, a lunch recess was taken by court personnel from 12:15 p.m. until 1:28 p.m.)

(Off-The-Record Comments)

**THE COURT:** All right. We're back on the record. Counsel, the Court is going to direct a verdict of not guilty on the charge of 2012-GS-42-2630, CSC with a minor. And I want to explain my reasons. I'll put that on the record and explain it.

I've read the cases you handed up to me and, in looking at it, a motion for a directed verdict, of course, the Court is only concerned with -- sorry (turns on microphone) -- is only concerned with the existence of evidence, not weight. And the evidence must be viewed in the light most favorable to the State.

In this case, since the directed verdict was made on behalf of the Defendant, "Any evidence, direct or circumstantial, tending to prove the guilt of the accused creates a jury issue."

The trouble is in this case I -- I think that there is no direct or circumstantial evidence which tend to prove that there was a sexual battery in this case.

The issue of -- granted that the testimony by the child that the hand

## Motions &amp; Matters

Page 1027

1 was used and the finger was used, both in front and rear, one might argue  
2 that, that would be the only reason that you would use a finger as opposed to  
3 hand to touch with.

4 However, I think that the law requires more than that on behalf of the  
5 State to be able to prove that. And I don't think I can let that go to the jury.  
6 That wouldn't be sufficient for them to be able to find that.

7 And the cases you handed me up, I would distinguish those cases on  
8 the following basis: And that would be as to *State vs. Mathis*, the -- the  
9 defendant in that case -- or the -- the child testified, a six-year-old child  
10 testified, that the defendant touched her with his penis. She could not  
11 remember if he put it inside her body.

12 "However, when asked if it hurt, she replied that it had." And the Court  
13 said, "This is evidence of some intrusion however slight as required;  
14 therefore, a jury issue." But there was something more than, "I touched with  
15 my finger," okay?

16 And so the child testified it hurt. And so they -- that was enough for  
17 the jury to consider whether there was penetration and therefore a battery or  
18 not.

19 As to *State vs. Johnson*, these were three children I think in that case  
20 that were tried together.

21 And -- and, in that case, the Court made a distinction -- a distinction as  
22 to the child named Betty. A physical examination of Betty showed that she  
23 had suffered an injury inside her vagina which was consistent with sexual  
24 abuse.

25 And the physician who performed the physical examination testified

## Motions &amp; Matters

Page 1028

1 young children are often unable to distinguish between in and out. That's an  
2 argument in your favor in this case as to whether you might infer it not.

3 But I --- there has to be more than just -- just that inference. And,  
4 insofar as Betty is concerned, the Court found that was enough; that the trial  
5 Court should submit it to the jury because there was testimony that -- that,  
6 that there was an injury inside the vagina which was consistent with sexual  
7 abuse. That was enough to go to the jury. And we don't have that here.

8 On the other hand, there was another victim in that case name Nina  
9 (phonetic). And -- and the Court however -- that the evidence was  
10 insufficient to create any jury issue on penetration.

11 Nina's testimony did not establish an intrusion, inappropriate touching,  
12 which was -- there was clearly that with the touching of the bottom of the -- of  
13 the child.

14 "There's no circumstantial evidence presented that created a question  
15 for the jury on the issues. Nina's physical examination revealed no signs of a  
16 sexual battery."

17 That's what we have here. There was physical exam with no finding of  
18 sexual battery. And I -- so that's my explanation of that.

19 And that's not to say it didn't occur, but it -- but you've got to be able to  
20 -- even looking at the evidence in the light most favorable to the State, there  
21 has to be sufficient evidence from which the jury could infer the State had  
22 proven a battery in this case for it to be criminal sexual conduct. And -- and  
23 -- so that distinguishes it.

24 It's, you know, a fairly close case, but really it's one that the Court  
25 determines that -- that particular charge cannot be submitted to the jury

**Motions & Matters****Page 1029**

1 because I don't think that, that the jury would have enough to find that a  
2 sexual battery had been committed unless it's just sheer speculation. So I'll  
3 direct a verdict on that particular charge.

4 All right. I think that takes care of our motions. Anything else we need  
5 to take up before we start the Defense's case?

6 **MR. HENRY:** Did you want to deal with that juror issue at this  
7 point, judge?

8 **THE COURT:** Well, if you're ready to do that.

9 **MR. HENRY:** I — I am.

10 **THE COURT:** All right.

11 **MR. HENRY:** We have no problem with notifying the juror,  
12 whenever you see fit, and putting an alternate in.

13 **THE COURT:** Right. What's the position of the State?

14 **MS. HALL:** We have no objection, Your Honor.

15 **THE COURT:** All right. Why don't we do this then: If there's no  
16 objection to my doing it this way, when I bring the jury back in, I'll just tell  
17 them as to juror number 66 that we -- that I want him -- I want him to stay  
18 with the jury in case of emergency develops or something, but if nothing else  
19 happens, that we will try to excuse him at the conclusion before deliberations  
20 if no emergency develops.

21 As to -- to juror number 7, who is an alternate, we'll tell him the same  
22 thing. That we -- as an alternate we have no problem excusing him when the  
23 time comes. He wouldn't participate in deliberations anyway.

24 If that's acceptable to both sides, that's what I'll do.

25 **MR. HENRY:** It is, Your Honor.

MS. ETHEL ACKAH - DIRECT by MR. HENRY

Page 1031

MR. HENRY: We call Ethel Ackah, A-C-K-A-H.

(The witness stepped forward to be sworn.)

(Whereupon,

ETHEL ACKAH

first being duly sworn, testified as follows:)

(Off-the-Record Comments)

DIRECT EXAMINATION by MR. HENRY:

1:36 P.M.

Q. I want to make sure we can keep up your voice, Ethel. Are we good?

A. Yes.

Q. Would you go ahead and state your name, again, for the record?

A. My name is Ethel Downs Ackah (phonetic).

Q. Ethel, where do you live?

A. I live at 188 Railroad Street, Enoree, South Carolina, area code 29335.

Q. Okay. And tell -- tell the jury what you do for a living.

A. For the moment I am a real estate broker.

Q. Okay. And how about your past work history?

A. My past -- my profession really is an educator. I have 20 years experience in teaching English.

Q. All right. And have you traveled a good bit in your work?

A. I lived in the Ivory Coast, West Africa. That 's why I first reached the country for 19 years. And I came back to the states in 1993.

Q. Where were you born and where did you grow up?

A. I was born in Enoree and spent -- I went to Columbia and went to Africa in '74 and came back in '93.

Q. How about your educational background?

**MS. ETHEL ACKAH - DIRECT by MR. HENRY****Page 1032**

1       **A.**       I have a BA in English. I have a Master's in English. And I'm doing my  
2       dissertation in education. And I have a BS in business.

3       **Q.**       Okay. What's your dissertation about?

4       **A.**       It's in education. And it is how to find weak links in education.  
5       Because in education there are always weak links.

6               And it has been noted that if -- if you can get that gap closed in, that  
7       education becomes more proficient. But, with a gap, it's very hard for a person to  
8       continue.

9       **Q.**       Have you had a chance to apply some of that work on your  
10      dissertation to real life?

11      **A.**       Very much so. Very much so. I — and I — I must admit that it has  
12      been very, very enlightening because, once you work with a student and you find  
13      that there is a gap, and if you can close that gap in, the student will make all the  
14      kinds of progress that -- that is needed.

15      **Q.**       Okay. Ethel, how do you know, if you do, Ronasha Taylor?

16      **A.**       I was teaching at Woodmont (phonetic) in Piedmont for two years,  
17      2004 to 2006.

18      **Q.**       Okay. And is that where you met her?

19      **A.**       That's where I met her.

20      **Q.**       Did you —

21      **A.**       I taught the 10<sup>th</sup> and the 11<sup>th</sup> grade.

22      **Q.**       And what were you teaching at Woodmont?

23      **A.**       I was teaching English.

24      **Q.**       Okay. And what -- were you teaching an English class to Ronasha?

25      **A.**       Ronasha, she was in my class.



**MS. ETHEL ACKAH - CROSS by MS. HALL****Page 1033**

1       **Q.**       Was she in your class for one year or two years?

2       **A.**       She was in my 10<sup>th</sup> grade class and, when she went to the 11<sup>th</sup> grade  
3 class, her mother had her put in -- put back -- put in my class for the 11<sup>th</sup> grade class  
4 too.

5       **Q.**       Okay. It wasn't that she failed the 10<sup>th</sup>? She went to the 11<sup>th</sup> ---

6       **A.**       No, she didn't --- she --- she did very well in my class. I can only speak  
7 for my class. But she did very well in my class, a very good student in my class.

8       **Q.**       Have you had contact with Ronasha outside the classroom as well?

9       **A.**       Well, when she got married, she invited me to her wedding, which was  
10 very nice. And I went to it.

11       **Q.**       What are your impressions of Ronasha?

12       **A.**       She was very studious, quiet, but she was very cooperative. She was  
13 never disruptive.

14               And any time she was given the opportunity --- any time I gave the  
15 class the opportunity to get better grades, she was always ready. She was always  
16 willing. I never had to talk -- ask her to -- to be quiet or anything.

17               She -- she was a good student. She was obedient, respectful. I had  
18 no problems with her.

19               **MR. HENRY:**     Thank you very much. Answer any questions the  
20 State may have for you.

21               **(Brief Pause)**

22       **CROSS EXAMINATION by MS. HALL:**

**1:48 P.M.**

23       **Q.**       Ms. Ackah, you testified that you taught Ronasha in the 10<sup>th</sup> and the  
24 11<sup>th</sup> grade?

25       **A.**       Tenth (10<sup>th</sup>) and 11<sup>th</sup> grade.

**MS. ETHEL ACKAH - CROSS by MS. HALL****Page 1034**

1       **Q.**       And your testimony was that her mother put her back in your class?

2       **A.**       No, no. In other words, because I was -- I was very what -- and I  
3 wanted them to work very hard, I think her mother in -- was impressed with the fact  
4 that she had to get her work done. And I was very, very adamant that they do the  
5 work correctly.

6               So, when they went -- when she went to the 11<sup>th</sup> grade, I think they put  
7 her in another class, but because her mother knew me and knew that I was for her  
8 education, she wanted her to be in my class the 11<sup>th</sup> grade.

9       **Q.**       So was it 11<sup>th</sup> grade English you were teaching her?

10      **A.**       I was -- I taught her in the 10<sup>th</sup> and the 11<sup>th</sup>.

11      **Q.**       Okay.

12      **A.**       Those two classes.

13      **Q.**       Okay. And her mother made a special request of you to put her back  
14 in the class?

15      **A.**       She made the --- yeah, she made the request that Ronasha be in the  
16 11<sup>th</sup> grade.

17      **Q.**       So you've known Ms. Taylor a long time?

18      **A.**       Who?

19      **Q.**       You've known the Defendant, Ronasha, for a long time?

20      **A.**       Just for -- just for the 10<sup>th</sup> and 11<sup>th</sup> grade.

21      **Q.**       But you were --

22      **A.**       Oh, yeah, yeah, okay, from 2004 on, right.

23      **Q.**       Okay. And you were invited to her wedding?

24      **A.**       Yes.

25      **Q.**       What do you know about her marriage now?

**MS. BRIDGET BUFFORD - DIRECT by MR. HENRY**

**Page 1035**

1       **A.**       What do I know about her marriage?

2       **Q.**       Uh-huh (affirmative)..

3       **A.**       I don't know anything but —

4       **Q.**       You're not aware that she's now divorced?

5       **A.**       Oh yeah, I'm aware of that, but that's all I know.

6               **MS. HALL:**       Okay. No further questions.

7               **MR. HENRY:**       No redirect, Judge. I'd ask that this witness be  
8       excused.

9               **THE COURT:**       No objection. Thank you for coming, ma'am. You  
10       may be excused at this time.

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

12               **THE WITNESS:**   Thank you, Your Honor.

13               **MR. HENRY:**       The Defense calls Bridget Bufford.

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

15               (Whereupon,

16                                       **BRIDGET BUFFORD**

17       first being duly sworn, testified as follows:)

18       **DIRECT EXAMINATION by MR. HENRY:**

**1:43 P.M.**

19       **Q.**       And I know you speak softly, so, make sure that you can be picked up.  
20       Would you state your name?

21       **A.**       I'm Bridget Bufford.

22       **Q.**       Okay. Can I call you Bridget?

23       **A.**       Yes.

24       **Q.**       Bridget, tell — tell the jury about where you work.

25       **A.**       I work at Toshiba Business Solutions.

**MS. BRIDGET BUFFORD - DIRECT by MR. HENRY****Page 1036**

- 1 Q. And what do you do there?
- 2 A. I'm an administrator.
- 3 Q. Okay. And how about your family? Is your family in Greenville?
- 4 A. We currently reside in Piedmont, South Carolina.
- 5 Q. Okay. Is that Greenville County?
- 6 A. Anderson County.
- 7 Q. Anderson County?
- 8 A. Uh-huh (affirmative).
- 9 Q. Who is in your family?
- 10 A. My husband and I have two boys.
- 11 Q. And how old are your boys?
- 12 A. I have an 18-year-old and a 14-year-old.
- 13 Q. Okay. Tell — tell us about your educational background.
- 14 A. I graduated from high school and had no desire to go to college.
- 15 Q. Okay. And how long have you been working at Toshiba?
- 16 A. I've been at Toshiba for six (6) years.
- 17 Q. And what does your husband do?
- 18 A. He works at Michelin.
- 19 Q. Okay. Now, how did you -- do you know Ronasha?
- 20 A. Yes.
- 21 Q. What do you call her?
- 22 A. Scoopie (phonetic).
- 23 Q. Scoopie? All right. How long have you known her?
- 24 A. I've known her for about 22 years.
- 25 Q. Okay. And how did you first meet her?

**MS. BRIDGET BUFFORD - DIRECT by MR. HENRY****Page 1037**

1       **A.**       I met her when I -- I started dating my husband. At the time we were  
2 high school sweethearts and I was going to the church where Scoopie was at. And I  
3 met her through my husband.

4       **Q.**       What church was that?

5       **A.**       God's Chosen Assembly in Simpsonville.

6       **Q.**       Okay. Who is the pastor there?

7       **A.**       Apostle Bertha Terry.

8       **Q.**       Okay. So tell -- tell the jury a little bit about your relationship as it  
9 developed with Ronasha after you met her.

10      **A.**       Like I said, I've known Sister Ronasha for about twenty -- 22 years  
11 since I've been at the church -- well currently where she goes to church as well.  
12 And I've known her since I've been there like I stated.

13               I've known her. She is a -- a loving person, a caring person. She  
14 would not harm anybody.

15               She loves kids. Her desire is to -- you know, she has compassion for  
16 children. And she's just a sweet, loving person.

17      **Q.**       Has she had much contact with your boys?

18      **A.**       Yes.

19      **Q.**       Tell us about that.

20      **A.**       She was -- well she currently holds several positions at the church.  
21 One -- one in which entitled the drill team, which she was commander. And my  
22 boys were on the drill team. And she was also on the children's choir at the time.  
23 And they were on the choir with her as well.

24      **Q.**       Do you know enough what Ronasha's local reputation is in the  
25 community for honesty?

**MS. BRIDGET BUFFORD - DIRECT by MR. HENRY****Page 1038**

1       **A.**       She's never been in trouble. She want -- you know, has a lot of  
2 desires, you know, to exceed -- succeed in life. She's -- everybody loves her, you  
3 know. She hasn't been in any -- any trouble or anything like that.

4       **Q.**       How about her reputation for being truthful?

5       **A.**       Yeah, she's a truthful person.

6       **Q.**       Has she got a good reputation or a bad reputation?

7       **A.**       A good reputation.

8       **Q.**       All right. And are you still attending that same church?

9       **A.**       Yes.

10      **Q.**       Okay.

11               **(Brief Pause)**

12      **Q.**       Now it was mentioned earlier that she had been married. Do you know  
13 who she got married to?

14      **A.**       Yes.

15      **Q.**       Who is that?

16      **A.**       Kenya Rainey.

17      **Q.**       And are they still together?

18      **A.**       No, not at this time.

19      **Q.**       Do you know how they get along?

20      **A.**       Oh, they're -- they're still best friends.

21      **Q.**       Okay. Is he here today?

22      **A.**       Yes, he is.

23      **Q.**       Okay.

24               **MR. HENRY:**       Bridget, answer any questions the State may have  
25 for you, please.

**MS. BRIDGET BUFFORD - CROSS by MS. MILES**

**Page 1039**

**MS. MILES:** Just briefly.

**CROSS EXAMINATION by MS. MILES:**

**1:46 P.M.**

**Q.** Good afternoon. So you have known Ms. Taylor for long time? You say 22 years?

**A.** Uh-huh (affirmative).

**Q.** Okay. And you said you all are very close, that you've got to church with her and just known her over the years?

**A.** Right.

**Q.** Okay. You mentioned that she has had contact with your boys?

**A.** Uh-huh (affirmative).

**Q.** Is that correct?

**A.** Uh-huh (affirmative).

**Q.** In what way?

**A.** Like I stated, she was on the -- the commander on the drill team. She was the -- the drill sergeant over the drill team and my boys are -- or were on the drill team.

**Q.** Okay. So she works -- likes working with children a lot?

**A.** Yes.

**Q.** Okay. And placed herself in different situations in working with children throughout the church?

**A.** Correct.

**Q.** Okay. What about this daycare? You've never had any interactions with the daycare, correct?

**A.** No, I haven't.

**Q.** Okay. And you don't know any of these children?





**MS. PHYLLIS BURNS - DIRECT by MR. HENRY**  
**(Witness complied with the request.)**

**Page 1041**

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**Q.** May I call you Phyllis?

**A.** Yes.

**Q.** Okay. All right. Phyllis, tell us a little bit about your -- your family and  
--- and your work history.

**A.** I have three girls. I work with special needs children.

**Q.** Tell us about your three girls. What are their ages?

**A.** They are 16, 17, and 26.

**Q.** Okay. Okay. And you said you work with disabled children?

**A.** Yes, sir, I do.

**Q.** Where do you work?

**A.** I work at the Myers Center (phonetic) for special needs kids.

**Q.** And where is that?

**A.** It's in Greenville.

**Q.** And how long have you been at the Myers Center?

**A.** I started there in January of this year.

**Q.** Okay. What -- what specifically do you do for the kids at Myers?

**A.** I am a teacher's assistant and I drive the bus.

**Q.** Okay. What about your educational background?

**A.** I took some courses, childcare courses, finished high school in 1980.

**Q.** Okay. And is -- is childcare what you've done for many of those  
years?

**A.** Yes, sir.

**Q.** Tell us where you've worked besides the Myers Center.

**A.** When I started out working with kids, I worked at a daycare called

**MS. PHYLLIS BURNS - DIRECT by MR. HENRY****Page 1042**

1 Taylor's Daycare (phonetic). And, when I got married, I moved to Simpsonville

2 because -- and started working at a daycare called Klassy Kids.

3 And, then, I worked for a little while at the Child's Haven.

4 **Q.** Child's Haven? Okay.

5 **A.** And, then, I went to Kids "R" Kids. And, then, went back to my old job  
6 at Klassy Kids. And, then, I'm back at Myers Center.

7 **Q.** So all that period of time you worked with young children?

8 **A.** Yes.

9 **Q.** What are the ages of the kids you work with at Myers Center?

10 **A.** They range from newborn to six (6) maybe -- yeah, six years old.

11 **Q.** Okay. And the other places you mentioned, those are primarily  
12 daycare centers?

13 **A.** Yes.

14 **Q.** All right. Tell the jury how you -- how you know Ronasha?

15 **A.** I met her Ronasha some -- 20-some years ago. She was in my  
16 wedding as a flower girl.

17 **Q.** She was in your wedding?

18 **A.** Yes.

19 **Q.** Okay. How did she do?

20 **A.** Very good.

21 **Q.** Usually though they're kind of iffy when you have little kids. How old  
22 would she have been then?

23 **A.** Had to be around maybe four (4).

24 **Q.** Okay. All right. And have you ever worked with her?

25 **A.** Yes, I have.

- 1 Q. Tell us where you worked with her.
- 2 A. I worked with her at Klassy Kids when she was in high school.
- 3 Q. All right.
- 4 A. And, then, I worked with her at Kids "R" Kids.
- 5 Q. How did she do at Klassy Kids?
- 6 A. Good. She was a very outgoing teacher.
- 7 Q. Did you see her a lot working with the children?
- 8 A. Yes.
- 9 Q. And how did they react to her?
- 10 A. They loved her.
- 11 Q. And how did she end up going from Klassy Kids to the next job? Do
- 12 you know?
- 13 A. No, I don't.
- 14 Q. How about you, when you left Klassy Kids, did you go to Kids "R" Kids
- 15 then?
- 16 A. No. I went to —
- 17 Q. Where did you go next?
- 18 A. — Child's Haven.
- 19 Q. Okay. Tell us about Child's Haven. What kind of place is that?
- 20 A. Child's Haven is a school with children with behavior problems and a
- 21 lot of like disabilities.
- 22 Q. Okay. And after Child's Haven?
- 23 A. I went to Kids "R" Kids.
- 24 Q. Okay. Tell us about Kids "R" Kids; what you did there and what --
- 25 what the Kids "R" Kids program is like.

**MS. PHYLLIS BURNS - DIRECT by MR. HENRY****Page 1044**

1       **A.**       I worked with ages -- pretty much all of them because I floated around.

2       I worked with the infants for awhile, the twos, toddlers; threes. Sometimes with the  
3       fours (4) if I needed it. But I cooked. I drove the bus.

4       **Q.**       You cooked? You worked with the kids of all ages and you drove a  
5       bus?

6       **A.**       And cooked.

7       **Q.**       All right. So did you fill in as a cook or did you cook full-time?

8       **A.**       No, I filled the in when the cook was out.

9       **Q.**       Were you mostly a teacher?

10      **A.**       Yes.

11      **Q.**       All right. And did you work there during the time that Ronasha was  
12      there?

13      **A.**       Yes.

14      **Q.**       Which of you went to Kids "R" Kids first, you or her?

15      **A.**       I went there as a teacher.

16      **Q.**       Okay. Was Ronasha there already when you went there?

17      **A.**       Yes, she was already there.

18      **Q.**       Okay. When you started working there, what kind of training did they  
19      give you?

20      **A.**       As a matter of fact, Ronasha trained to me on their policy of how they  
21      ran their center.

22      **Q.**       Well, what kind of things did she train you on?

23      **A.**       She showed me their curriculum and how they went about their  
24      curriculum.

25      **Q.**       Does Kids "R" Kids have a — a special security measure there at their

MS. PHYLLIS BURNS - DIRECT by MR. HENRY

Page 1045

1 place?

2 A. Yes, they do.

3 Q. Tell us about those.

4 A. They have security cameras that's posted up on the wall, on top of the  
5 ceiling.

6 Q. Okay. And anything else?

7 A. And the door is security [sic].

8 Q. Okay. What about the walls at the -- at the -- in the classrooms?

9 A. They have like -- they had like cameras up in the ceilings.

10 Q. Okay. And did you yourself teach any of the kids who are part of this  
11 case?

12 A. Yes.

13 Q. Which ones did you teach?

14 A. I had Child 4 for a little while. And I had Child 1 for a little while.

15 Q. Okay.

16 A. And I worked with all of them a little bit, but not much.

17 Q. And you're familiar with the -- the Watch Me Grow program they have  
18 there?19 A. Yes. I know that, that was the system where parents could go online  
20 and watch their kids anytime they wanted to.

21 Q. Do you know if any of the parents used the program?

22 A. Pretty much regularly.

23 Q. A lot of them did?

24 A. Yes.

25 Q. How do you know they used it?

MS. PHYLLIS BURNS - DIRECT by MR. HENRY

Page 1046

1       A.       Because parents would come in and say they watched their kids

2 throughout the day doing, you know, different various activities or whatever.

3       Q.       Okay.

4               (Brief Pause)

5       Q.       Do you know Ronasha well enough to know what her reputation is for  
6 honesty?

7       A.       Yes.

8       Q.       Is it -- what is that reputation? Is it good or is it bad?

9       A.       It's good.

10      Q.       What kinds of things did she do as a teacher you thought were -- were  
11 positive things with the children?

12      A.       She worked -- taught -- she'd teach them -- you know, taught them  
13 their, you know, basic numbers, letters. You know, she went by their curriculum.

14      Q.       Okay. Did she do any special physical activities with them?

15      A.       Not as I know of.

16      Q.       Okay. How about music or songs or anything like that?

17      A.       We had someone that at the time that would come in and do music  
18 with them.

19      Q.       Was the place pretty busy?

20      A.       Sort of, kind of.

21      Q.       And could the parents come and visit when they wanted to?

22      A.       If they wanted to, yes.

23      Q.       Did people come from the outside and bring in other activities like  
24 exercise or soccer, that kind of thing?

25      A.       Yes.

**MS. PHYLLIS BURNS - CROSS by MS. MILES****Page 1047**

1       **Q.**       And when did you work there? What kind of hours did you work?

2       **A.**       I worked from like seven (7:00) to like three (3:00).

3               **MR. HENRY:**       Thank you, Phyllis. Answer any questions the

4       State may have for you, please.

5               **THE WITNESS:**    Okay.

6       **CROSS EXAMINATION by MS. MILES:**

**1:54 P.M.**

7       **Q.**       Ms. Burns, you testified that you worked at two different daycares with  
8       Ms. Taylor; is that correct?

9       **A.**       Yes.

10       **Q.**       Okay. The first one, Klassy Kids, what age did you teach at Klassy  
11       Kids?

12       **A.**       Threes (3's).

13       **Q.**       Threes (3's)? Okay. And what about Ms. Taylor?

14       **A.**       She was with kids — some twos (2's) and some threes (2's).

15       **Q.**       Some twos (2's) and some threes (3's)?

16       **A.**       Uh-huh (affirmative).

17       **Q.**       Okay. And what age group did you teach at Kids "R" Kids?

18       **A.**       The younger kids, which would be threes (3's) -- some threes (3's),  
19       three and a half (3 ½).

20       **Q.**       Okay. Three (3) and three and a half (3 ½)?

21       **A.**       Uh-huh (affirmative).

22       **Q.**       Okay. And what about -- you testified that you taught Child 1 and  
23       Child 4 How old was Child 1 when you taught her?

24       **A.**       Three (3).

25       **Q.**       Three (3)? Okay. And what about Child 4

MS. PHYLLIS BURNS - CROSS by MS. MILES

Page 1048

1       A.       He was three (3).

2       Q.       Okay. You mentioned that Ms. Taylor trained you when you came to  
3 Kids "R" Kids?

4       A.       Yes.

5       Q.       Okay. And you mentioned that she talked to you about the cameras  
6 and all of that?

7       A.       Yes.

8       Q.       Did she train you on -- on what areas that the video cameras covered  
9 and what areas they didn't cover?

10      A.       I saw them. I knew that they was placed on the wall.

11      Q.       Okay. So you could see what areas they covered?

12      A.       Yes.

13      Q.       Okay. Did she train you on bathroom policies?

14      A.       Yes. We all was trained.

15      Q.       Okay. You all were trained? Okay.

16      A.       And I was trained on previous jobs.

17      Q.       Okay. Were you trained by other teachers as well?

18      A.       No.

19      Q.       Okay. Hold on just a second.

20              **(Brief Pause)**

21      Q.       And you went -- you go to church Ms. Taylor as well?

22      A.       Yes, I do.

23      Q.       Okay. And you know about her involvement with the church and the  
24 children and all of that --

25      A.       Yes.



**MS. DONNA WILSON - DIRECT by MR. HENRY****Page 1049**

1       **Q.**       --- you testified to? Okay. And how long have you known her?

2       **A.**       I've known her 20-some years.

3       **Q.**       Okay. And you're very close with her?

4       **A.**       Yes.

5       **Q.**       Okay. Is it fair to say that you wouldn't want her to go to jail?

6       **A.**       Right, you're right.

7       **Q.**       Okay.

8       **MS. MILES:**       Thank you. No further questions.

9       **THE WITNESS:**    Thank you.

10      **MR. HENRY:**       No redirect, Judge.

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

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

13      **MR. HENRY:**     We call Donna Wilson.

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

15      **(Whereupon,**

16                               **DONNA WILSON**

17               having been duly sworn, testified as follows:)

18      **DIRECT EXAMINATION by MR. HENRY:**

**1:57 P.M.**

19      **Q.**       Will you state — state your name, please?

20      **A.**       Donna Wilson.

21      **Q.**       May I call you Donna?

22      **A.**       Yes, you may.

23      **Q.**       Thank you. Just a few things, Donna. First of all, give me an idea  
24      about your family background and who is in your family, et cetera.

25      **A.**       I have a total of three children, two from a previous marriage. My son

MS. DONNA WILSON - DIRECT by MR. HENRY

Page 1050

is 32 Thursday. And my middle daughter is 30. And Brianna is — will be six in

October.

Q. Okay. And how about your work history?

A. I've worked in the food industry most of my life, but I've been a stay-at-home engineer ---

Q. Okay.

A. — working at the house.

Q. All right. And — and are you married?

A. Yes, I am married.

Q. And what does your husband do?

A. He's self-employed.

Q. What kind of work does he do as self-employed?

A. Construction.

Q. Construction? Okay. And your daughter, Brianna, where does she go to school now?

A. Right now she goes to Fountain Inn Christian School. She's in kindergarten.

Q. Was there a time when she went to daycare?

A. Yes. When she was a little over two, since her siblings are so much older ---

Q. Right.

A. — I knew she needed interaction. So I had put her in Kiddie Academy, which is over in Simpsonville. I did a lot of research. I thought it was going to be a good school for her, I mean, and really good structure for her.

Q. Right.

**MS. DONNA WILSON - DIRECT by MR. HENRY****Page 1051**

1       **A.**       They have monitors. But I wasn't really happy with a lot of their — the  
2 way they ran things.

3       **Q.**       Okay. Did — did your daughter have any problems at Kiddie  
4 Academy?

5       **A.**       Well, she -- typical age, started, you know, discovering herself.

6       **Q.**       Okay.

7       **A.**       One of the teachers brought that to my attention because other kids  
8 were discovering themselves like during nap and things like that. I would try to look  
9 on the monitor.

10               We were trying to get her potty trained, you know, during nap. And so  
11 I would look on the monitor. But it wasn't real time so I didn't like it because I  
12 couldn't look back and see where she was, what she was doing.

13               And their rooms are pretty blocked in with cement so all you can really  
14 see is through the door. So it just wasn't really an open environment.

15               And they were going through teachers a lot. There wasn't a lot of  
16 structure with her. There was a lot of over turn.

17       **Q.**       Okay.

18       **A.**       So I finally decided to pull her out of there.

19       **Q.**       All right. Now I — I think we probably know what you mean by  
20 "discovering herself."

21       **A.**       Yeah.

22       **Q.**       But just to be clear, what exactly do you mean?

23       **A.**       She started masturbating.

24       **Q.**       All right. And how old was she at that time?

25       **A.**       A little over two (2), about two-and-a-half (2 ½).

- 1 Q. Okay. Did that — did that finally cease at some point or not?
- 2 A. No.
- 3 Q. Okay.
- 4 A. I mean, it finally has now, but you know...
- 5 Q. Okay. And how old is she now?
- 6 A. She's going to be six in October.
- 7 Q. Did you — were you concerned at all at that point?
- 8 A. Well, being an older mom —
- 9 Q. Right.
- 10 A. — I kind of forgot, you know, they do those kind of things. And so I
- 11 started doing a little research and discovered it's normal. You know, everyone
- 12 discovers themselves at a certain young age usually.
- 13 She had told — I had talked to her about it. And, you know, I didn't
- 14 scold her because, you know, I didn't think there's anything wrong with it.. She had
- 15 told me other kids started doing it so she thought she would try it.
- 16 Q. Okay.
- 17 A. So...
- 18 Q. So, at some point, you left Kiddie Academy for — for the reasons you
- 19 just — you just said?
- 20 A. Yes, yes.
- 21 Q. Okay. Where did you go next?
- 22 A. Now I had some research and I went to Kids "R" Kids in Greer.
- 23 Q. Okay. And — and was your daughter still three (3) when she — when
- 24 she started there?
- 25 A. She hadn't quite turned three (3). I started there — she started early

MS. DONNA WILSON - DIRECT by MR. HENRY  
2010, February of 2010.

Page 1053

1  
2 Q. Okay. All right. And how did you decide on Kids "R" Kids in January  
3 of 2010?

4 A. A lot of research. I went to — I did a tour with my husband. We liked  
5 the layout, the openness. It's very open. You can see through all the classrooms  
6 from every single classroom.

7 Q. Why would you like that so much?

8 A. Well because times we live in, you know, you have to be on guard.  
9 But that way just everyone can see each other.

10 And then I really liked Watch Me Grow. That's a — the video monitor  
11 they had there. And it's realtime.

12 So like, if you wanted to go back and look — like when I dropped her  
13 off, being a nervous mom, I would go home and I would get on my computer and I  
14 could back up until the time I dropped her off and see exactly what she did, you  
15 know, up to live time. So I really liked that.

16 Q. So you used that a lot?

17 A. I used it a lot, yeah.

18 Q. Could you see the — the room she was in?

19 A. Yes. The only problems I would have is they did a lot of floating with  
20 the teachers.

21 Q. Okay.

22 A. So every now and then, if I did not see Brianna, I would call because,  
23 you know, I'm a nervous mom.

24 Q. So you'd call -- you would call the front desk?

25 A. I'd call the front desk and usually talked to Sally.

**MS. DONNA WILSON - DIRECT by MR. HENRY****Page 1054**

1       **Q.**       Right.

2       **A.**       And I would just ask. And, then, I was told what room they were in.

3       And sometime they would actually change the room for you so you could see

4       because I was pretty adamant about wanting to keep an eye on my child.

5       **Q.**       So they'd change the room as far as the monitor is concerned?

6       **A.**       Yeah. You could put — you could get I think it was two or three rooms  
7       at one time that you could see.

8       **Q.**       Okay.

9       **A.**       Like you could outside when they were playing.

10      **Q.**       Right.

11      **A.**       And, then, you could see what different — if they were in the  
12      lunchroom, you could see that. You could see the whole school.

13      **Q.**       Could you see them during nap time?

14      **A.**       Oh, yes. Most definitely.

15      **Q.**       Okay.

16      **A.**       Because I actually watched because of her masturbating. I wanted to  
17      see how she was doing on that. Plus we were trying to get her to get up and go to  
18      the bathroom all by herself.

19      **Q.**       Okay. All right. So how did you and when did you meet Ronasha?

20      **A.**       When I saw her — when I enrolled her in Kids "R" Kids, I had met her.  
21      She was in the younger classes and Bree was in the next one, in the two to three's I  
22      believe it was.

23                But they — they — I don't know how I'm going to put this — Ronasha  
24      helped in a lot of areas of the school. And so she was kind of, you know, here and  
25      there and would help out a lot. And so she actually would be in Brianna's class

**MS. DONNA WILSON - DIRECT by MR. HENRY**

**Page 1055**

when she was in the younger class.

**Q.** Okay. So what was her, Ronasha's, role with — with Brianna then?

**A.** Pretty much she would fill in while the teachers were on break at that particular time. And she actually at one time -- they were out at recess playing. And I had just popped in, which you could do, and Brianna came in and she had an attitude that she didn't want to go home.

And she kind of got a little smart with me. And Ronasha sat her down and told her, "You don't talk to your mommy that way." And she apologized. So I thought that was — you know, she respected her. So I thought that was nice.

**Q.** Did you call her Ronasha or did you call her something else?

**A.** I call her Ro. So it's hard to say Ronasha.

**Q.** So you don't — that's why I asked the question. You — you —

**A.** Okay.

**Q.** You don't have to. You don't have to.

**A.** I kept wanting to say Ronasha or Ro, but I've always called her Ro.

**Q.** All right. So do you have an idea how Ronasha was doing as a teacher overall as far as academics? Did you have any —

**A.** Well, she was doing awesome. When we had — Brianna is very smart, so we decided, as she was getting ready to turn to — I think she was like three-and-a-half, we wanted to go ahead and bump her up to the next class, which would have been Ms. Laurie's.

But, then, the school had talked about doing a K-4 program and a K-5 program. So my husband and I decided that, since Ro was going to be the K-4 teacher, we requested her and asked that she test her and move her to her class because we wanted structure.

MS. DONNA WILSON - DIRECT by MR. HENRY

Page 1056

1 Because I didn't send her there to play; I sent her there to have  
2 structure and to learn.

3 Q. Well how was Ronasha on structure?

4 A. Awesome. When she — when she started the K-4, she was so  
5 worried already about getting them ready for K-5.

6 Q. All right.

7 A. And, you know —

8 Q. In what sense was — was she worried?

9 A. Well, as far as making sure they did — a lot of kids didn't know their  
10 ABC's. They didn't know things. And she was concerned because, what would  
11 happen is, she would get moved.

12 You know, "Well, we need you in this room." "We need you at the  
13 front desk." And she was concerned.

14 And she used to tell me about it because we used to text a lot. And  
15 she would say, "I've been moved to the front desk. How am I going to get my kids  
16 ready for K-5 if I'm not going to be in the classroom room with them?"

17 So everything that she had made a curriculum for, she couldn't follow  
18 through because they moved her around so much because they respected -- I  
19 mean, they — they liked her as an employee obviously.

20 Q. With — without saying what anyone else said, did you complain about  
21 the — the moving around as far as —

22 A. Oh, yes.

23 Q. ---- the impact on your child?

24 A. Yes, sir.

25 Q. And ---



**MS. DONNA WILSON - DIRECT by MR. HENRY****Page 1057**

1       **A.**       Quite a few times.

2       **Q.**       Quite a few times?

3       **A.**       Yes.

4       **Q.**       So — so they would know your name there?

5       **A.**       Oh, they know my name.

6       **Q.**       Now was there a time when you found out that — that there were  
7 charges against Ronasha?

8       **A.**       Yes, sir. I think how it all played out, we were — in October 2010, we  
9 were getting ready to go on a cruise. And they had pretty much already taken her  
10 out of the classes. And so there was just no structure.

11                Brianna and most of the children were actually in Ms. Laurie's room a  
12 lot. And I, when I got home from my cruise, I -- I called Ro. And I just felt something  
13 was wrong. And I saw she was gone.

14                And I asked everyone at the — at the center.

15       **Q.**       Right.

16       **A.**       And nobody — everyone was hush-hush. Nobody would tell me  
17 anything. So I didn't know what was going on.

18                And, then, I did talk to Ro. And she told me what was the gist that  
19 happened. And I just started looking into it because I didn't believe it. And I still  
20 don't believe it.

21       **Q.**       Did you — were you contacted by the sheriff's office in this case?  
22 And, again, without saying what they said.

23       **A.**       No, I — I wasn't contacted. I actually — the first thing I did, I called the  
24 DSS person —

25       **Q.**       Yourself?

MS. DONNA WILSON - DIRECT by MR. HENRY

Page 1058

1       A.       Yes, myself.

2       Q.       Okay.

3       A.       To ask what was going on; what were the charges, you know. And he  
4 said he really couldn't help me ---

5       Q.       Don't say --- don't --- don't say what the DSS said.

6       A.       I know, I know.

7       Q.       Okay. So after you talked ---

8       A.       He couldn't be told anything. So, then, I contacted Lieutenant Bobo I  
9 believe it was.

10      Q.       Okay.

11      A.       I got his voicemail. I left a message that I'd like him to call me. And,  
12 then, a woman called me. I --- I'm thinking she was a sheriff --- I'm not sure --- and  
13 talked to me about it.

14      Q.       Okay. Now after that call, did you --- did you take any other action as  
15 far as your child was concerned? Did you do anything else?

16      A.       Well, I --- basically the Child Advocacy, I called --- you know, that was  
17 all. They gave me a number.

18      Q.       Okay.

19      A.       And I said, you know, "I really don't want my child to be looked at by  
20 them." She was due for her four-year old well checkup with her doctor.

21      Q.       Right.

22      A.       And, then, at that time is when I started getting phone calls from other  
23 parents.

24      Q.       Okay. And, after you got the phone calls from other parents, did you  
25 take your child to the --- the Advocacy Center or not?

**MS. DONNA WILSON - DIRECT by MR. HENRY****Page 1059**

1       **A.**       No, I did not. I felt the best would be with her own doctor.

2       **Q.**       Okay.

3       **A.**       And her doctor said — well, I can't say what he said, so...

4       **Q.**       Did — did the doctor check her out?

5       **A.**       The doctor checked her out. She as just fine.

6       **Q.**       Was that the end of your involvement as far as Brianna was  
7 concerned in this case?

8       **A.**       No, it was not because I was — I was — I was for, and I still am, for  
9 Ro. And Brianna was still in the school. So I would talk to a lot of the employees  
10 there —

11       **Q.**       Right.

12       **A.**       — to get their feel on it.

13       **Q.**       And you can't say what they said; you understand that?

14       **A.**       No, I cannot, but —

15       **Q.**       What did you do after you talked —

16       **A.**       — I just started to feel -- everything was fine until I was kind of asked  
17 to stop speaking about it. And I just said, you know, this is enough. And I -- I took  
18 my child out.

19       **Q.**       Okay. Tell — tell the jury about your child's experience with  
20 SpongeBob SquarePants.

21       **A.**       Oh. Well, when the first allegation came out about licking the tummy,  
22 my husband immediately — he's like, "Wait, a minute. I've heard Brianna say stuff  
23 like that. And I've heard kids say stuff like that."

24               And the show SpongeBob SquarePants, they're always are making  
25 kind of rude, kind of crude remarks. And so we kind of wondered if that's where the

**MS. DONNA WILSON - CROSS by MS. MILES****Page 1060**

children were picking it up at.

**Q.** Okay. And so what did you do about that with respect to the show?

**A.** Well she doesn't watch a lot of the shows any more.

**Q.** Did you stop her from watching that?

**A.** Yeah, because she was starting to get a little attitude from a lot of those shows, so... But just one thing, if I can say, I just -- I watched my child a lot on that monitor and I don't any see any opportunity that anyone would have had to be able to do these horrendous things that she's being accused of.

**MR. HENRY:** Thanks, Donna. Answer any questions the State would have for you, please.

**THE WITNESS:** Okay.

**CROSS EXAMINATION by MS. MILES****2:10 P.M.**

**Q.** Good afternoon.

**A.** Hi.

**Q.** You mentioned when Brianna was two-and-a-half that she started discovering herself; is that correct?

**A.** Yes.

**Q.** And that you looked up some research to see if that was normal?

**A.** Yes.

**Q.** And did that research also reflect that it could be a symptom of sexual abuse?

**A.** Well, yes on some. But, you know, it just basically was -- she saw other kids doing it next to her at nap so she said she started doing it.

**Q.** Okay. And you said that, that was at Kiddie Academy, not Kids "R" Kids?

MS. DONNA WILSON - CROSS by MS. MILES

Page 1061

- 1       A.       That was — yes. Kiddie Academy was her first daycare.
- 2       Q.       Okay. And that's when she was approximately two-and-a-half or so?
- 3       A.       Two, two-and-a — yeah, in between.
- 4       Q.       Okay. And are you aware that Ronasha also worked at Kiddie
- 5 Academy before Kids "R" Kids?
- 6       A.       Yes, I did, but she wasn't there at that time.
- 7       Q.       Okay. Let's see, when these allegations first came out, do you recall
- 8 calling Ivonne Osorno in October 2010?
- 9       A.       No, she had called me.
- 10      Q.       Okay. Well, do you remember speaking with her?
- 11      A.       Yes, I do.
- 12      Q.       Okay. And do you remember speaking with her about being
- 13 concerned about Ronasha and Brianna and wanting to know exactly what Child 4 —
- 14 Child 4 had said in his allegation?
- 15      A.       I wanted to know what the allegations were, of course. I wanted to
- 16 know everything. But I did not feel that Brianna — I told her — I told her that I did
- 17 not feel that Brianna was sexually abused in any way.
- 18             And I didn't see how any of the other children could be. It just felt like
- 19 everyone was trying to call and start on a — I don't know the word I want, but
- 20 everyone was — I mean, I'm not going to knock down any parent for having concern
- 21 for their children. I mean, I'm concerned about my child.
- 22             But I just felt it was absolutely impossible that it could have happened. And I
- 23 told her that I didn't want to be in that little cluster of calls.
- 24      Q.       Okay. Was there a reason why you wanted to know exactly what
- 25 Child 4 had said?

1 A. I was very curious, yes.

2 Q. Okay. And who did she tell you to call if you were curious?

3 A. I don't know her first name, but it was Child 1 mom.

4 Q. Okay. You also mentioned that you called Bobby at OHAN; is that  
5 correct?

6 A. Yes, ma'am.

7 Q. And that you told Bobby that you had concerns about Brianna and that  
8 you had actually taken her to the pediatrician about your concerns?

9 A. No, ma'am.

10 Q. Okay.

11 A. That — what I had told is I said I was asking at the school where my  
12 child was still going what was going on because I at the time didn't really know the  
13 exact — If it was — you know, they're accusing Ro; if there was something else  
14 going on in the school.

15 And he — and he couldn't give me any information. So that's when I went  
16 further and contacted the lieutenant that was in charge.

17 Q. Okay. So you also contacted Bobby because you were curious?

18 A. Because I wanted to get to the bottom of it and see what was going  
19 on.

20 Q. Okay. And then you —

21 A. My child was still in that school. And I, you know, needed to know  
22 what was going on.

23 Q. Okay, to make sure your child was safe?

24 A. Of course, yes.

25 Q. Okay. And, then, afterwards you also called the sheriff's office?

**MS. DONNA WILSON - CROSS by MS. MILES****Page 1063**

1       **A.**       Yes, Lieutenant Bobo. I got his voicemail.

2       **Q.**       Okay. And who else did you speak to next?

3       **A.**       Then a woman called me, Megan — Megan? I'm not sure of the  
4 name, but she asked if I would be interested for my child to be interviewed. And I  
5 said no, that she would be going to the doctor for her four-year-old well check. So  
6 we would just mention it to him when we went.

7       **Q.**       Okay. Did she make you aware of what the purpose of a forensic  
8 interview is?

9       **A.**       She basically told me that they talk to the children and ask them  
10 questions. That's about all she said. And she said, "I'll call you back later in the  
11 week." But ---

12       **Q.**       Okay. That their purpose is essentially to talk to your child about  
13 whether or not anything had happened?

14       **A.**       Uh-huh (affirmative).

15       **Q.**       Okay. And you didn't take your child for that interview, correct?

16       **A.**       No. I was never called back. And I would not have taken my child to  
17 be interviewed.

18       **Q.**       Okay. You mentioned you did take her to the pediatrician for her to  
19 get checked out?

20       **A.**       Because she was due for her four-year-old check with shots.

21       **Q.**       Okay. And that wasn't a child abuse pediatrician, correct?

22       **A.**       I'm sorry?

23       **Q.**       That wasn't a child abuse pediatrician?

24       **A.**       No, it was her pediatrician.

25       **Q.**       Okay. You and Ro, as you referred to her, were pretty close while she

**MS. DONNA WILSON - CROSS by MS. MILES**  
worked at Kids "R" Kids, correct?

**Page 1064**

1

2

**A.** Yes, we were.

3

**Q.** Okay. And are you still close now?

4

**A.** Yes, we are.

5

**Q.** Okay. Does she have a relationship with your daughter now?

6

**A.** No.

7

**Q.** Okay. You were so close with Ronasha that you provided her with

8

your log in information to get on Watch Me Grow; is that correct?

9

**A.** Yes, ma'am, I did when she was home sick.

10

**Q.** Okay. For what purpose did she want your log on information?

11

**A.** Well, actually, I offered it. She did not ask for it.

12

**Q.** Okay. So she could see the children?

13

**A.** She wanted to see who was in there and if anyone was keeping up

14

with the thing because Brianna had came home from school and said, "They don't

15

have our homework folders together."

16

"They don't have any of our stuff the way they're suppose to be and why is it like this?" And so she basically wanted to check in.

17

18

**Q.** Okay. And you mentioned that you watched Watch Me Grow

19

sometimes; is that correct?

20

**A.** Yes, ma'am.

21

**Q.** Okay. Could you see inside the bathroom?

22

**A.** You couldn't see inside the bathroom but you could see the doors.

23

**Q.** Okay. But not inside?

24

**A.** They open and close and who goes in and out. But, no, you cannot

25

see inside.



**MS. DONNA WILSON - CROSS by MS. MILES****Page 1065**

1       **Q.**       So you wouldn't be able to see anything going on inside the bathroom,  
2 correct?

3       **A.**       No, ma'am.

4       **Q.**       Okay. And you mentioned something about Spongebob Squarepants.  
5 How old was Brianna at the time these allegations came out, four?

6       **A.**       Actually, yeah, it — because it was early October and she turned four  
7 in October. And we had a big birthday party at Chuck E. Cheese. So yes, ma'am,  
8 that's correct.

9       **Q.**       Okay. So she was three going on four? Is that fair?

10       **A.**       Well she was four. And I — I mean she was going to turn four in  
11 October. And it started I'm thinking in early October when the allegations started; I  
12 think if I'm not mistaken.

13       **Q.**       Okay. And — go ahead. I'm sorry.

14       **A.**       Oh, I was going say she had a birthday party. And we went to Chuck  
15 E. Cheese. We had it all planned out. And, then, everything kind of got changed up  
16 because, then, Ro wasn't there anymore.

17       **Q.**       Okay. And, at the age of three going on four, early four, would she  
18 have been watching Spongebob Squarepants?

19       **A.**       Off and on, yes. Her Nana kind of like let her watch it more than we  
20 would. And you know, she said strange phrases.

21               I mean, if I can be blunt, Patrick always talks about his butt crack. And, you  
22 know, they're always making some kind of "Well, I'm going to — I'm going to lick this  
23 chocolate cone." "I'm going to lick this."

24               And they say that a lot. And so, when we heard what the word was said, my  
25 husband said, "I've heard that before." You know, so...

**MS. DONNA WILSON - CROSS by MS. MILES****Page 1066**

1       **Q.**       Okay. Would you expect that other four year old children were  
2 watching Spongebob Squarepants?

3       **A.**       Well, I imagine. It's -- it's pretty popular.

4       **Q.**       Okay. Is it possible they could have gotten those phrases from  
5 somewhere else?

6       **A.**       Well, with some of the other TV shows today, I wouldn't -- you know, I  
7 wouldn't doubt it. There's a lot of shows out there that need to be kinder. They're  
8 not like the old days.

9       **Q.**       Okay. Okay. How long have -- would you say you've known  
10 Ronasha?

11      **A.**       I guess it would be early 2010 when I took her at Kids "R" Kids.

12      **Q.**       Okay. And you don't want to see her go to jail, do you?

13      **A.**       I'm sorry, what?

14      **Q.**       You don't want to see her go to jail, do you?

15      **A.**       No, ma'am, because I believe she is innocent.

16      **Q.**       Okay. Would it change your opinion of Ronasha if you found out these  
17 allegations were, in fact, true?

18      **A.**       I do not believe they are true.

19      **Q.**       Would it change your opinion if they were?

20      **A.**       I don't see how they can be.

21               **MS. MILES:**       No further questions.

22               **MR. HENRY:**       No re-direct, Your Honor.

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

24               **MR. HENRY:**       May we approach just a second, Your Honor?

25               **THE COURT:**       Yes, sir.

**PASTOR BERTHA TERRY - DIRECT by MR. HENRY**

**Page 1067**

**(Whereupon, a bench conference was had with all attorneys**

**present.)**

**MR. HENRY:** The Defense calls Pastor Bertha Terry.

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

(Whereupon,

**PASTOR BERTHA TERRY**

first being duly sworn, testified as follows:)

**DIRECT EXAMINATION by MR. HENRY:**

**2:19 P.M.**

**Q.** Will you state your name, please?

**A.** My name is Bertha Terry

**Q.** Okay. And what do you do for living?

**A.** I am the founder and pastor of God's Chosen Assembly, Incorporated,  
in Simpsonville, South Carolina.

**Q.** Okay. Pastor Terry, how long have you been there?

**A.** At that particular place, for twenty-two (22) years. And four years at  
another location.

**Q.** Okay. And what is your educational background?

**A.** I graduated in 1968. I had forwarded to South Carolina State College,  
took some courses in pastoring at First Theological Seminary. And received my  
doctorate in theology at Charleston Theology School.

**Q.** Okay. And how about your -- I know you have been a minister for  
most of that time.

**A.** Yes, sir.

**Q.** How about work be -- before that?

**A.** I worked at Wilson's Sporting Goods before I started pastoring in

**PASTOR BERTHA TERRY - DIRECT by MR. HENRY**

**Page 1068**

Fountain Inn, South Carolina. Then I worked at I guess -- it's been so long I can't

think of the other ones -- a sewing company. But I went from there to working at

Wilson's; from there to college. And from college to pastoring.

**Q.** How about your family?

**A.** I'm married to L. James Terry. I have two sons, Corey Terry and Cedric Terry (phonetic), and a host of other ingrafted (phonetic) children. And I have at least three ingraft children that have grown up with my children that I call them my children.

**Q.** Okay. What do Corey and Cedric do?

**A.** Corey is right now a teacher at Tanglewood Middle School in Simpsonville. And Cedric is in textile work in Mauldin, South Carolina.

**Q.** Can you tell us a little bit about your church?

**A.** My church was founded in 1985. We were on Piedmont Highway in Greenville. We purchased the land in Simpsonville and built there in '91.

Our church is -- we're populated with young people. That has always been my calling to -- I try to get individuals to understand the truth of God's Word and to live it. So the precept is kind of still that particular way.

The congregation, I think the eldest in our church may be -- I guess I'm the eldest one -- is 62. Everybody else's between infant and 60.

**Q.** Do -- do you know Ronasha's family?

**A.** Yes.

**Q.** Who do you know in her family?

**A.** All of them.

**Q.** All? Okay. Do you know her mom?

**A.** Yes.

**PASTOR BERTHA TERRY - DIRECT by MR. HENRY****Page 1069**

1       **Q.**       Okay. And how did you first meet Ronasha?

2       **A.**       Ronasha, my first recollection of meeting her was in 1989.

3       **Q.**       How do you remember that date?

4       **A.**       Because she was born in '88 and we would -- pastoring, when you  
5       begin to pastor early, you have accountability of who comes in the church. So that  
6       is the time that I know that she actually became a member or coming to the church  
7       with her -- with Sister Taylor.

8       **Q.**       Okay. And have you followed Ronasha throughout the years?

9       **A.**       Oh, yes. She's been in the church ever since then.

10      **Q.**       Okay. What kinds of activities has she been involved in since she's  
11      been a member of your church?

12      **A.**       She's over -- she was a sergeant of the drill team. She was what we  
13      call a Nurse's Guild, which is kind of like an adjunct to myself to take care of my  
14      needs.

15               She was in the children's choir. She works in the children's ministry.  
16      She's on our media department where we have television programs. So she was on  
17      the media with that.

18               We have mom's day off, dad's day off. So she's always -- whatever I  
19      needed, if Ronasha knew, that's about where she was.

20      **Q.**       I want to go back over a couple of those and have you explain in a little  
21      more detail if you don't mind.

22      **A.**       Okay.

23      **Q.**       What's the drill team?

24      **A.**       The drill team is where we have ministers in the church, and that  
25      comes under ministry, where they gather all of the children together and they teach

**PASTOR BERTHA TERRY - DIRECT by MR. HENRY****Page 1070**

1 them, preach to — everyone preaches to them and gives them activities, takes them  
2 on particular item — outings.

3 We have programs from the church where they get to demonstrate their drills.  
4 They would meet twice a month where the instructors would have them outside and  
5 teach them different drills, different functions, different Bible verses, etiquette, do's,  
6 don'ts . More or less just discipline them, teaching them correct discipline.

7 **Q.** Was Ronasha in the drill team when she was younger?

8 **A.** Yes. She was on it and she was a part of the ministry. And one of the  
9 elders moved her up to be a sergeant because the other kids had grown up to  
10 respect her. So, she could pretty much get them to do stuff nobody else could.

11 **Q.** How do you mean?

12 **A.** She had a way of just being polite to them.

13 **Q.** Okay.

14 **A.** And -- and keeping them disciplined. Basically, like, you know, the  
15 lady said, the lady that was here before, that she would just teach them, "You don't  
16 do that." "You don't say that." "That's not the way you're supposed to act."

17 She just -- she just knew how to get the kids to do right and do it  
18 respectfully. I guess maybe that's the best way to put it.

19 **Q.** What is the children's ministry?

20 **A.** The children's ministry is where we have all the children broken out  
21 into different age limits. They have different activities where they may choose one  
22 thing to do one month, another thing to do another month. And then we have other  
23 members that's a part of the church that's a part of that children's ministry that make  
24 up a team.

25 In that particular team goes with those children on different item --

**PASTOR BERTHA TERRY - DIRECT by MR. HENRY****Page 1071**

1 outings or different functions we have with the church or, if we're having something  
2 in the church where they may get a little antsy. And they will carry them back and  
3 they have their own Bible study or games that they play that is still structured.

4 **Q.** What -- what, if any, was Ronasha's role in that children's ministry?

5 **A.** And her role in the children's ministry was that she was one of the  
6 advisors that would always watch the children. Normally we would have at least two  
7 or three teachers back there. So I guess you have to know the floor plan of my  
8 church.

9 And it's here (indicating) and the church is here (indicating). And we  
10 keep the door open so we have the kids in the back. So we normally try to put a TV  
11 screen back there so they could see what's going on. So there's always somebody  
12 to watch them.

13 **Q.** Was there -- were there ever any complaints about her abusing any of  
14 the children she was around at church?

15 **A.** Oh, no, sir.

16 **Q.** Any kind of indication of any deviant behavior of any kind? Any —

17 **A.** No more than if they got out of hand she would bring them to me.

18 **Q.** Okay. Would you characterize her as a leader or a follower?

19 **A.** Say that again, please.

20 **Q.** Would you characterize Ronasha as a leader or a follower, or — or  
21 something else?

22 **A.** She can be -- she can be a leader, but she would rather just help and  
23 kind of be in the background just to make sure whatever it is that I would want to be  
24 carried out, that she would help some and make sure that it's carried out. So I  
25 guess that's good.

**PASTOR BERTHA TERRY - DIRECT by MR. HENRY****Page 1072**

1       **Q.**       Okay. You mentioned the Nurse's Guild?

2       **A.**       Uh-huh (affirmative).

3       **Q.**       What is that?

4       **A.**       The Nurse's Guild is where they -- I have to be garbed up (phonetic) to  
5 play my role and stuff, so the Nurse's Guild are individuals that would be in my  
6 office. They will help get things that I would need.

7               They will make sure my accommodations are in the pulpit, if I needed  
8 water, juice, if I had to go out and change clothes, they would help me change my  
9 attire.

10              She started out as a junior nurse. And, then, as --- as she got older,  
11 then, she became a -- I guess you would call it one of the adult nurses.

12              So it's basically just taking care of me if anything went down in the  
13 church, if anybody needed any assistance, their job was to kind of keep an eye  
14 open on the church and see if anybody need anything; if anybody got too hot,  
15 needed some juice, or something like that.

16       **Q.**       So Ronasha's been actively involved in your church for many years; is  
17 that a fair statement?

18       **A.**       Yes, sir.

19       **Q.**       And are you familiar with her reputation in the church community?

20       **A.**       Yes, sir. In fact, I grew up in the same community where she lives.

21       **Q.**       Okay. Are you familiar with her reputation for truthfulness?

22       **A.**       Yes, sir.

23       **Q.**       Is that reputation good or is it bad?

24       **A.**       Excellent.

25              **MR. HENRY:**       Answer any questions the State may have for you,



**PASTOR BERTHA TERRY - CROSS by MS. HALL**

**Page 1073**

please, Pastor.

**THE WITNESS:** Yes, sir.

**CROSS EXAMINATION by MS. HALL:**

**2:27 P.M.**

**Q.** Reverend Terry, you testified that Ms. Taylor worked with the children's choir?

**A.** She was on the children's choir as she grew up.

**Q.** Okay.

**A.** And then afterward, then, she began to work for the teachers that were there.

**Q.** Okay. And she also worked with the children's ministry; is that correct?

**A.** Yeah. Those are two different functions.

**Q.** Okay.

**A.** The choir is where they have a certain time that they sing and they rehearse, so, we have at least three individuals with that. So, when the kids get up, she would always make sure that they line up together or they sit together.

They didn't get agitated; if they need to be kind of just moved around, she would just move around. So she was one of those individuals that helped once while the advisors were up front.

**Q.** Okay. And you testified that — that, if one of the children got out of hand, she would bring them to you?

**A.** Yes. Sometimes children will get a little rowdy, so, what I try to do, they contact the parents. And, then, if — if the parents are not there, whether than to — they bring them to me.

And I have a little — just talk to the kids and say, "Okay. Tell me what

**PASTOR BERTHA TERRY - CROSS by MS. HALL****Page 1074**

1 happened." "Why did they bring you here?" And I let them tell me why they're in my  
2 office instead of me telling them what they've been told. So it kind of worked like  
3 that for us.

4 **Q.** And who — you said Ms. Taylor would bring the children to you?

5 **A.** Not just Ms. Taylor, anybody. I just used her because he was asking  
6 me concerning her, what did she do. So anybody that was watching kids, if the kids  
7 got out of hand, if the parents were not there.

8 **Q.** So did — did the Defendant ever bring children to you?

9 **A.** Over the course of years, yeah, I'm sure.

10 **Q.** And, when she brought the children to you, which she be by herself  
11 with the children?

12 **A.** No.

13 **Q.** Who would be with her?

14 **A.** The other advisor that would be there would bring, but I would always  
15 talk to the kids by myself.

16 **Q.** Okay. But, when they — when they brought the child to you, who was  
17 with the child?

18 **A.** When they brought them to my office?

19 **Q.** Uh-huh (affirmative).

20 **A.** If the parent was not there, the other advisor that was there.

21 **Q.** Okay.

22 **A.** She's never brought them by herself.

23 **Q.** So where was the other advisor?

24 **A.** You mean when they brought them to the office?

25 **Q.** Uh-huh (affirmative).

**PASTOR BERTHA TERRY - CROSS by MS. HALL****Page 1075**

1       **A.**       I — I can't answer that because if they are in — if they're in a function,  
2 and I'm in the pulpit —

3       **Q.**       Uh-huh (affirmative)..

4       **A.**       — and something is going on, like there — there's an activity,  
5 sometimes the parents are there. Sometimes the parents are not there. So, if  
6 something just gets out of hand, one of them just brings them.

7       **Q.**       So, Ms. Taylor could bring you a child by herself if things got out of  
8 hand and the parent wasn't there?

9       **A.**       Oh, yes, she could.

10       **Q.**       Okay. And you also testified that she could get children to do right; is  
11 that correct?

12       **A.**       Yeah. When I say that, sometimes you — you can — you can build a  
13 relationship with kids. And some kids will know, "Okay, this right here I can't do  
14 this." Can I use myself for instance?

15       **Q.**       Uh-huh (affirmative).

16       **A.**       If I'm -- if the kids are being bad or the kids are talking too much or  
17 they're playing too much and they'll say, "Take them to see Pastor Terry." And,  
18 then, I say, "Okay, this is what were supposed to do in church. This is what we're  
19 not supposed to do in church. So let's just go back out here and was just act like  
20 they — your parents would want you to act."

21               She had a way of doing that and just instructing them the right way to  
22 do things. And —

23       **Q.**       Did — excuse me.

24       **A.**       Go ahead.

25       **Q.**       So the children obeyed her?

1 A. Yeah, pretty much.

2 Q. You said you've known her since she was a year old — or since she  
3 was born?

4 A. Uh-huh (affirmative).

5 Q. And what about her family? Do you tell her family pretty well?

6 A. Yes.

7 Q. What about her friends? How well do you know her friends?

8 A. Only the ones that normally associate with the church. I know the  
9 ones she played basketball with when she was with AA Youth playing basketball  
10 and stuff like that. But just personally, no.

11 Q. And you think very highly of her; is that correct?

12 A. Yes, I do.

13 Q. Would it change your opinion of her to know that these charges were  
14 true?

15 A. Would it change my opinion? I don't think they're true.

16 Q. But, if they were, would that change your opinion of her?

17 A. No, no, ma'am. And let me tell you why. Because I think that anybody  
18 can be falsely accused of anything going in, and until you are absolutely certain  
19 about that, any of us sitting in here could be falsely accused of anything.

20 Q. Uh-huh (affirmative).

21 A. I believe she's falsely accused. And I can't change my opinion. I can't  
22 see her doing that. I've known her too long for that.

23 Q. But, if — if she weren't falsely accused, if it were true, would it change  
24 your opinion of her?

25 A. No.

**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY**

**Page 1077**

1 **MS. HALL:** No further questions.

2 **MR. HENRY:** No redirect, Judge.

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

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

5 **MR. HENRY:** We call Shirley Taylor.

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

7 **(Whereupon,**

8 **SHIRLEY TAYLOR**

9 **having been duly sworn, testified as follows:)**

10 **DIRECT EXAMINATION by MR. HENRY:**

**2:32 P.M.**

11 **Q.** Will you state your name, please?

12 **A.** Shirley Taylor.

13 **Q.** Can I call you Shirley?

14 **A.** Yes, sir.

15 **Q.** Shirley, tell — tell the jury a little bit about your background; where —  
16 where you were born and grew up.

17 **A.** I was born in Simpsonville, South Carolina in 1953, September 5<sup>th</sup>,  
18 1953. And I've actually lived there all my life.

19 **Q.** Okay. How about work?

20 **A.** I work at a place called High Q (phonetic). I drive cars testing tires.

21 **Q.** Okay. And your — how about your family?

22 **A.** I have three daughters and one son; three grandchildren, three  
23 grandgirls and one grandson.

24 **Q.** Are they all in this area?

25 **A.** Yes. I — I have a daughter that recently moved back from New York

**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY**  
to be there with my sister.

**Page 1078**

1

2

**Q.** Okay. And tell — tell me the names of your children.

3

**A.** I have a oldest daughter named Consondra Darlene Jenkins

4

(phonetic). I have a son named Steven Dion Taylor. And I have another daughter  
5 named Shatary Lathesa Noneka (phonetic) .

6

**Q.** Okay. Before you had a job for working — with testing tires, what other

7

kind of work have your done?

8

**A.** I — I kept children. I had — was self employed.

9

**Q.** Okay.

10

**A.** I kept children.

11

**Q.** All right. And how about education?

12

**A.** I graduated from Hillcrest High School in Simpsonville, South Carolina

13

in 1971.

14

**Q.** Tell the jury about Ronasha, how she started out with her history I

15

guess.

16

**A.** When Ro was born and I got Ro, she reminded me of a childhood

17

scoop of ice cream. And that's where she got her nickname "Scoopie." She was

18

just a — just a sweet baby.

19

She was just a sweet child. She never ever gave me any trouble,

20

never. She was just a good girl. She's just — she was just a good girl.

21

And I remember when she started at GCA (phonetic) she became —

22

on — on the nursing guild when she was two-and-a-half years old because she

23

loved to help.

24

She always wanted to help Apostle Terry. She always wanted to help.

25

And she was two-and-a-half. And she played basketball. She was the littlest thing

**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY**  
to play basketball and her number was one-and-a-half.

**Page 1079**

**Q.** One-and-a-half?

**A.** Because she was so tiny so that's what they gave her. That was her number on the basketball team was one-and-a-half.

And, then, when she — she got old — older and she — she became ill when she was fifteen (15) months.

**Q.** Okay.

**A.** And she had surgery. They found out that her small intestine was twisted around her large intestine. And it was hard for her to — she could couldn't digest food.

She had a surgery at fifteen (15) months. And it left a huge scar right above her bellybutton. And she had the same surgery when she was seven (7) years old, the same ---

**Q.** Why did they have to do it again, Shirley?

**A.** Because it — it — her intestine twisted again. And they had to do the same surgery, which they had already stated that it could happen again. And it did when she was seven years old.

She had the same surgery. And they cut her in the same place. And it left a scar that was from almost from — to each side.

**Q.** Okay. What about — what about you husband? Tell us about your husband.

**A.** I was married in 1981 to Amos Taylor, Jr., which he was like — he played baseball. And I always said I was going to marry a baseball player.

And he threw a ball that was knocked — oh, he — he was awesome. He could throw a ball. I was married to him for seventeen (17), eighteen (18) years.

**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY**

And he — and he got cancer and he died in 1997.

**Q.** Now you mentioned about this surgery that Ronasha had when she was fifteen (15) months old.

**A.** Uh-huh (affirmative), yes, sir.

**Q.** And she had it again when she was how old?

**A.** Seven (7).

**Q.** Okay. Now did you — did you take a photograph of her ----

**A.** Yes, I did.

**Q.** --- surgery scar?

**A.** Yes I did.

**Q.** At my request?

**A.** Yes, I did.

**(Brief pause while photograph shown to opposing Counsel.)**

**(Off-the-Record Discussion)**

**MR. HENRY:** I think there's going to be an objection here, so, I'll wait until they make the objection and we'll be heard on it.

**MS. MILES:** We just want to know as far as the time frame of when this was taken. Was it when she was seven when she had the scar or is it current? You know, we're just ---

**THE COURT:** You have to lay a foundation, Counsel. You know that.

**MR. HENRY:** All right, sir. I have -- I think I have with respect to the time of the surgery, but ---

**THE COURT:** Well lay -- lay your foundation for your exhibit.

**MR. HENRY:** Yes, sir. I will.



**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY****Page 1081**

1       **Q.**        (By Mr. Henry) Shirley, with respect to the photograph that you took,  
2 approximately when did you take the photograph?

3       **A.**        I don't know.

4       **Q.**        Has that been within the last year?

5       **A.**        Yes.

6       **Q.**        Okay.

7       **A.**        Yes.

8       **Q.**        And is — is the scar that — that is shown here the scar from the  
9 surgery from going back to when she was seven (7) years old?

10      **A.**        Since she was fifteen (15) months.

11      **Q.**        Okay.

12      **A.**        That was the same — they did surgery in the same spot.

13      **Q.**        Okay. And has she had the same scar throughout her life?

14      **A.**        Yes.

15      **Q.**        And it's the same scar that she had when she was fifteen (15) months  
16 except smaller?

17      **A.**        It's getting — it's the same scar.

18      **Q.**        Okay.

19      **A.**        It's the same scar.

20      **Q.**        And it's the same — when they did the surgery, when she was seven  
21 years old, did they go in the same spot?

22      **A.**        Yes.

23      **Q.**        And was that scar then continuing from the 15-month scar?

24      **A.**        Yes, sir.

25      **Q.**        And it's the same scar that we see — we would see today if we looked

**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY**  
at her right now?

**Page 1082**

**A.** Oh, yes.

**Q.** Is that the same scar that we see in this photograph?

**A.** Yes, sir.

**MR. HENRY:** We'd offer the photograph.

**MS. HALL:** No objection to the foundation. It's just the first  
time we've seen this picture, but no objection.

**THE COURT:** Okay. All right. Admitted without objection.

**MR. HENRY:** Thank you, Judge.

**(Whereupon, Defendant's 1 was marked and admitted into  
evidence without objection.)**

**Q.** (By Mr. Henry) Is this the photograph that you took, Shirley?

**A.** Yes.

**MR. HENRY:** We'd like to offer this into evidence, Your Honor.

**THE COURT:** Yes, sir.

**MR. HENRY:** May I publish it to the jury?

**THE COURT:** You may.

**(Brief pause while Defendant's Exhibit 1 published to the jury.)**

**Q.** (By Mr. Henry) In addition to the surgery scar you just talked about  
Shirley, are there any other marks on Ronasha's body that — that are significant?

**A.** She has a birthmark.

**Q.** Okay. And did you also — I assume, since it's a birthmark, she's had  
it since she was born?

**A.** She has a large birthmark.

**Q.** Okay. And did you also take a photograph of that at my request?

**MS. SHIRLEY TAYLOR - DIRECT by MR. HENRY****Page 1083**

1           **A.**       Yes.

2                   **(Brief pause while photograph shown to opposing Counsel.)**

3           **MR. HENRY:**       I'd like to offer this, Your Honor.

4           **THE COURT:**     All right. No objection?

5           **MS. MILES:**     No objection.

6           **Q.**        (By Mr. Henry) Is this the photograph you took?

7           **A.**        Yes.

8                   **(Whereupon, Defendant's 2 was marked and admitted into**  
9                   **evidence without objection.)**

10          **MR. HENRY:**     May I publish it, Your honor?

11          **THE COURT:**     You may.

12          **MR. HENRY:**     Thank you.

13                   **(Brief pause while Defendant's Exhibit 2 published to the jury.)**

14          **Q.**        (By Mr. Henry) Was Ronasha married?

15          **A.**        Yes.

16          **Q.**        Who did she marry?

17          **A.**        Kenya Rainey.

18          **Q.**        Okay. And are they divorced now?

19          **A.**        Yes, they are.

20          **Q.**        Are you aware that they're still friendly?

21          **A.**        Yes, they are.

22          **Q.**        Okay.

23                   **(Brief Pause)**

24          **MR. HENRY:**     All right. Shirley, answer any questions that the  
25                   State may have for you, please.

MS. SHIRLEY TAYLOR - CROSS by MS. MILES

Page 1084

THE WITNESS: Yes, sir.

CROSS EXAMINATION by MS. MILES:

2:42 P.M.

Q. Good afternoon, Ms. Taylor.

A. Good afternoon.

Q. You mentioned that you were self employed ----

A. Yes.

Q. ---- and kept kids at home ---

A. Yes.

Q. — before? Approximately what years did you have an in-home daycare?

A. I started keeping children in I think it was in 2005.

Q. Okay. And how long before that ---

A. I kept them off and on. I started out keeping my own grand — grandchildren. And, then, I — I kept other children.

Q. Okay. How many children would you keep at a time?

A. Six (6).

Q. Okay. Who would work in that home daycare with you?

A. Most — most of the time it was my — my sister.

Q. Okay.

A. Alice Henderson (phonetic).

Q. Okay. And what about your daughter Ronasha? Would — did she ever work there with you?

A. No, she didn't.

Q. Okay. To you knowledge, did she use working at your in-home daycare on any of her job applications to your knowledge?

MS. SHIRLEY TAYLOR - CROSS by MS. MILES

Page 1085

- 1 A. Not that I know of.
- 2 Q. Okay.
- 3 A. I never asked her.
- 4 Q. Did Ronasha live with you when you when you had the daycare?
- 5 A. Yes, she did.
- 6 Q. Okay. Would she ever keep any of the children if you had to run out if
- 7 she was living there?
- 8 A. No, ma'am.
- 9 Q. Okay.
- 10 A. That's what my sister was for.
- 11 Q. Okay. And you sister lived with you as well?
- 12 A. No, she didn't.
- 13 Q. Okay. She just came during the day or...?
- 14 A. She came that morning about — approximately — before nine o'clock
- 15 (9:00). Sometimes it was before eight; it just depend.
- 16 Q. Okay. You mentioned, when Mr. Henry got into the cut on Ronasha's
- 17 stomach, when she was fifteen (15) months?
- 18 A. Uh-huh (affirmative).
- 19 Q. Did that cover the width of her stomach at fifteen (15) months? Or
- 20 how far across would it cover her 15-month old stomach?
- 21 A. Well, see Ronasha was a small child. And her — it was -- it was — it
- 22 would — yeah, it covered her. You could see — how ever big her stomach was, you
- 23 could see the scar. That'll all I know.
- 24 Q. Okay. And she used that — or she — they reopened that same scar
- 25 when she was seven (7)?

- 1       A.       But just a little longer.
- 2       Q.       Okay. And you took that picture recently; is that correct? The picture
- 3       that ----
- 4       A.       Within the year.
- 5       Q.       Within this past year? Okay. Where'd you take that picture?
- 6       A.       At home.
- 7       Q.       At home?
- 8       A.       Uh-huh (affirmative).
- 9       Q.       What was the lighting like where you took it?
- 10      A.       It was good.
- 11      Q.       It was good?
- 12      A.       Yeah.
- 13      Q.       You have a lot of light shining —
- 14      A.       Yes.
- 15      Q.       — on the area?
- 16      A.       Uh-huh (affirmative).
- 17      Q.       Okay.
- 18      A.       And the camera was good too.
- 19      Q.       And it was a good camera?
- 20      A.       Yes.
- 21      Q.       Okay. Was the camera better than you would be able to see with the
- 22      naked eye?
- 23      A.       Oh, you could see it with — yeah, you can see it without the camera.
- 24      You could see it, yeah. You could see it without it.
- 25      Q.       Okay. She was laying down in that picture, correct?

**MS. SHIRLEY TAYLOR - CROSS by MS. MILES****Page 1087**

1       **A.**       That's correct.

2       **Q.**       So she was laying flat where you would be able to see it go across her  
3 stomach?

4       **A.**       Yes.

5       **Q.**       It wasn't taken when she was sitting down and you may not be able to  
6 see it?

7       **A.**       If she was sitting down and if she held her shirt up, you could see it.

8       **Q.**       Okay. It wouldn't go across the middle of her stomach?

9       **A.**       If she's sitting down and you — and she had her shirt up, you could  
10 see.

11       **Q.**       Okay. What about in a not well lit room, would you be able to see it?

12       **A.**       If she pulled her shirt up.

13       **Q.**       Okay. And they also mentioned a — a birthmark. What color is that  
14 birthmark?

15       **A.**       It's black.

16       **Q.**       It's black?

17       **A.**       Uh-huh (affirmative).

18       **Q.**       Is it purplish black or — I didn't — let me just look. I haven't had a  
19 chance to look at it.

20               **(Ms. Miles retrieves exhibit.)**

21       **Q.**       Okay. And this is — and what part this — her body is that located on?

22       **A.**       That would be her — her left.

23       **Q.**       Okay. Her left side? Is that on her back on the left side?

24       **A.**       No.

25       **Q.**       Is this her ----

MS. CONSONDRA JENKINS - DIRECT by MR. HENRY

Page 1088

1 A. It's below her breast.

2 Q. Okay. So right here (indicating)?

3 A. Uh-huh (affirmative). Right about here (indicating), below the breast  
4 area.

5 (Off-The-Record Comments)

6 Q. About right there?

7 A. Uh-huh (affirmative).

8 Q. Okay. It almost looks — it's almost purplish like a bruise; is that  
9 correct?

10 A. No. It's a birthmark; it's not a bruise.

11 Q. Okay. Just a minute.

12 (Off-the-Record Discussion)

13 MS. MILES: Nothing further from the State, Your Honor.

14 MR. HENRY: No redirect of this witness, Judge.

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

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

17 MR. HENRY: The Defense calls Consondra Jenkins.

18 (The witness stepped forward to be sworn.)

19 (Whereupon,

20 CONSONDRA JENKINS

21 having been duly sworn, testified as follows:)

22 DIRECT EXAMINATION by MR. HENRY:

2:47 P.M.

23 Q. Consondra, can you say your name for the jury, please?

24 A. Consondra Jenkins.

25 Q. Can you spell your first name for the court reporter, please?



**MS. CONSONDRA JENKINS - DIRECT by MR. HENRY**

**Page 1089**

- 1       **A.**       C-O-N-S-O-N-D-R-A Jenkins.
- 2       **Q.**       Consondra, tell me what your relationship is to Ronasha.
- 3       **A.**       She's my baby sister but I looked at her as my baby.
- 4       **Q.**       Okay. So I'm — I'm guessing here that you might be a little older than
- 5       Ronasha?
- 6       **A.**       Much older.
- 7       **Q.**       Okay. All right.
- 8       **A.**       Big age difference.
- 9       **Q.**       What's the age difference?
- 10      **A.**       I'm 40 and she's 24.
- 11      **Q.**       All right. So tell me a little bit about your background. Where'd you go
- 12      to school and grow up?
- 13      **A.**       I graduated from Hillcrest High School and attended 18 months at
- 14      Greenville Tech.
- 15      **Q.**       What happened at Greenville Tech? You did — 18 months doesn't
- 16      sound like a degree.
- 17      **A.**       Just something that I just didn't want to pursue. I was -- I had enough
- 18      of school. I just -- that's as far as I went.
- 19      **Q.**       Okay. What — what were you studying?
- 20      **A.**       Business, fashion design.
- 21      **Q.**       Okay. All right. So, after you left Tech, what happened? Where did
- 22      you go next?
- 23      **A.**       I just decided to just find a regular job. And I got my first job when I
- 24      was 19 at Compact National (phonetic). That's the only job I've ever had since.
- 25      **Q.**       Since you were 19 years old?

MS. CONSONDRA JENKINS - DIRECT by MR. HENRY

Page 1090

1 A. Yes, sir.

2 Q. So you've worked there for over 20 years?

3 A. Twenty-two (22) years.

4 Q. Okay. What's your job there?

5 A. I'm a machine operator.

6 Q. What kind of machine you run?

7 A. Different machines. House machines (phonetic), lathes, mills. We do  
8 postal work for the post office. We make different locks and we build them. And we  
9 get the raw material in and build the locks and stuff for governments. We do  
10 different — just different types of locks and door locks.

11 Q. Okay. Are you married?

12 A. Yes.

13 Q. What's your husband's name?

14 A. My husband is Andre Jenkins.

15 Q. Okay. Do you have children?

16 A. Yes, we do. We have three. I have — we have Charity Gamble  
17 (phonetic), which is 16. We have Adam and he's 8. And we have a two and a half  
18 year old named Jordan.

19 Q. Okay. And where do you live?

20 A. We live — we currently live at — in Mauldin, 209 Ashmore Bridge  
21 Road.

22 Q. Okay. Now you said earlier that she's like your — that Ronasha is like  
23 your baby.

24 A. Yeah.

25 Q. Is that because you were ----

**MS. CONSONDRA JENKINS - DIRECT by MR. HENRY****Page 1091**

1       **A.**       I — I pretty much — whenever my mom had to work or whatever, I  
2       pretty much took care of her and my younger siblings. And she was just -- just I  
3       looked at her like she was a daughter, you know.

4       All my friends would go out and I would stay at home. And I just love taking  
5       care of kids. And she was just my baby, you know. She was just a good kid.

6       **Q.**       Okay. And does she spend a lot of time with your kids?

7       **A.**       Yes. I mean, she spends a lot of time. Before all this came about, she  
8       did a whole lot for my kids. My kids, she would tutor them, especially my first two.  
9       My first two she would take them to different school activities when I was pregnant  
10      with my last one.

11      **Q.**       Right

12      **A.**       And with my first one she would take her back and forth to cheering  
13      practices and different out — outings that they would have that I wasn't able to  
14      attend because I was so far along with my last one.

15      **Q.**       Uh-huh (affirmative).

16      **A.**       She would do that. And she also would come over and help me like in  
17      the evening times when she would leave her job with the nursery she was working.  
18      And she would come over.

19              And she would just be there for me a lot, because with my second son,  
20      I had postpartum. And she pretty much just stepped in. And, when my husband  
21      worked third shift, she would stay and do just anything wherever I needed her; you  
22      know, tutoring, feeding, giving baths. Whatever I needed, you know, because I had  
23      postpartum.

24      **Q.**       Okay. So would she come to your home?

25      **A.**       Yes, she would. But the first --- just after my son I stayed with her and

**MS. CONSONDRA JENKINS - DIRECT by MR. HENRY**

**Page 1092**

my mom because the doctor wrote me out for a period of time.

**Q.** Okay.

**A.** And I lived with them for a period — a short period of time until I got better. And — and I was sick physically too. And they both would help me with my kids.

**Q.** That was after Jordan was born?

**A.** That was right after my son was born.

**Q.** Okay. After Adam was born? Okay.

**A.** Yeah, Adam.

**Q.** All right. So the kinds of things that she did for Adam and for you, were they helpful to you?

**A.** Very much so, very much so. I don't — a lot of times I feel like I probably wouldn't have — I felt like I probably wouldn't have went on -- carried on if I didn't have her and my mom helping me because they helped me with my kids so much.

And they put the time in and they just helped me. And a lot of times I feel like I probably wouldn't have made it through if it wasn't for them being there for me and my kids at the time.

**Q.** And, after you got better, did you go back to work at your same job?

**A.** Yes.

**Q.** So they kept your job open all that time?

**A.** Oh, yeah, yeah. So, I -- I put my time in. And they were really good with giving me the time off that I needed with my kids, whether it be doctors' appointments, anything my kids needed, they were like, "You're a good worker, just go take care of it and come back," you know.

**MS. CONSONDRA JENKINS - DIRECT by MR. HENRY****Page 1093**

1       **Q.**       Now your oldest, is that Charity?

2       **A.**       Yeah. She's 16.

3       **Q.**       And — and is she close to Ronasha?

4       **A.**       She's very close to her. They're like she give Ro --- Ronasha gives or  
5 Scoop, if I can call her that because I gave her that nickname when she was a baby.

6       **Q.**       You gave Ronasha that name?

7       **A.**       Yes.

8       **Q.**       Okay.

9       **A.**       I was the one that gave her the name ice cream scoop. She does for  
10 Charity what I used to do for her.

11       **Q.**       Okay.

12       **A.**       She's a mentor to her. I mean, she tries to keep her on track and help  
13 me in every way. She talks to her, the things that — like a big sister.

14       **Q.**       Okay. And — and do you trust Ronasha with your children?

15       **A.**       Yes. I would trust her — I trust her, I mean, a hundred percent (100%)  
16 with my kids.

17       **Q.**       And have you trusted her?

18       **A.**       I have. I have trusted her a hundred percent (100%) with my kids.  
19 And my kids has also been devastated by all of this.

20       **Q.**       I understand. Are you — are you — were you aware of Ronasha's  
21 surgeries when she was little?

22       **A.**       Yes. Yes, she — she had the surgery. She was so sick. She was a  
23 really, really sick baby when she was little. She couldn't keep anything down.

24       And ---

25               **THE COURT:**       Counsel, where — where are we going with all of

**MS. CONSONDRA JENKINS - DIRECT by MR. HENRY**

**Page 1094**

1 this? How's this relevant to the case, please?

2 **MR. HENRY:** I'm just going to have — have her identify the  
3 photographs, Your Honor.

4 **THE COURT:** Well, you can have her identify them, but all this  
5 other stuff about her being sick and all that is not relevant to this case.

6 **MR. HENRY:** All right, sir.

7 **THE COURT:** And her feelings. So let's move on.

8 **MR. HENRY:** All right.

9 **Q.** (By Mr. Henry) So you're — you're aware of the surgery she had  
10 when she was younger?

11 **A.** Yes, I was.

12 **Q.** And you know about how — how she looks now?

13 **A.** Yes.

14 **Q.** And you're aware of the scar that she has on her stomach?

15 **A.** Yes.

16 **(Witness shown exhibit.)**

17 **Q.** Does that look like the scar she has on her stomach?

18 **A.** Yes.

19 **Q.** And are you aware of the birthmark she has under — under her  
20 breast?

21 **A.** Yes.

22 **(Witness shown exhibit.)**

23 **Q.** Does that look like the birthmark she has under her breast?

24 **A.** Yes.

25 **MR. HENRY:** Consondra, answer any questions the State may

**MS. CONSONDRA JENKINS - CROSS by MS. HALL****Page 1095**

1 have for you, please.

2 **CROSS EXAMINATION BY MS. HALL:**

**2:55 P.M.**

3 **Q.** Ms. Jenkins, you've seen your sister interact with your children a lot.

4 What about Child 1 have you ever seen her interact with her?

5 **A.** I've been to the nursery daycare several times when they have out --  
6 outings like the water slides and they have this thing in October. They have many  
7 different things where she would bring us in. And I seen her interact with a lot of  
8 kids but I didn't know their names personally.

9 **Q.** What about Child 2

10 **A.** I don't know them.

11 **Q.** Child 3

12 **A.** I don't know -- I didn't know any of the kids that were there.

13 **Q.** Well, when you saw her with the children, she appeared to love them?

14 **A.** Yeah. Every child I see, they love her. They run up to her and they --  
15 if they saw her right now, they would probably run up to her and hug her.

16 **(Brief Pause)**

17 **Q.** When she left --- you -- you testified earlier, when you were having  
18 some difficulty after the birth of your second child, that she would work a job at a  
19 nursery and, then, would come home and help you?

20 **A.** Uh-huh (affirmative).

21 **Q.** So she was around children all the time?

22 **A.** She was around kids probably all the time, yes, I would say besides  
23 night times sleeping. But, yeah, she was around. I know she was around mine a  
24 good bit.

25 **Q.** Okay. And is it fair to say you would not want your baby sister to go to

1 jail?

2 A. No. I just think that these are just false allegations.

3 Q. So you wouldn't want her to go to jail?

4 A. No. I don't think she's guilty, so no, I wouldn't want her to go to jail.

5 Q. And would you be disappointed in your younger sister if you knew that  
6 she had sexually abused the six children in this case?

7 A. She didn't do it.

8 Q. But, if you knew that she had, would you be disappointed in her?

9 A. But she didn't do it.

10 Q. Is that a "yes" or a "no"?

11 A. She didn't do it. I don't know either way — I don't know what other  
12 way you want me to feel. I just know she didn't do it. I don't — you — you're trying  
13 to get me to ----

14 THE COURT: Just answer the question, please ma'am, "yes" or  
15 "no."

16 A. Well, ask me — ask me again.

17 Q. Would it disappoint you if you knew your younger sister had sexually  
18 abused six children?

19 A. She didn't do it. I don't —

20 THE COURT: Wait a minute. Ma'am, answer the question.

21 Don't give her an answer that you want to give her, but give her the answer  
22 that she — "yes" or "no," that's the question.

23 You can explain it if you wish, but answer her question, please.

24 A. I just know — no, no.

25 MS. MILES: No further questions.



**MR. KENYA RAINEY - DIRECT by MR. HENRY**

**Page 1097**

1 **MR.. HENRY:** No redirect, Judge.

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

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

4 **MR. HENRY:** We call Kenya Rainey.

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

6 **(Whereupon,**

7 **KENYA RAINEY**

8 first being duly sworn, testified as follows:)

9 **DIRECT EXAMINATION by MR. HENRY:**

**2:58 P.M.**

10 **Q.** Will you state your name, please?

11 **A.** Kenya Rainey.

12 **Q.** Kenya, where do you live?

13 **A.** I live in Greenville, South Carolina.

14 **Q.** And what do you do?

15 **A.** I work for a company called Research and Capital Services. I am a  
16 debt collecting agent.

17 **Q.** Okay. And do you know Ronasha Taylor?

18 **A.** I do.

19 **Q.** How do you know her?

20 **A.** We were once married.

21 **Q.** How did you meet?

22 **A.** We met back in December of 2005. My aunt attended her church. So  
23 I used to go to church with my aunt at that time and met Ronasha.

24 **Q.** Okay. And you're no longer married?

25 **A.** No, sir.

- 1 Q. Are you still friends?
- 2 A. Yes, sir.
- 3 Q. Okay.
- 4 (Brief Pause)
- 5 Q. You don't attend the same church she does, do you?
- 6 A. No, sir.
- 7 Q. What — what church do you go to?
- 8 A. I attend Golden View Baptist Church in Fountain Inn, South Carolina.
- 9 Q. Okay. And what do you do at that church?
- 10 A. I'm the Praise the Lord worship leader.
- 11 Q. What does that mean?
- 12 A. Meaning that I sing and I lead the people into worship.
- 13 Q. Okay.
- 14 A. And part-time minister of music. So I play as well.
- 15 Q. Okay. Are you aware of the surgery scar that Ronasha has?
- 16 A. Yes, sir.
- 17 (Exhibit shown to the witness.)
- 18 Q. Is this the -- the scar that you -- that you're aware of?
- 19 A. That's it, yes, sir.
- 20 Q. Okay. Are you aware that she also has a birthmark?
- 21 A. Yes, sir.
- 22 (Exhibit shown to the witness.)
- 23 Q. Does that look like the birthmark that she has?
- 24 A. Yes, sir.
- 25 Q. Are those marks pretty visible?

**MR. KENYA RAINEY - CROSS by MS. HALL****Page 1099**

1       **A.**       Oh, yes, sir.

2       **Q.**       Easy to see?

3       **A.**       Yes, sir.

4       **Q.**       Okay. Are you familiar with her reputation in the community for  
5 truthfulness?

6       **A.**       Yes, sir.

7       **Q.**       Is it good or bad?

8       **A.**       It's good.

9       **MR. HENRY:**       That's all I have for Mr. Rainey.

10       **(Brief Pause)**

11       **CROSS EXAMINATION by MS. HALL:**

**3:00 P.M.**

12       **Q.**       Mr. Rainey, were you able to see the birthmark on the Defendant as  
13 well?

14       **A.**       Yes, sir -- yes, ma'am.

15       **Q.**       How -- how well are you able to see it?

16       **A.**       It is very visible to see.

17       **Q.**       And ---

18       **A.**       It's dark. It's darker than her skin so it's obvious to see the birthmark.

19       **Q.**       So in the dark someone would be able to see that -- that birthmark?

20       **A.**       You would, be able to see it.

21       **Q.**       Okay. Why did you get divorced?

22       **A.**       Basically lack of communication. We was together since 2006. It just  
23 communication wise wasn't ---

24       **Q.**       What are you -- what is your belief about what the Defendant told  
25 other people about your reason for getting a divorce?

**MR. KENYA RAINEY - CROSS by MS. HALL**

**Page 1100**

1           **A.**           I don't even know what -- what was her reason.

2           **Q.**           Would it surprise you to know that the Defendant told her coworkers it  
3 was because you had, had sexual intercourse with another man?

4                   **MR. HENRY:**       Objection to relevance, Your Honor.

5                   **MS. HALL:**       Your Honor, it goes to the marriage. He asked  
6 about the marriage.

7                   **THE COURT:**     There's been some questions -- the door has  
8 been opened about that. Go ahead.

9           **Q.**           (By Ms. Hall) Would it surprise you to know the Defendant told her  
10 coworkers that it was because you had sexual intercourse with another man?

11           **A.**           It would, uh-huh (affirmative), yes.

12                   **MS. HALL:**       No further questions.

13                   **MR. HENRY:**       Nothing on redirect, Your Honor.

14                   **THE COURT:**     Thank you, sir. You may stand down, sir.

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

16                   **MR. HENRY:**       May I approach, Your Honor?

17                   **THE COURT:**     Yes, sir.

18                   **(Whereupon, a bench conference was had with all attorneys**  
19 **present.)**

20                   **THE COURT:**     Mr. Foreman, ladies and gentlemen of the jury  
21 panel, we'll take a short break at this time. You may refresh yourselves  
22 during the break. Those who would like to smoke, we'll allow you to do that.

23                   **(The jury exited the courtroom at 3:02 p.m.)**

24                   **THE COURT:**     Okay. We'll take about ten (10) minutes or so.

25                   **MR. HENRY:**       Thank you, Judge.

**Motions & Matters****Page 1115**

1 not visible by the cameras, et cetera, so --- and that's where the alleged  
2 incident took place.

3 Of course, there's other testimony about the naps and the rooms and  
4 that sort of thing. But I think that's adequately demonstrated.

5 We have a — a number of pictures which have been already published  
6 to the jury. And they've had an opportunity to see all that during the course of  
7 the testimony; and plenty of testimony with regard to the photo's and what  
8 they show and don't show and what you can see.

9 So I think that's adequately presented to the jury. And we don't need  
10 — nothing would be gained or added by taking them out there to see the  
11 scene.

12 We'd merely disrupt whatever is going there it appears to me. But we  
13 --- I mean, we can do that if it was necessary, but I don't feel it's necessary in  
14 this case. I think the jury has a very adequate view of the building and the  
15 characteristics of it and the cameras for that matter and what they show and  
16 do not show. All right. Anything else?

17 **MR. HENRY:** No, sir, that's it.

18 **THE COURT:** All right. If we can get the jury in, please.

19 **(Bailliff stepped out to summon the jury.)**

20 **MR. HENRY:** Judge, are you going to do the stipulation first? Is  
21 that what you said?

22 **THE COURT:** Yeah. I'm going to read it to the jury, yeah.

23 **MR. HENRY:** Thanks.

24 **(Jury was summoned and entered the courtroom at**

25 **9:43 a.m.)**

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1116**

1                   **THE COURT:**       Good morning, Mr. Foreman, ladies and  
2 gentlemen of the jury panel. I hope you had a pleasant night last night.

3                   We're ready to resume with the trial this morning. And I want to read  
4 to you first a stipulation by Counsel in the case.

5                   I told you, at the beginning of the case, that -- that you could consider  
6 testimony in evidence that would be presented and exhibits presented during  
7 the course of the testimony and any stipulation of Counsel.

8                   And a stipulation is an agreement by Counsel as to agreed facts. And  
9 I'm going --- and you can consider this stipulation of fact, along with all the  
10 other testimony and evidence, and give it such weight that you determine be  
11 appropriate once you begin your deliberations.

12                  Stipulation by the parties is as follows: That on February the 9<sup>th</sup>, 1996,  
13 Ronasha Taylor had surgery to repair her small intestine. The surgery was  
14 performed by Dr. Teresa Thomas.

15                  Ronasha was age seven (7) at the time of the surgery. And an  
16 incision was made in her abdomen during the surgery. That is the stipulation.  
17 All right. Counsel, ready to proceed?

18                  **MR. HENRY:**       Yes, sir, Your Honor.

19                  **THE COURT:**       Call you next witness, please.

20                  **MR. HENRY:**       We call Ronasha Taylor to the stand.

21                  (Whereupon,

22                                           **RONASHA TAYLOR**

23                  having been duly sworn, testified as follows:)

24                  **DIRECT EXAMINATION by MR. HENRY:**

**9:45 A.M.**

25                  **Q.**       Good morning.

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY**

**Page 1117**

1       **A.**       Good morning.

2       **Q.**       Will you state your name to the jury, please?

3       **A.**       Ronasha Taylor.

4       **Q.**       And you're the Defendant in this case?

5       **A.**       Yes, I am.

6       **Q.**       And where were you born, Ronasha, and when?

7       **A.**       I was born in Greenville County on July 22<sup>nd</sup> of two – of nineteen  
8       ninety — 1988. Sorry.

9       **Q.**       All right. Are you nervous?

10      **A.**       I am.

11      **Q.**       Who are you parents?

12      **A.**       My mom is Shirley Taylor. My father is Amos Taylor. He's deceased.

13      **Q.**       When did — when did your dad die?

14      **A.**       My dad died back in March of 1997.

15      **Q.**       So who lives in your home?

16      **A.**       Me and my mom.

17      **Q.**       Okay. Do you have other family members in Greenville County or in  
18      the area?

19      **A.**       Yes, I do.

20      **Q.**       Who are they?

21      **A.**       I have a sister named Consondra Jenkins.

22      **Q.**       Is she the one who testified earlier?

23      **A.**       Yes, sir.

24      **Q.**       Okay.

25      **A.**       And I have another sister named Shetary Taylor. And I have a brother

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1118**

1 named Steven Taylor.

2 Q. Okay. Tell us a little bit about your relationship with Consondra?

3 A. Me and my sister are very, very close. She basically help raised me

4 when I was coming up.

5 Q. Okay. What about your education? Where did you go to high school?

6 A. I went to Woodlawn High (phonetic).

7 Q. Did you graduate?

8 A. Yes, sir.

9 Q. When was that?

10 A. In 2007.

11 Q. Okay. Do you have any — any education after high school?

12 A. Yes, sir.

13 Q. Tell — tell us about that.

14 A. I went Stayer University. I went there for legal studies. I went there in  
15 the fall of 2007. Then I left Stayer University because I changed my major from  
16 legal studies to elementary education and Stayer University did not offer elementary  
17 education.

18 So I stopped going for a little bit. And, then, I started attending the  
19 University of Phoenix online.

20 Q. Okay. And are you still doing that or is that --- did you stop at the  
21 University of Phoenix?

22 A. I stopped University of Phoenix.

23 Q. Okay. Do you have any plans to continue with that?

24 A. Yes, I do.

25 Q. Tell us about your — when you met Kenya.



**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1119**

- 1       **A.**       I met Kenya in 2005. His aunt went to my church.
- 2       **Q.**       Right.
- 3       **A.**       And he came to my church one day. And we kind of like connected
- 4 eyes then. And actually Kenya's niece is the one who actually hooked us up ---
- 5       **Q.**       Okay.
- 6       **A.**       --- because my --- my mom kept his niece.
- 7       **Q.**       Okay. And so did you start dating him, then, at that time?
- 8       **A.**       About a week later.
- 9       **Q.**       Okay. All right. How long did you date before you got married?
- 10      **A.**       About three (3) or four (4) years.
- 11      **Q.**       Okay. And, then, you got married. And --- and how long were you
- 12 married?
- 13      **A.**       We were married for a few months.
- 14      **Q.**       Just a few months?
- 15      **A.**       Yes, sir.
- 16      **Q.**       So it obviously didn't work out?
- 17      **A.**       No.
- 18      **Q.**       Okay. And what was the --- who filed for the divorce?
- 19      **A.**       I did.
- 20      **Q.**       And what was the bases for the divorce?
- 21      **A.**       It was on a one-year separation.
- 22      **Q.**       Okay. All right. Do you still get along with Kenya?
- 23      **A.**       Yes, we do.
- 24      **Q.**       And did he come here and testify in this case?
- 25      **A.**       Yes, he did.

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1120**

- 1 Q. All right. Has he been in the courtroom pretty much every day?
- 2 A. Yes, he has.
- 3 Q. All right. Do you have any prior criminal record, Ronasha?
- 4 A. Just speeding tickets.
- 5 Q. Nothing beyond that?
- 6 A. No, sir.
- 7 Q. Have you ever been treated for any mental illnesses?
- 8 A. No, sir.
- 9 Q. How about a juvenile record?
- 10 A. No, sir.
- 11 Q. Let's talk a little bit about your work history before you went to Kids "R"
- 12 Kids. Did you work at any daycare centers before Kids "R" Kids?
- 13 A. Yes, I did.
- 14 Q. What -- what were they?
- 15 A. I worked at Klassy Kids in Simpsonville. I also worked at Palmetto
- 16 Prep in Greenville, which was a private school.
- 17 I worked at the Goddard School. And I worked at Kiddie Academy.
- 18 And I worked at Small World. And I worked at Kids "R" Kids.
- 19 Q. Okay. All right. At any of the other places that you worked before Kids
- 20 "R" Kids, were there any complaints of any child abuse or sexual abuse made
- 21 against you?
- 22 A. No, sir.
- 23 Q. Have you done any baby-sitting?
- 24 A. Yes, I have.
- 25 Q. When --- at what age did you start doing baby-sitting?

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1121**

1       **A.**       When I was about sixteen (16) years old.

2       **Q.**       Have there been any complaints made by parents you baby-sat for?

3       **A.**       No, sir.

4       **Q.**       Have you spent much time taking care or watching your sister's  
5 children?

6       **A.**       Yes, I have.

7       **Q.**       Who are they?

8       **A.**       My niece -- my oldest niece which is Charity. She's sixteen (16), my  
9 nephew, Adam. Adam's eight (8). My niece, Jordan. And Jordan will be three (3)  
10 in January. And I have another niece name Kayley (phonetic). Kayley will be two  
11 (2) in November.

12       **Q.**       Okay. Do you go to church?

13       **A.**       Yes, I do.

14       **Q.**       Where do you attend?

15       **A.**       I attend God's Chosen Assembly Church where my pastor is Apostle  
16 Bertha F. Terry.

17       **Q.**       And was that Pastor Terry who testified earlier?

18       **A.**       Yes, sir.

19       **Q.**       Okay. What kinds of activities have you been involved in with the  
20 church?

21       **A.**       I was on a nursing guild. the nursing guild is basically assisting the  
22 pastor, assisting members if needed. I was also on the youth choir. Well first I  
23 started off on the children's choir.

24       **Q.**       Okay.

25       **A.**       And, when I grew up, I got on the youth choir. We basically had a

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1122**

1 Sunday where we sung. It was our Sunday to sing.

2 I was on the children's church, which was children's ministry, where we  
3 did different activities in the church with the kids. We had puppets for them. We  
4 had clowns for them. We took them on different outings.

5 And I was a part of --- we call it the GPA Drill Team. I started off on  
6 the drill team before I became a sergeant myself on the drill team.

7 The drill team was we had like a commanding officer. And it was  
8 basically to give you structure in life. They taught you about --- they taught you  
9 about the Lord, different things, to help you in life. And it was mainly to raise up a  
10 nation that will obey.

11 And we had a scripture. It was Ephesians 6:15 and, when we --- I had  
12 got promoted up. So I became the sergeant of the drill team so, then, it was my  
13 time to help out and raise up some youth.

14 **Q.** Okay. Has there been any complaints against you at the church for  
15 how you handled the drill team and working with the kids there?

16 **A.** No, sir.

17 **Q.** Now let's talk about when you started at Kids "R" Kids. When was  
18 that?

19 **A.** I started Kids "R" Kids in April the 15<sup>th</sup> of 2009. When I first started  
20 working there at Kids "R" Kids, I was in Suite 300.

21 Kids "R" Kids goes by suites and I was in Suite 300. At that time I was  
22 working with another --- another young lady there name Vanessa.

23 A few months later I was moved to 300 to open up another classroom  
24 because Kids "R" Kids was a brand new building. So all the kids --- all the  
25 classrooms hadn't been opened up yet.

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1123**

1 And I went from 300 and opened up 250, which is two (2) to two and a  
2 half (2 ½) year olds. And I open up that classroom.

3 And I stayed in there a few months. And they got another teacher and  
4 I went back to 300 to help train the new girl that was coming in there.

5 So I did a lot of training at Kids "R" Kids. I did a lot of being up front.  
6 I did a lot of tours. I helped out as far as — we always have a fall festival every  
7 October. I helped out with that.

8 I floated a lot in the --- in the building because my director Sally, she  
9 could put me in any classroom because I was able to work with any age group from  
10 six (6) weeks up to after school. And so I worked a lot in different areas of the  
11 school and in the classrooms.

12 Q. Okay. So did you get pay raises while you were there?

13 A. Yes, sir, I did.

14 Q. Okay. Now, when did you go to the K-4 class?

15 A. I went to the K-4 class in August of 2010, until my last day, which was  
16 October the 18<sup>th</sup>, 2010.

17 Q. Okay. Now do you remember when the first complaints were made  
18 and you were told about them?

19 A. Yes, sir.

20 Q. Okay. Approximately when was that?

21 A. It was on October the 8<sup>th</sup>, 2010.

22 Q. Okay. And, when you — the first complaints were made, who were the  
23 children who had made the complaints at that point before you left there?

24 A. It was Child 1

25 Q. Right.

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1124**

1       **A.**       Child 2 and Child 3

2       **Q.**       Okay. And were the complaints, as — as you understood them, were  
3 they similar?

4       **A.**       Yes, sir.

5       **Q.**       Were they identical?

6       **A.**       Yes, sir.

7       **Q.**       After the complaints were made, did you get fired from the — from  
8 Kids "R" Kids?

9       **A.**       Yes, sir.

10      **Q.**       And when was that termination?

11      **A.**       In October, the 18<sup>th</sup>.

12      **Q.**       All right. And did you know why you were fired? Did they tell you  
13 because of the complaints or give you an explanation?

14      **A.**       Yes, sir.

15               **MS. HALL:**       Objection to hearsay — well, I'm not sure he's  
16 going to continue.

17               **THE COURT:**       Proceed.

18               **MR. HENRY:**       Thank you.

19      **Q.**       (By Mr. Henry) So, after you were terminated from Kids "R" Kids, did  
20 you — were you contacted by DSS?

21      **A.**       Yes, sir, I was.

22      **Q.**       Do you know who that was that contacted you?

23      **A.**       Bobby Seepersaud.

24      **Q.**       Okay. And without saying what Bobby Seepersaud told you, did he  
25 contact you by phone?

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1125**

1       **A.**       Yes, sir.

2       **Q.**       Okay. And, as a result of that conversation with Bobby Seepersaud,  
3 did you meet with him?

4       **A.**       Yes, sir, I did.

5       **Q.**       Okay. Do you know when that was approximately?

6       **A.**       It was on the same week that I was fired. And it was at Simpsonville  
7 Library.

8       **Q.**       Okay. So did you take somebody with you to the library to meet Mr.  
9 Seepersaud?

10      **A.**       Yes, sir.

11      **Q.**       Who did you take with you?

12      **A.**       My mom, Shirley.

13      **Q.**       All right. And, when you talked to him, did he have questions to ask  
14 you?

15      **A.**       Yes, sir.

16      **Q.**       Was the subject the complaints by those three (3) kids?

17      **A.**       Yes, sir.

18      **Q.**       All right. And, when you talked to Mr. Seepersaud, did you — did you  
19 tell him -- give him answers to all the questions that he asked you?

20      **A.**       Yes, sir, I did.

21      **Q.**       And did he ask you to write a statement?

22      **A.**       Yes, sir.

23      **Q.**       And did you do that?

24      **A.**       Yes, sir.

25      **Q.**       And how did you get that to him?

**MS. RONASHA TAYLOR - DIRECT by MR. HENRY****Page 1126**

- 1       **A.**       I emailed him my statement.
- 2       **Q.**       Okay. Did you just meet with Mr. Seepersaud the one time?
- 3       **A.**       Yes, sir.
- 4       **Q.**       What was the next contact you had about the case after you talked to
- 5       DSS?
- 6       **A.**       I talked with Detective Burrell.
- 7       **Q.**       Okay. And — and who is she with?
- 8       **A.**       She's with the Spartanburg County Sheriff's Office.
- 9       **Q.**       All right. And did she also contact you by phone?
- 10      **A.**       Yes, sir.
- 11      **Q.**       All right. After you got that call from the — the detective, did you
- 12      schedule a meeting with the detective?
- 13      **A.**       Yes, I did.
- 14      **Q.**       Did you understand what the meeting was going to be about?
- 15      **A.**       Not until I got there.
- 16      **Q.**       Okay. So, when you got there, did you find out what it was about?
- 17      **A.**       Yes, sir.
- 18      **Q.**       Okay. Did you take somebody with you to that meeting?
- 19      **A.**       Yes, sir.
- 20      **Q.**       Had you ever before had a meeting with a sheriff deputy before that
- 21      day?
- 22      **A.**       No, sir.
- 23      **Q.**       Who did you take with you?
- 24      **A.**       I took my mom, Shirley.
- 25      **Q.**       Okay. Do you know approximately or exactly when that meeting with



1 MS. RONASHA TAYLOR - DIRECT by MR. HENRY  
2 Detective Burrell was?

3 A. It was December 15<sup>th</sup> of 2010.

4 Q. So you know exactly when that was?

5 A. Yes, sir.

6 Q. And, when you got there, did you — were you presented with a — what  
7 we sometimes call a "waiver of rights" form?

8 A. Yes, sir.

9 Q. You know now what that is?

10 A. Yes, sir.

11 Q. And did you sign that form?

12 A. Yes, sir.

13 Q. And did the form contain a list of — of your Constitutional Rights?

14 A. Yes, sir.

15 Q. Did you understand those rights?

16 A. Yes, sir.

17 Q. And did — did you understand by signing that form you were giving up  
18 those rights?

19 A. Yes, I did.

20 Q. Do you remember any of the rights on that sheet now?

21 A. Yes, sir.

22 Q. Tell me the ones you remember.

23 A. That I had a right to remain silent. That I could have an attorney  
24 present if I needed one.

25 (Brief Pause)

A. I can't remember the rest.